

CONTRACTUAL AGREEMENT REGARDING
TRANSFER OF DEVELOPER'S (I.E. THE AUGUSTA BROOKSVILLE BRACKEN
COUNTY INDUSTRIAL AUTHORITY)
WATER LINE INFRASTRUCTURE
TO THE
BRACKEN COUNTY WATER DISTRICT ("BCWD")
SUBJECT TO KY PSC APPROVAL

Whereas, the Augusta Brooksville Bracken County Industrial Authority ("ABBIA"), is the owner and developer of an industrial park, located in Bracken County, Kentucky, located off of KY 9 (a/k/a AA Highway).

Whereas, ABBIA in development of utilities for the industrial park, has applied for and received a grant to construct a palatable water line throughout the Industrial Authority Development. The financing for the project is through a Kentucky Product Development Initiative, ("KPDI").

Whereas, ABBIA having paid all of the costs of construction, being \$269,207.22 for construction by G & W Construction, Co., Inc., and \$64,200.00 for engineering fees to Bluegrass Engineering, PLLC, paid for by funds by KPDI and other funds of ABBIA, and ABBIA, not being in the business of providing water and/or water service desires to transfer ownership of its water distribution assets to a utility that does provide palatable water in the area, i.e. BCWD, and all parties understanding this, desire to memorialize this agreement subject to Kentucky Public Service Commission approval.

The area of development in question has been platted out of record, which can be found of record in Plat Cabinet 1 Slide 151 of the Bracken County Clerk's Office, which a copy is attached hereto and fully incorporated herein.

We, BCWD, by and through board of commissioner's chairman, Philip Crawford, and Augusta Brooksville Bracken County Industrial Authority ("ABBIA"), by and

through chairman, Earl Bush, pursuant to motion of the board of ABBIA, on July 3, 2024, hereby acknowledge that we are this day entering into a contractual agreement regarding transfer of water distribution system assets from ABBIA to the Bracken County Water District ("BCWD"), according to the following agreed conditions and terms of contract:

- A) ABBIA agrees, upon KY Public Service Commission approval of this contract, to transfer all assets of its completed water distribution system constructed from the KY 9 Highway (a/k/a AA Highway) to the Bracken County Water District ("BCWD"), which consists of the following water main distribution system components:
- i) 5400 feet of 8" PVC Water Main, SDR 17 Class 250;
 - ii) Tapping Sleeve and Valve;
 - iii) Leak Detection Meter;
 - iv) 4" Gate Valve & Box x 3;
 - v) 8" Gate Valve & Box x 2;
 - vi) 40 feet of Steel Casing, Bore and Jack;
 - vii) 60 feet of PVC Casing, Open Cut;
 - viii) Flush Hydrant Assembly;
 - ix) Temporary Blow Off Assembly;
 - x) New Customer Meter Set.
- B) This water distribution system extends from KY 9 (a/k/a AA Highway), along the existing main of BCWD, which it parallels

and proceed parallel, along the Augusta Brooksville Bracken County Industrial Authority public access road, for approximately 5,400 feet to the end of the development lots of the Brooksville Bracken County Industrial Authority.


- C) The construction project costs including all materials and labor was by G & W Construction, in the total amount of \$269,207.22.
- D) The construction engineering costs by Bluegrass Engineering, PLLC, in the total amount of \$64,200.00.
- E) Augusta Brooksville Bracken County Industrial Authority, "ABBIA", by and through chairman, Earl Bush, hereby acknowledge and agree to pay the full costs associated with construction, i.e. \$269,207.22, and the engineering approval and review of the water line extension costs of \$64,200.00, as stated above, and pay those costs in full.
- F) The Augusta Brooksville Bracken County Industrial Authority, ABBIA, agree transfer and to donate the water utility distribution assets, specifically itemized in alphabetical paragraph "A", above, to the Bracken County Water District, BCWD, as part of its water distribution system, for future perpetual use, maintenance and care, subject to approval of KY PSC. ABBIA agrees that this transfer if approved, would include all legal and equitable ownership of said water distribution system components to BCWD as their sole and legal property.

- G) Therefore, Augusta Brooksville Bracken County Industrial Authority, ABBIA, is donating the water distribution assets to BCWD, if approved by KY PSC.
- H) The intent of the parties is to transfer water distribution assets of a developer to a utility for the utilities future use, in accordance with Kentucky Case Law and KY PSC case orders, pursuant to the following: a) Electronic Application of Cumberland Falls Highway District for a Deviation, Case No. 2022-00365; *Kreamer v. Harmon*, 336 S.W. 2d 561 (Ky. 1960).
- I) ABBIA and BCWD acknowledge that previous water easements have been granted, but upon approval of this contract by KY PSC, new updated water easements will be executed and recorded of record to accurately reflect the location of the water distribution system.
- J) This agreement shall survive the execution of this agreement until the agreement is completely satisfied, and/or amended by written agreement.

