

**HARDIN COUNTY FISCAL COURT
RESOLUTION NO. 2012-043**

BE IT RESOLVED, upon recommendation of Judge/Executive Harry L. Berry, to authorize the Judge/Executive to take the necessary actions to execute an agreement with the Commonwealth of Kentucky and a Deed of Conveyance for property along a section of the proposed I-65/KY 222 Interchange under the terms and conditions of the attached agreement and deed.

ADOPTED, by Hardin County Fiscal Court in its regular meeting on 6 April 2012.



Harry L. Berry
Hardin County Judge/Executive

ATTEST:



Kenneth L. Tabb
Hardin County Clerk

EXEMPT KRS 382.135 (2) (C)

DEED OF CONVEYANCE

Hardin County
Item No. 04-20.01

THIS DEED, between County of Hardin, Kentucky, a political subdivision of the Commonwealth of Kentucky, whose address is 100 Public Square, Elizabethtown, KY 42701, Grantor, and the Commonwealth of Kentucky for the use and benefit of the Transportation Cabinet, Department of Highways, 200 Mero Street, Frankfort, Kentucky, 40622, Grantee;

WITNESSETH: That the Grantor in consideration of, the benefit to be derived from the highway construction the receipt of which is hereby acknowledged, have/has bargained and sold and do/does hereby sell, grant and convey to the Grantee, its successors and assigns forever, the following described property and property rights, viz::

Parcel No. 1 – Tract A

Being a tract of land lying in Hardin County, Kentucky along a section of the proposed I-65/ KY 222 Interchange, and more particularly described as follows:

Beginning at a point in the existing west right-of-way and control access line of I-65, said point being 150.00 feet left of proposed I-65 centerline station 637+55.00; thence with said proposed west right-of-way and control access line North 24 degrees 45 minutes 28 seconds West, a distance of 54.66 feet to a point, said point being 181.05 feet left of proposed I-65 centerline station 638+00.00; thence North 09 degrees 59 minutes 04 seconds East, a distance of 676.16 feet to a point 179.56 feet left of proposed I-65 centerline station 644+76.15; thence North 04 degrees 01 minutes 10 seconds West, a distance of 249.88 feet to a point 239.50 feet left of proposed I-65 centerline station 647+18.74; thence South 86 degrees 05 minutes 51 seconds West, a distance of 143.98 feet to a point, said point being 379.34 feet left of proposed I-65 centerline station 646+84.49; thence North 05 degrees 56 minutes 40 seconds West, a distance of 157.20 feet to a point, said point being 422.15 feet left of proposed I-65 centerline station 648+35.75; thence North 80 degrees 03 minutes 33 seconds East, a distance of 151.67 feet to a point, said point being 279.45 feet left of proposed I-65 centerline station 648+87.12; thence North 04 degrees 10 minutes 41 seconds West, a distance of 188.28 feet to a point 325.12 feet left of proposed I-65 centerline station 650+69.78; thence North 05 degrees 16 minutes 37 seconds West, a distance of 691.17 feet to a point 505.58 feet left of proposed I-65 centerline station 657+36.98; said point also being 100.00 feet right of proposed KY 222 centerline; thence North 85 degrees 16 minutes 27 seconds West, a distance of 454.67 feet to a point, said point being 165.00 feet right of proposed KY 222 centerline station 160+50.00; thence North 71 degrees 53 minutes 27 seconds West, a distance of 983.30 feet to a point, said point being 170.00 feet right of proposed KY 222 centerline station 151+00.00; thence North 57 degrees 15 minutes 41 seconds West, a distance of 157.02 feet to a point 151.86 feet right of proposed KY 222 centerline station 149+50.00; thence North 61 degrees 07 minutes 14 seconds West a distance of 259.37 feet to a point, said point being 152.15 feet right of proposed KY 222 centerline station

