

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

In the Matter of:

THE APPLICATION OF )  
NEW CINGULAR WIRELESS PCS, LLC, )  
A DELAWARE LIMITED LIABILITY COMPANY, )  
D/B/A AT&T MOBILITY )  
AND TILLMAN INFRASTRUCTURE LLC, A DELAWARE )  
LIMITED LIABILITY COMPANY )  
FOR ISSUANCE OF A CERTIFICATE OF PUBLIC ) CASE NO.: 2021-00398  
CONVENIENCE AND NECESSITY TO CONSTRUCT )  
A WIRELESS COMMUNICATIONS FACILITY )  
IN THE COMMONWEALTH OF KENTUCKY )  
IN THE COUNTY OF GRAYSON )

SITE NAME: FALLING BRANCH

\* \* \* \* \*

**MOTION FOR INFORMAL CONFERENCE**

New Cingular Wireless PCS, LLC d/b/a AT&T Mobility and Tillman Infrastructure LLC (“Applicants”), by counsel, hereby make a Motion for Informal Conference in this proceeding to allow the parties and Public Service Commission Staff to directly communicate with each other and consider alternative sites for a proposed tower.

Applicants are interested in whether a new site location which increases the distance of the tower’s center from the Intervener’s residence up to two hundred (“200”) feet would resolve the Interveners’ objections. A new drawing attached and incorporated hereto as **Exhibit A** illustrates that the center of the existing proposed tower is 599.2’ from the Interveners’ residence. Any new tower site would need to be

approved by amended lease/option with Mr. and Mrs. Newton, its feasibility would need to be determined as to service coverage and other technical factors, and regulatory approvals, including that of the Federal Aviation Administration, would have to be obtained. Significant costs and time are involved in such due diligence efforts to identify an available, feasible, and permissible alternative site location. Accordingly, it is important for Applicants to know whether Interveners would find a particular new site location to be acceptable prior to incurrence of such costs and spending the time to obtain all necessary permits.

Applicants do not waive rights in connection with their pending Application by filing of this Motion for Informal Conference for purposes of potential settlement.

Applicants are available to participate in an Informal Conference in-person, telephonically or by Zoom or similar virtual electronic means.

WHEREFORE, Applicants request the Public Service Commission to schedule an Informal Conference in this proceeding. Applicants further request any other relief to which they are entitled.

Respectfully submitted,

*David A. Pike*

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David A. Pike  
and

*F. Keith Brown*

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F. Keith Brown  
Pike Legal Group, PLLC  
1578 Highway 44 East, Suite 6  
P. O. Box 369  
Shepherdsville, KY 40165-0369  
Telephone: (502) 955-4400  
Telefax: (502) 543-4410  
Email: dpike@pikelegal.com  
Attorneys for Applicants

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 18th day of August, 2023, a true and accurate copy of the foregoing was electronically filed with the PSC and sent by U.S. Postal Service first class mail, postage prepaid, to the Interveners at the following address:

Roger and Janelle Nicolai  
2663 Blue Bird Road  
Falls of Rough, Kentucky 40119

Respectfully submitted,

*David A. Pike*

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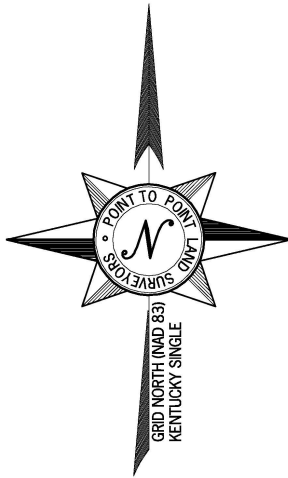
David A. Pike  
and

*F. Keith Brown*

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Pike Legal Group, PLLC  
1578 Highway 44 East, Suite 6  
P. O. Box 369  
Shepherdsville, KY 40165-0369  
Telephone: (502) 955-4400  
Telefax: (502) 543-4410  
Email: [dpike@pikelegal.com](mailto:dpike@pikelegal.com)  
Attorneys for Applicants

## **EXHIBIT A**



**GPS NOTES**

THE FOLLOWING GPS STATISTICS UPON WHICH THIS SURVEY IS BASED HAVE BEEN PRODUCED AT THE 95% CONFIDENCE LEVEL:

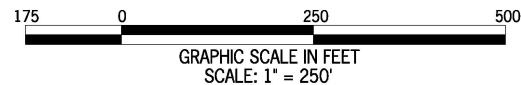
POSITIONAL ACCURACY: 0.07 FEET (HORZ) 0.25 FEET (VERT)  
 TYPE OF EQUIPMENT: GEOMAX ZENITH35 PRO BASE AND ROVER, DUAL FREQUENCY  
 TYPE OF GPS FIELD PROCEDURE: ONLINE POSITION USER INTERFACE  
 DATES OF SURVEY: 02/23/2021  
 DATUM / EPOCH: NAD\_83(2011)(EPOCH:2010.0000)  
 PUBLISHED / FIXED CONTROL USE: N/A  
 GEOID MODEL: 18  
 COMBINED GRID FACTOR(S): 0.99989145 CENTERED ON THE GPS BASE POINT AS SHOWN HEREON.  
 CONVERGENCE ANGLE: -0.45428056"  
 BENCHMARKS USED: DK7559, DK4660, DM4051

**SURVEYOR'S CERTIFICATE**

I, G. DARRELL TAYLOR, A KENTUCKY PROFESSIONAL LAND SURVEYOR, CERTIFY THAT THE INFORMATION SHOWN HEREON WAS COMPILED USING DATA FROM AN ACTUAL FIELD SURVEY MADE UNDER MY DIRECT SUPERVISION BY METHOD OF RANDOM TRAVERSE WITH SIDE SHOTS. THE UNADJUSTED PRECISION RATIO OF THE TRAVERSE EXCEEDED 1:10,000 AND WAS NOT ADJUSTED FOR CLOSURE. THIS SURVEY MEETS OR EXCEEDS THE MINIMUM STANDARDS FOR AN URBAN SURVEY AS ESTABLISHED BY THE STATE OF KENTUCKY, PER 201 KAR 18:150 AND IN EFFECT ON THE DATE OF THIS SURVEY.

