



FLOYD COUNTY BOARD OF EDUCATION
Danny Adkins, Superintendent
442 KY RT 550
Eastern, KY 41622
Telephone (606) 886-2354 Fax (606) 886-4550
www.floyd.kyschools.us

Sherry Robinson- Chair - District 5
William Newsome, Jr., Vice-Chair - District 3
Linda C. Gearheart, Member - District 1
Dr. Chandra Varia, Member- District 2
Rhonda Meade, Member - District 4

Consent Agenda Item (Action Item): Consider/Approve Quit Claim Deed of Correction Cell Tower Facility located on the Betsy Layne High School Campus between Floyd County Board of Education and InterMountain Cable, Inc.

Applicable State or Regulations: 702 KAR 4:090

Fiscal/Budgetary Impact: \$1.00 Cash in Hand

History/Background: The Floyd County Board of Education purchased the property from Commonwealth of Kentucky on January 30, 1978 recorded in Deed Book 232, Page 409. InterMountain Cable, Inc has claimed and/or maintained the property since October 31, 1969.

Recommended Action: To approve Quit Claim Deed of Correction to InterMountain Cable, Inc.

Contact Person(s): Linda Hackworth
606-874-2435


Fac. Support Coord.


Superintendent

Date: December 16, 2020

The Floyd County Board of Education does not discriminate on the basis of race, color, national origin, age, religion, marital status, sex, or disability in employment, educational programs, or activities as set forth in Title IX & VI, and in Section 504.

QUIT CLAIM DEED OF CORRECTION

THIS QUIT CLAIM DEED OF CORRECTION, made and entered into this ____ day of _____, 2020, by and between the **FLOYD COUNTY BOARD OF EDUCATION**, at 442 KY RT 550, Eastern, Kentucky, 41622, Party of the First Part, hereinafter, Grantor, and **InterMountain Cable, INC., (Formerly known as Tele-Com of Harold, Inc.)** at P.O. Box 160, Harold, KY 41635, Party of the Second Part, hereinafter, Grantee.

The tax mailing address for the Grantee is InterMountain Cable, Inc., P.O. Box 160, Harold, KY 41635.

WITNESSETH:

WHEREAS, the parties agree that the purpose of this Quit Claim Deed of Correction is for the Grantor to release and pass any title, interest, or claim which the Grantor may have in the premises described hereinbelow to Grantee; and,

WHEREAS, Grantee acknowledges that this Quit Claim Deed of Correction does not contain any warranty or covenant for title and does not grant a legal assurance of general warranty of title; and,

WHEREAS, Tele-Com of Harold, Inc. purchased from Clifton Steele and Edith S. Steele, his wife a certain tract or parcel of land by Deed of Conveyance dated October 31, 1969, of record in Deed Book 214, Page 565, records of the Floyd County Clerk's office; and,

WHEREAS, Commonwealth of Kentucky, Department of Highways purchased from Clifton Steele and Edith Steele, his wife, a certain tract or parcel of land described in that Master Commissioner's Deed dated January 27, 1972 of record in Deed Book 208, Page 572, records of the Floyd County Clerk's office; and,

WHEREAS, the deed to Tele-Com of Harold, Inc. from the Clifton Steele, *et al.* referred to hereinabove was recorded on December 4, 1973; and,

WHEREAS, the Floyd County Board of Education purchased from Commonwealth of Kentucky, a certain tract or parcel of land by Deed of Conveyance dated January 30, 1978, of record in Deed Book 232, Page 409, records of the Floyd County Clerk's office; and,

WHEREAS, the Deed to the Floyd County Board of Education from the Commonwealth of Kentucky referred to hereinabove was filed and recorded without an exception of the Grantor's Deed hereinabove; and,

WHEREAS, InterMountain Cable, Inc. and/or its predecessor's and/or its successors has claimed and/or maintained the Grantor's property hereinabove since October 31, 1969; and,

NOW THEREFORE, for and in consideration of the sum of \$1.00, cash in hand paid, the receipt and sufficiency of which is hereby acknowledged, the Grantor does hereby quit claim unto the Grantee, it's successors and assigns, the following described real estate located and situated in the Betsy Layne, Floyd County, Kentucky, being more particularly bounded and described as follows:

BEGINNING at an 18" Hickory (corner marker between Steele, Lewis, Lynch, and Stone); Thence S. 37 °37' W. 125.94 ft. to an 18" Hickory in fence line; thence N. 12 °53' W. 89.63 ft. to an 18" Oak; thence N. 13 °22 ½' W. 79.02 ft. to Twin Ash; thence N. 52 °28' E. 114.62 ft. to a stake on the ridge; thence S. 24 ° 57' E. 30 ft. to a fallen Chestnut Oak; thence S. 6 ° 10 ½' 107.74 ft. to the beginning.

Being part of the property conveyed to the Floyd County Board of Education by Commonwealth of Kentucky, by deed dated January 30, 1978 and recorded in Deed Book 232, Page 409, Floyd County Clerk's Office.

