

DEPARTMENT OF FACILITIES

TONY ROTH, DIRECTOR

GEORGE BROCK, MAINTENANCE SUPERVISOR

THOMAS STOKES, CUSTODIAL SUPERVISOR

ANDREA ROCK, ENERGY MANAGER

MEMO

TO: Dr. Jesse Bacon, Superintendent

FROM: Tony Roth, Director of Buildings and Grounds**Tony**

Date: June 1, 2023

RE: Eastside Deed Approval

The request is for the Bullitt County Finance Corporation to sign the Deed of Easement for the property located off Ellis Cook Road at Eastside Middle School. The board approved the easement at an earlier meeting, but the land had to be surveyed and this signature makes the deed of easement legal and proper.

I recommend approval of this request.

OUR MISSION IS TO INSPIRE AND EQUIP OUR STUDENTS TO SUCCEED IN LIFE

BULLITT COUNTY PUBLIC SCHOOLS IS AN EQUAL EDUCATION AND EMPLOYMENT INSTITUTION

DEED OF EASEMENT

THIS DEED OF EASEMENT, made as of this ____ day of _____, 2023 by and between **THE BULLITT COUNTY SCHOOL DISTRICT FINANCE CORPORATION**, a Kentucky non-profit corporation maintaining a mailing address for purposes of this Easement at 1040 Highway 44 East, Shepherdsville, Kentucky 40165 (hereinafter "Grantor"); and,

THE FISCAL COURT OF BULLITT COUNTY, KENTUCKY, a Kentucky county legislature maintaining a mailing address for purposes of this Easement at 300 S Buckman Street, Shepherdsville, KY 40165 (hereinafter "Grantee").

WITNESSETH, that the Grantor in consideration of the public and mutual benefits to be derived here from and for no monetary consideration, Grantor hereby grants and conveys to Grantee, an exclusive easement in perpetuity over, under and through the strip of land hereinafter described for the purpose of construction, reconstruction or maintenance of a municipal road. Said strip of land is in Bullitt County, Kentucky and is described as follows:

Being an easement TWENTY (20') feet in width as shown on the plat attached hereto and made a part hereof by reference.

Being a part of the same property acquired by Grantor by deed dated September 21, 2004, and of record in Deed Book 627, Page 264, in the Office of the Clerk of Bullitt County, Kentucky.

Grantor covenants that it has full right, power and authority to make this conveyance.

Grantor, its successors and assigns, further covenants not to erect permanent structures of any nature upon or change the grade of the surface within the above-described Easement without written consent of the Fiscal Court of Bullitt County, Kentucky. Non-permanent objects or improvements included, but not limited to, fences, shrubs, gardens, pastureland, signage, driveways, access roads and parking may occupy Easement area at Grantor's risk.

Grantor, its successors and assigns, further covenants not to construct/install any other utilities within the Easement that would interfere with the widening or use of Ellis Cook Road.

To the extent Grantee must disturb the Easement, Grantee agrees to restore the property to the original condition at the time of granting the Easement, which condition shall not include any non-permanent objects or improvements made by the Grantor after granting the Easement.

This Easement is subject to the Interlocal Agreement by and between the Fiscal Court of Bullitt County, Kentucky and the Bullitt County Board of Education, Kentucky, considered and adopted at a Regular Meeting of the Fiscal Court of Bullitt County on February 7th, 2023, and considered and adopted at a Regular Meeting of the Board of Education of Bullitt County, Kentucky on February 20, 2023.

Grantor, its successors and assigns, reserves the right to make use of the above-described strip of land in such a way as to not interfere with the rights herein granted to Grantee. In the event that Grantor makes use of the strip of land in violation of the foregoing restrictions, it is understood and agreed that such

use shall not give rise to a claim of adverse possession that may arise by such that would nullify or otherwise impair in whole or in part Grantee rights to the strip of land.

IN TESTIMONY WHEREOF, witness the signature of the Grantor(s) the day and year first above written.