- K) All parties acknowledge that this agreement is subject to KY PSC approval, and that the parties have made this agreement and taken action in detrimental reliance upon prior KY PSC rulings and applicable law allowing a utility to acquire a developer's water utility distribution assets. All parties agree to make all necessary amendments to this contract that are not in contradiction to the intent of the contract of transfer of the water line distribution assets of ABBIA to BCWD, if KY PSC mandates as part of its approval conditions of this contract.
- L) Time is of the essence in this agreement.
- M) This agreement can not be assigned, assumed and/or transferred without the written consent of all parties to this contract.
- N) The written agreement contains all of the provisions of the agreement.

WITNESS OUR HANDS, THIS THE 3 DAY OF July,

2024.



 BRACKEN COUNTY WATER DISTRICT
 ("BCWD"), BY AND THROUGH PHILIP
 CRAWFORD, CHAIRMAN OF THE BOARD OF
 COMMISSIONERS

Earl Bush

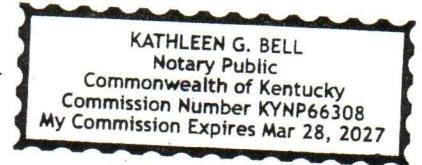
AUGUSTA BROOKSVILLE BRACKEN
COUNTY INDUSTRIAL AUTHORITY, by and
through
Earl Bush, Chairman of the Board,
(owner/developer name)

COMMONWEALTH OF KENTUCKY
COUNTY OF Bracken

The foregoing Contractual agreement concerning a line extension and costs associated therewith, was signed, sworn, and acknowledged before me by Earl Bush, in his capacity as chairman of the board of commissioners of the Augusta Brooksville Bracken County Industrial Authority, and by motion and resolution of the Board on July 3, 2024, on this the 3rd day of July, 2024.

Kathleen R Bell

NOTARY PUBLIC, STATE AT LARGE



My Commission Expires: 3-28-27
Notary ID: KYNP66308

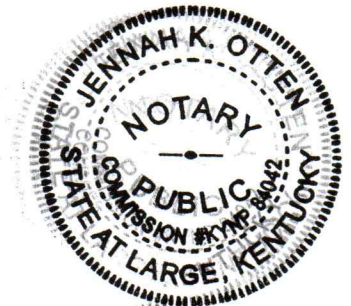
COMMONWEALTH OF KENTUCKY
COUNTY OF Bracken

The foregoing Contractual agreement concerning a line extension and costs associated therewith, was signed, sworn, and acknowledged before me by Philip Crawford, in his capacity as chairman of the board of commissioners of the Bracken County Water District this the 3rd day of July, 2024.

