

MUNICIPAL ORDER 17-2018

A MUNICIPAL ORDER AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE DEEDS OF CONVEYANCE BETWEEN THE CITY OF OWENSBORO AND REGIONAL WATER RESOURCE AGENCY (RWRA), TRANSFERRING EIGHT PROPERTIES ON WHICH RWRA HAS BUILT PUBLICLY OWNED TREATMENT WORKS OR LIFT STATIONS FOR ITS OPERATIONS; AND FURTHER CONVEYING ACCESS EASEMENTS FROM THE CITY TO RWRA.

WHEREAS, in 1994, the City of Owensboro and Daviess County established Regional Water Resource Agency (RWRA) by Ordinance 48-94 as a regional comprehensive wastewater collection and treatment system within Daviess County, excluding the Facilities Planning Area boundary of the City of Whitesville; and

WHEREAS, Section 5 of Ordinance 48-84 directed that all existing assets, liabilities, easements, personnel, control, management, and authority of the defunct Owensboro Sewer Commission be transferred to, and become a part of RWRA; and

WHEREAS, some of these assets and easements still remain in the name of the City of Owensboro and in the records of the Daviess County Property Valuation Administrator in the name of the City of Owensboro; and

WHEREAS, Regional Water Resource Agency has requested that the City of Owensboro formally execute deeds of conveyance of eight (8) properties on which RWRA has built Publicly Owned Treatment Works or Lift Stations for its operations, and needs access easements to said properties.

NOW, THEREFORE, BE IT ORDERED BY THE CITY OF OWENSBORO, KENTUCKY, AS FOLLOWS:

Section 1. That the Mayor be, and he hereby is, authorized and directed to execute deeds of conveyance to eight (8) properties by and between the City of Owensboro, Kentucky and Regional Water Resource Agency, under the terms of which the City shall convey to RWRA ownership of the properties and sanitary sewer access easement adjacent to said properties. A copy of the Deeds are attached hereto as Exhibits "A" and "B".

Section 2. That the Mayor, City Manager, City Engineer and other city staff be, and they hereby are authorized to execute any and all other agreements, instruments or documents necessary and appropriate to effectuate and implement these deeds of conveyance and easement and/or documents related thereto.

INTRODUCED, PUBLICLY READ AND FINALLY APPROVED ON ONE READING, this the 17th day of July, 2017.

Thomas H. Watson, Mayor

ATTEST:

Beth Cecil, City Clerk

EXHIBIT "A"

THIS DEED made and entered into on this the _____ day of _____, 20____, by and between City of Owensboro, Kentucky, a City of the Home Rule Class, of P.O. Box 10003, 100 East Fourth Street, Owensboro, Kentucky 42302-9003, FIRST PARTY, and Regional Water Resource Agency, a joint city-county sewer agency established by KRS 76.231, of P.O. Box 10003, Owensboro, Kentucky 42302-9003, which is also the in-care-of address to which the current property tax bill may be sent, SECOND PARTY.

WITNESSETH: That for and in consideration of the sum of One (\$1.00) Dollar, and other good and valuable consideration, the receipt of all of which is hereby acknowledged, First Party does hereby grant, bargain, sell and convey unto Second Party, its successors and assigns forever, the following described real estate, situated in Daviess County, Kentucky, to-wit:

A. **2381 BARRON DRIVE, OWENSBORO, KENTUCKY**

1. Beginning at a stake in the north line of the proposed beltline as shown on the "vicinity map - lift station" as prepared by Johnson, Depp & Quisenberry, an engineering firm of Owensboro, Kentucky, dated March 31, 1964, said stake being located four hundred fifty (450) feet from the intersection of the north line of said proposed beltline with the north line of the Scherm Road; thence in a northeastwardly direction on a line at right angles to the north line of said proposed beltline, a distance of thirty (30) feet to a stake; thence in a northwestwardly direction on a line parallel to the north line of said proposed beltline, a distance of forty (40) feet to a stake; thence in a southwesterly direction on a line parallel to the easterly boundary hereof, a distance of thirty (30) feet to the north line of said proposed beltline; thence in a southeasterly direction along the north line of said proposed beltline a distance of forty (40) feet to the point of beginning.