147+00.00; thence North 48 degrees 01 minutes 56 seconds West, a distance of 292.67 feet to a point, said point being 105.00 feet right of proposed KY 222 centerline station 144+20.00; thence North 57 degrees 16 minutes 36 seconds West, a distance of 486.64 feet to a point, said point being 150.00 right of proposed KY 222 centerline station 139+50.00; said point changing from right-of-way and control access to right-of-way; thence with said line North 36 degrees 51 minutes 51 seconds West, a distance of 447.48 feet to a point in the existing north property line, said point being 81.96 feet right of proposed KY 222 centerline station 135+19.84; thence with said line South 65 degrees 50 minutes 14 seconds East, a distance of 178.39 feet to a point being 14.74 feet right of the proposed KY 222 centerline station 136+83.15; thence with said line, North 34 degrees 20 minutes 43 seconds East, a distance of 132.04 feet to a point in the proposed north right-of-way line of proposed KY 222, said point being 114.88 feet left of proposed KY 222 centerline station 136+57.70; thence with said line South 50 degrees 58 minutes 05 seconds East, a distance of 90.03 feet to a point, said point being 124.00 feet left of the proposed KY 222 centerline station 137+50.00; thence South 35 degrees 38 minutes 11 seconds East, a distance of 148.78 feet to a point, said point being 95.00 feet left of the proposed KY 222 centerline station 139+00.00; said point changing from right-of-way to right-of-way and control access; thence with said line South 54 degrees 52 minutes 56 seconds East, a distance of 807.66 feet to a point, said point being 110.00 feet left of the proposed KY 222 centerline station 147+30.00; thence with said line North 42 degrees 50 minutes 13 seconds East, a distance of 344.17 feet to a point, said point being 73.74 feet right of proposed Approach #2 centerline station 795+68.85; thence North 41 degrees 50 minutes 59 seconds East, a distance of 20.52 feet to a point in the existing north property line, said point being 74.81 feet right of proposed Approach #2 centerline station 795+48.36; thence with said line South 67 degrees 20 minutes 24 seconds East, a distance of 43.07 feet to a point, said point being 34.92 feet right of proposed Approach #2 centerline station 795+32.09; thence North 02 degrees 53 minutes 16 seconds East, a distance of 64.70 feet to a point, said point being 78.18 feet right of proposed Approach #2 centerline station 794+83.98; thence leaving said line North 41 degrees 50 minutes 59 seconds East, a distance of 231.44 feet to a point, said point being 90.27 feet right of proposed Approach #2 centerline station 792+52.86; thence North 22 degrees 45 minutes 32 seconds West, a distance of 80.10 feet to a point, said point being 60.00 feet right of proposed Approach #2A centerline station 183+00.00; thence North 49 degrees 28 minutes 39 seconds West, a distance of 97.34 feet to a point on the existing south right-of-way line of existing KY 222, said point being 30.91 feet right of proposed Approach #2A centerline station 182+07.11; thence with said existing south right-of-way line of existing KY 222, South 66 degrees 55 minutes 58 seconds East, a distance of 413.91 feet to a point, said point being 29.13 feet left of proposed Approach #2 centerline station 790+10.00; thence leaving said line with proposed right-of-way and control access line, South 50 degrees 08 minutes 03 seconds West a distance of 325.27 feet to a point, said point being 93.00 feet left of proposed Approach #2 centerline station 794+00.00; thence South 42 degrees 04 minutes 21 seconds West, a distance of 421.61 feet to a point, said point being 150.00 feet left of proposed KY 222 centerline station 149+30.00; thence South 62 degrees 00 minutes 03 seconds East, a distance of 425.11 feet to a point, said point being 122.82 feet left of proposed KY 222 centerline station 153+69.29; thence South 77 degrees 04 minutes 26 seconds East, a distance of 1,135.87 feet to a point, said point being 164.02 feet left of proposed KY 222 centerline station 165+24.88, said point also being on the existing west right-of-way and control access line of I-65; thence with said line, South 16 degrees 42 minutes 24 seconds East, a distance of 70.99 feet to a point, said point being 434.78 feet left of proposed I-65 centerline station 659+35.78; thence South 16 degrees 23 minutes 35 seconds East, a distance of 111.88