*G. Darrell Taylor*  
 G. DARRELL TAYLOR, PLS 4179  
 8/2/2023  
 DATE

- LEGEND**
- POB POINT OF BEGINNING
  - POC POINT OF COMMENCEMENT
  - IPF IRON PIN FOUND
  - IPS IRON PIN SET
  - RB REBAR
  - CRB CAPPED REBAR
  - UP UTILITY POLE
  - OU OVERHEAD UTILITY
  - TR TRANSFORMER
  - GW GUY WIRE ANCHOR
  - N/F NOW OR FORMERLY
  - CAB CABINET
  - EP EDGE OF PAVEMENT
  - EG EDGE OF GRAVEL
  - WM WATER METER
  - MB MAILBOX
  - INV INVERT
  - SD SIGHT DISTANCE
  - CMP CORRUGATED METAL PIPE
  - TBM TEMPORARY BENCHMARK



N/F  
 MARTHA RAASCH COPPAGE  
 PARCEL # 034-00-00-013.0C  
 DB 443 PG 459  
 PARCEL 8  
 CAB 2 SLIDE 600

PARENT PARCEL  
 TERRY L. NEWTON &  
 KIMBERLY D. NEWTON  
 PARCEL # 034-00-00-013  
 DB 444 PG 461  
 PARCEL 5  
 CAB 2 SLIDE 600

C/A 20' INGRESS-  
 EGRESS & UTILITY  
 EASEMENT  
 (SEE SHEET 2 FOR DETAIL)

N/F  
 ROGER & JANELLE NICOLAI  
 PARCEL # 034-00-00-013.0D  
 DB 452 PG 205

PARCEL 1  
 CAB 2 SLIDE 600

EX. HOUSE

LEASE  
 AREA  
 (SEE SHEET 2  
 FOR DETAIL)

PROPOSED  
 TOWER

EXISTING 30'  
 UTILITY EASEMENT  
 (PLAT CAB 2,  
 SLIDE 600)

APPROX LOCATION OF SPRING  
 AND WATER EASEMENT  
 (PLAT CAB 2, SLIDE 600)

9 13 16

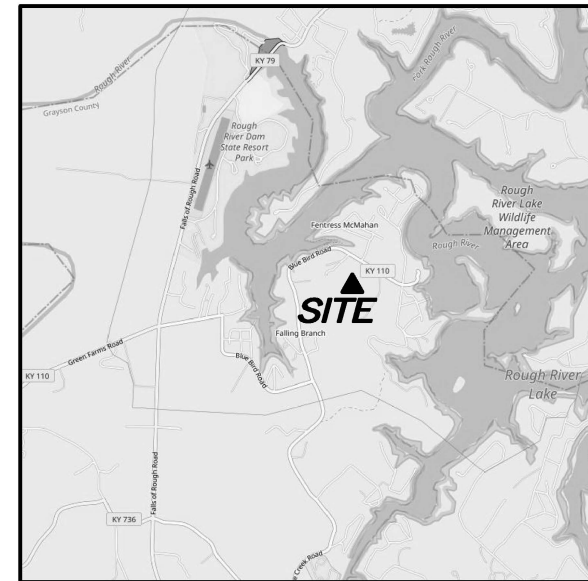
N/F  
 ROBERT WAYNE SHELTON JR  
 & DEBRA RUTH SHELTON  
 PARCEL # 034-00-00-013.0F  
 DB 468 PG 261  
 PARCEL 6  
 CAB 2 SLIDE 600

N/F  
 ROGER & JANELLE NICOLAI  
 PARCEL # 034-00-00-013.0G  
 DB 452 PG 205  
 PARCEL 4  
 CAB 2 SLIDE 600

N/F  
 ROGER & JANELLE NICOLAI  
 PARCEL # 034-00-00-013.0J  
 DB 460 PG 202  
 PARCEL 3A  
 CAB 2 SLIDE 620 D

599.2' (FROM TOWER CENTER TO RESIDENCE ON NICOLAI PROPERTY)  
 594.3' (FROM TOWER LEG TO RESIDENCE ON NICOLAI PROPERTY)  
 545.4' (FROM LEASE CORNER TO RESIDENCE ON NICOLAI PROPERTY)  
 566.5' (FROM COMPOUND FENCE TO RESIDENCE ON NICOLAI PROPERTY)

HIGHWAY 110 - BLUE BIRD ROAD  
 60' RIGHT-OF-WAY (PLAT CABINET 2 SLIDE 600)



**VICINITY MAP**  
 NOT TO SCALE

**GENERAL NOTES**

\* THIS SPECIFIC PURPOSE SURVEY IS FOR THE LEASED PREMISES AND EASEMENTS ONLY. THIS SPECIFIC PURPOSE SURVEY WAS PREPARED FOR THE EXCLUSIVE USE OF TILLMAN INFRASTRUCTURE, LLC AND EXCLUSIVELY FOR THE TRANSFERRAL OF THE LEASED PREMISES AND THE RIGHTS OF EASEMENT SHOWN HEREON AND SHALL NOT BE USED AS AN EXHIBIT OR EVIDENCE IN THE FEE SIMPLE TRANSFERRAL OF THE PARENT PARCEL NOR ANY PORTION OR PORTIONS THEREOF. BOUNDARY INFORMATION SHOWN HEREON HAS BEEN COMPILED FROM TAX MAPS AND DEED DESCRIPTIONS ONLY. NO BOUNDARY SURVEY OF THE PARENT PARCEL WAS PERFORMED.

