

DEED OF EASEMENT

THIS DEED OF EASEMENT made and entered into this 29th day of September, 2007, by and between Charles R. Hardin,
of 23355 L + N Turnpike
West Point, Kentucky, GRANTOR and the CITY OF WEST POINT, KENTUCKY,
GRANTEE, 40177

WITNESSETH: That for and in consideration of the benefits to be derived from the laying of a utility line(s) across the property of Grantor and other good and valuable considerations, the receipt of all of which is hereby acknowledged, GRANTOR hereby gives, grants and conveys unto GRANTEE, CITY OF WEST POINT, KENTUCKY its successors and assigns, the right to lay, construct, operate, inspect, maintain, repair, reconstruct and remove utility lines, access roads/driveways, and appurtenances to be a part of the utility system of the CITY OF WEST POINT, KENTUCKY, which utility lines shall be of such dimension, character and construction and to be used in such a manner as the Grantee may determine, along, through, under, across and upon the following described property, to-wit:

See Attachment No. 1 & Exhibit 'A'

Together with the right to use such additional land on either side of the above described strip of land during the time the utility line is being constructed, repaired, or reconstructed and the right of ingress and egress to and upon and along said tract of land at such times and at such points as may reasonably necessary for the construction, maintenance and reconstruction of said line or lines and appurtenances.

TO HAVE AND TO HOLD the said Easement herein granted unto the GRANTEE, CITY OF WEST POINT, KENTUCKY, its successors and assigns, forever, with General Warranty of Title.

City of West Point
509 Elm Street
West Point, KY 40177

RETURN TO:


GRANTOR shall have the right to use the surface of the land lying over said easement for any purposes it desires, provided same does not in any way interfere with GRANTEE'S full, free use of the easement herein granted and provided further that no fill, no building or other structure shall be erected upon, across, over or through said strip of land without the written consent of GRANTEE.

GRANTEE agrees to replace said property in as good condition as it was when GRANTEE began construction of the utility improvements.

ALSO, a temporary construction easement through, under, across and upon the property of the Grantor(s), herein termed the Parent Tract, granted for installation of each and every sewer line and associated improvements installed by the Grantee and commonly described as follows:

See Attachment No. 2

CONSIDERATION CERTIFICATE-The parties hereto state that the consideration reflected in this Easement is the true consideration for the use of the said property and further said property has a fair market value of \$ 1000.⁰⁰. GRANTEE joins this easement for the sole purpose of certifying the consideration pursuant to KRS Chapter 382.

IN TESTIMONY WHEREOF, witness the signatures of the GRANTOR and GRANTEE, this the day and date first above written.

GRANTOR:

Charles R. Hardin

Charles R. Hardin

ATTEST:

Jennifer L. Nevitt
JENNIFER NEVITT
CITY CLERK

GRANTEE:

CITY OF WEST POINT, KY

Bill Ash
BY: BILL ASH
MAYOR

STATE OF KENTUCKY
COUNTY OF HARDIN

The foregoing Deed of Conveyance and Consideration Certificate was signed, acknowledged and sworn to before me this the 29th day of August, 2007, by Charles R. Hardin, GRANTOR.

Melissa Williams
NOTARY PUBLIC
MY COMMISSION EXP: 2-11-09


STATE OF KENTUCKY
COUNTY OF HARDIN

The foregoing Deed of Conveyance and Consideration Certificate was signed, acknowledged and sworn to before me this the 29th day of August, 2007, by the CITY OF WEST POINT, KENTUCKY, GRANTEE by and through Bill Ash, Mayor, acting by and through West Point City Council and Attested by Jennifer Nevitt, City Clerk, to be its free act and deed, Grantee.

Melissa Williams
NOTARY PUBLIC
MY COMMISSION EXP: 2-11-09

The undersigned Attorney has Drafted this Instrument Only, and is not responsible for reporting this transaction to any taxing authority, nor is this Deed of Conveyance a guarantee of clear or marketable title.

THIS INSTRUMENT PREPARED BY:


Thomas E. Cooper, Attorney
215 North Mulberry Street
Elizabethtown, KY 42701-1473
(270) 769-1410

ATTACHMENT No. 1 : PERMANENT EASEMENT DESCRIPTION

Grantor : Charles R. Hardin

West Point, Kentucky

SOURCE

Parent Tract : A certain tract located in Hardin County, State of Kentucky, abutting the eastern right-of-way of the L&N Turnpike, approximately 300 feet south of the intersection of Dixie Highway and the L&N Turnpike. Revised Lots 11A and 11B of the South Jefferson Industrial Park, recorded in Deed Book 1087, Page 734, Hardin County Court Clerk's Office.