feet to a point, said point being 385.29 feet left of proposed I-65 centerline station 658+35.44; thence South 16 degrees 11 minutes 32 seconds East, a distance of 95.94 feet to a point, said point being 343.16 feet left of proposed I-65 centerline station 657+49.25; thence South 16 degrees 30 minutes 45 seconds East, a distance of 122.69 feet to a point, said point being 288.66 feet left of proposed I-65 centerline station 656+39.33; thence South 15 degrees 34 minutes 49 seconds East, a distance of 92.99 feet to a point, said point being 248.72 feet left of proposed I-65 centerline station 655+55.36; thence South 09 degrees 36 minutes 13 seconds East, a distance of 55.07 feet to a point, said point being 230.37 feet left of proposed I-65 centerline station 655+03.43; thence South 05 degrees 20 minutes 27 seconds East, a distance of 109.66 feet to a point, said point being 201.62 feet left of proposed I-65 centerline station 653+97.61; thence South 02 degrees 31 minutes 28 seconds East, a distance of 63.30 feet to a point, said point being 188.05 feet left of proposed I-65 centerline station 653+35.78; thence South 00 degrees 21 minutes 31 seconds East, a distance of 99.97 feet to a point, said point being 170.32 feet left of proposed I-65 centerline station 652+37.39; thence South 03 degrees 02 minutes 27 seconds West, a distance of 69.39 feet to a point, said point being 162.08 feet left of proposed I-65 centerline station 651+68.50; thence with said line South 05 degrees 32 minutes 29 seconds West a distance of 61.39 feet to a point, said point being 157.46 feet left of proposed I-65 centerline station 651+07.28; thence South 04 degrees 05 minutes 33 seconds West a distance of 74.24 feet to a point, said point being 150.00 feet left of proposed I-65 centerline station 650+33.42; thence with said line South 09 degrees 51 minutes 29 seconds West, a distance of 1,278.42 feet to the POINT OF BEGINNING.

The above described parcel contains 27.323 acres (1,190,182 sq. ft.)

It is understood between the parties hereto and made covenant herein that the above described Property is conveyed in fee simple.

Parcel No. 1, Tract B

Being a tract of land lying in Hardin County, Kentucky along a section of the proposed I-65/ KY 222 Interchange, and more particularly described as follows:

Beginning at a point in the proposed west right-of-way and control access line of proposed I-65, said point being 180.48 feet left of proposed I-65 centerline station 640+60.00; thence North 83 degrees 47 minutes 52 seconds West, a distance of 39.60 feet to a point, said point being 220.00 feet left of proposed I-65 centerline station 640+57.47; thence North 09 degrees 51 minutes 29 seconds East, a distance of 49.99 feet to a point, said point being 220.00 feet left of proposed I-65 centerline station 641+07.47; thence South 83 degrees 47 minutes 49 seconds East, a distance of 39.71 feet to a point in the proposed west right-of-way and control access line of proposed I-65, said point being 180.37 feet left of proposed I-65 centerline station 641+10.00; thence with said line, South 09 degrees 59 minutes 04 seconds West, a distance of 50.00 feet to the POINT OF BEGINNING.

The above described parcel contains 0.045 acres (1,979 sq. ft.)

It is the specific intention of the grantor(s) herein to convey a permanent easement to the property described above for the purpose of the construction and maintenance of drainage structures.

Parcel No. 1, Tract C

Being a tract of land lying in Hardin County, Kentucky along a section of the proposed I-65/ KY 222 Interchange, and more particularly described as follows:

Beginning at a point 220.00 feet left of proposed I-65 centerline station 640+57.47, said point being at the southwest corner of Tract B; thence North 83 degrees 47 minutes 52 seconds West a distance of 430.88 feet to a point, said point being 650.00 feet left of proposed I-65 centerline station 640+30.00; thence South 89 degrees 14 minutes 19 seconds West a distance of 81.39 feet to a point, said point being 730.00 feet left of proposed I-65 centerline station 640+15.00; thence North 09 degrees 51 minutes 29 seconds East a distance of 50.00 feet to a point, said point being 730.00 feet left of proposed I-65 centerline station 640+65.00; thence North 89 degrees 14 minutes 19 seconds East a distance of 81.39 feet to a point, said point being 650.00 feet left of proposed I-65 centerline station 640+80.00; thence South 83 degrees 47 minutes 49 seconds East a distance of 430.88 feet to a point, said point being 220.00 feet left of proposed I-65 centerline station 641+07.47 and the northwest corner of Tract B; thence South 09 degrees 51 minutes 29 seconds West a distance of 49.99 feet to the POINT OF BEGINNING.

The above described parcel contains 0.585 acres (25,499 sq. ft.)

It is the specific intention of the grantor(s) herein to convey a temporary easement to the property described above for the purpose of construction of drainage structures and said easement terminates and reverts upon completion of the project.

Parcel No. 1, Tract D

Being a tract of land lying in Hardin County, Kentucky along a section of the proposed I-65/ KY 222 Interchange, and more particularly described as follows:

Beginning at a point in the proposed west right-of-way and control access line of proposed I-65, said point being 179.77 feet left of proposed I-65 centerline station 643+83.77; thence North 09 degrees 20 minutes 13 seconds West a distance of 123.86 feet to a point, said point being 220.49 feet left of proposed I-65 centerline station 645+00.74; thence North 02 degrees 04 minutes 22 seconds East a distance of 47.98 feet to a point, said point being 226.99 feet left of proposed I-65 centerline station 645+48.28; thence North 11 degrees 17 minutes 42 seconds West a distance of 55.45 feet to a point, said point being 247.00 feet left of proposed I-65 centerline station 646+00.00; thence North 01 degrees 50 minutes 06 seconds East a distance of 114.12 feet to a point in the proposed west right-of-way and control access line of proposed I-65, said point being 262.93 feet left of proposed I-65 centerline station 647+13.00; thence with said line, North 86 degrees 05 minutes 51 seconds East a distance of 24.12 feet to a point, said point being 239.50 feet left of proposed I-65 centerline station 647+18.74; thence South 04 degrees 01 minutes 10 seconds East a distance of 249.88 feet to a point, said point being 179.56 feet left of proposed I-65 centerline station 644+76.15; thence South 09 degrees 59 minutes 04 seconds West a distance of 92.38 feet to the POINT OF BEGINNING.

The above described parcel contains 0.210 acres (9,128 sq. ft.)

It is the specific intention of the grantor(s) herein to convey a temporary easement to the property

described above for the purpose of construction of temporary ramp detour and said easement terminates and reverts upon completion of the project.

Parcel No. 1, Tract E

Being a tract of land lying in Hardin County, Kentucky along a section of the proposed I-65/ KY 222 Interchange, and more particularly described as follows:

Beginning at a point in the proposed west right-of-way and control access line of proposed I-65, said point being 279.45 feet left of proposed I-65 centerline station 648+87.12; thence with said line, South 80 degrees 03 minutes 33 seconds West a distance of 29.89 feet to a point, said point being 307.58 feet left of proposed I-65 centerline station 648+77.00; thence North 02 degrees 42 minutes 20 seconds West a distance of 144.46 feet to a point, said point being 339.00 feet left of proposed I-65 centerline station 650+18.00; thence North 06 degrees 10 minutes 45 seconds West a distance of 257.00 feet to a point, said point being 410.00 feet left of proposed I-65 centerline station 652+65.00; thence North 14 degrees 19 minutes 03 seconds West a distance of 300.34 feet to a point, said point being 533.00 feet left of proposed I-65 centerline station 655+39.00; thence North 01 degrees 36 minutes 35 seconds East a distance of 195.02 feet to a point in the proposed south right-of-way and control access line of proposed KY 222, said point being 560.98 feet left of proposed I-65 centerline station 657+32.00; thence with said line, South 85 degrees 16 minutes 28 seconds East a distance of 55.62 feet to a point, said point being 505.58 feet left of proposed I-65 centerline station 657+36.98; thence South 05 degrees 16 minutes 37 seconds East a distance of 691.17 feet to a point, said point being 325.12 feet left of proposed I-65 centerline station 650+69.78; thence with said line South 04 degrees 10 minutes 41 seconds East a distance of 188.28 feet to the POINT OF BEGINNING.