2. A ten (10) foot sewer and utility easement in, on and under the following location, to-wit: Beginning at the intersection of the North line of the Scherm Road with the North line of the proposed beltline as shown on the "vicinity map - lift station" prepared by Johnson, Depp & Quisenberry, an engineering firm of Owensboro, Kentucky, dated March 31, 1964; thence in a Northwestwardly direction along the North line of said proposed beltline a distance of Three Hundred Fifty (350) feet to a stake; thence Northwestwardly a distance of One Hundred (100) feet to a stake

in the Northeast corner of the pump lift station site; thence in a Northwesterly direction along the Northern boundary line of said pump lift station site a distance of 25 feet to a stake; thence due North a distance of Seventeen Hundred Fifty (1750) feet, more or less, to a stake in the Southern boundary line of Thompson's Thorobred Acres; thence in an easterly direction along the southern boundary line of Thompson's Thorobred Acres, a distance of ten (10) feet to a stake; thence due south on a line parallel to the above mentioned seventeen hundred fifty (1750) foot line, a distance of seventeen hundred forty (1740) feet, more or less, to a stake ten (10) feet from the northern boundary line of the pump lift station site; thence in a southeasterly direction on a line parallel to the northern boundary line of said pump lift station site, a distance of thirty-four (34) feet to a stake; thence in a southeasterly direction, a distance of One Hundred (100) feet parallel to the second call herein and ten (10) feet therefrom, to a stake; thence continuing in a southeasterly direction, a distance of Three Hundred Fifty (350) feet and ten (10) feet North of and parallel to the North line of the proposed beltline, to the North line of the Scherm Road; thence in a Southwesterly direction along the North line of the Scherm Road a distance of Fifteen (15) feet, more or less, to the point of beginning.

AND BEING the same property conveyed to City of Owensboro, Kentucky, a municipal corporation of the second class, by deed from Lester E. Yeager, Executor and Trustee of the James C. Ellis Estate, dated October 30, 1964, of record in Deed Book 334, page 90, Daviess County Court Clerk's Office.

B. DAVID HAWES PLANT (FORMERLY KNOWN AS EAST PLANT)

TRACT A

A tract of land in northeast Daviess County, Kentucky described as follows:

From a point at the intersection of the south track of the L & N Railroad crossing at Pleasant Valley Road and the west right-of-way of Pleasant Valley Road; thence 3,104.01 feet south along the west right-of-way of Pleasant Valley Road to a point; thence S 55° 16' 20" W 1,528.13 feet to the point of beginning in the top of a stone, being a common corner in the Jessie Newcomb, Larry Newcomb, and Wilda Stevens property and the Lenore Smeathers property; thence S 55° 16' 20" W 1,321.73 feet to an iron pin 30 feet east of the center of Commonwealth of Kentucky Frontage Road No. 9; thence N 39° 49' 10" W 312.91 feet to an iron pin beginning curve 1; thence with curve 1 (D.C. = 0° 59' 41") 289.00 feet to an iron pin; thence N 55° 18' 40" E 1,349.34 feet to an iron pin in the West line of the Jessie Newcomb, Larry Newcomb, and Wilda Stevens property; thence S 36° 27' 30" E 600.00 feet to the point of beginning, containing 18.426 acres, more or less.

PUBLIC UTILITIES EASEMENT

Along the west line of Tract B of the remaining Helen Burton property and extending from the previously described Tract A to the City of Owensboro Utility Commission property, a 30 foot wide public utilities easement adjacent, parallel, and extending

30 feet easterly from a line beginning at an iron pin in the northwest corner of the previously described Tract A; thence with curve 2 (D.C. = $0^{\circ} 59' 41''$) 555.83 feet to an iron pin; thence N $31^{\circ} 19' 40''$ W 358.24 feet to an iron pin; thence N $28^{\circ} 09' 50''$ W 538.08 feet to an iron pin; thence N $30^{\circ} 21' 20''$ W 5.47 feet to an iron pin, southwest corner of the City of Owensboro Utility Commission property.

