

RECEIVED

DEC 10 2014

PUBLIC SERVICE
COMMISSION

TELEPHONE
(270) 826-3965
TELEFAX
(270) 826-6672
www.dkgnlaw.com

DORSEY, GRAY, NORMENT & HOPGOOD
ATTORNEYS-AT-LAW
318 SECOND STREET
HENDERSON, KENTUCKY 42420

JOHN DORSEY (1920-1986)
STEPHEN D. GRAY
WILLIAM B. NORMENT, JR.
J. CHRISTOPHER HOPGOOD
S. MADISON GRAY
DAVIS L. HUNTER

December 9, 2014

VIA FEDEX

Mr. Jeff DeRouen
Executive Director
Public Service Commission of Kentucky
211 Sower Boulevard
Frankfort, Kentucky 40601

Re: Henderson County Water District
Application for Certificate of Public
Convenience and Necessity and
Approval of Financing
Case No. 2014-402

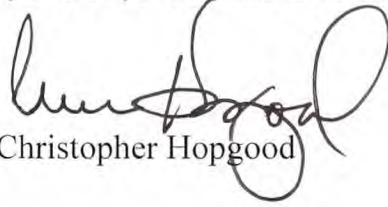
Dear Mr. DeRouen

Enclosed you will find the original and 10 copies of a response in the
above action.

Very truly yours,

DORSEY, GRAY, NORMENT & HOPGOOD

By


J. Christopher Hopgood

JCH/cds
Encls.
COPY/w/encls.: Mr. Pete Conrad

RECEIVED

DEC 10 2014

PUBLIC SERVICE
COMMISSION

COMMONWEALTH OF KENTUCKY

Before the Public Service Commission

In the Matter of:

**THE APPLICATION OF HENDERSON COUNTY)
WATER DISTRICT FOR CERTIFICATE OF) CASE NO. 2014-00402
PUBLIC CONVENIENCE AND NECESSITY)
AND APPROVAL OF FINANCING)**

VERIFIED RESPONSE TO DEFICIENCY LETTER

Applicant, **HENDERSON COUNTY WATER DISTRICT** (“HCWD”),
submits the following responses to the deficiency letter of December 2, 2014.

1. Specifications of the proposed equipment. See attached “Exhibit A.”
2. Peter Conrad, Superintendent of HCWD, states that the estimated annual cost of the operation after the properties’ facilities are placed in service is: \$2,851,249. The installation of the radio frequency meters will allow a reduction of one meter reader position. That employee will be shifted to a maintenance position. This, along with the fact that newer meters will have less water loss, will result in less water loss for the system. A one percent reduction in water loss is anticipated from these changes and that translates to a \$14,000 annual savings.
3. A general description of HCWD’s water system property, together with a statement of the original cost, is contained in the District’s Annual Report for 2013 which is on file with the Commission. The Annual Report is incorporated by reference.
4. Financial Exhibit. HCWD hereby requests and moves for a deviation

from the requirements of 807KAR5:001, Section 17(2)(a), which requires that the financial data filed with the application be for a 12 month period ending within 90 days of the filing of the Application. HCWD states that it has revenues of less than \$5,000,000.00 annually, and that there has been no material change in the nature of the financial condition or operation of HCWD since August 31, 2013 (the end of the fiscal year prior to December 31, 2013), or since December 31, 2013. The financial data ending December 31, 2013 on file at the Commission is the most recent financial data available.

5. Copies of all deeds and mortgages. See attached deeds as aggregate "Exhibit B." HCWD has no mortgages.

6. Detailed estimates of property to be acquired. The USOA number for radio frequency meters is 334-4.

7. Financial Statement. See No. 4 above.

DORSEY, GRAY, NORMENT & HOPGOOD
318 Second Street
Henderson, Kentucky 42420
Telephone (270) 826-3965
Telefax (270) 826-6672
Attorneys for Henderson County Water District

By 
J. Christopher Hopgood
chopgood@dkgnlaw.com

VERIFICATION

The undersigned, **PETER CONRAD**, Superintendent of the **HENDERSON COUNTY WATER DISTRICT**, hereby verifies that he has personal

knowledge of the matters set forth in the above stated application, that the information set forth therein is true and correct and that he is duly designated by Henderson County Water District to sign this application on its behalf.



Peter Conrad

STATE OF KENTUCKY

COUNTY OF HENDERSON

Subscribed and sworn to before me by **PETER CONRAD, SUPERINTENDENT OF HENDERSON COUNTY WATER DISTRICT** this 9th day of December, 2014.

My commission expires September 29, 2017


Notary Public, State of Kentucky at Large

(seal)

ARB® UTILITY MANAGEMENT SYSTEMS™



T-10™ METER

SIZES: 5/8", 3/4", and 1"



T-10™ water meters are warranted for performance, materials, and workmanship.

Every T-10™ water meter meets or exceeds the latest AWWA C700 Standard. Its nutating disc, positive displacement principle has been time-proven for accuracy and dependability since 1892, ensuring maximum utility revenue.

The T-10 water meter consists of three major assemblies: a register, a lead free, high-copper alloy maincase, and a nutating disc measuring chamber.

The T-10 meter is available with a variety of register types. For reading convenience, the register can be mounted in one of four positions on the meter.

The corrosion-resistant, lead free, high-copper alloy maincase will withstand most service conditions; internal water pressure, rough handling, and in-line piping stress.

The innovative floating chamber design of the nutating disc measuring element protects the chamber from frost damage while the unique chamber seal extends the low flow accuracy by sealing the chamber outlet port to the maincase outlet port. The nutating disc measuring element utilizes corrosion-resistant materials throughout and a thrust roller to minimize wear.

Neptune provides a limited warranty with respect to its T-10 water meters for performance, materials, and workmanship.

When desired, maintenance is easily accomplished either by replacement of major assemblies or individual components.

