

**MATHIS, RIGGS, PRATHER & RATLIFF, P.S.C.**

**ATTORNEYS AT LAW**  
500 MAIN STREET, SUITE 5  
SHELBYVILLE, KENTUCKY 40065

C. LEWIS MATHIS, JR.  
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DONALD T. PRATHER  
NATHAN T. RIGGS  
ERIN R. RATLIFF

TELEPHONE: (502) 633-5220  
FAX: (502) 633-0667

E-MAIL: [dprather@iglou.com](mailto:dprather@iglou.com)

April 16, 2014

Jeff Derouen, Executive Director  
Kentucky Public Service Commission  
211 Sower Blvd  
P.O. Box 615  
Frankfort, KY 40602

Re: U.S. 60 Water District  
Case No. 2014-00101

Dear Mr. Derouen:


Enclosed is a copy of the Deed of Conveyance dated March 4, 2014 from Shelby County, Kentucky to U.S. 60 Water District of Shelby and Franklin Counties, Kentucky, conveying to the District a new site upon which the elevated water storage tank will be constructed. This new site is closer to Peytona Beach Road which will result in a significant savings to the District due to the reduced length of the 12-inch water main from the road to the tank, the reduced length of the required access road, and the reduced length of the electric line to the new site. This site replaces the site that was the subject of the deed attached to the District's Application in this case as Exhibit 2. The Exhibit 2 property will be conveyed from the District back to Shelby County, Kentucky.

This new site had already been agreed upon at the time the Application was filed, but the deed had not yet been executed and delivered. The project was designed and bid to be constructed on this new site. There are therefore no changes in the project as a result of this new site.

Also enclosed is a copy of correspondence dated April 10, 2014 from Tony Wilder, the Commissioner and State Local Debt Officer, acknowledging receipt of notification of the issuance of the bonds for this project.

Yours truly,

MATHIS, RIGGS, PRATHER & RATLIFF, P.S.C.

By:   
Donald T. Prather

DTP/pm

Enclosures

Cc: Bill Eggen  
David Hedges  
Sandy Broughman

THIS DEED OF CONVEYANCE made and entered into this 4<sup>th</sup> day of March, 2014, by and between **Shelby County, Kentucky**, a political subdivision of the Commonwealth of Kentucky, by and through its duly authorized representative, whose mailing address is 419 Washington Street, Shelbyville, KY 40065, Grantor, and **U.S. 60 Water District of Shelby and Franklin Counties, Kentucky**, (hereinafter referred to as the "District"), whose mailing address is 4596 Bagdad Road, Bagdad, KY 40003;;

**WITNESSETH:**

THAT FOR \$1 00 and other good and valuable consideration, receipt of which is hereby acknowledged, Grantor has bargained and sold and does hereby grant, alien and convey unto the District, its successors and assigns, in fee simple, the following described real estate:

BEING a tract of land situated on the south side of Peytona Beach Road near the intersection of US Highway 60 in Shelby County, Kentucky, and being more particularly described as follows:

BEGINNING at a set magnetic nail and ID marker stamped PLS 2123 in the center of Peytona Beach Road and being the northwest corner of the William Lee and Edna Mae Perry parcel recorded in Deed Book 252, Page 1, in the Office of the Shelby County Clerk; thence with the line of Perry South 22 deg 23' 11" West, a distance of 611.00 feet to a set ½ inch rebar 18 inches in length with plastic cap stamped PLS 2123 and being typical of set rebar this survey, said rebar being the True Point of Beginning; thence with the line of Perry South 22 deg 23' 11" West, a distance of 100.00 feet to a set rebar; thence with the remaining property of Shelby County Kentucky (Db 465 Pg 58), North 67 deg 36' 49" West, a distance of 100.00 feet to a set rebar; thence North 22 deg 23' 11" East, a distance of 100.00 feet to a set rebar; thence South 67 deg. 36' 49" East, a distance of 100 00 feet to the Point of Beginning and containing 0.23 acre, and being Parcel A as shown on the Division and Easement Plat Peytona Water Tower attached hereto as Exhibit A

BEING a part of the same property conveyed to Shelby County, Kentucky, by deed dated December 30, 2004, of record in Deed Book 465, Page 58, Shelby County Clerk's Office

There is also conveyed to the District: (1) a 30 foot wide temporary construction easement as shown on the attached Exhibit A plat and designated thereon as "Easement #1 30' temporary construction Esmt", (2) a permanent 30 foot wide water line easement and easement for access from US Highway 60 and Peytona Beach Road to Parcel A shown on the attached Exhibit A plat and designated thereon as "Easement #2 30' Water Line Easement and Permanent Ingress-Egress Easement", and (3) a 25 foot wide permanent easement for underground electric lines as shown on the attached Exhibit A plat and designated thereon as "Easement #3 25' Underground Electric Easement."