DRAINAGE EASEMENT

Along the east line of Tract B of the remaining Helen Burton property, a 30 feet wide drainage easement adjacent, parallel, and extending 30 feet westerly from a line beginning at an iron pin in the northeast corner of the previously described Tract A; thence N $36^{\circ} 27' 30''$ W 851.23 feet to an iron pin; thence N $36^{\circ} 35' 45''$ W 79.89 feet to an iron pin in the west line of the Donald Lloyd property.

All as shown on a plat prepared on January 6, 1981 by Johnson, Depp & Quisenberry of Owensboro, Kentucky herewith recorded.

AND BEING the same property conveyed to The City of Owensboro, Kentucky, a municipal corporation of the second class under the laws of the State of Kentucky, by deed from Helen T. Burton, a widow, dated August 10, 1982, of record in Deed Book 517, page 392, Daviess County Court Clerk's Office.

A tract of land in northeast Daviess County, Kentucky, described as follows:

From a point at the intersection of the south track of the L&N Railroad crossing at Pleasant Valley Road and the west right-of-way of Pleasant Valley Road; thence 3,044 feet south along the west right-of-way of Pleasant Valley Road to an iron pin, the point of beginning; thence along the west right-of-way of Pleasant Valley Road S $35^{\circ} 36' 25''$ E 60.01 feet to an iron pin; thence S $55^{\circ} 16' 20''$ W 1,528.13 feet to a point in the top of a stone, said point being the northwest corner of the Lenore Smeathers property; thence N $36^{\circ} 27' 30''$ W 60.02 feet to an iron pin; thence N $55^{\circ} 16' 20''$ E 1,529.04 feet to the point of beginning, containing 2.105 acres, more or less.

AND BEING the same property conveyed to the City of Owensboro, Kentucky, a municipal corporation of the second class, by deed from Jessie Michael Newcomb, et al., dated August 31, 1982, of record in Deed Book 517, page 755, Office of the Daviess County Court Clerk.

THERE IS EXCEPTED AND NOT CONVEYED HEREBY that certain property conveyed by deed from Regional Water Resource Agency, formerly an agent of the City of Owensboro, Kentucky, a municipal corporation of the second class, to the Commonwealth of Kentucky, for the use and benefit of the Transportation Cabinet, Department of Highways, Frankfort, Kentucky, which deed is dated July 1, 2008, of record in Deed Book 850, page 903, aforesaid Clerk's Office.

C. 3 DUBLIN LANE, OWENSBORO, KENTUCKY

Situated in the State of Kentucky, County of Daviess, on the left bank of the Ohio River, in the northwest outskirts of the City of Owensboro, being a portion out of the northwest corner of U.S. Lock and Dam No 46 Reservation, more particularly described as follows:

Beginning at a point on the east side of Dublin Lane and the west boundary of said U.S. reservation, said point bears N 2° 51' W 390 feet from an iron pipe marking a corner on the east side of Dublin lane, of land now or formerly owned by Owensboro Land & Wrecking Co., said pipe bears N 5° 45' W 298.39 feet from U. S. B. M. & Traverse Station No. 1139; thence from the beginning with the east side of Dublin Lane and the west boundary of said U.S. reservation.

N 2° 51' W 100.0 feet to an iron pipe No. "II" in a slough, said pipe marking the northeast corner of the U.S. reservation; thence continuing with said reservation boundary and down said slough as follows:

N 57° 39' E 100.0 feet to an iron pipe No. "III"; thence leaving the boundary line and severing the lands of the U.S. reservation along a line of 100 feet east of and parallel to the east side of Dublin Lane,

S 2° 51' E 100.0 feet to a point; thence S. 57° 39' W 100.0 feet to the point of beginning, containing .23 acre, more or less.

AND BEING the same property conveyed to the City of Owensboro, a Municipality of the State of Kentucky, by deed from United States of America, dated October 31, 1956, of record in Deed Book 260, page 525, Office of the Daviess County Court Clerk.