THIS DRAWING DOES NOT REPRESENT A BOUNDARY SURVEY.

THE FIELD DATA UPON WHICH THIS SPECIFIC PURPOSE SURVEY IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 10,000+ FEET AND AN ANGULAR ERROR OF 5.0" PER ANGLE POINT AND WAS NOT ADJUSTED FOR CLOSURE.

EQUIPMENT USED FOR ANGULAR & LINEAR MEASUREMENTS: LEICA TPS 1200 ROBOTIC & GEOMAX ZENITH 35. (DATE OF LAST FIELD VISIT: 02/23/2021)

THE 2' CONTOURS AND SPOT ELEVATIONS SHOWN ON THIS SPECIFIC PURPOSE SURVEY ARE ADJUSTED TO NAVD 88 DATUM (COMPUTED USING GEOID18) AND HAVE A VERTICAL ACCURACY OF ± 1'. CONTOURS OUTSIDE THE IMMEDIATE SITE AREA ARE APPROXIMATE.

BEARINGS SHOWN ON THIS SPECIFIC PURPOSE SURVEY ARE BASED ON GRID NORTH (NAD 83) KENTUCKY SINGLE ZONE.

PER THE FEMA FLOODPLAIN MAPS, THE SITE IS LOCATED IN AN AREA DESIGNATED AS ZONE X (AREA OF MINIMAL FLOOD HAZARD). COMMUNITY PANEL NO. : 21085C0055C DATED: 09/19/2012

NO WETLAND AREAS HAVE BEEN INVESTIGATED BY THIS SPECIFIC PURPOSE SURVEY.

ALL ZONING INFORMATION SHOULD BE VERIFIED WITH THE PROPER ZONING OFFICIALS.

ANY UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM ABOVE GROUND FIELD SURVEY INFORMATION. THE SURVEYOR MAKES NO GUARANTEES THAT ANY UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN-SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT ANY UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED ANY UNDERGROUND UTILITIES.

**PARENT PARCEL**

OWNER: TERRY L. NEWTON AND KIMBERLY D. NEWTON  
 SITE ADDRESS: 2589 BLUE BIRD ROAD, FALLS OF ROUGH, KY 40119  
 PARCEL ID: 034-00-00-013  
 AREA: 22.555 ACRES (PER TAX ASSESSOR)  
 ALL ZONING INFORMATION SHOULD BE VERIFIED WITH THE PROPER ZONING OFFICIALS  
 REFERENCE: DEED BOOK 444 PAGE 461  
 PLAT CABINET 2 SLIDE 600

SURVEY NOT VALID WITHOUT SHEETS 2 & 3 OF 3



**Know what's below.  
 Call before you dig**

STATE of KENTUCKY  
 G. DARRELL  
 TAYLOR  
 4179  
 LICENSED  
 PROFESSIONAL  
 LAND SURVEYOR

NO.	DATE	REVISION
1	3/12/2021	REVISED ING-EGR - GJH
2	3/16/2021	TITLE REVIEW - DMM
3	8/17/2021	REVISED ZONING
4	8/2/2023	HOUSE DIMS

\* SPECIFIC PURPOSE SURVEY PREPARED BY:  
**POINT TO POINT  
 LAND SURVEYORS**  
 100 Governors Trace, Ste. 103  
 Peachtree City, GA 30269  
 (p) 678.565.4440 (f) 678.565.4497  
 (w) pointtopointsurvey.com



SPECIFIC PURPOSE SURVEY PREPARED FOR:

TILLMAN  
 INFRASTRUCTURE

TILLMAN INFRASTRUCTURE, LLC  
 152 W 57TH STREET, 27TH FLOOR  
 NEW YORK, NY 10019

**FALLING BRANCH**

**SITE NO.  
 TI-OPP-17878**  
 GRAYSON COUNTY,  
 KENTUCKY

DRAWN BY: GJH  
 CHECKED BY: JKL  
 APPROVED: D. MILLER  
 DATE: MARCH 8, 2021  
 P2P JOB #: 210175KY

SHEET:  
**1**  
 OF 3

E:\Dropbox (Point To Point)\P2P Current Jobs\2021\1210175KY\T-OPP-17878\8210175KY.dwg

**CURVE TABLE**

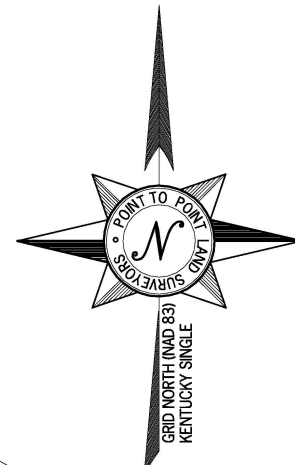
LINE	ARC	RADIUS	CHD. BRG.	CHD.
C1	245.50'	250.00'	N02°53'31"W	235.76'
C2	118.09'	142.72'	N15°01'44"W	114.75'
C3	250.85'	250.00'	N16°27'22"E	240.46'

**SITE INFORMATION**

LEASE AREA = 10,000 SQUARE FEET (0.2296 ACRES)  
 LATITUDE = 37° 35' 48.02" NAD 83 (37.596672°)  
 LONGITUDE = -86° 29' 24.53" NAD 83 (-86.490147°)  
 AT CENTER LEASE AREA  
 ELEVATION AT CENTER OF LEASE AREA = 639.9' A.M.S.L.