All T-10 water meters are guaranteed adaptable to our ARB®V, ProRead™ (ARB VI) AutoDetect, E-Coder® (ARB VII), E-Coder®R900i™, E-Coder®R450i™, TRICON®/S, TRICON/E®3, and Neptune meter reading systems without removing the meter from service.

KEY FEATURES

- Register
 - Magnetic drive, low torque registration ensures accuracy
 - Impact-resistant register
 - High resolution, low flow leak detection
 - Bayonet-style register mount allows in-line serviceability
 - Tamperproof seal pin deters theft
 - Date of manufacture, size, and model stamped on dial face
- Lead Free Maincase
 - Made from lead free, high-copper alloy
 - NSF/ANSI 372 certified and NSF/ANSI 61 compliant
 - Lifetime guarantee
 - Resists internal pressure stresses and external damage
 - Handles in-line piping variations and stresses
 - Lead free, high-copper alloy provides residual value vs. plastic or composite
 - Electrical grounding continuity
- Nutating Disc Measuring Chamber
 - Positive displacement
 - Widest effective flow range for maximum revenue
 - Proprietary polymer materials maximize long-term accuracy
 - Floating chamber design is unaffected by meter position or in-line piping stresses

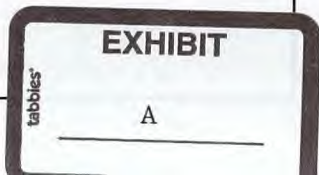
Adaptability to all present and future systems for flexibility is available only with Neptune's ARB® Utility Management Systems™.