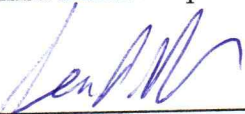
Jennah Otten

NOTARY PUBLIC, STATE AT LARGE

My Commission Expires: 12/28/27
Notary ID: KYNP84042

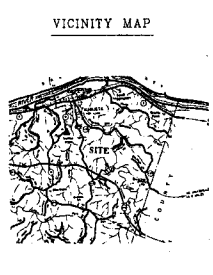
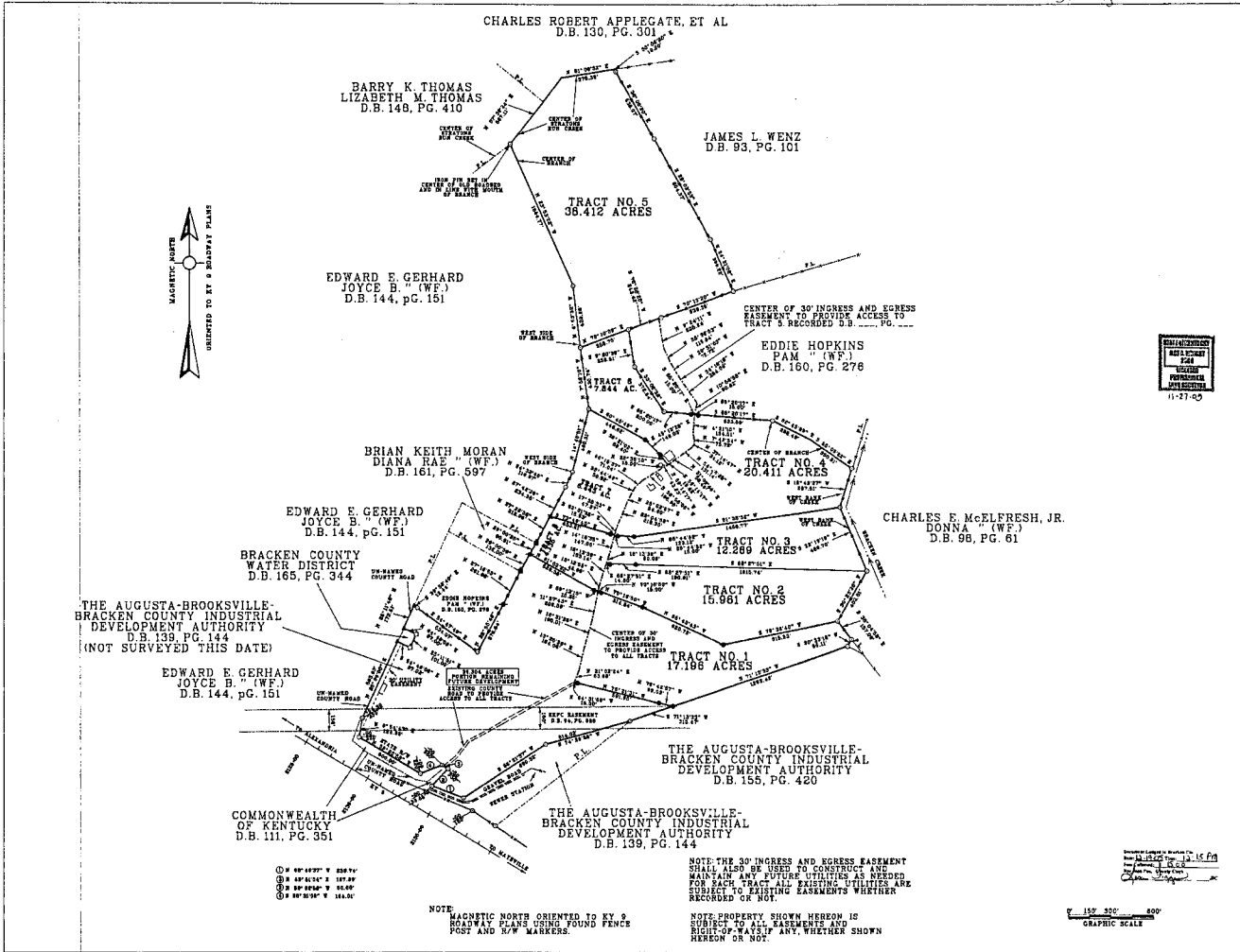


This Instrument Prepared By:



JESSE P. MELCHER
JESSE MELCHER LAW OFFICE, PLLC
BRACKEN COUNTY WATER DISTRICT ATTORNEY
P.O. BOX 345
MT. OLIVET, KY 41064
606-724-5322
jpmelcher@yahoo.com

CAB 1 11/51



SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT DEPICTS A SURVEY MADE BY ME OR UNDER MY DIRECTION BY THE METHOD OF RANDOM TRAVERSES. THE BEARINGS AND DISTANCES SHOWN HEREON HAVE NOT BEEN ADJUSTED FOR CURVATURE OF THE EARTH AND PLAT, WEST OR EXCEEDS THE MINIMUM STANDARDS OF GOVERNING AUTHORITIES FOR A CLASS "A" SURVEY. CLOSURE: 1-34.31"

Roy A. Wright 11-28-05
ROY A. WRIGHT L.S. 2806 DATE

- LEGEND**
- X — EXISTING FENCE
 - 1/4" RE-BAR SET 7-15-04 SURVEY WITH ORANGE PLASTIC CAP STAMPED "PROPERTY CORNER ROY A. WRIGHT, L.S. 2806"
 - 3/8" RE-BAR WITH YELLOW PLASTIC CAP STAMPED "155 1604" (FOUND THIS SURVEY)
 - ▲ P.K. NAIL SET BY WALTER S. BOYMAN P.L.S. 1804, (FOUND THIS SURVEY)
 - ▲ P.K. NAIL SET 7-15-04 SURVEY
 - 1/2" RE-BAR WITH PLASTIC CAP STAMPED "RDW 3284" (FOUND THIS SURVEY)
 - ◆ 1/4" RE-BAR SET 11-21-05 SURVEY WITH ORANGE PLASTIC CAP STAMPED "PROPERTY CORNER ROY A. WRIGHT, L.S. 2806"
 - 1/4" RE-BAR SET 11-21-05 SURVEY WITH YELLOW PLASTIC CAP STAMPED "PROPERTY CORNER ROY A. WRIGHT, L.S. 2806"
 - CENTER OF 30' INGRESS AND EGRESS EASEMENT TO PROVIDE ACCESS TO ALL TRACTS

SURVEY PERFORMED FOR
THE AUGUSTA-BROOKSVILLE-BRACKEN COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY
BROOKSVILLE, KENTUCKY 4101

A PORTION OF
THE AUGUSTA-BROOKSVILLE-BRACKEN COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY
PROPERTY
BRACKEN COUNTY KENTUCKY
ALEXANDRIA-MAYSVILLE ROAD
DEED BOOK 139, PAGE 144

SURVEYED BY
ROY A. WRIGHT
P.O. BOX 49
FARMERS, KY.

SCALE: 1"=300' SURVEY DAT 11-21-05