Grantor:

BULLITT COUNTY SCHOOL DISTRICT
FINANCE CORPORATION

Signature

Printed Name

Title

COMMONWEALTH OF KENTUCKY)

COUNTY OF BULLITT)

) ss.:
)

The foregoing Deed of Easement was acknowledged before me, a notary public, by _____, in his/her capacity as _____ of the Bullitt County School District Finance Corporation, a person known to me or, if not known personally, who presented satisfactory proof evidencing he/she is the person described in, and who executed the foregoing instrument, to be the duly authorized, free and voluntary act of said entity.

Notary Public, State at Large

Printed Name: _____

My Commission Expires: _____

Notary Id: _____

Grantee:

The Fiscal Court of Bullitt County, Kentucky

Jerry Summers, Bullitt County Judge/Executive

COMMONWEALTH OF KENTUCKY)

COUNTY OF BULLITT)

) ss.:
)

The foregoing Deed of Easement was acknowledged before me, a notary public, by Jerry Summers, in his capacity as Bullitt County Judge/Executive of the Fiscal Court of Bullitt County, Kentucky, a person known to me or, if not known personally, who presented satisfactory proof evidencing he/she is the person described in, and who executed the foregoing instrument, to be the duly authorized, free and voluntary act of said entity.

Notary Public, State at Large
Printed Name: _____
My Commission Expires: _____
Notary Id: _____

This Instrument Prepared by:

Eric Farris
Emily Vessels
Dinsmore & Shohl LLP
193 S Buckman Street
Shepherdsville, KY 40165
Eric.farris@dinsmore.com

BULLITT COUNTY PLANNING AND DEVELOPMENT
149 N Walnut Street • Nina Mooney Courthouse Annex Building
P.O. Box 55 • Shepherdsville, KY 40165
(502) 955-6832 • (502) 543-6832

Once complete, please bring the application and supporting documentation to: Planning and Zoning, located at 149 N. Walnut Street. For more information, call (502) 543-6832

Project Information:

The purpose of this minor plat is:

To add 20' of Right-of-way to Ellis Creek Road
6925 Highway 44E

Primary Project Address:

Additional Address(es):

Parcel ID:

063-000-00-059

Additional Parcel ID(s):

Total number of lots created:
(no more than 3)

1

The subject property contains

acres.

21.03

Existing Zoning:

R1

Deed Book(s) / Page Numbers¹:

627 / 264

Contact Information

Owner:

☐ Check if primary contact

Applicant:

☐ Check if primary contact

Name: _____

Name: _____

Name(s): _____

Company: _____

Address: _____

Address: _____

City: _____ State: _____ Zip: _____

City: _____ State: _____ Zip: _____

Primary Phone: _____

Primary Phone: _____

Email: _____

Email: _____

Owner Signature (required): _____

Owner Signature (required): _____

Certification Statement: A certification statement must be submitted with any application in which the owner(s) of the subject property is (are) a limited liability company, corporation, partnership, association, trustee, etc., or if someone other than the owner(s) of record sign(s) the application.

I, _____, in my capacity as _____, hereby
representative/authorized agent/other

certify that _____ is (are) the owner(s) of the property which
name of LLC / corporation / partnership / association / etc.

is the subject of this application and that I am authorized to sign this application on behalf of the owner(s).

Signature: _____ Date: _____

I understand that knowingly providing false information on this application may result in any action taken hereon being declared null and void. I further understand that pursuant to KRS 523.010, et seq. knowingly making a materially false statement, or otherwise providing false information with the intent to mislead a public servant in the performance of his/her duty is punishable as a Class B misdemeanor.