That attached hereto and incorporated herein by reference as Exhibit "A" is a copy of the plat of the above described property.

Further, the Grantor grants unto the Grantee an easement for the right of way of use over the property of the Grantor for the purpose of ingress and egress.

TO HAVE AND TO HOLD, the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever for the said Grantor, either in law or equity, to the only proper use, benefit and behoof of the said Grantee party forever.

WITNESS the duly authorized signatures of the parties hereto the day and year first above written.

FLOYD COUNTY BOARD OF EDUCATION,
KENTUCKY, GRANTOR

BY: _____
Sherry Robinson, Board Chair

ATTEST:

BY: _____
Danny Adkins, Board Secretary

CERTIFICATE OF CONSIDERATION

The undersigned parties hereto state that the consideration reflected in this Deed of Conveyance is the true, correct and full consideration paid. The Grantee executed this deed for the sole purpose of certifying the consideration pursuant to KRS Chapter 382. The parties further certify their understanding that falsification of the stated consideration or sale price is a Class D Felony, subject to one to five years imprisonment and fines up to \$10,000.00.

FLOYD COUNTY BOARD OF EDUCATION,
KENTUCKY, GRANTOR

BY: _____
Sherry Robinson, Board Chair

ATTEST:

BY: _____
Danny Adkins, Board Secretary

INTERMOUNTAIN CABLE, INC., GRANTEE

BY: _____
Paul D. Gearheart, President

**COMMONWEALTH OF KENTUCKY
COUNTY OF FLOYD**

The foregoing Deed of Conveyance and Certificate of Consideration were signed, acknowledged and sworn to before me, a notary public, this the _____ day of _____, 2020, for and on behalf of Floyd County Board of Education, Kentucky, by Sherry Robinson, in her capacity as Board Chair, and attested to by Danny Adkins, in his capacity as Board Secretary.

Notary Public, KY, State-at-Large
Notary Identification No.: _____
Commission Expires: _____

**COMMONWEALTH OF KENTUCKY
COUNTY OF FLOYD**

The foregoing Certificate of Consideration was signed, acknowledged and sworn to before me this _____ day of _____, 2020, by Paul D. Gearheart, President, InterMountain Cable, Inc.

Notary Public, KY, State-at-Large
Notary Identification No.: _____
Commission Expires: _____

THIS INSTRUMENT PREPARED BY:

John Earl Hunt Law Offices
P.O. Box 960
Allen, KY 41601
(606) 478-7000

John Earl Hunt

**COMMONWEALTH OF KENTUCKY
COUNTY OF FLOYD**

I, _____, clerk for the county in and for the county and commonwealth aforesaid, certify that the foregoing deed was on this the _____ day of _____, 2020, at _____ o'clock ____ .m. lodged for record in Deed Book _____, Page _____.

Witness my hand this _____ day of _____, 2020.

FLOYD COUNTY CLERK

BY: _____

With \$ _____ tax paid on same.

Andy Beshear
Governor



Lt. Gov. Jacqueline Coleman
Secretary
Education and Workforce
Development Cabinet

Jason E. Glass, Ed.D.
Commissioner and Chief Learner

KENTUCKY DEPARTMENT OF EDUCATION

300 Sower Boulevard • Frankfort, Kentucky 40601
Phone: (502) 564-3141 • www.education.ky.gov

December 4, 2020

Mr. Danny Adkins, Superintendent
Floyd County Public Schools
442 KY Route 550
Eastern, KY 41622

**RE: FLOYD COUNTY: Property Disposal/Deed of Correction
Cell Tower Facility located on the
Betsy Layne High School Campus
Stanville, KY 41659**

Dear Superintendent Adkins:

We have received correspondence from Jonathan Shaw, Porter, Banks, Baldwin & Shaw, PLLC, Attorneys at Law, the board's former legal counsel, and John Earl Hunt, Hunt, Attorney at Law, the board's current legal counsel, regarding resolution of a title issue originating in the 1970's related to a portion of the Betsy Layne High School campus on which a cell phone tower facility and its access road are located. Mr. Hunt has provided a proposed Quit Claim Deed of Correction to address this matter.

For the reasons provided in these communications and embodied in the document, approval is given to Floyd County to execute the deed. Please provide a copy of the board order approving the transaction and a notarized copy of the executed deed within thirty (30) days thereafter. If you have any questions about any of the above, please call us at (502) 564-4326.

Sincerely,

A handwritten signature in black ink, appearing to read "Gregory C. Dunbar".

Gregory C. Dunbar, AIA, Manager
District Facilities Branch /Division of District Support

cc: Linda Hackworth, Tiffany Campbell & Matthew Wireman, FCPS
John Earl Hunt, Attorney at Law
Marcus Highland & Denise Hartsfield, KDE
District Surplus File/District Correspondence File

Mr. Danny Adkins, Superintendent
December 4, 2020
Page 2