PARENT PARCEL  
 TERRY L. NEWTON &  
 KIMBERLY D. NEWTON  
 PARCEL # 034-00-00-013  
 DB 444 PG 461  
 PARCEL 5  
 CAB 2 SLIDE 600

N/F  
 MARTHA RAASCH COPPAGE  
 PARCEL # 034-00-00-013.0C  
 CAB 2 SLIDE 600  
 DB 443 PG 459



STATE of KENTUCKY  
 G. DARRELL TAYLOR  
 4179  
 LICENSED PROFESSIONAL LAND SURVEYOR

NO.	DATE	REVISION
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SPECIFIC PURPOSE SURVEY PREPARED FOR:

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TILLMAN INFRASTRUCTURE, LLC  
 152 W 57TH STREET, 27TH FLOOR  
 NEW YORK, NY 10019

**FALLING BRANCH**

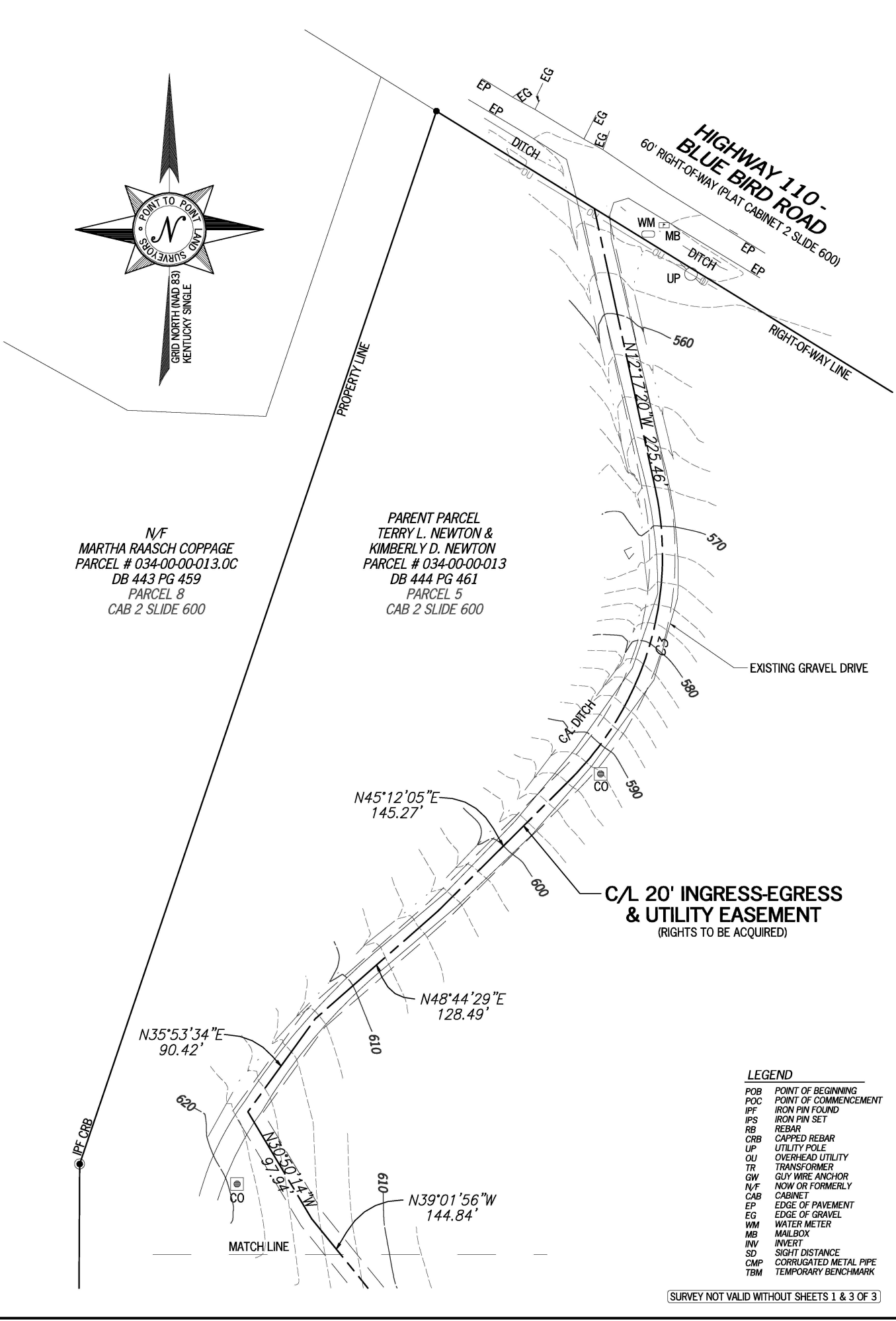
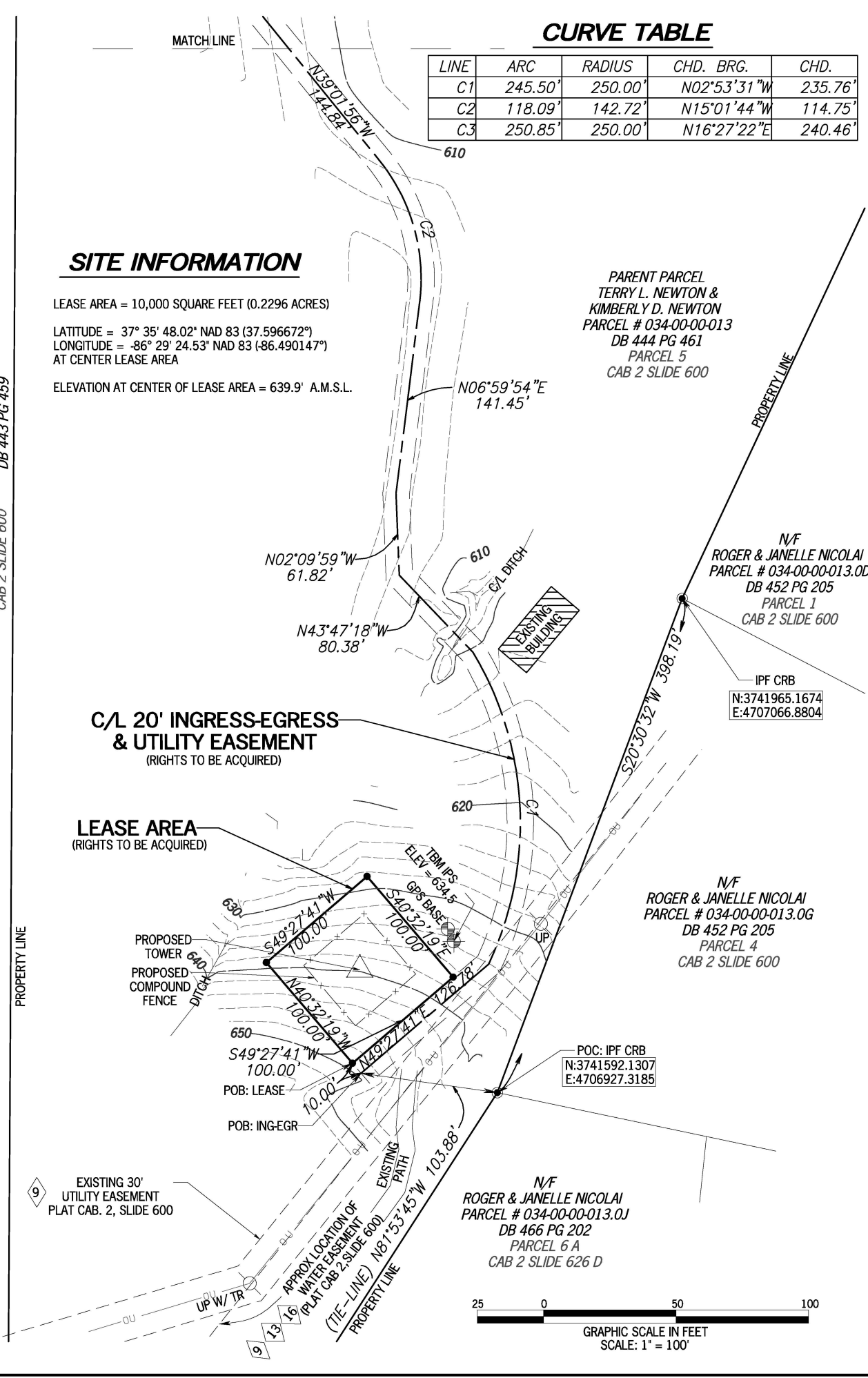
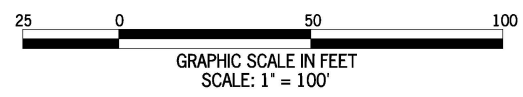
**SITE NO. TI-OPP-17878**  
 GRAYSON COUNTY, KENTUCKY