The District covenants to repair as soon as reasonably possible any damage to Grantor's land resulting from District's use of these easements, including but not limited to clean up from initial construction or subsequent repair. The temporary construction easement will terminate once the water tank and water main are constructed, and at that time the District shall remove any road surface materials it has installed on this easement, grade the soil so it is at the same original level

and contour, and seed and straw the disturbed area. The Grantor reserves the full right to use and enjoy its remaining property except as will interfere with the stated purpose of these easements. Grantor will not erect any permanent structures of any nature, change the depth of any water or electric line or other appurtenance, or plant trees, shrubs and other vegetation as permitted within the permanent easements without the prior written consent of the District, which will not be unreasonably withheld. The top of the water line will be buried a minimum of 30 inches below the surface. All underground electric lines shall be constructed in accordance with the applicable electric codes. Any water or electric facilities constructed above ground on Grantor's property must be located and installed in such a manner as to not unreasonably interfere with the reasonable use of Grantor's remaining property. The grant and other provisions of these easements shall be a covenant running with the land for the benefit of the District and Grantor's respective successors and assigns.

This conveyance is made subject to all easements and restrictions of record, and subject to applicable zoning regulations.

Pursuant to KRS 142.050 (7)(d), there is no transfer tax due on this transaction.

This transfer and the public utility service facilities to be constructed on it are exempt from Planning and Zoning requirements pursuant to KRS 100.324.

TO HAVE AND TO HOLD the foregoing described real estate together with all and singular the appurtenances thereunto belonging or in anywise appertaining unto the District, its successors and assigns, in fee simple, and with covenant of general warranty of title.

The parties hereto state that the fair market value of the property herein conveyed is \$2,295 00.

The Grantee hereby agrees that it shall permit the Grantor to install emergency equipment on the Property if deemed necessary by the Grantor. The parties acknowledge and agree that this shall be a covenant that runs with the Property and this covenant shall be binding upon all future owners.

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

**GRANTOR:**

*Shelby County, Kentucky*

By:   
**Rob Rothenburger,**  
County Judge/Executive

**DISTRICT:**

*U.S. 60 Water District of Shelby and Franklin Counties, Kentucky*

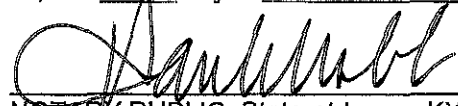
By:   
**William Eggen,** Chairman

STATE OF KENTUCKY  
SCT  
COUNTY OF SHELBY

Before me, a Notary Public, personally appeared the above-named **Rob Rothenburger**, County Judge/Executive, on behalf of **Shelby County, Kentucky**, to me personally known or satisfactorily proving to me to be the signer of the foregoing instrument, who acknowledged that he did sign the foregoing instrument, swore to the consideration certificate, and that the same respectively was his act and deed.

Given under my hand and seal of office, this 4<sup>th</sup> day of March, 2014

My Comm Expires: 6/28/15



NOTARY PUBLIC, State-at-Large, KY  
ID #: 444893

STATE OF KENTUCKY  
SCT  
COUNTY OF SHELBY

Before me, a Notary Public, personally appeared the above-named **William Eggen**, Chairman, on behalf of **U.S. 60 Water District of Shelby and Franklin Counties, Kentucky**, to me personally known or satisfactorily proving to me to be the signer of the foregoing instrument, who acknowledged that he did sign and swear to the foregoing instrument and that the same respectively was his act and deed.

Given under my hand and seal of office, this 15 day of April, 2014

My Comm Expires: 2/1/15

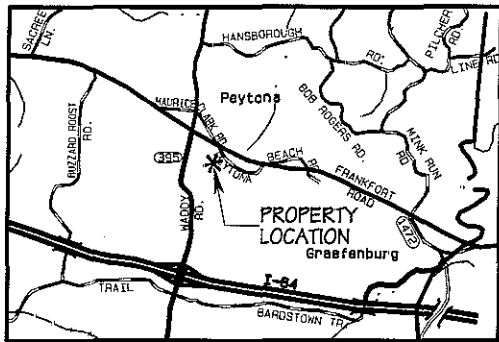


NOTARY PUBLIC, State-at-Large, KY  
ID #: 434455

This instrument was prepared by:  
**MATHIS, RIGGS, PRATHER & RATLIFF, P.S.C.**  
500 Main Street, Ste. 5  
Shelbyville, Kentucky 40065

By: 

Donald T. Prather



Bearings were based on GPS observations recorded on December 2, 2013. See GPS note on the face of plat.