The above described parcel contains 0.923 acres (40,194 sq. ft.)

It is the specific intention of the grantor(s) herein to convey a temporary easement to the property described above for the purpose of construction of temporary ramp detour and said easement terminates and reverts upon completion of the project.

Parcel No. 1, Tract F

Being a tract of land lying in Hardin County, Kentucky along a section of the proposed I-65/ KY 222 Interchange, and more particularly described as follows:

Beginning at a point in the proposed south right-of-way and control access line of proposed KY 222, said point being 152.15 feet right of proposed KY222 centerline station 147+00.00; thence with said line, South 61 degrees 07 minutes 14 seconds East a distance of 259.37 feet to a point, said point being 151.86 feet right of proposed KY 222 centerline station 149+50.00; thence South 27 degrees 10 minutes 14 seconds West a distance of 50.02 feet to a point, said point being 201.89 feet right of proposed KY 222 centerline station 149+50.00; thence North 61 degrees 07 minutes 14 seconds West a distance of 262.46 feet to a point, said point being 202.18 feet right of proposed KY 222 centerline station 147+00.00; thence North 30 degrees 42 minutes 58 seconds East a distance of 50.03 feet to the POINT OF BEGINNING.

The above described parcel contains 0.299 acres (13,046 sq. ft.)

It is the specific intention of the grantor(s) herein to convey a temporary easement to the property described above for the purpose of construction of a proposed approach and said easement terminates and reverts upon completion of the project.

The above described property being a portion of the same property conveyed to Grantors by County of Hardin, Kentucky, a political subdivision of the Commonwealth of Kentucky, bearing the date of January 15, 2003, which is duly recorded in Deed Book No. 1072 at Page 458 in the office of the County Clerk of Hardin County, Kentucky.

This proposed public highway improvement for which the above described property is being acquired is identified as **12FO FD52 C047 76983 01R; NH 0654 (043)**, the plans for which are on file in the office of the Transportation Cabinet in Frankfort, Kentucky. The acquisition of right of way on this project was authorized by Transportation Cabinet Official Order No. **106674**. Access on this project shall be fully controlled on I-65 and partially controlled on KY 222, as required to be set forth in Section 6 of the Kentucky Administrative Regulations (603 KAR 5:120). Access shall be allowed where specifically shown on the project plans or as otherwise permitted by law and Transportation Cabinet policy.

Consideration Certificate of Grantors

The parties of the first part, **County of Hardin, Kentucky, a political subdivision of the Commonwealth of Kentucky** (Grantor), hereby acknowledge that I (we) have been advised of the right of an appraisal of the property being affected by this project and an offer of compensation based on that appraisal, but hereby waive that right in exchange for the consideration of, the benefit to be derived from the highway construction. Further parties of the first part, **County of Hardin, Kentucky, a political subdivision of the Commonwealth of Kentucky**. Grantor herein, hereby certify that this Deed of Conveyance as set forth herein above for the property hereby conveyed is being donated by Grantor for the purpose of highway improvement. Further, parties of the first part, **County of Hardin, Kentucky, a political subdivision of the Commonwealth of Kentucky**. Grantor herein, hereby certify that the real property conveyed herein is estimated to have a fair cash value of \$_____.

TO HAVE AND TO HOLD said property and property rights unto the Grantee, its successors and assigns, with all the rights and privileges thereunto belonging with covenants of General Warranty.

IN TESTIMONY WHEREOF the Grantors have executed this Deed of Conveyance on this _____ day of _____, 2012.