D. EAST PORTION OF MAX RHOADS PLANT (FORMERLY KNOWN AS WEST PLANT)

Beginning in the center of a proposed 40 foot public road; thence along said road north 15 degrees 00 minutes west 538 feet to an angle in said road, corner with Johnston's 19.99 acre tract; thence north 81 degrees 10 minutes east 671 feet to a stake in center of said road and in west margin of L&NRR; thence with railroad south 15 degrees 10 minutes east 536 feet to a stake corner with Fleischmanns Distillery; thence south 81 degrees 10 minutes west 671 feet to the point of beginning and containing 8.21 acres, more or less.

AND BEING part of the same property conveyed to City of Owensboro, a municipal corporation of the second class, by deed from R.R. Williams, et al, dated March 19, 1953, of record in Deed Book 226, page 188, Daviess County Court Clerk's Office.

E. 1035 SOUTHTOWN BOULEVARD, OWENSBORO, KENTUCKY

A parcel of land lying in Daviess County, Kentucky near the south edge of the City of Owensboro and beginning at a chiselled hole in concrete, the southwest corner of the parcel, lying on the north right of way line of Todd Bridge Road, 30 feet north of the centerline of said road and approximately 1400 feet west along said road from the centerline of the intersection with U.S. 431; thence N 16°13'E, 50.00 feet with the Bertha Goetz Heirs line to an iron pin (set), marked #326; thence S 79°10'55" E, 75.00 feet to an iron pin (set), marked #326; thence S 16°13'W, 50.00 feet to an iron pin (set), marked #326, in the north right of way of Todd Bridge Road; thence with the north right of way of said road 3 calls , N 85°12' W, 8.23 feet to an iron pin (set), marked #326; N 80°02' W, 50.51 feet to an iron pin (set), marked #326; and N 73°32' W, 16.39 feet to the point of beginning. Said parcel containing 3813 square feet or 0.088 acres, more or less.

All as shown on the plat attached to Deed Book 522, page 125.

AND BEING the same property conveyed to the City of Owensboro, Kentucky, a municipal corporation of Kentucky, by deed from Garland W. Howard, et al., dated March 7, 1983, of record in Deed Book 522, page 125, Daviess County Court Clerk's Office.

PERMANENT EASEMENT

There is also conveyed all of First Party's right, title and interest in that perpetual easement with the right of ingress and egress thereto and more particularly described as follows:

An easement approximately 35 feet in width, lying 5 feet left and approximately 30 feet right to the existing utility easement line of the Todd Bridge Road Master Pump Station Force Main, which begins at a point in the Grantor's west utility easement line at approximate station 9+25 and runs thence with said force main to approximate station 10+82, being the west line of the proposed Towne Square Court right of way; thence continuing from the east utility easement along the proposed Towne Square Court at approximate station 11+51, being approximately 38 feet in width, lying 5 feet left and approximately 33 feet right of said force main, to the east utility easement line at approximate station 12+91. Said permanent easement being approximately 10,815 sq. ft. or 0.248 acres.

The property from which this permanent easement and right to come in, on, over and through said easement is a portion of the same property conveyed to the City of Owensboro, Kentucky, a municipal corporation of Kentucky, by deed of easement from Garland W. Howard, et al., dated March 7, 1983, of record in Deed Book 522, page 129, Daviess County Court Clerk's Office.

PERMANENT PUBLIC UTILITY EASEMENT

There is also conveyed all of First Party's right, title and interest in a permanent public utility easement more particularly described hereinbelow, with the right of ingress and egress thereto at all times reasonable, which public utility easement is located in Daviess County, Kentucky, and is more particularly described as follows:

Commencing at an iron pipe with cap stamped (#2643 and being a Charles Stephen Gilmore cap) on the North right-of-way of Southtown Boulevard, said point being a Southeast corner to City of Owensboro as recorded in Deed Book 522, Page 125, said point being 45.18 feet left of centerline roadway survey station 580+77.22; thence leaving the North right-of-way of Southtown Boulevard with said Southeast line of City of Owensboro North 17 degrees 59 minutes 18 seconds East, 25.07 feet to a spike nail set this survey the TRUE POINT OF BEGINNING, creating a new corner to City of Owensboro, said point being 70.00 feet left of centerline roadway survey station 580+81.17; thence continuing along East line of City of Owensboro North 17 degrees 59 minutes 18 seconds East, 12.48 feet to a spike nail set this survey, said point being 82.35 feet left of centerline roadway survey station 580+83.29; thence continuing along East line of said City of Owensboro North 17 degrees 59 minutes 18 seconds East, 18.02 feet to a spike nail set this survey, a new corner to City of Owensboro, said point being 100.16 feet left of centerline roadway survey station 580+85.56; thence creating a new line, North 87 degrees 54 minutes 35 seconds East, 112.73 feet to a spike nail set this survey, said point being 108.01 feet left of centerline roadway survey station 582+25.64; thence continuing along new line, North 87 degrees 52 minutes 59 seconds East 7.24 feet to a spike nail set this survey, on the West right-of-way of Towne Square Court, said point being 107.54 feet left of centerline roadway survey station 582+34.62; thence continuing along said West right-of-way of Towne Square Court South 17 degrees 56 minutes 26 seconds West, 25.14 feet to an iron pin and cap set this survey (all iron pin and caps set this survey are 1/2" x 18" rebar with a red plastic cap stamped "D. McGrew LS 3772") said point being 84.50 feet left of centerline roadway survey station 582+ 22.42; thence leaving said west right-of-way of Towne Square Court and creating a new line, South 59 degrees 46 minutes 02 seconds West, 21.39 feet to an iron pin and cap set this survey; said point being 75.00 feet left of centerline roadway survey station 582+00.00; thence continuing along new line with a survey to the right having a radius 475.00, a chord bearing of North 88 degrees 00 minutes 53 seconds West, and a chord length of 77.64 feet to an iron pin and cap set this survey, said point being 75.00 feet left of centerline roadway survey station 581+10.00; thence continuing along new line South 86 degrees 52 minutes 54 seconds West 25.52 feet to the point of beginning containing 0.085 of an acre (3,695 square feet) per survey by American Engineers, Inc. dated June 19, 2007.

The property from which this permanent easement and right to come in, on, over and through said easement is a portion of the same property conveyed to The City of Owensboro, Kentucky, a Second-Class City under the laws of the

Commonwealth of Kentucky, by deed from Septtimous Taylor and Deborah Taylor, his wife, dated July 13, 2007, of record in Deed Book 840, page 559, Daviess County Court Clerk's Office.

THERE IS EXCEPTED AND NOT CONVEYED hereby that certain right-of-way containing 0.044 acres as shown on plat of City of Owensboro Southtown Boulevard of record in Plat Book 36, page 171, of record in the said Clerk's Office.

F. 100 CENTER STREET, OWENSBORO, KENTUCKY

Beginning at a point on the west side of Center Street 310 feet, more or less, north of the north line of Main Street; thence westwardly and parallel with Main Street 27 feet; thence northwardly and parallel with the west line of Center Street 70 feet to a stake; thence eastwardly and parallel with the southern line of the tract herein described a distance of 27 feet to a stake in the west line of Center Street; thence southwardly with the west line of Center Street 70 feet to the point of beginning.

AND BEING the same property conveyed to the City of Owensboro, Kentucky, a municipal corporation, by deed from T.J. Bartlett and Dorothy Bartlett, his wife, and William M. O'Bryan and Helen O'Bryan, his wife, by and through R.T. Sweeney, Master Commissioner of the Daviess Circuit Court of Daviess County, Kentucky, dated March 7, 1957, of record in Deed Book 263, page 376, Daviess County Court Clerk's Office. For reference, see also Deed Book 726, page 775, aforesaid Clerk's Office.