CONSTRUCTION

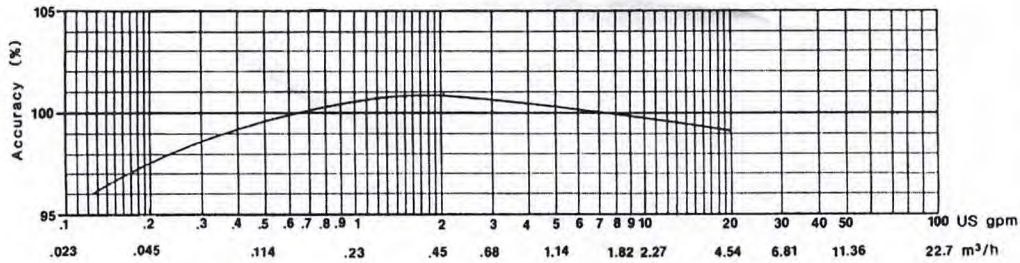
WARRANTY

GUARANTEED SYSTEMS COMPATIBILITY

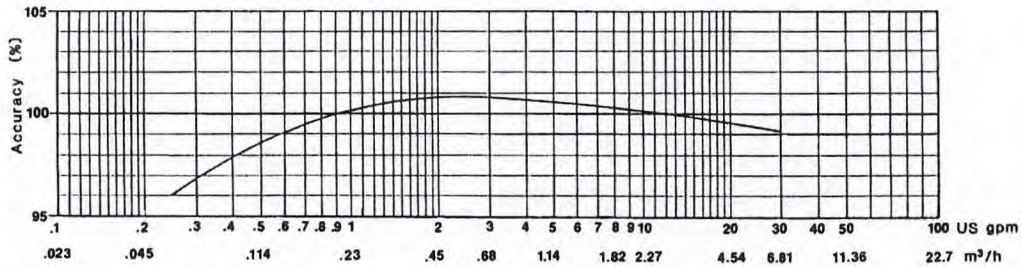
SYSTEMS COMPATIBILITY



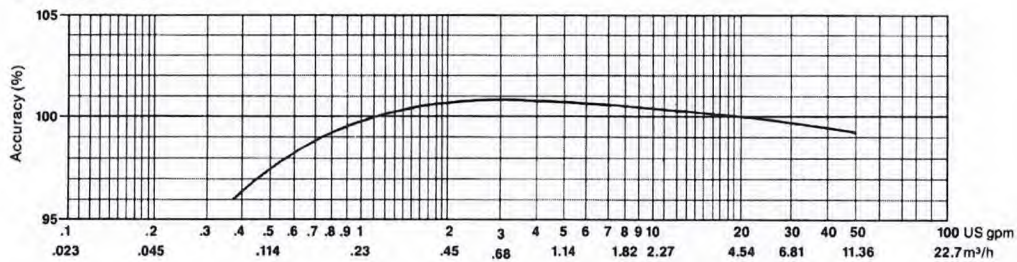
5/8" ACCURACY



3/4" ACCURACY



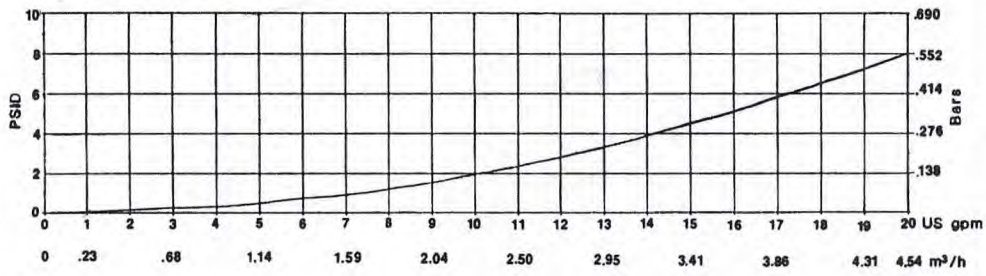
1" ACCURACY



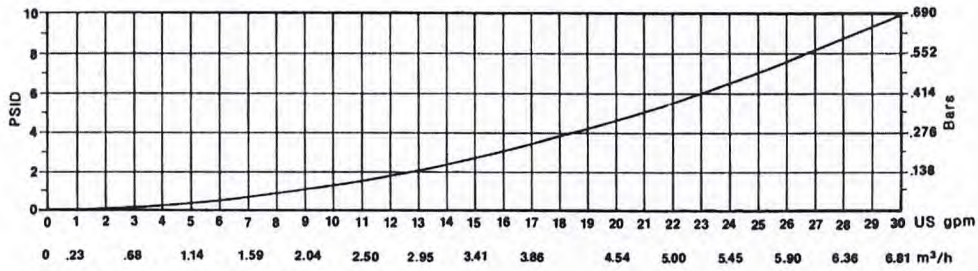
DIMENSIONS

Meter Size	A in/mm	B in/mm	C-Std. in/mm	C-ARB in/mm	C E-Coder®) R900i™	D Threads per inch	D-OD in/mm	E in/mm	F in/mm	Weight lbs/kg
5/8"	7 1/2 191	3 5/8 92	4 3/8 111	5 1/4 133	6 7/8 175	14	1.03 26	1 1/2 38	2 1/2 64	3 1/4 1.4
5/8" x 3/4"	7 1/2 191	3 5/8 92	4 3/8 111	5 1/4 133	6 7/8 175	11 1/2	1.29 33	1 1/2 38	2 5/8 67	3 3/8 1.5
Circa 2011 5/8"	7 1/2 191	3 5/8 92	4 7/8 124	5 3/4 146	7 3/8 187	14	1.03 26	1 5/8 41	2 1/2 64	3 3/4 1.7
Circa 2011 5/8" x 3/4"	7 1/2 191	3 5/8 92	4 7/8 124	5 3/4 146	7 3/8 187	11 1/2	1.29 33	1 5/8 41	2 5/8 67	4 1.8
3/4"	9 229	4 3/8 111	5 1/2 140	6 1/4 159	7 7/8 200	11 1/2	1.29 33	1 7/8 48	2 5/8 67	6 2.7
3/4" SL	7 1/2 911	4 3/8 111	5 1/2 140	6 1/4 159	7 7/8 200	11 1/2	1.29 33	1 7/8 48	2 5/8 67	5 1/2 2.5
3/4" x 1"	9 229	4 3/8 111	5 1/2 140	6 1/4 159	7 7/8 200	11 1/2	1.62 41	1 7/8 48	2 3/4 70	6 1/2 2.9
1"	10 3/4 273	6 1/2 165	6 3/8 162	7 1/8 181	8 3/4 222	11 1/2	1.62 41	2 1/8 54	2 3/4 70	9 3/4 4.4
1" x 1 1/4"	10 3/4 273	6 1/2 165	6 3/8 162	7 1/8 181	8 3/4 222	11 1/2	1.86 47	2 1/8 54	2 13/16 71	10 1/4 4.6

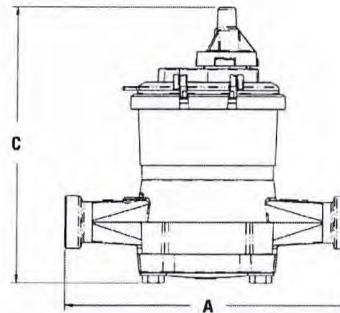
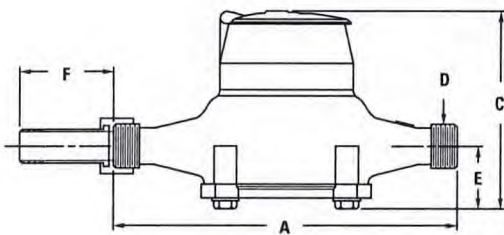
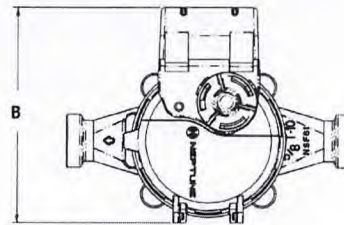
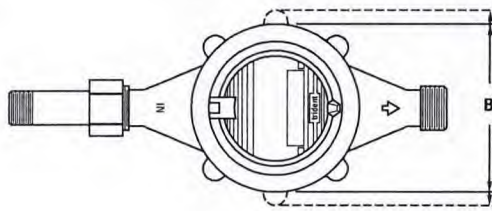
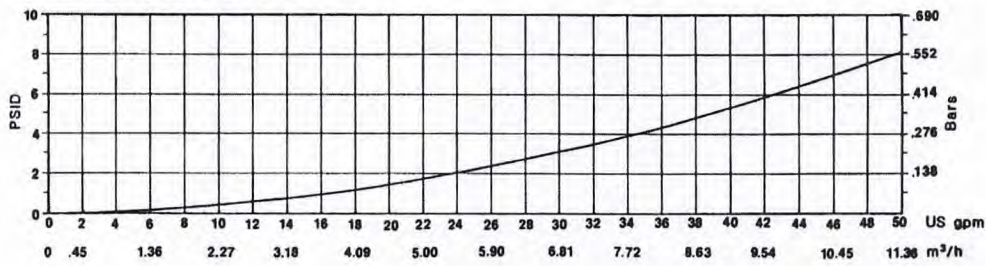
5/8" PRESSURE LOSS



3/4" PRESSURE LOSS



1" PRESSURE LOSS



OPERATING CHARACTERISTICS:

Meter Size	Normal Operating Range @ 100% Accuracy (+/- 1.5%)	AWWA Standard	Low Flow @ 95% Accuracy
5/8"	1/2 to 20 US gpm 0.11 to 4.55 m ³ /h	1 to 20 US gpm 0.23 to 4.5 m ³ /h	1/4 US gpm 0.03 m ³ /h
3/4"	3/4 to 30 US gpm 0.17 to 6.82 m ³ /h	2 to 30 US gpm 0.45 to 6.8 m ³ /h	1/4 US gpm 0.06 m ³ /h
1"	1 to 50 US gpm 0.23 to 11.36 m ³ /h	3 to 50 US gpm 0.68 to 11.4 m ³ /h	3/8 US gpm 0.09 m ³ /h