PLEASE SUBMIT THE COMPLETED APPLICATION ALONG WITH THE FOLLOWING ITEMS:

SUPPLEMENTAL INFORMATION

- ☒ A copy of the current recorded deed(s) for all property included in the division.
- ☐ A copy of the proposed deed (if applicable)
- ☒ Four copies of the Minor Subdivision Plat (Standard Format). Plat must be created by a Professional Land Surveyor registered in Kentucky. (Standard Format Plat is 8.5" x 14" unless allowed by Planning & Zoning)
- ☒ One digital copy email to FHarper@bullittky.com

ALL OWNERS SIGNATURE'S NEED TO BE NOTARIZED

FEE (Check made payable to Bullitt County Fiscal Court)

- ☐ \$75 Plats/Surveys containing two tracts or less.
- ☐ \$150 Plats/Surveys containing 3 tracts.

Resources:

Deeds and plats can be found at the Bullitt County Clerk's Office, located at the 1st floor of Bullitt Court Annex (149 N. Walnut St, telephone: 502-543-2513). Many deeds, plats and other records are available online at:
<http://www.bullittcountyclerk.com/OnlineDeedRoom.asp>.

Minor Plat Requirements:

Plats must be drawn to engineer's scale and no larger than 8 1/2 x 14.

Description

- ☒ Purpose statement
- ☒ Title of the Plat
- ☒ Owner's name and address
- ☒ Surveyor's name and address
- ☒ Site Address, if applicable
- ☒ Parcel ID number
- ☒ Zoning of property
- ☒ Plat date

Map Elements

- ☒ North Arrow
- ☒ Vicinity Map
- ☒ Legend
- ☒ Plat Scale

Site Information & Labels

- ☒ Street names, if applicable
- ☒ Property lines with bearings and distances
- ☒ Resulting lots and area, with each lot enumerated
- ☒ Location, ownership, tax id., deed book & page of all adjacent property owners
- ☒ Right of way / sidewalks (with widths shown) *NA*
- ☒ Acreage of site
- ☒ Existing structures' location, dimensions, use, and distance to property lines *Non-on created lot*
- ☒ Setback Lines
- ☒ All corners pinned

Certificates

- ☒ Land Surveyor's Certificate
- ☒ Owner's Certificate **ALL OWNERS SIGNATURE'S NEED TO BE NOTARIZED**
- ☒ Certificate of Approval for Planning Commission to execute

THIS DEED made and entered into as of the 21st day of September, 2004, by the BOARD OF EDUCATION OF BULLITT COUNTY, KENTUCKY, 1044 Highway 44 E., Shepherdsville, Kentucky 40165 (herein called (the "Grantor") to the BULLITT COUNTY SCHOOL DISTRICT FINANCE CORPORATION, 1044 Highway 44 E., Shepherdsville, Kentucky 40165, a Kentucky on-profit corporation and instrumentality of the Board of Education of Bullitt County (herein called the "Grantee");

WITNESSETH:

That pursuant to the authority of KRS 162.120 through 162.300 and 162.385 and in consideration of the agreement of the Grantee, acting through its Board of Directors to issue its Bullitt County (Kentucky) School District Finance Corporation School Building Revenue Bonds, Series of 2004, which, by the execution hereof, Grantor and Grantee certify to be the full consideration under KRS 382.135, [no cash consideration being involved, said conveyance is exempt from deed transfer tax pursuant to KRS 142.050(7)], Grantor hereby conveys unto Grantee in fee simple, with covenant of General Warranty, the real estate situated in Bullitt County, Kentucky, having a fair market value of approximately \$30,995,250, as described as follows:

AS DESCRIBED IN EXHIBIT A ATTACHED TO THIS DEED.

TO HAVE AND TO HOLD the above described property and appurtenances unto Grantee, its successors and assigns forever, in fee simple with the covenant of GENERAL WARRANTY of title, Grantor further covenanting that it is lawfully seized of the same; that it has full right and power to convey the same; that it will warrant and defend the same against the claims and demands of all persons; and that the same is free and clear of all encumbrances except easements and/or rights-of-way of record, being such as have been determined will not interfere with the construction of the school buildings and the use of the premises for school purposes.