Grantee : City of West Point, Kentucky

Description :

A strip of land of twenty-seven (27) feet in perpendicular width, over, under, through and adjacent to the Parent Tract (Deed Book 1087, Page 734, Hardin County Court Clerk's Office), Hardin County, Kentucky, said strip of land being described as follows:

Beginning at a point located in the northeast corner of Revised Lot 11B of the Parent Tract and approximately offset 27 feet from the eastern boundary of Revised Lots 11A and 11B; thence southerly, along the eastern boundaries of Revised Lots 11A and 11B a distance of 205 feet, more or less, to a proposed roadway centerline adjacent to the L&N Turnpike, approximately parallel to the existing South Jefferson Boulevard centerline.

The permanent easement rights to extend along, through and across the Parent Tract in full, continuous as described.

Area of permanent easement rights shall include all, or any portion, of the above-described strip situated within the boundaries of Parent Tract, and any and all future additions thereto.

Disclaimer:

The above description is based upon record property dimensions and physical evidence of occupation only and is subject to modification as a result of surveys on the ground. The easement grant area is to be positioned and conveyed based upon the actual location of the access road/driveway as constructed, as shown and specified on Project Drawings dated July 2007, as approved and permitted by Kentucky Department for Environmental Protection, Division of Water, and approximately at the location described herein.

END ATTACHMENT No. 1

ATTACHMENT No. 1 – PAGE 2 OF 2

ATTACHMENT No. 2 : TEMPORARY CONSTRUCTION EASEMENT

SOURCE

Parent Tract : A certain tract located in Hardin County, State of Kentucky, abutting the eastern right-of-way of the L&N Turnpike as located approximately 300 feet south of the intersection of Dixie Highway and the L&N Turnpike. Revised Lots 11A and 11B of the South Jefferson Industrial Park, recorded in Deed Book 1087, Page 734, Hardin County Court Clerk's Office.

Easement Description :

A temporary construction easement of forty (40) feet in uniform, perpendicular width for the purpose of installing sanitary sewer improvements, access ways and appurtenances on the Parent Tract, as required to construct public sewer improvements.

The limits of the temporary construction easement shall extend to twenty (20) feet each side of the centerline of the proposed access way, and to fifteen (15) feet beyond the end of said access way, as constructed.

The location of the new access way to the proposed sewer lift station on the Parent Tract shall be along the most direct and efficient feasible route, as shown on Project Drawings, dated July 2007 and as approved and permitted by the Kentucky Department for Environmental Protection, Division of Water, subject to field revision due to unforeseen site conditions and also subject to approval by the Grantor(s).

This temporary construction easement shall remain in effect until the time of final acceptance of the completed sewer installation by the Grantee and by the receiving public sewer authority, after which time being extinguished without further action. Upon completion and acceptance of the sewer installation by the Grantee and by the public sewer authority, all sewer service pipe and appurtenances located on the Parent Tract, and outside of the limits of permanent utility easement herein above described and conveyed, shall become the property of the Grantor(s), including all rights, title, interests and responsibilities for lawful and proper operation and maintenance.

END ATTACHMENT No. 2

ATTACHMENT No. 2 – PAGE 1 OF 1

PRELIMINARY DESCRIPTION

Proposed Fee Simple Lift Station Parcel
City of West Point Industrial Park Sewer Extension – Lift Station
Property Owner: Charles R. Hardin
Revised Lot 11B – South Jefferson Industrial Park
Deed Book 1087, Page 734

Beginning from a point 1.5' west of the eastern boundary of Revised Lot 11B, and 3.0' south of the northern boundary of Revised Lot 11B, the parcel is 21 feet long parallel to the northern boundary (North 86 degrees, 06 minutes, 06 seconds East) of Revised Lot 11B, and 16 feet wide parallel to the eastern boundary (South 04 degrees, 06 minutes, 22 seconds East) of Revised Lot 11B. The parcel is contained within Revised Lot 11B in the northeast corner, and encompasses an area of 336 square feet (approximately .008 acres)

NOTE:

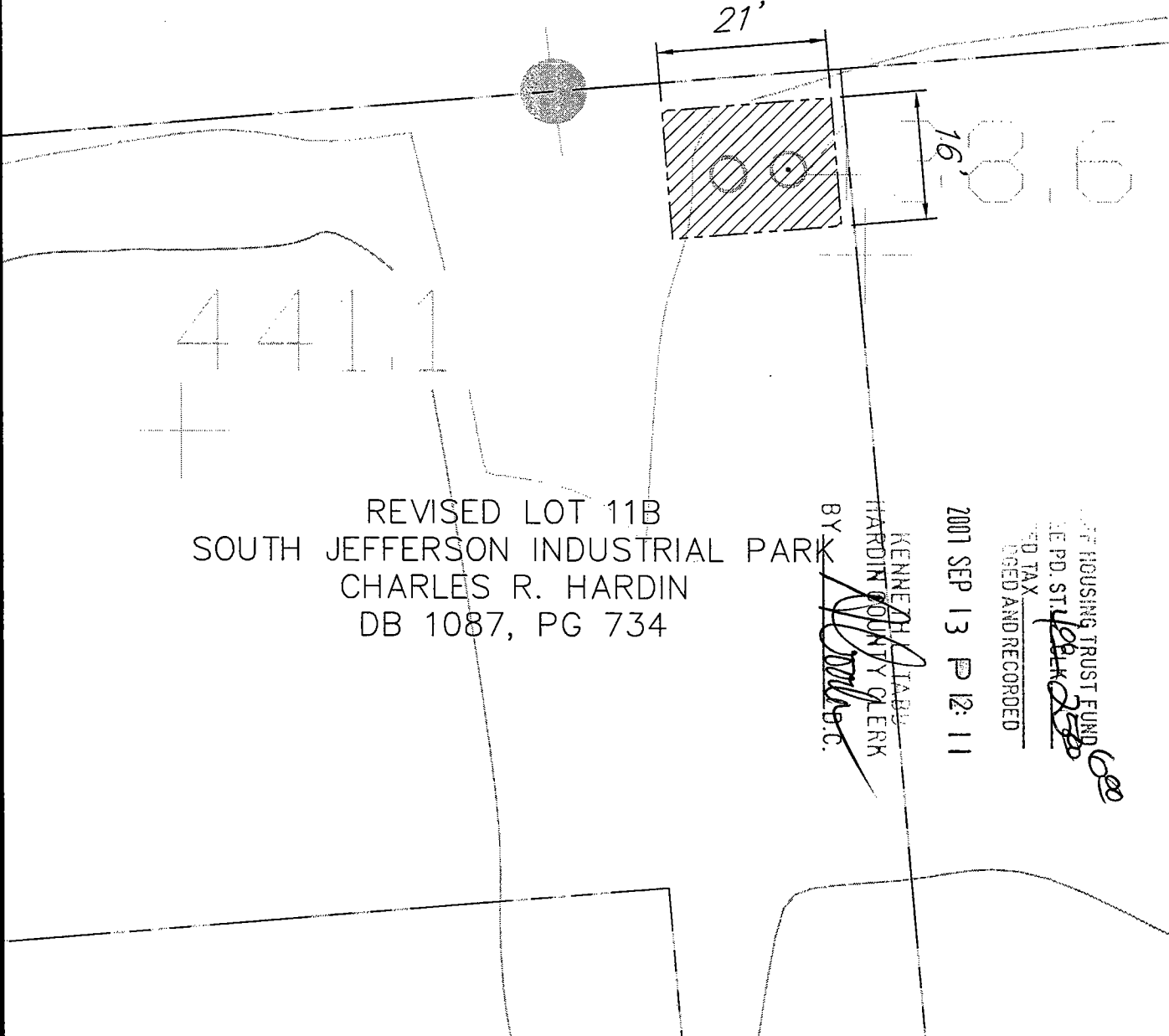
1. Iron pins have reportedly been found at the corners of Revised Lot 11B and adjacent lots 11A and 13A.
2. This description is intended to convey the intent of the fee simple transfer of the subject parcel to the City of West Point. Final or more detailed description is to be provided by a Professional Land Surveyor and/or Real Estate Attorney, based upon actual field survey of the boundary.

STATE OF KENTUCKY

COUNTY OF HARDIN

I, KENNETH L. TABB, CLERK OF SAID COUNTY COURT, HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT HAS BEEN DULY RECORDED IN *Deed* BOOK 1239 PAGE 181 IN MY SAID OFFICE.

KENNETH L. TABB, CLERK
BY *[Signature]* D.C.



REVISED LOT 11B
SOUTH JEFFERSON INDUSTRIAL PARK
CHARLES R. HARDIN
DB 1087, PG 734

BY *[Signature]*
KENNETH L. TABB
HARDIN COUNTY CLERK

2007 SEP 13 P 12:11

DEED AND RECORDED

HOUSING TRUST FUND
RE PD. ST. *[Signature]*
TAX *[Signature]*

The approximate boundaries shown hereon are a graphical representation only. No field verification of boundary locations was performed. This document is not a legal survey and should not be used for recording and/or land transfer.

SCALE: 1"=20'

LIFT STATION PARCEL



KENVIRONS, INC.

452 VERSAILLES ROAD, FRANKFORT, KENTUCKY
(502) 695-4357