REGISTRATION:

Pro Read Registration (per sweep hand revolution)		5/8"	3/4" & 1"
10	US Gallons	✓	✓
10	Imperial Gallons	✓	✓
1	Cubic Foot	✓	✓
0.1	Cubic Metre	✓	✓
0.01	Cubic Metre	✓	

Register Capacity ProRead & E-Coder		5/8"	3/4" & 1"
10,000,000	US Gallons	✓	✓
10,000,000	Imperial Gallons	✓	✓
1,000,000	Cubic Feet	✓	✓
100,000	Cubic Metres	✓	✓
10,000	Cubic Metres	✓	

E-Coder High Resolution (8-digit reading)		5/8"	3/4" & 1"
0.1	US Gallons	✓	✓
0.1	Imperial Gallons	✓	✓
0.01	Cubic Feet	✓	✓
0.001	Cubic Metres	✓	✓

SPECIFICATIONS

- NSF/ANSI 372 certified and NSF/ANSI 61 compliant
- National Type Evaluation Program (NTEP) certification
- Application: Cold water measurement of flow in one direction in residential service applications
- Maximum operating water pressure: 150 psi (1034 kPa)
- Maximum operating water temperature: 80°F
- Measuring chamber: Nutating disc technology design made from proprietary synthetic polymer

OPTIONS

- Sizes:
 - 5/8", 5/8" x 3/4"
 - 3/4", 3/4" SL, 3/4" x 1"
 - 1", 1" x 1 1/4"
- Units of measure: U.S. gallons, imperial gallons, cubic feet, cubic metres
- Register types:
 - Direct reading: bronze box and cover (standard)
 - Remote reading: ProRead Encoder, E-Coder, E-Coder)R900i, E-Coder)R450i, TRICON/S, TRICON/E3
 - Reclaim
- Bottom caps:
 - Synthetic polymer (5/8" only)
 - Cast iron
 - Lead free, high-copper alloy
- Connections:
 - Lead free, high-copper alloy, straight or bent
- Environmental conditions:
 - Operating temperature: 33° F to 149° F (0° C to 65° C)
 - Storage temperature: 33° F to 158° F (0° C to 70° C)

Neptune Technology Group Inc.
1600 Alabama Highway 229
Tallahassee, AL 36078
USA
Tel: (800) 633-8754
Fax: (334) 283-7293

Neptune Technology Group (Canada) Ltd.
7275 West Credit Avenue
Mississauga, Ontario
L5N 5M9
Canada
Tel: (905) 858-4211
Fax: (905) 858-0428

Neptune Technology Group Inc.
Ejército Nacional No. 418
Piso 12, Desp. 1201-1202
Col. Chapultepec Morales
Delegación Miguel Hidalgo
11570 México, Distrito Federal
Tel: (525) 55203 5294 / (525) 55203 5708
Fax: (525) 55203 6503



COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matters of:

MOTION OF HENDERSON COUNTY WATER) CASE NO.
DISTRICT TO DEVIATE FROM NOTICE) 2014-00401
REQUIREMENTS IN CASE NO. 2013-00154)

ORDER

On November 10, 2014, Henderson County Water District ("Henderson District") moved to deviate from ordering paragraph 5 of the November 14, 2013 Order issued in Case No. 2013-00154¹ which required the utility to publish notice of the Phase II rates of a two-phase increase in rates no earlier than 30 days but no later than 20 days prior to November 15, 2014, the date the Phase II rates were to be effective.

In support of its request for a deviation, Henderson District states the notice of the Phase II rates were published in *The Journal-Enterprise* (Providence, Kentucky) 17 days prior to November 15, 2014, and in *The Gleaner* (Henderson, Kentucky) 16 days prior to November 15, 2014. Henderson District provided an affidavit of publication, along with the advertisement ("tear sheet"), from *The Journal-Enterprise* indicating the notice of the Phase II rates was published on October 29, 2014, but did not provide an affidavit of publication from *The Gleaner*.

Due to Henderson District's application for a purchased water adjustment,² the Commission approved new rates that are more than the rates set forth in Appendix E of the November 14, 2013 Order in Case No. 2013-00154. Appendix C to the May 9, 2014

¹ Case No. 2013-00154, Application of Henderson County Water District for an Alternative Rate Filing Adjustment (Ky. PSC Nov. 14, 2013).

² Case No. 2014-00111, Purchased Water Adjustment Filing of Henderson County Water District (filed Apr. 10, 2014).

BOOK 285 PAGE 558

THIS DEED Made and entered into this ²¹⁵ 24 day of May, 1976,

by and between W. M. FRYER and wife, VONDA FRYER, of Henderson, Kentucky, parties of the first part, GRANTORS, and HENDERSON COUNTY WATER DISTRICT, of Post Office Box 655, Henderson, Kentucky 42420, party of the second part, GRANTEE;

WITNESSETH: That for and in consideration of SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$7,500.00), cash in hand paid, receipt of which is hereby acknowledged, the parties of the first part, W. M. Fryer and wife, Vonda Fryer, do hereby transfer, sell and convey unto Henderson County Water District, Its successors and assigns, the following described parcels of land on South Main Street, in the City and County of Henderson, State of Kentucky, and more particularly described as follows, to-wit:

TRACT #1 A lot on the west side of South Main Street in the City of Henderson, Kentucky, known as 655 and 657 South Main Street in said city, fronting 48.8 feet on the west side of South Main Street and running back that width toward the Ohio River a distance of approximately 108 feet to a private alley.
Being the same property conveyed to W. M. Fryer and wife, Vonda M. Fryer, by deed from Kate Coxon, widow, dated January 24, 1967, of record in Deed Book 228, page 492, Henderson County Court Clerk's Office.