IN TESTIMONY WHEREOF, Grantor, Board of Education of Bullitt County, Kentucky, has caused this Deed to be executed in its name and on its behalf by its Chairperson, attested by its Secretary and the Grantee, Bullitt County School District Finance Corporation, has caused this Deed to be executed in its name by its President, attested by its Secretary, all being done as of the year and day first written above.

BOARD OF EDUCATION OF
BULLITT COUNTY, KENTUCKY

By Layne Abell
Chairperson

Attest:

Michael M. Ellis
Secretary

BULLITT COUNTY (KENTUCKY) SCHOOL
DISTRICT FINANCE CORPORATION

By Layne Abell
President

Attest:

Michael M. Ellis
Secretary

LAND CONVEYANCE FORM
DELIVERED TO P. V. A.

COMMONWEALTH OF KENTUCKY
COUNTY OF BULLITT

)
) SS
)

The undersigned, Notary Public in and for the State and County aforesaid, hereby certifies that in this day the foregoing Deed was produced before me in my said County and State by Layne Abell, Chairperson, and Dr. Michael Eberbaugh, Secretary, of the Board of Education of Bullitt County, Kentucky, a body corporate, and they thereupon acknowledged the execution and attestation thereof to be their act and deed as such officers of said Board and the official act and deed of said Board pursuant to due authorization; said parties further certifying that said conveyance was between governmental units for nominal consideration.

WITNESS my hand and Notarial Seal this ^{25th} day of October, 2004.

My commission expires 5/23/06.

Dwight Sallenger
Notary Public, State at Large
Kentucky

(Seal of Notary)

COMMONWEALTH OF KENTUCKY
COUNTY OF BULLITT

)
) SS
)

The undersigned, Notary Public in and for the State and County aforesaid, hereby certifies that in this day the foregoing Deed was produced before me in my said County and State by Layne Abell, President, and Dr. Michael Eberbaugh, Secretary, of the Bullitt County School District Finance Corporation, to be their act and deed as President and Secretary of said Corporation and the act and the official deed of said Corporation as authorized by a Resolution of its Board of Directors; said parties further certifying that said conveyance was between governmental units for nominal consideration.

WITNESS my hand and Notarial Seal this 25th day of October, 2004.

My commission expires 5/23/06.

Dwight Sallenger
Notary Public, State at Large
Kentucky

(Seal of Notary)

COMMONWEALTH OF KENTUCKY
COUNTY OF BULLITT

)
) SS
)

I, Nora McCawley, County Court Clerk of Bullitt County, Kentucky, do hereby certify that the foregoing Deed was this day recorded in Deed Book 627, at Page 264, in the office of the Bullitt County Court Clerk at Smithland, Kentucky.

Dated this 12 day of Nov., 2004.

Nora McCawley by B. Waters
Bullitt County Court Clerk

The foregoing instrument was prepared by Henry M. Reed III, Attorney at Law, 2218 Frankfort Avenue, Louisville, Kentucky 40206-2408.

Henry M. Reed III
Henry M. Reed III

2 BOOK 627 PAGE 265

BULLITT EAST MIDDLE SCHOOL SITE

PARCEL ONE:

BOOK 0627 PAGE 266

BEING Tract #1, of Division of Ellis Cook, plat of which is recorded in Plat Cabinet 2, Slide 097, in the office of the Clerk of the County Court of Bullitt County, Kentucky.

PARCEL TWO:

BEING Tract #2, of Division of Ellis Cook, plat of which is recorded in Plat Cabinet 2, Slide 097, in the office of the Clerk of the County Court of Bullitt County, Kentucky.

Parcels 1 and 2 being the same property conveyed to The Board of Education of Bullitt County, Kentucky by Elizabeth Close and J. B. Close, husband and wife, by Deed dated February 27, 2004 and of record in Deed Book 0606, Page 648, in the Office of the Bullitt County Clerk.

