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PUBLIC SERVICE
COMMISSION

**COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION**

In the Matter of:

APPLICATION OF NEW CINGULAR WIRELESS PCS, LLC)
FOR ISSUANCE OF A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO CONSTRUCT)
A WIRELESS COMMUNICATIONS FACILITY AT)
1707 2nd STREET, CITY OF HENDERSON)
HENDERSON COUNTY, KENTUCKY, 42420)


CASE: 2009-00034

SITE NAME: LARUE (135P0085)

**FILING OF ADDITIONAL DOCUMENTATION REQUESTED
BY COMMISSION STAFF**

At the request of the Public Service Commission staff, Applicant hereby submits documentation of ownership of the underlying property subject to the above application and respectfully requests that this information be added to the record. Enclosed herewith is a copy of the Deed of record found in Deed Book 143, Page 23 in the Office of the Clerk for Henderson County, Kentucky. Said owner of record is the Board of Education of Henderson County, Kentucky.

Respectfully submitted,



Todd R. Briggs
Briggs Law Office, PSC
1301 Clear Springs Trace
Suite 205
Louisville, KY 40223
Telephone 502-412-9222
Counsel for New Cingular Wireless PCS, LLC

THIS DEED made and entered into this the 29th day of August, 1949, by and between KLEYMAYER-KLUTZKY BRICK & TILE WORKS, a Kentucky corporation with its principal place of business in Henderson, Kentucky, party of the first part, and BOARD OF EDUCATION OF HENDERSON COUNTY, KENTUCKY, party of the second part,

WITNESSETH: That for and in consideration of \$1.00 and other good and valuable considerations receipt of which is acknowledged, Kley Meyer-Klutzy Brick & Tile Works does transfer, sell and convey unto the Board of Education of Henderson County, Kentucky, its successors and assigns, the following real property to-wit:



The following described property at end of Second Street, Henderson, Kentucky, and on U.S. Highway 41 E, being located on North side of Second Street and U.S. Highway 41 E.



Beginning at a point, an iron stake, in the North right-of-way line of U.S. Highway 41 E, on Second Street, of Henderson, Ky. runs thence along a line (as established by the Kentucky State Highway Department and conforming to said line) S 61-44 E, said line being 40 feet north of and parallel to throughout the center line of the proposed public road, a distance of 394.6 feet to a point (which said point is 87.3 feet and measured at right angles from the last named line to the center line of present Ky. 54); thence along a line N 28-16 E, a distance of 15 feet to a point; thence along a line S 61-44 E, a distance of 66 feet to a point (which said point is 105.9 feet and measured at right angles from the last named line to the center line of present Ky. 54); thence S. 59-49 E along the long chord of spiral curve to a 3 degree and 51 minutes circular curve, spiral angle being 6 degrees, a distance of 305 feet to the point of beginning of a 3 degree and fifty one minutes circular curve, (which said point is 35.6 feet and measured at right angles from the last named line to the center line of present Ky. 54); thence S 53-31 E along a chord of a 3 degree and 51 minutes circular curve, a distance of 84 feet to a point in the center line of present Ky. 54; thence with the center line of Ky. State Highway No. 54 S 76-27 E 201 feet to a point in said Highway, corner with the Soaper land 42 feet from a cement-concrete post; thence

with the Soaper line N 32-06 E 1092 feet to an iron pin in Soaper line, corner with Kley Meyer-Klutzy land; thence N 66-29 W 1049 feet to an iron pin, corner with the Kley Meyer-Klutzy property; thence S 32-06 W 1050 feet to the point of beginning, containing 25.86 acres, according to survey of W. W. Poole, surveyor, August 12, 1949.

Being a portion of the real property conveyed to Kley Meyer-Klutzy Brick & Tile Works by H. Kley Meyer & Co by deed dated June 12, 1900, of record in Deed Book 29 at page 440, Henderson County Court Clerk's Office.

It is agreed and understood that the coal

underlying the above described real property has heretofore been sold and is reserved and not conveyed.

It is certified that this deed was authorized by the unanimous agreement of all the stockholders of the corporation, Kley Meyer-Klutey Brick & Tile Works, and further that said deed was authorized by a resolution of the Board of Directors of the corporation, Kley Meyer-Klutey Brick & Tile Works, at a meeting of its Directors held on the 27th day of August, 1949, a copy of which resolution has been furnished the purchaser.

It is further certified that by the above resolution Edward W. Klutey, President of the corporation, Kley Meyer-Klutey Brick & Tile Works, with his signature attested by Carlton N. Klutey, Secretary of the corporation, was authorized and empowered to make this deed for and in behalf of Kley Meyer-Klutey Brick & Tile Works.

TO HAVE AND TO HOLD the above described real property unto the said Board of Education of Henderson County, Kentucky, its successors and assigns, with all appurtenances thereunto belonging with covenant of General Warranty forever except as to the coal underlying which is reserved and not conveyed.

WITNESS the hand and seal of the party of the first part, Kley Meyer-Klutey Brick & Tile Works, by and through the signature of its President, Edward W. Klutey, attested by Carlton N. Klutey, its Secretary, this day and date aforesaid.

KLEYMEYER-KLUTEY BRICK & TILE WORKS

By Edward W. Klutey
President

Attest:

Carlton N. Klutey
Secretary and Treasurer