TRACT #2 A house and lot on the west side of South Main Street in the City of Henderson, Kentucky, known as 653 South Main Street in said City, and fronting 24 feet on the west side of South Main Street and running back that width towards the Ohio River a distance of approximately 108 feet to a private alley.
Being the same property conveyed to W. M. Fryer and wife, Vonda M. Fryer, by deed from Ira J. Yates and wife, Edna Mae Yates, dated January 24, 1967, of record in Deed Book 228, page 494, Henderson County Court Clerk's Office.

A plat of the above described property is of record in Plat Book 2, page 31, said Clerk's Office and designated as Fryer-County Consolidation Subdivision.

EXHIBIT
B

TO HAVE AND TO HOLD the above described real property with the appurtenances thereunto pertaining unto Henderson County Water District, its successors and assigns, with covenant of General Warranty, all contingent rights being released.

IN TESTIMONY WHEREOF, witness the hands of the parties of the first part this day and date first above written.

W. M. Fryer
W. M. Fryer

Vonda M. Fryer
Vonda Fryer

STATE OF KENTUCKY
COUNTY OF HENDERSON

The foregoing instrument was acknowledged before me by W. M. FRYER and wife, VONDA FRYER, this 24th day of May, 1976.

My commission expires 8-1-79
Archie Atkins
Notary Public



This instrument was prepared by:

Harvey G. Ershig
HARVEY G. ERSHIG
ATTORNEY AT LAW
200 S. Chestnut St.
HENDERSON, KENTUCKY 42420

TAX IN THE AMOUNT OF \$ 7.
PAID 5-25-76
Mildred M. Howard CLERK

STATE OF KENTUCKY
COUNTY OF HENDERSON.....Sct.

I, MILDRED M. HOWARD, Clerk of the Henderson County Court, certify that the foregoing deed was this day at 9:35 o'clock A. M. lodged in my office for record and that I have recorded it, the foregoing and this certificate in my said office.

Given under my hand this 25th day of May 1976.

MILDRED M. HOWARD, Clerk
By: *Jane Ware* D.C.

*Mailed to
Henderson County Water District
PO Box 655
Henderson Ky
6-2-76*

BOOK 495 PAGE 620

EXEMPTED

169

DEED OF CORRECTION

THIS DEED OF CORRECTION made and entered into this the 15 day of May, 2000, by and between THE CONGREGATION ADAS ISRAEL AT HENDERSON, KENTUCKY, a Kentucky corporation, c/o 823 North Main Street, Henderson, Kentucky 42420, party of the first part, GRANTOR; the HENDERSON COUNTY WATER DISTRICT, a water district organized and existing under Chapter 74 of the Kentucky Revised Statutes, Post Office Box 655, Henderson, Kentucky 42419-0655, party of the second part, GRANTEE; and CIVITAS BANK, formerly The First National Bank of Henderson, Kentucky, TRUSTEE OF THE MOUNT PISGAH CEMETERY FUND, 300 Second Street, Henderson, Kentucky 42420, THIRD PARTY;

WHEREAS, by deed dated April 11, 1967, recorded in Deed Book 229, page 562, Henderson County Clerk's Office, real property was described incorrectly and the parties desire to correct the description,

Now, WITNESSETH, that for good and valuable considerations, the receipt of which is hereby acknowledged, and to correct the description as aforesaid, Grantor has bargained and sold and by these presents does hereby bargain, sell, transfer and

convey unto the Grantee, its successors and assigns, the following described tract or parcel of land located on the north side of Kentucky Highway 351 (formerly No. 54) approximately 1-3/4 miles east of the intersection of U.S. Highway 41 and Kentucky Highway 351, in Henderson County, Kentucky, to-wit:

Beginning at an iron pin in the existing 30 foot northerly right of way of the Old Henderson-Owensboro Rd. now highway KY 351 (old KY 54) and being the southeast property corner of the existing Mt. Pisgah Cemetery (Tract 1 Deed Book 232 Page 240); Thence with the existing 30 foot right of way S 77°38'16" E a distance of 31.17 feet to an iron pin, also, being a corner wit Tract 2 (D.B. 232 Pg. 240); thence N 29°34'29" E and parallel with the easterly line of the cemetery (Tract 1) a distance of 26.09 feet to an iron pin, being another corner with Tract 2; thence N 77°38'16" W and parallel with the 30 foot right of way of highway KY 351 a distance of 31.17 feet to an iron pin, being another corner with Tract 2 and in the easterly line of the existing cemetery (Tract 1); thence with the easterly line o the existing cemetery (Tract 1) S 29°34'29" W a distance of 26.09 feet to the Point of Beginning. Containing 777 sq. ft. or 0.0178 acres.

The above described lot of ground is shown on the attached plat of Surveyor Edward D. McClellan dated April 6, 2000.

Being a part of the same real property conveyed to The Congregation of Adas Israel by the City and County of Henderson, Kentucky, by deed dated November 14, 1907, and recorded in Deed Book, 40 at page 357 of the Henderson County Clerk's Office; also, a part of the same real property which was included in that certain Deed of Trust from The Congregation of Adas Israel to The First

BOOK 495 PAGE 622

National Bank of Henderson, dated September 28, 1962, and recorded in Deed Book 207 at page 571 of the Henderson County Clerk's Office.

Third Party, Civitas Bank, formerly The First National Bank of Henderson, Kentucky, Trustee of the Mount Pisgah Cemetery Fund, joins in the execution of this deed for the purpose of consenting to this transfer and for the purpose of releasing any and all right, title and interest which it has in and to said premises by virtue of that certain Deed of Trust dated September 28, 1962, and recorded in Deed Book 207 at page 571 of the Henderson County Clerk's Office.