PARCEL THREE:

BEING Tract #3, of Division of Ellis Cook, plat of which is recorded in Plat Cabinet 2, Slide 097, in the office of the Clerk of the County Court of Bullitt County, Kentucky.

PARCEL FOUR:

BEING Tract #7, of Division of Ellis Cook, plat of which is recorded in Plat Cabinet 2, Slide 097, in the office of the Clerk of the County Court of Bullitt County, Kentucky.

Parcels 3 and 4 being the same property conveyed to The Board of Education of Bullitt County, Kentucky by the Estate of Theora Weller, by and through Patsy Coulter, Executrix, by Deed dated February 27, 2004 and of record in Deed Book 0606, Page 645, in the Office of the Bullitt County Clerk.

PARCEL FIVE:

BEING Tract #5, of Division of Ellis Cook, plat of which is recorded in Plat Cabinet 2, Slide 097, in the office of the Clerk of the County Court of Bullitt County, Kentucky.

PARCEL SIX:

BEING Tract #6 of Division of Ellis Cook, plat of which is recorded in Plat Cabinet 2, Slide 097, in the office of the Clerk of the County Court of Bullitt County, Kentucky.

Parcels 5 and 6 being the same property conveyed to The Board of Education of Bullitt County, Kentucky by Patsy Coulter and William Coulter, husband and wife, by Deed dated February 27, 2004 and of record in Deed Book 0606, Page 642, in the Office of the Bullitt County Clerk.

PARCEL SEVEN:

BEING Tract #4, of Division of Ellis Cook, plat of which is recorded in Plat Cabinet 2, Slide 097, in the office of the Clerk of the County Court of Bullitt County, Kentucky.

Parcel 7 being the same property conveyed to The Board of Education of Bullitt County, Kentucky by Trulaverne Couch, unmarried, by Deed dated February 27, 2004 and of record in Deed Book 0606, Page 651, in the Office of the Bullitt County Clerk.

EXHIBIT A

FLOOD NOTE

THIS PROPERTY IS NOT IN THE
100 YEAR FLOOD PLAIN A SHOWN
ON FIRM NO. 21029C0088F

KY HWY 44
60.00' ROW
PC 2 SLIDE 97

ZONING

R-1

CERTIFICATE OF ACKNOWLEDGMENT State of Kentucky County of Bullitt

I, _____, a notary public in and for the
county of Bullitt do hereby certify that the foregoing plat of
_____ was this day presented to me
by _____ known to me. Together with
the certificate of ownership and dedication shown hereon, which
he/she executed in my presence and acknowledged to be his/her
free act and deed.

Witness my hand and seal this ____ day of _____.

My commission expires on the ____ day of _____.

Name

CERTIFICATE OF OWNERSHIP

I CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN ON THIS
PLAT AND RECORDED IN DEED BOOK 627 PAGE 264 IN THE BULLITT CO
CLERK'S OFFICE, AND HEREBY ADOPT THIS SURVEY.

OWNERS: _____

DATE: _____

PURPOSE

THE PURPOSE OF THIS PLAT IS TO DEDICATE 20.00'
TO WIDEN ELLIS COOK ROAD ALONG THE EAST SIDE
OF THE SCHOOL FINANCE CORPORATION'S PROPERTY.

TRACT 2
BULLITT COUNTY SCHOOL DISTRICT FINANCE
CORPORATION
THE REMAINDER OF:
PARCELS 1, 2, 3, 4, 5, 6, AND 7 BEING TRACTS 1, 2,
3, 7, 5, 6, AND TRACT 4 OF THE ELLIS COOK
SUBDIVISION AS SHOWN ON THE PLAT BY
SEBORIS AND ASSOCIATES DATED 22SEPT1994
AND RECORDED IN PLAT CABINET 2 SLIDE 97.
063 000-00-059
DB 627 PG 264 20.53± ACRES