**LAND SURVEYORS CERTIFICATE**  
 I HEREBY CERTIFY THAT THE PLAT SHOWN HEREON DEPICTS A SURVEY MADE BY ME, OR UNDER MY DIRECT SUPERVISION BY THE METHOD OF RANDOM TRAVERSE ALONG WITH GPS OBSERVATIONS. THE UNADJUSTED PRECISION RATIO OF THE TRAVERSE WAS GREATER THAN 1:20,000 AND WAS NOT ADJUSTED. THE SURVEY SHOWN HEREON IS AN URBAN RURAL CLASS SURVEY AND THE ACCURACY AND PRECISION OF SAID SURVEY MEETS ALL THE SPECIFICATIONS OF THIS CLASS. THIS BOUNDARY SURVEY COMPLIES WITH 201 KAR 10.150 4-01-14  
 DATE: 4-01-14  
 PROFESSIONAL LAND SURVEYOR

STATE OF KENTUCKY  
**LARRY G TINGLE**  
 2123  
 LICENSED PROFESSIONAL LAND SURVEYOR

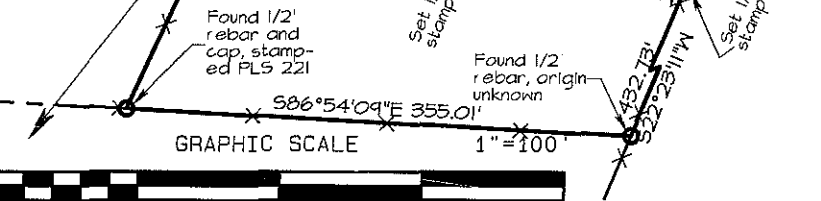
PVA ID: 091-00-028  
 Jerry L. Hurst & Janice F. Bailey-Hurst  
 8544 Frankfort Road  
 Maddy, KY 40016  
 D.B. 518, Pg. 618  
 Zoned: A

**GLOBAL POSITIONING SYSTEM NOTE**

This Survey was performed using a Spectra Precision Epoch 50 multi-frequency GNSS receiver  
 The type of GNSS survey employed was  
 STATIC  L1+L2  
 Horizontal Accuracy = 9mm + 0.1 ppm RMS x D  
 Vertical Accuracy = 3.5mm + 0.4 ppm RMS x D  
 RTK  L1/L2/L3  
 Horizontal Accuracy = 10mm + 1 ppm RMS x D  
 Vertical Accuracy = 20mm + 1 ppm RMS x D  
 Horizontal Datum: NAD83  
 Vertical Datum: NAVD83  
 Geoid Model: Geoid07 - 2012A

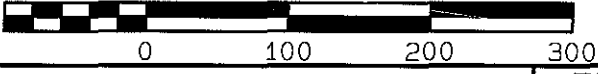
PVA ID: 091-00-032D  
 William Lee and Christopher Perry  
 214 Main Street  
 Shelbyville, KY 40065  
 D.B. 405, Pg. 344  
 Zoned: A

PVA ID: 091-00-031  
 William Lee & Edna Mae Perry and Michael Keith Perry  
 214 Main Street  
 Shelbyville, KY 40065  
 D.B. 252, Pg. 001  
 Zoned: A



**LEGEND**

- SET IRON PIN STAMPED PLS 2123 (1/2" Rebar 10" length w/Plastic cap)
- FOUND IRON PIN
- FOUND STONE
- EX. POST
- RAILROAD SPIKE
- PK NAIL
- R/W MARKER
- FENCE LINE (Known Here)
- BOUNDARY LINE
- ADJOINING PROPERTY LINE (Not Surveyed)
- FIRE HYDRANT
- BENCH MARK
- WATER LINE



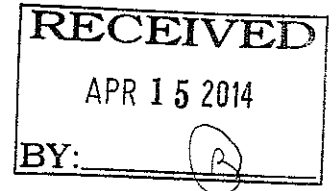
**LARRY G TINGLE SURVEYS**  
**PROFESSIONAL LAND SURVEYS & DESIGN**  
 506 MAIN STREET  
 SHELBYVILLE, KENTUCKY  
 502-833-1116

**DIVISION & EASEMENT PLAT**  
**PEYTONA WATER TOWER**

CLIENT: U.S. 60 East Water Company  
 SOURCE OF TITLE: Deed Book 465, Pg. 50, Shelby County KY  
 TOTAL ACREAGE SURVEYED: 9.12 Ac  
 DATE OF PLAT: Dec. 26, 2013 DATE OF SURVEY: Dec. 2, 2013  
 PVA ID: 091-00-029 ZONE CLASSIFICATION: A  
 Rev. 04-01-14

EXHIBIT

A



OFFICE OF THE GOVERNOR  
DEPARTMENT FOR LOCAL GOVERNMENT

Steven L. Beshear  
Governor

1024 Capital Center Drive, Suite 340  
Frankfort, Kentucky 40601  
Phone (502) 573-2382  
Fax (502) 573-2939  
Toll Free (800) 346-5606  
www.dlg.ky.gov

Tony Wilder  
Commissioner

April 10, 2014

Mr. Donald T. Prather  
Mathis, Riggs, Prather & Ratliff, P.S.C.  
500 Main Street, Suite 5  
Shelbyville, KY 40065

RE: \$1,300,000 U. S. 60 Water District of Shelby and Franklin Counties loan from the Kentucky Infrastructure Authority, dated September 6, 2013, (Peytona Tank Project)

Dear Mr. Prather:

This will acknowledge receipt of notification of the issuance of the above bonds in conformity with KRS 65.117.

The information received complies with the requirements of this office and the above referenced statute.

If I may be of assistance in this matter, please feel free to contact me.

Sincerely,

TONY WILDER  
Commissioner and State Local Debt Officer