It is expressly understood and agreed by and between the Grantor and Grantee that the premises conveyed by this deed are to be used by Grantee solely and entirely for the constructing, erecting and maintaining a pumping station in connection with its water distribution lines and system and that no building or structures are to be erected thereon which exceed nine (9) feet in height.

A statement of consideration is not required herein pursuant to KRS 382.135(2)(e).

TO HAVE AND TO HOLD the above described real property unto the Grantee, the said Henderson County Water District, its successors and assigns forever, with covenant of General Warranty, except that it is expressly understood and agreed by and between the parties hereto that the Grantor does hereby reserve all of the oil, gas, coal and all other minerals in and underlying the above described premises and none of same are included in this conveyance.

IN TESTIMONY WHEREOF, witness the hands of the Grantor, The Congregation Adas Israel at Henderson, Kentucky, by its duly authorized representative and Third Party Civitas Bank, formerly The First National Bank of Henderson, Kentucky, Trustee of the Mount Pisgah Cemetery Fund, by its duly authorized officer, this the day and date first above written.

GRANTOR:

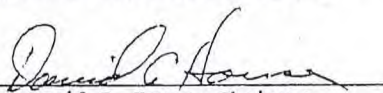
THE CONGREGATION ADAS ISRAEL
AT HENDERSON, KENTUCKY

By 

GRANTEE:

HENDERSON COUNTY WATER DISTRICT


By


David C. House, Chairman

THIRD PARTY:

Civitas Bank, formerly The First National Bank of Henderson, Kentucky, Trustee of the Mount Pisgah Cemetery Fund

By

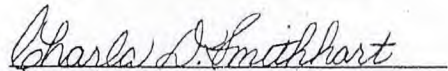

J. COOPER LILLY, JR.,
ASSISTANT VICE PRESIDENT

STATE OF KENTUCKY

COUNTY OF HENDERSON

The foregoing was signed, acknowledged and sworn to before me by LAWRENCE SIMON, representative of THE CONGREGATION ADAS ISRAEL AT HENDERSON, KENTUCKY, for and on behalf of said congregation, this 9TH day of May, 2000.

My commission expires September 29, 2001


Notary Public, State of Kentucky at Large

(seal)

STATE OF KENTUCKY

COUNTY OF HENDERSON

The foregoing was signed, acknowledged and sworn to before me by DAVID C. HOUSE, Chairman of HENDERSON COUNTY WATER DISTRICT, for and on behalf of said district, this 12th day of May, 2000.

My commission expires 9/16/03

Kay A. Werner
Notary Public, State of Kentucky at Large

(seal)

STATE OF Kentucky
COUNTY OF Henderson

The foregoing was signed, acknowledged and sworn to before me by J. COOPER LILLY, Assistant Vice President of Civitas Bank, formerly formerly The First National Bank of Henderson Kentucky, Trustee of the Mount Pisgah Cemetery Fund, this 15 day of May, 2000.