DRAWN BY: GJH  
 CHECKED BY: JKL  
 APPROVED: D. MILLER  
 DATE: MARCH 8, 2021  
 P2P JOB #: 210175KY

SHEET:  
**2**  
 OF 3

- LEGEND**
- POB POINT OF BEGINNING
  - POC POINT OF COMMENCEMENT
  - IPF IRON PIN FOUND
  - IPS IRON PIN SET
  - RB REBAR
  - CRB CAPPED REBAR
  - UP UTILITY POLE
  - OU OVERHEAD UTILITY
  - TR TRANSFORMER
  - GW GLY WIRE ANCHOR
  - N/F NOW OR FORMERLY
  - CAB CABINET
  - EP EDGE OF PAVEMENT
  - EG EDGE OF GRAVEL
  - WM WATER METER
  - MB MALBOX
  - INV INVERT
  - SD SIGHT DISTANCE
  - CMP CORRUGATED METAL PIPE
  - TBM TEMPORARY BENCHMARK

SURVEY NOT VALID WITHOUT SHEETS 1 & 3 OF 3



E:\Dropbox\Point to Point\2021\10175KY\10175KY-OPP-17878-10175KY.dwg

# LEGAL DESCRIPTION SHEET

## PARENT PARCEL

(PER COMMITMENT NO.: TKY778193)

CERTAIN TRACT OR PARCEL OF LAND LYING ON OR BEING NEAR THE WATERS OF ROUGH CREEK, IN GRAYSON COUNTY, KENTUCKY. AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

BEING PARCEL NUMBER 5 (22.555 ACRES) OF THE KENNETH AND MYRNA FENTRESS FARM DIVISION, AS SHOWN BY PLAT COMPLETED SEPTEMBER 28, 2015, APPEARING OF RECORD IN PLAT CABINET 2, SLIDE 600, RECORDS OF THE GRAYSON COUNTY CLERK'S OFFICE.

BEING SUBJECT TO AN EASEMENT GRANTED TO THE OWNERS OF PARCELS # 1, #2 AND #6 FOR THE USE WATER FROM THE SPRING LOCATED SUBJECT PROPERTY TOGETHER WITH THE 30' UTILITY EASEMENT DESIGNATED ON PLAT APPEARING IN PLAT CABINET 2, SLIDE 600. AS "WATER LINE EASEMENT LEADING FROM SPRING TO HOUSE AND BARN".

BEING A NEW SURVEY DESCRIPTION OF A PORTION OF THAT PROPERTY CONVEYED TO FRANCES EDWARDS AND BEVERLY RAZOR BY DEED FROM MYRNA FRANCES FENTRESS, A WIDOW AND SINGLE PERSON, DATED APRIL 29, 2008, APPEARING IN DEED BOOK 382, PAGE 440, RECORDS OF THE GRAYSON COUNTY CLERK.

BEING THE SAME PROPERTY CONVEYED TO TERRY L. NEWTON AND KIMBERLY D. NEWTON, HIS WIFE FROM FRANCES EDWARDS AND JOSEPH EUGENE EDWARDS, HER HUSBAND BY DEED DATED DECEMBER 11, 2015 AND RECORDED ON DECEMBER 23, 2015, IN DEED BOOK 444, PAGE 461.