**G. 499 VETERANS BOULEVARD WEST, OWENSBORO, KENTUCKY
LOCUST STREET CONVENTION CENTER LIFT STATION**

A lot of record known as 499 West Veterans Boulevard, in the City of Owensboro, also referenced as "Exception, R.W.R.A. W.W. Sewage Pump Station Outlot" on plat of record in Deed Book 44, Page 007, and more particularly described as follows:

Beginning at a point, said point being a corner to Lot 3 and also being North 33 degrees 18 minutes 18 seconds West, 115.86 feet from southwest corner of Lot 2 as shown on the plat of record of The Events Center and McConnell Plaza recorded in Plat Book 44 page 007, in the Daviess County Clerk's office, said corner of Lot 2 being in the north right-of-way of West Veterans Boulevard; thence with the line of Lot 3 North 03 degrees 24 minutes 08 seconds West, 45.50 feet to point; thence North 86 degrees 53 minutes 52 seconds East, passing the corner to Lot 2 at 56.91 feet, a total of 95.14 feet; thence with Lot 2 South 03 degrees 16 minutes 08 seconds East, 45.50 feet to a point; thence South 86 degrees 53 minutes 52 seconds West, passing the corner to Lot 3 at 37.86 feet, a total of 95.03 feet to the point of beginning, containing 4,313 square feet or 0.099 acre, more or less, and subject to all legal easements and rights-of-way of record.

Reference Plat Book 44, Page 007 for Sewer Easements North and South of above described property.

There is also conveyed herewith a permanent and perpetual easement, with the right of ingress and egress at all times, for the purpose of constructing, and thereafter operating, maintaining and reconstructing sewers, appurtenant structures, and the currently existing sewer lift station, located on the above described property.

AND BEING a part of the same property conveyed to the City of Owensboro, Kentucky, by Deed dated October 16, 1956, and of record in Deed Book 259, page 576, in the Office of the Daviess County Clerk.

AND ALSO BEING a part of the same property conveyed to the City of Owensboro, Kentucky, by Grant of Easement dated October 16, 1956, and of record in Deed Book 259, page 578, in the Office of the Daviess County Clerk.

TO HAVE AND TO HOLD the above described property, together with all the rights, privileges and appurtenances thereunto belonging or in anywise appertaining unto Second Party, its successors and assigns forever, with Covenant of GENERAL WARRANTY.

The above described property is conveyed subject to all valid and existing conditions, restrictions, covenants, easements and reservations as may be found in the record chain of title, including the applicable ordinances as same pertain to the Owensboro Metropolitan Planning Commission.

First Party and Second Party do hereby certify, pursuant to KRS Chapter 382, that the above stated consideration is the true, correct and full consideration paid for the property herein conveyed.

IN TESTIMONY WHEREOF, witness the signatures of the FIRST PARTY and SECOND PARTY, on this the day and year first hereinabove set out.

FIRST PARTY:

CITY OF OWENSBORO, KENTUCKY

By: _____
Thomas H. Watson, Mayor

STATE OF KENTUCKY)
)
COUNTY OF DAVIESS)

The foregoing Deed was acknowledged and sworn to before me by Thomas H. Watson, the Mayor of the City of Owensboro, Kentucky, First Party herein, on behalf of said City of Owensboro, Kentucky, on this the _____ day of _____, 20____.

Notary Public: State-at-Large
My commission expires: _____

SECOND PARTY:

REGIONAL WATER RESOURCE AGENCY

By: _____
Joseph G. Schepers

Title: Executive Director

STATE OF KENTUCKY

COUNTY OF DAVIESS

The foregoing Consideration Certificate was acknowledged and sworn to before me by Joseph G. Schepers, Executive Director, on behalf of Regional Water Resource Agency, Second Party herein, on this the _____ day of _____, 20____.

Notary Public: State-at-Large

My commission expires: _____

PREPARED BY:



Charles J. Kamuf, II
KAMUF, PACE & KAMUF
221 West Second Street
Owensboro, KY 42303
(270) 685-3901

EXHIBIT "B"

THIS QUITCLAIM DEED made and entered into on this the ____ day of _____, 20____, by and between City of Owensboro, Kentucky, a City of the Home Rule Class, of P.O. Box 10003, 100 East Fourth Street, Owensboro, Kentucky 42302-9003, FIRST PARTY, and Regional Water Resource Agency, a joint city-county sewer agency established by KRS 76.231, of P.O. Box 10003, Owensboro, Kentucky 42303, which is also the in-care-of address to which the property tax bill for the current year may be sent, SECOND PARTY.