My commission expires Oct 16, 2002

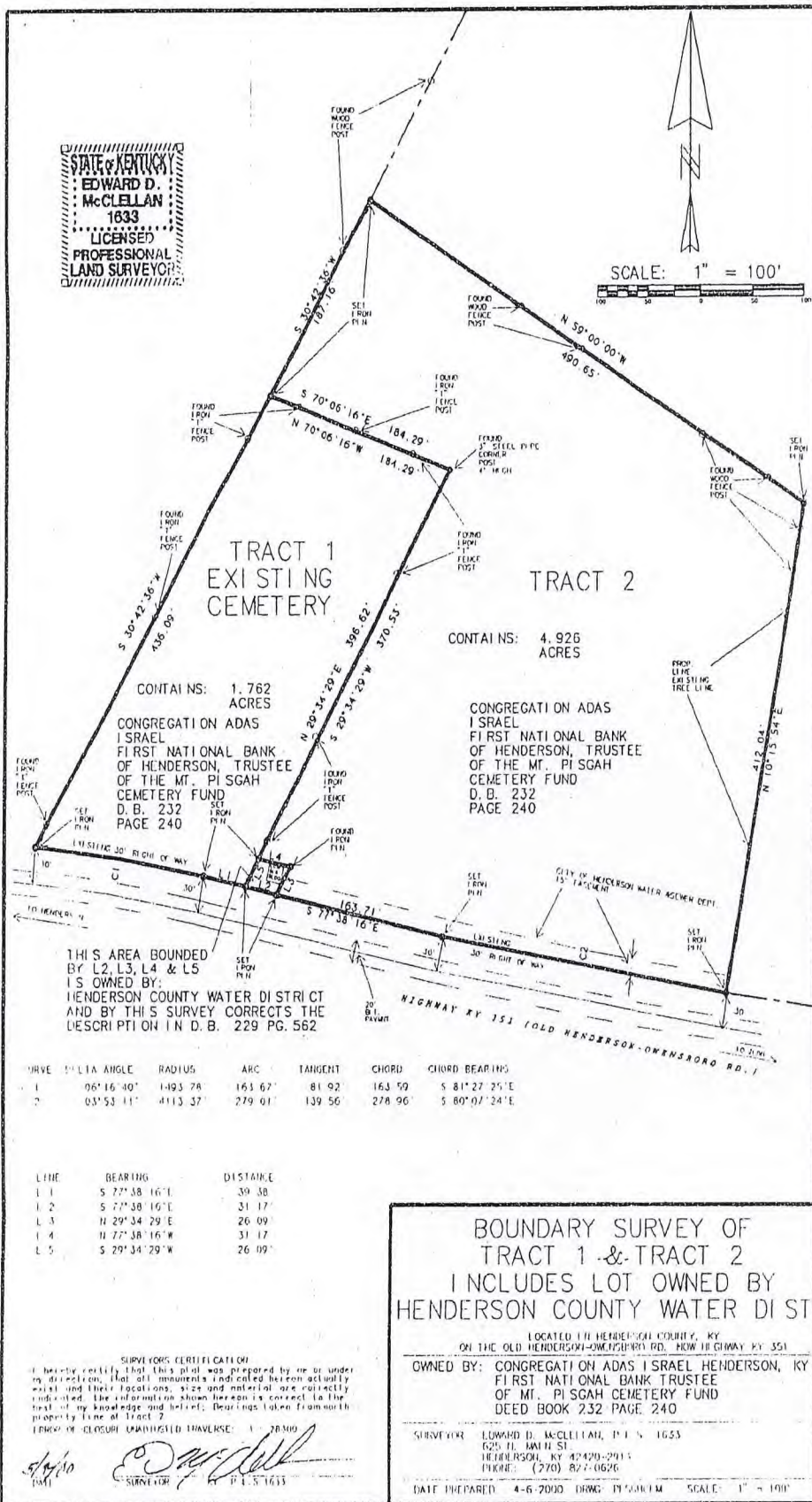
Eleanor Martin
Notary Public,

(seal)

This instrument prepared by
Dorsey King Gray & Norment
DORSEY KING GRAY & NORMENT
Attorneys at Law
318 Second Street
Henderson, Kentucky 42420

STATE OF KENTUCKY
 EDWARD D. McCLELLAN
 1833
 LICENSED
 PROFESSIONAL
 LAND SURVEYOR

SCALE: 1" = 100'



TRACT 1
 EXISTING
 CEMETERY

TRACT 2

CONTAI NS: 1.762
 ACRES
 CONGREGATI ON ADAS
 I SRAEL
 FIRST NATI ONAL BANK
 OF HENDERSON, TRUSTEE
 OF THE MT. PISGAH
 CEMETERY FUND
 D. B. 232
 PAGE 240

CONTAI NS: 4.926
 ACRES

CONGREGATI ON ADAS
 I SRAEL
 FIRST NATI ONAL BANK
 OF HENDERSON, TRUSTEE
 OF THE MT. PISGAH
 CEMETERY FUND
 D. B. 232
 PAGE 240

THIS AREA BOUNDED
 BY L2, L3, L4 & L5
 IS OWNED BY:
 HENDERSON COUNTY WATER DISTRICT
 AND BY THIS SURVEY CORRECTS THE
 DESCRIPTION IN D. B. 229 PG. 562

CHORD	BEARING	ANGLE	RADIUS	ARC	TANGENT	CHORD	CHORD BEARING
1	06°16'40"	1493.78'	163.62'	81.92'	163.59'	5	81°27'25"E
2	05°53'11"	4113.37'	279.01'	139.56'	278.96'	6	80°07'24"E

LINE	BEARING	DISTANCE
L 1	S 77°38'16"E	39.38
L 2	S 77°38'16"E	31.17
L 3	N 29°34'29"E	26.09
L 4	N 77°38'16"W	31.17
L 5	S 29°34'29"W	26.09

BOUNDARY SURVEY OF
 TRACT 1 & TRACT 2
 INCLUDES LOT OWNED BY
 HENDERSON COUNTY WATER DISTRICT

LOCATED IN HENDERSON COUNTY, KY
 ON THE OLD HENDERSON-OWENSBORO RD. NOW HIGHWAY KY 351
 OWNED BY: CONGREGATION ADAS ISRAEL HENDERSON, KY
 FIRST NATIONAL BANK TRUSTEE
 OF MT. PISGAH CEMETERY FUND
 DEED BOOK 232 PAGE 240

SURVEYOR EDWARD D. McCLELLAN, P. E. S. 1833
 625 E. MAIN ST.
 HENDERSON, KY 42420-2913
 PHONE: (770) 827-0626
 DATE PREPARED: 4-6-2000 DRWG: 17540616M SCALE: 1" = 100'

SURVEYORS CERTIFICATION
 I hereby certify that this plat was prepared by me or under my direction, that all monuments indicated herein actually exist and their locations, size and material are correctly indicated. The information shown herein is correct to the best of my knowledge and belief. Bearings taken from north property line of Tract 2.
 ERROR OF ENCLOSURE UNADJUSTED TRAVERSE: 1/20000
 5/4/00
 1833
 SURVEYOR

STATE OF KENTUCKY
COUNTY OF HENDERSON Sci.

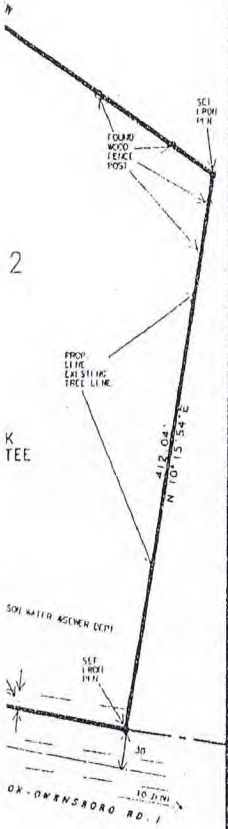
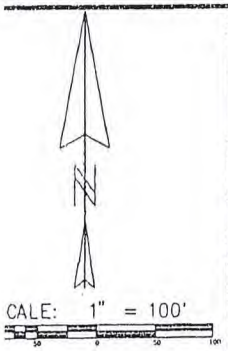
I, Wilma G. Martin, Clerk of Henderson County, certify that the foregoing *Deed* was this day at 11:09 O'clock A. M. lodged in my said office for record and that I have recorded it, the foregoing and this certificate in my said office.

