

### **LEASE MODIFICATION AND RENEWAL AGREEMENT**

**THIS LEASE MODIFICATION AND RENEWAL AGREEMENT**, is made and entered into effective this \_\_\_\_ day of February, 2015, by and between the MARION COUNTY BOARD OF EDUCATION, 755 East Main Street, Lebanon, Kentucky 40033 (the "BOARD OF EDUCATION"), and the MARION COUNTY WATER DISTRICT, P.O. Box 528, Lebanon, Kentucky 40033 ("MCWD"),

#### **W I T T N E S S E T H :**

**Whereas**, the BOARD OF EDUCATION and MCWD entered into a Lease on June 22, 1977, for the purpose of permitting the MCWD to maintain and operate a pump station on property owned by the BOARD OF EDUCATION; and

**Whereas**, the initial term of the Lease was forth (40) years and the Lease permitted MCWD to renew the lease for an additional term of forty (40) years upon notice provided prior to expiration of the initial term; and

**Whereas**, the description of the leased premises contained in the Lease does not specifically match the actual boundaries of the premises used by MCWD for a pump station; and

**Whereas**, in order to document renewal of the Lease for an additional forty (40) year term, and to correct the description of the lease premises,

**NOW, THEREFORE**, the BOARD OF EDUCATION and the MCWD do hereby agree as follows:

1. That MCWD does hereby provide notice of its intent to renew the June 22, 1977, lease for an additional forty (40) year term, and the BOARD OF EDUCATION does hereby acknowledge such renewal;
2. That the premises to be leased for the remainder of the initial forty (40) year term, as well as the additional forty (40) year renewal term is described as follows:

A certain tract of land located approximately 2000 feet southeast of the intersection of US Highway 68 and Corporate Drive, in Marion County, Kentucky, and being more particularly described as follows:

Unless stated otherwise, any monument referred to herein as an "iron pin and cap" is a set ½ inch rebar 18 inches long marked "TUNGATE 3997". All bearings stated herein are referenced to GPS as observed on November 26, 2014.

Beginning at an existing iron pin and cap marked "KWM KING 3831" on the north side of US Highway 68 and a corner of the DES, LLC. Property (Deed Book 220, Page 442); thence with said DES, LLC property North 24 degrees 15 minutes 46 seconds West 73.76 feet to an iron pin and cap, said iron pin being anew division corner in the Marion County Board of Education property (Deed Book 144, Page 20); thence with new division lines in said Marion County Board of Education property as follows: North 72 degrees 33 minutes 54 seconds East 87.59 feet to an iron pin and cap; South 12 degrees 52 minutes 28 seconds East 77.99 feet to an iron pin and cap in the north right of way of US

Highway 68; thence with the north right of way of said US Highway 68 South 76 degrees 11 minutes 02 seconds West 72.77 feet to the beginning containing 6,040 square feet or 0.138 acre according to a survey of Gregory H. Tungate with Miller, Tungate Land Surveying, Inc. January 12, 2015, the Plat of which is attached hereto; and being a part of the property conveyed to Marion County Board of Education by Deed dated April 7, 1987 which is of record in Deed Book 144, Page 20 in the Marion County Clerk's office.

3. In all other respects, the terms and conditions of the Lease executed June 22, 1977, shall remain in full force and effect.

**MARION COUNTY BOARD OF EDUCATION**

By: \_\_\_\_\_  
**TAYLORA SCHLOSSER,**  
**Superintendent of Marion**  
**County Schools**

**MARION COUNTY WATER DISTRICT**

By: \_\_\_\_\_  
**BARBARA MAY, Chairperson**  
**Board of Commissioners**

STATE OF KENTUCKY

COUNTY OF MARION

The foregoing Lease Modification and Renewal Agreement was produced before me on this \_\_\_\_ day of \_\_\_\_\_, 2015, by Taylor Schlosser, Superintendent of Marion County Schools, and acknowledged by her to have been executed by her in such capacity and to be her free act and deed on behalf of the Marion County Board of Education.

\_\_\_\_\_  
Notary Public, KY State at Large

My Commission Expires: \_\_\_\_\_

STATE OF KENTUCKY

COUNTY OF MARION

The foregoing Lease Modification and Renewal Agreement was produced before me on this \_\_\_\_ day of \_\_\_\_\_, 2015, by Barbara May, Chairperson, Marion County Water District Board of Commissioners, and acknowledged by her to have been executed by her in such capacity and to be her free act and deed on behalf of the Marion County Water District Board of Commissioners.

\_\_\_\_\_  
Notary Public, KY State at Large

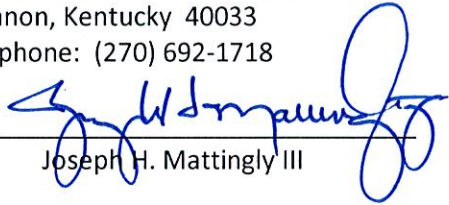
My Commission Expires: \_\_\_\_\_

Prepared by:

Joseph H. Mattingly III  
MATTINGLY & NALLY-MARTIN, PLLC  
Attorneys at Law  
P.O. Box 678 – 104 West Main Street  
Lebanon, Kentucky 40033  
Telephone: (270) 692-1718

By: \_\_\_\_\_

Joseph H. Mattingly III

A handwritten signature in blue ink, appearing to read "Joseph H. Mattingly III", is written over a horizontal line. The signature is stylized with large loops and a prominent "J".