## 20' INGRESS-EGRESS & UTILITY EASEMENT

TOGETHER WITH A 20-FOOT WIDE INGRESS-EGRESS AND UTILITY EASEMENT (LYING 10 FEET EACH SIDE OF CENTERLINE), LYING AND BEING IN GRAYSON COUNTY, KENTUCKY, AND BEING PARCEL 5 OF THE KENNETH AND MYRNA FENTRESS FARM DIVISION AS RECORDED IN PLAT CABINET 2, SLIDE 600, GRAYSON COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED BY THE FOLLOWING CENTERLINE DATA:

TO FIND THE POINT OF BEGINNING, COMMENCE, AT A CAPPED REBAR FOUND AT THE SOUTHWEST CORNER OF PARCEL 4 OF SAID FENTRESS FARM DIVISION, SAID REBAR HAVING A KENTUCKY GRID NORTH, NAD83, SINGLE ZONE VALUE OF N:3741592.1307 E:4706927.3185, AND FOUND BEARING SOUTH 20°30'32" WEST, 398.19' FEET FROM A CAPPED REBAR, SAID REBAR HAVING A KENTUCKY GRID NORTH, NAD83, SINGLE ZONE VALUE OF N:3741965.1674 E:4707066.8804; THENCE RUNNING ALONG A TIE-LINE, NORTH 81°53'45" WEST, 103.88 FEET TO A POINT, AND THE TRUE POINT OF BEGINNING; THENCE RUNNING, NORTH 49°27'41" EAST, 126.78 FEET TO A POINT; THENCE, 245.50 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 250.00 FEET AND BEING SCRIBED BY A CHORD BEARING, NORTH 02°09'59" WEST, 61.82 FEET TO A POINT; THENCE, NORTH 06°59'54" EAST, 141.45 FEET TO A POINT; THENCE, 118.09 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 142.72 FEET AND BEING SCRIBED BY A CHORD BEARING, NORTH 15°01'44" WEST, 114.75 FEET TO A POINT; THENCE, NORTH 39°01'56" WEST, 144.84 FEET TO A POINT; THENCE, NORTH 30°50'14" WEST, 97.94 FEET TO A POINT ON AN EXISTING GRAVEL DRIVE; THENCE RUNNING ALONG THE CENTERLINE OF SAID GRAVEL DRIVE, NORTH 35°53'34" EAST, 90.42 FEET TO A POINT; THENCE, NORTH 48°44'29" EAST, 128.49 FEET TO A POINT; THENCE, NORTH 45°12'05" EAST, 145.27 FEET TO A POINT; THENCE, 250.85 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 250.00 FEET AND BEING SCRIBED BY A CHORD BEARING, NORTH 16°27'22" EAST, 240.46 FEET TO A POINT; THENCE, NORTH 12°17'20" WEST, 225.46 FEET TO THE ENDING AT A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF HIGHWAY 110/ BLUE BIRD ROAD (HAVING A 60-FOOT RIGHT-OF-WAY).

BEARINGS BASED ON KENTUCKY GRID NORTH, NAD 83, SINGLE ZONE.

## LEASE AREA

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN GRAYSON COUNTY, KENTUCKY, AND BEING PARCEL 5 OF THE KENNETH AND MYRNA FENTRESS FARM DIVISION AS RECORDED IN PLAT CABINET 2, SLIDE 600, GRAYSON COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE POINT OF BEGINNING, COMMENCE, AT A CAPPED REBAR FOUND AT THE SOUTHWEST CORNER OF PARCEL 4 OF SAID FENTRESS FARM DIVISION, SAID REBAR HAVING A KENTUCKY GRID NORTH, NAD83, SINGLE ZONE VALUE OF N:3741592.1307 E:4706927.3185, AND FOUND BEARING SOUTH 20°30'32" WEST, 398.19' FEET FROM A CAPPED REBAR, SAID REBAR HAVING A KENTUCKY GRID NORTH, NAD83, SINGLE ZONE VALUE OF N:3741965.1674 E:4707066.8804; THENCE RUNNING ALONG A TIE-LINE, NORTH 81°53'45" WEST, 103.88 FEET TO A POINT; THENCE ALONG A TIE-LINE, NORTH 40 32'19" WEST, 10.00 FEET TO A POINT, AND THE TRUE POINT OF BEGINNING; THENCE RUNNING, NORTH 40°32'19" WEST, 100.00 FEET TO A POINT; THENCE, NORTH 49°27'41" EAST, 100.00 FEET TO A POINT; THENCE, SOUTH 40°32'19" EAST, 100.00 FEET TO A POINT; THENCE, SOUTH 49°27'41" WEST, 100.00 FEET TO A POINT AND THE POINT OF BEGINNING.

BEARINGS BASED ON KENTUCKY GRID NORTH, NAD 83, SINGLE ZONE.

SAID TRACT CONTAINS 0.2296 ACRES (10,000 SQUARE FEET), MORE OR LESS.

## TITLE EXCEPTIONS

THIS SURVEY WAS COMPLETED WITH THE AID OF TITLE WORK PREPARED BY FIRST AMERICAN TITLE INSURANCE COMPANY, COMMITMENT DATE OF JANUARY 15, 2021 8:00 AM, BEING COMMITMENT NO. TKY778193, FOR THE PARENT PARCEL, TO DETERMINE THE IMPACTS OF EXISTING TITLE EXCEPTIONS.

9. ALL MATTERS DESCRIBED ON A PLAT RECORDED IN PLAT CABINET 2, SLIDE 600-600D.

[THIS ITEM IS APPLICABLE TO THE PARENT PARCEL, LEASE AREA AND INGRESS-EGRESS AND UTILITY EASEMENT, AND IS PLOTTED HEREON.]

10. EASEMENT AGREEMENT GRANTED TO BIG RIVERS ELECTRIC CORPORATION DATED SEPTEMBER 12, 2008 AND RECORDED ON SEPTEMBER 19, 2008 IN BOOK 386, PAGE 310.