County of Hardin, Kentucky, a political subdivision of the Commonwealth of Kentucky

By: _____
Harry L. Berry
Hardin County Judge Executive

CERTIFICATE OF ACKNOWLEDGMENT

STATE OF _____

COUNTY OF _____

a notary public in and for the state and county aforesaid, do hereby certify that **Harry L. Berry, Hardin County Judge Executive**, appeared before me on this date and acknowledged that execution of the said deed by his signature thereon was the free act of said government and his free act as said Hardin County Judge Executive of **County of Hardin, Kentucky, a political subdivision of the Commonwealth of Kentucky.**, the foregoing deed was produced to me in said state and county by **Harry L. Berry**, and was signed, acknowledged and delivered to be his free act and deed. This _____ day of _____ 2012.

Notary Public

My Commission Expires _____

STATEMENT CONCERNING TAX BILL

Pursuant to KRS 382.135 (3) (c) the tax bill for above described real property is to be sent to County of Hardin, Kentucky, a political subdivision of the Commonwealth of Kentucky, whose address is 100 Public Square, Elizabethtown, KY 42701.

This instrument prepared by:

Please Return Deed To:

Thomas J. Banaszynski, Attorney
802 Lily Creek Road, Suite 101
Louisville, KY 40243

Strand Associates Inc.
Mark Askin, P.E.
325 West Main Street, Suite 710
Louisville, KY 40202

MEMORANDUM OF UNDERSTANDING

County: Hardin	Item #: 04-20.01	Parcel #: 001
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Property Owners: County of Hardin, Kentucky, a political subdivision of the Commonwealth of Kentucky

This Memorandum of Understanding contains all the representations and agreements made between the parties hereto and upon which they relied in executing a deed or an easement dated .

The related deed conveys the following interests and amounts of real property as shown on the official plans:

Fee simple	27,323	acre
Permanent easement	1,979	square feet
Temporary easement	87,867	square feet
Excess property in fee simple		

The total consideration to be paid for the property conveyed is **\$0.00**.

This consideration includes payment for any and all reacquisition or reversion rights of the property owners or their heirs or assigns, which may arise pursuant to KRS 416.670, and a cost-to-cure payment to replace the following items: N/A.

- This is a total acquisition.
- This is a partial acquisition. The remaining property will have the following access to the proposed highway improvement:
 - Access as provided by the Department's permit. Access not designated on the plans will be the sole responsibility of the Property Owners (proposed highway access is by permit).
 - Access at designated points as shown on the plans (proposed highway access is limited).
 - No access (proposed highway access is fully controlled).
 - The remaining property will be landlocked by this acquisition.
- No improvements are being acquired.
- Improvements are being acquired. The disposition of the acquired improvements will be as follows:
 - The Cabinet receives titles to the improvements.
 - The Cabinet receives titles to the improvements, but for the salvage value of \$1,000.00. The Property Owners agree to remove the same from the right of way as outlined in the building removal contract. When the structure has been moved clear of the right of way and easement areas, the Property Owners regain the titles. Where tenants occupy improvements, the tenants must be afforded ample time to relocate prior to the Property Owners' being authorized to start the removal.

The Property Owners understand that they will not be required to vacate or move personal property from any improvement in less than 90 days from the date of receiving the written offer of relocation assistance. The Property Owners further understand that before being required to vacate or move personal property, they will be given a 30-day written notice that will specify the date they must be completely clear of the improvement.

The Property Owners will assist in obtaining necessary releases of all mortgages, liens, or other encumbrances on the property conveyed. They will pay direct all taxes due for the year in which the Cabinet receives title to the property and, upon submission of the paid receipt, will be reimbursed a pro-rata portion of these property taxes. Also, they will pay direct any penalty costs for prepayment of an existing recorded mortgage and similar expenses incidental to conveying real property to the Cabinet and, upon submission of properly supported paid receipts, will be reimbursed. All reimbursement claims must be deemed fair, necessary, and properly supported for payment.

NO sign is being acquired.

One or more signs are being acquired.

The Cabinet receives and retains title to each sign.

The Cabinet receives title to each sign, but for the salvage value of \$0.00 the Property Owners agree to remove the same from the right of way by _____ or forfeit both the recovery of each sign and the salvage value paid.