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July 11, 2016

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Hon. Amy Peabody
Assistant General Counsel
Kentucky Department of Education
Office of Guiding Support Services
500 Mero Street, CPT 133
Frankfort, KY 40601
Sent via email to: amy.peabody@education.ky.gov

Re: Hopkins County Board of Education
Railroad Street acquisition

Dear Ms. Peabody:

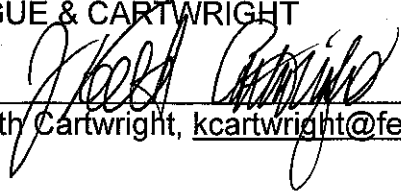
I am following up on the previous request of the Hopkins County Board of Education relative to the acquisition of the above property. As I indicated in my title opinion letter, I do not believe it is feasible to attempt to require the Board of Education to acquire mineral rights or a forbearance agreement on this property.

As I previously indicated, I had previously provided an Ordinance from the City of Madisonville showing that it entities are not allowed to have underground or surface mining within the City of Madisonville. The property in question lies within the boundaries of the City of Madisonville. In my opinion this results in the inability for anyone with mineral rights to be able to exercise those rights on this property.

Given this background I am hopeful this will be sufficient for the Kentucky Department of Education to recommend to the Kentucky Board of Education for a waiver of the mineral rights/forbearance agreement requirement under the regulations. It is my understanding this is on the Board agenda for August 2-3 for approval and should you have any specific questions concerning this request, please let me know.

Respectfully,

FRYMIRE, EVANS, PEYTON,
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