[THIS ITEM MAY BE APPLICABLE TO THE PARENT PARCEL BUT THE DESCRIPTION IS VAGUE AND THEREFORE WE CANNOT ASCERTAIN THE LOCATION THEREOF.]

11. SPECIAL POWER OF ATTORNEY DATED NOVEMBER 5, 2015 AND RECORDED ON NOVEMBER 10, 2015 IN BOOK 173, PAGE 161; GENERAL DURABLE POWER OF ATTORNEY DATED MARCH 2, 2007 AND RECORDED ON MARCH 2, 2007 IN BOOK 120, PAGE 497.

[THIS ITEM IS NOT A SURVEY RELATED MATTER.]

12. EASEMENT/RESTRICTIONS RECORDS SET FORTH IN DEED MADE BY AND BETWEEN FRANCES EDWARDS AND JOSEPH EUGENE EDWARDS, HER HUSBAND AND BEVERLY RAZOR AND RICKY RAZOR, HER HUSBAND AND MARTHA RAASCH COPPAGE, SINGLE (GRANTOR) RYAN HIGH COPPAGE, NATHAN ION COPPAGE, EVAN DEREK COPPAGE AND JORDAN ADRIAN COPPAGE (GRANTEE), DATED NOVEMBER 13, 2015 AND RECORDED NOVEMBER 13, 2015 IN BOOK 443, PAGE 459.

[THIS ITEM IS NOT APPLICABLE TO THE PARENT PARCEL.]

13. EASEMENT/RESTRICTIONS RECORDS SET FORTH IN DEED MADE BY AND BETWEEN FRANCES EDWARDS AND JOSEPH EUGENE EDWARDS, HER HUSBAND AND BEVERLY RAZOR AND RICKY RAZOR, HER HUSBAND (GRANTOR) AND HARVEL ESCUE AND WILDA ESCUE, HIS WIFE (GRANTEE), DATED NOVEMBER 13, 2015 AND RECORDED NOVEMBER 13, 2015 IN BOOK 443, PAGE 477.

[THIS ITEM IS APPLICABLE TO THE PARENT PARCEL. APPROXIMATE LOCATION OF SPRING AND WATERLINE ARE SHOWN HEREON.]

14. EASEMENT/RESTRICTIONS RECORDS SET FORTH IN DEED MADE BY AND BETWEEN FRANCES EDWARDS AND JOSEPH EUGENE EDWARDS, HER HUSBAND AND BEVERLY RAZOR AND RICKY RAZOR, HER HUSBAND (GRANTOR) AND SHEILA MEREDITH AND DAVID MEREDITH, HER HUSBAND (GRANTEE), DATED NOVEMBER 13, 2015 AND RECORDED NOVEMBER 13, 2015 IN BOOK 443, PAGE 454.

[THIS ITEM IS NOT APPLICABLE TO THE PARENT PARCEL.]

15. EASEMENT/RESTRICTIONS RECORDS SET FORTH IN DEED MADE BY AND BETWEEN FRANCES EDWARDS AND JOSEPH EUGENE EDWARDS, HER HUSBAND AND BEVERLY RAZOR AND RICKY RAZOR, HER HUSBAND (GRANTOR) AND CHRISTOPHER DEAN SHERRAD AND AMANDA LEE SHERRAD AND BILLY HAFFNER (GRANTEE), DATED NOVEMBER 13, 2015 AND RECORDED NOVEMBER 16, 2015 IN BOOK 443, PAGE 492.

[THIS ITEM IS NOT APPLICABLE TO THE PARENT PARCEL.]

16. EASEMENT/RESTRICTIONS RECORDS SET FORTH IN DEED MADE BY AND BETWEEN FRANCES EDWARDS AND JOSEPH EUGENE EDWARDS, HER HUSBAND AND BEVERLY RAZOR AND RICKY RAZOR, HER HUSBAND (GRANTOR) AND JOHN A. ARMES (GRANTEE), DATED DECEMBER 2, 2015 AND RECORDED DECEMBER 2, 2015 IN BOOK 444, PAGE 62.

[THIS ITEM IS APPLICABLE TO THE PARENT PARCEL. APPROXIMATE LOCATION OF SPRING AND WATERLINE ARE SHOWN HEREON.]

17. EASEMENT/RESTRICTIONS RECORDS SET FORTH IN TIMBER SALE CONTRACT MADE BY AND BETWEEN KENNETH M. FENTRESS AND MYRNA FRANCES FENTRESS, HIS WIFE (GRANTOR) AND THE FISCHER CHAIR COMPANY (GRANTEE), DATED APRIL 28, 1948 IN BOOK 40, PAGE 279.

[THIS ITEM CANNOT BE LOCATED BECAUSE THE DESCRIPTION IS VAGUE AND THEREFORE WE CANNOT ASCERTAIN THE LOCATION THEREOF.]

18. EASEMENT/RESTRICTIONS RECORDS SET FORTH IN DEED OF CONVEYANCE MADE BY AND BETWEEN KENNETH FENTRESS & WIFE MYRNA FENTRESS (GRANTOR) AND W. O. BEAUCHAMP (GRANTEE), DATED APRIL 13, 1948 IN BOOK 52, PAGE 39.

[THIS ITEM CANNOT BE LOCATED BECAUSE THE DESCRIPTION IS VAGUE AND THEREFORE WE CANNOT ASCERTAIN THE LOCATION THEREOF.]

19. EASEMENT/RESTRICTIONS RECORDS SET FORTH IN DEED OF CONVEYANCE MADE BY AND BETWEEN KENNETH M. FENTRESS AND MYRNA FRANCES FENTRESS, HIS WIFE (GRANTOR) AND B. RITTER WHIPPLE AND LOUIS BRAMMER AND LILLY MAE BRAMMER, HIS WIFE (GRANTEE), DATED DECEMBER 6, 1958 IN BOOK 56, PAGE 489.