Given under my hand this 19 day May 2000

BY: *Wilma G. Martin* WILMA G. MARTIN
D.C.

del.
Dorsey King Gray a Norman

5-22-2000



SURVEY OF
TRACT 2
T OWNED BY
Y WATER DIST

HENDERSON COUNTY, KY
HENDERSON RD. - HIGHWAY KY 351
AS ISRAEL HENDERSON, KY
BANK TRUSTEE
EMETERY FUND
AGE 240

1 S 1653

SCALE: 1" = 100'

81

THIS DEED, made and entered into this 3rd day of June, 1997, by and between BRYAN NOLEN, unmarried, 2410 Schuette Lane, Henderson, Kentucky 42420, party of the first part, GRANTOR and HENDERSON COUNTY WATER DISTRICT, a water district duly created under Chapter 74 of the Kentucky Revised Statutes, Post Office Box 655, Henderson, Kentucky 42420, party of the second part, GRANTEE;

WITNESSETH: That for and in consideration of \$11,000.00, receipt of all of which is hereby acknowledged, the Grantor does hereby transfer, sell and convey the following described property unto the Grantee, Henderson County Water District, its successors and assigns, said real property being located in the Henderson County, Kentucky, and being more particularly described as follows, to-wit:

Lot No. 3 of Branson-Haynes Subdivision as shown on plat of record in Plat Book 7, page 401, Henderson County Clerk's Office.

Being a portion of that same real property acquired by Grantor by deed from Richard E. Branson, et ux, dated 7th day of May, 1996, recorded in Deed Book 458, page 821, Henderson County Clerk's Office.

The aforementioned plat was approved by the Henderson City-County Planning Commission on September 2, 1987, but was not recorded until after the conveyance to Grantor Bryan Nolen. As stated in the plat, the real property described in the deed to Bryan Nolen and the real property depicted on said plat are one and the same.

This conveyance satisfies an unrecorded option between the parties dated August 7, 1996.

TO HAVE AND TO HOLD the above described real property and the appurtenances thereunto pertaining unto the

Grantee, Henderson County Water District, its successors and assigns.

The parties hereto state that the consideration set forth in this deed is the full consideration paid for the property. The Grantee joins this deed for the sole purpose of certifying the consideration pursuant to KRS Chapter 382.

IN TESTIMONY WHEREOF, witness the hands of the parties hereto this day and date first above written.

GRANTOR:

Bryan Nolen

BRYAN NOLEN

GRANTEE:

HENDERSON COUNTY WATER DISTRICT

By *David C. Lane*

STATE OF KENTUCKY

COUNTY OF HENDERSON

The foregoing was subscribed, sworn to and acknowledged before me by BRYAN NOLEN, this 30th day of May, 1997.

My commission expires September 29, 1997

Charles D. Smith

Notary Public, State of Kentucky at Large

(seal)

STATE OF KENTUCKY

COUNTY OF HENDERSON

The foregoing was subscribed, sworn to and acknowledged before me by David C House, Chairman of HENDERSON COUNTY WATER DISTRICT, for and on behalf of said district, this 3rd day of June, 1997.

My commission expires 11-1-2000

April M. Winkler
Notary Public, State of Kentucky at Large

(seal)

This instrument prepared by:

Frank N. King, Jr.
Frank N. King, Jr.
DORSEY, KING, GRAY & NORMENT
Attorneys at Law
318 Second Street
Henderson, Kentucky 42420

Taxes 11.00
PAID 6/3/97
WILMA G. MARTIN
W. G. Martin D.C.

STATE OF KENTUCKY
COUNTY OF HENDERSON Sect.

I, Wilma G. Martin, Clerk of Henderson County, certify that the foregoing deed was this day at 4:44 O'clock P M. lodged in my said office for record and that I have recorded it, the foregoing and this certificate in my said office.

Given under my hand this 3rd day June 1997

BY: Renee Abner
WILMA G. MARTIN
D.C.

mail:
Dorsey King Gray & Normont
318 2nd St.
Hend Ky
6-4-97

BOOK 579 PAGE 1006

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SPECIAL WARRANTY DEED

FRANKLIN REAL ESTATE COMPANY, Grantor, a Pennsylvania corporation, having an office at 1 Riverside Plaza, Columbus, Ohio 43215 for valuable consideration, receipt of which is hereby acknowledged, subject to the exceptions, reservations, and conditions hereinafter set forth, hereby Grants and Conveys with special warranty covenants pursuant to KRS § 382.040, to HENDERSON COUNTY WATER DISTRICT, Grantee, a Governmental Agency whose in-care-of tax mailing address is 655 S. Main Street, Henderson, KY 42419; the surface of the following described real estate in Henderson County, Kentucky:

Property Description: See Exhibit A, attached hereto and incorporated herein by this reference.

Last Transfer: Being part of the property conveyed to Grantor from Nellie S. Dossett by deed dated December 10, 1969, of record in Deed book 245, page 452 (tax parcel 30-8) in the Henderson County, Kentucky Clerk's Office.

For the same consideration, Grantor releases and quitclaims to Grantee all of Grantor's right, title and interest, if any, in and to all coal, minerals, or oil and gas interests which Grantor may have acquired under the deed set forth above, but Grantor does not warrant title to any coal, minerals, or oil and gas interests conveyed herein.

For the same consideration, Grantor releases and quitclaims to Grantee all of Grantor's right, title and interest, if any, in and to the bed, bank, and shore of the Ohio River that abuts the property conveyed herein, but Grantor does not warrant title thereto.

This conveyance is hereby made subject to the following:

- 1) Grantor shall pay all real estate taxes and assessments for the year 2010, and Grantee shall pay all real estate taxes and assessments for the year 2011 thereafter.
- 2) All existing public highways and streets, easements, covenants, conditions, reservations and restrictions if any, whether or not of record, and to all zoning and other governmental regulations, restrictions, and non-delinquent real estate taxes and assessments and to such state of facts as an examination of and/or accurate survey of the property would reveal.

By acceptance of this deed, the Grantee acknowledges and agrees that the property described herein and the improvements located thereon are being sold and conveyed in its present condition. "AS-IS, WHERE- IS, WITH ALL FAULTS", and Grantee hereby assumes the risk that adverse past, present, and future physical