WITNESSETH: First Party does hereby release, remise, relinquish, quitclaim and convey unto Second Party, its successors and assigns forever, all of its right, title and interest in and to the following described property, situated in Owensboro, Daviess County, Kentucky, to-wit:

1821 SCHERM ROAD, OWENSBORO, KY

A lot of record known as 1821 Scherm Road, in the City of Owensboro, also referenced as "Lift Station Site" on plat of record in Deed Book 293, Page 563, and more particularly described as follows:

Beginning at a point, said point being the southwest corner to Back Bay, Inc. (P.B. 38, Page 183), also being in the north right-of-way line of Scherm Road, said point being approximately 123.5 feet southwest of the west right-of-way of Lewis Lane; thence with the line of Back Bay, Inc., North 18 degrees 28

minutes 55 seconds West, 26.80 feet to point; thence South 71 degrees 31 minutes 06 seconds West, passing an iron pin found and a corner to Back Bay at 2.91 feet, passing an iron pin found and the corner to Mary Burns (D.B. 968, Pg. 268) at 27.00 feet, in all a total of 37.00 feet to a point and a corner to Burns; thence continuing with Burns South 18 degrees 28 minutes 54 seconds East, 29.96 feet to a point in the north right-of-way of Scherm Road; thence with said right-of-way North 66 degrees 38 minutes 12 seconds East, 37.14 feet to the point of beginning, containing 1,050 square feet or 0.024 acre, more or less, and subject to all legal easements and rights-of-way of record.

AND BEING a part of the same property conveyed to Shawnee Development Company, Inc. by deed dated June 26, 1959, and of record in Deed Book 285, page 327. See also Deed of Dedication of Shawnee Park Addition, Unit 11-B, of record in Deed Book 293, page 559, Office of the Daviess County Court Clerk.

TO HAVE AND TO HOLD the above described property, together with all the rights, privileges and appurtenances thereunto belonging or in anywise appertaining unto Second Party, its successors and assigns forever, without warranty, expressed or implied.

This Quitclaim Deed is executed for the sole purpose of transferring to Second Party any and all right, title and interest the First Party may have in the subject property.

Consideration Certificate: We, the undersigned, hereby certify that this conveyance is made without consideration and

that the fair cash value of the interest being conveyed is \$_____. Second Party joins in this deed for the sole purpose of certifying the consideration pursuant to applicable law.

It is agreed and understood that this conveyance is subject to all restrictions of record affecting the above described real property.

IN TESTIMONY WHEREOF, witness the signatures of the FIRST PARTY and SECOND PARTY, on this the day and year first hereinabove set out.

FIRST PARTY: CITY OF OWENSBORO, KENTUCKY

By: _____
Thomas H. Watson, Mayor

STATE OF KENTUCKY)
)
COUNTY OF DAVIESS)

The foregoing Deed was acknowledged and sworn to before me by Thomas H. Watson, Mayor of the City of Owensboro, Kentucky, First Party herein, on behalf of said City of Owensboro, Kentucky, on this the _____ day of _____, 20____.

Notary Public: State-at-Large
My commission expires:_____

SECOND PARTY: REGIONAL WATER RESOURCE AGENCY

By: _____
Joseph G. Schepers
Title: Executive Director

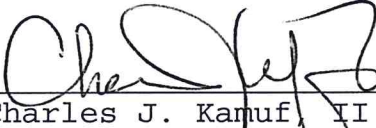
STATE OF KENTUCKY

COUNTY OF DAVIESS

The foregoing Consideration Certificate was acknowledged and sworn to before me by Joseph G. Schepers, Executive Director, on behalf of Regional Water Resource Agency, Second Party herein, on this the _____ day of _____, 20____.

Notary Public: State-at-Large
My commission expires: _____

PREPARED BY:



Charles J. Kamuf, II
KAMUF, PACE & KAMUF
221 West Second Street
Owensboro, KY 42303
(270) 685-3901