[THIS ITEM IS NOT APPLICABLE TO THE PARENT PARCEL.]

20. EASEMENT/RESTRICTIONS RECORDS SET FORTH IN DEED MADE BY AND BETWEEN KENNETH FENTRESS AND MYRNA FRANCES FENTRESS, HIS WIFE (GRANTOR) AND J.V. TUBB, JR., GEORGE FENTRESS, JR. AND WALTER MAHURIN (GRANTEE), DATED AUGUST 14, 1964 IN BOOK 84, PAGE 365.

[THIS ITEM CANNOT BE LOCATED BECAUSE THE DESCRIPTION IS VAGUE AND THEREFORE WE CANNOT ASCERTAIN THE LOCATION THEREOF.]

21. EASEMENT/RESTRICTIONS RECORDS SET FORTH IN DEED MADE BY AND BETWEEN KENNETH FENTRESS AND MYRNA FENTRESS, HIS WIFE (GRANTOR) AND OTHMARE J. HELLMANN AND ELNORA E. HELLMANN, HUSBAND AND WIFE, JOINTLY FOR LIFE WITH REMAINDER TO THE SURVIVOR OF EITHER OF THEM (GRANTEE), DATED JULY 11, 1966 IN BOOK 92, PAGE 421.

[THIS ITEM IS NOT APPLICABLE TO THE PARENT PARCEL.]

22. EASEMENT/RESTRICTIONS RECORDS SET FORTH IN DEED MADE BY AND BETWEEN KENNETH FENTRESS AND MYRNA FENTRESS, HIS WIFE (GRANTOR) AND CARL L. SARVER AND GEORGE FENTRESS, JR. (GRANTEE), DATED JUNE 25, 1968 IN BOOK 97, PAGE 444.

[THIS ITEM IS NOT APPLICABLE TO THE PARENT PARCEL.]

23. EASEMENT/RESTRICTIONS RECORDS SET FORTH IN DEED MADE BY AND BETWEEN KENNETH M. FENTRESS AND MYRNA FRANCES FENTRESS, HIS WIFE (GRANTOR) AND GEORGE FENTRESS, JR. (GRANTEE), DATED OCTOBER 18, 1968 IN BOOK 99, PAGE 225.

[THIS ITEM CANNOT BE LOCATED BECAUSE THE DESCRIPTION IS VAGUE AND THEREFORE WE CANNOT ASCERTAIN THE LOCATION THEREOF.]

24. EASEMENT/RESTRICTIONS RECORDS SET FORTH IN DEED MADE BY AND BETWEEN KENNETH M. FENTRESS AND MYRNA FRANCES FENTRESS, HIS WIFE (GRANTOR) AND DAVID MURL FENTRESS AND ALICE FENTRESS, HIS WIFE (GRANTEE), DATED MARCH 26, 1976 IN BOOK 146, PAGE 124.

[THIS ITEM CANNOT BE LOCATED BECAUSE THE DESCRIPTION IS VAGUE AND THEREFORE WE CANNOT ASCERTAIN THE LOCATION THEREOF.]

25. EASEMENT/RESTRICTIONS RECORDS SET FORTH IN DEED MADE BY AND BETWEEN MYRNA FRANCES FENTRESS, WIDOWED AND SINGLE, BY AND THROUGH HER ATTORNEY-IN-FACT, FRANCES (KITTY) EDWARDS (GRANTOR) AND DAVID MURL FENTRESS. (GRANTEE), DATED MAY 7, 2007 AND RECORDED ON MAY 8, 2007 IN BOOK 374, PAGE 38.

[THIS ITEM CANNOT BE LOCATED BECAUSE THE DESCRIPTION IS VAGUE AND THEREFORE WE CANNOT ASCERTAIN THE LOCATION THEREOF.]

26. OIL AND GAS LEASE MADE BY AND BETWEEN KENNETH M. FENTRESS AND MYRNA FRANCES FENTRESS, HUSBAND AND WIFE (GRANTOR) AND JIMMY CARPENTER (GRANTEE), DATED JULY 22, 1991 AND RECORDED ON SEPTEMBER 20, 1991 IN BOOK 38, PAGE 607; AS ASSIGNED TO KENTUCKY RESOURCES DEVELOPMENT, CORP. BY ASSIGNMENT DATED OCTOBER 16, 1996 AND RECORDED ON OCTOBER 25, 1996 IN BOOK 43, PAGE 394; AS ASSIGNED TO CONOCO INC., A DELAWARE CORPORATION BY ASSIGNMENT OF OIL AND GAS LEASE DATED AUGUST 14, 2001 AND RECORDED ON JUNE 8, 1992 IN BOOK 48, PAGE 246.

[THIS ITEM IS MAY NOT BE APPLICABLE TO THE PARENT PARCEL AND IS BLANKET IN NATURE.]

SURVEY NOT VALID WITHOUT SHEETS 1 & 2 OF 3



NO.	DATE	REVISION
1	3/12/2021	REVISED ING-EGR - GJH
2	3/16/2021	TITLE REVIEW - DMM
3	8/17/2021	REVISED ZONING
4	8/2/2023	HOUSE DIMS

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SPECIFIC PURPOSE SURVEY PREPARED FOR:



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152 W 57TH STREET, 27TH FLOOR  
NEW YORK, NY 10019

## FALLING BRANCH

**SITE NO.**  
**TI-OPP-17878**  
GRAYSON COUNTY,  
KENTUCKY

DRAWN BY: GJH	SHEET:
CHECKED BY: JKL	3
APPROVED: D. MILLER	
DATE: MARCH 8, 2021	
P2P JOB #: 210175KY	OF 3

E:\Dropbox (Point To Point)\P2P Current Jobs\2021\210175KY\TI-OPP-17878\210175KY.dwg