SURVEYOR'S LEGEND

- DENOTES FOUND PIN AS NOTED
- DENOTES SET 5/8" X 18" IRON PIN WITH CAP STAMPED
"WCH PLS 3728"
- DENOTES UTILITY POLE

MERIDIAN NOTES

THE BEARINGS SHOWN ON THIS PLAT
WERE DETERMINED BY THE EAST PROPERTY
LINE HAVING A BEARING S09°24'49"E, AS
RECORDED IN PLAT CABINET 2, SLIDE 97
IN THE CLERKS OFFICE OF BULLITT
COUNTY, KY

LAND SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE SURVEY DEPICTED HERE WAS
MADE UNDER MY SUPERVISION BY RANDOM TRAVERSE WITH
SIDE SHOTS AND THAT THE ANGULAR AND LINEAR
MEASUREMENTS AS WITNESSED BY MONUMENTS SHOWN
HEREON, ARE TRUE AND CORRECT TO THE BEST OF MY
KNOWLEDGE AND BELIEF. THE UNADJUSTED PRECISION
RATIO OF THE TRAVERSE WAS 1:23,407 AND WAS NOT
ADJUSTED. THE SURVEY AS SHOWN HEREON IS A "URBAN"
CLASS SURVEY AND THE ACCURACY AND PRECISION OF
SAID SURVEY MEETS OR EXCEEDS THE SPECIFICATION OF
THIS CLASS.

SURVEYOR: *William C. Harned* PLS 3728 DATE: *27 May 2023*



GRAPHIC SCALE: 1" = 150' DATE OF FIELD SURVEY: 5-10, 5-17-2023
PROJECT NO.: 12-23

FOUND 1/2" IRON PIN WITH CAP
STAMPED "H B SEDORIS LS 1872"

10.00' WATER EASEMENT
NO RECORD SOURCE
FOUND

THREE PHASE ELECTRIC
EASEMENT
NO RECORD SOURCE FOUND

TODD GIVENS
TRACT # 8 OF THE ELLIS COOK
SUBDIVISION
DB 1056 PG 708

10.00' WATER EASEMENT
NO RECORD SOURCE
FOUND

PLAT IS SUBJECT...

THIS PLAT IS SUBJECT TO ALL DEFECTS, LIENS,
ENCUMBRANCES, ADVERSE CLAIMS, COVENANTS,
RESTRICTIONS, ALL LEGAL EASEMENTS, RIGHT-OF-WAYS,
ETC. WHICH MAY BE REVEALED BY A TITLE SEARCH
WHETHER SHOWN ON THIS PLAT OR NOT.

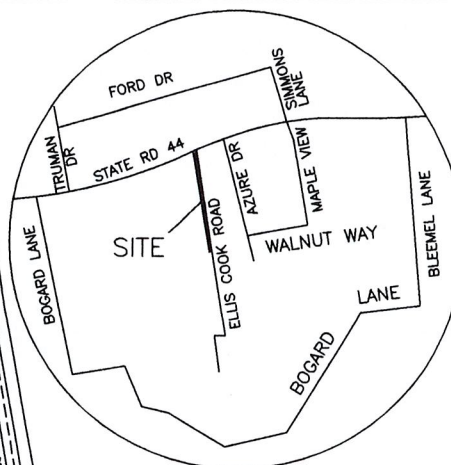
MINOR PLAT FOR
BULLITT COUNTY FISCAL COURT
300 SOUTH BUCKMAN STREET
SHEPHERDSVILLE, KY 40165

OWNER
BULLITT COUNTY SCHOOL FINANCE CORP
1044 HIGHWAY 44 E
SHEPHERDSVILLE, KY 40165
DEED BOOK 627, PAGE 264

PROPERTY ADDRESS:
6925 HIGHWAY 44 E
MT. WASHINGTON, KY 40047
THIS SURVEY COMPLIES WITH 201 KAR 18:150

PREPARED BY:
BILL HARNED
SURVEYING LLC

3144 Wilson Creek Road Office: (502) 592-9147
Lebanon Jct., KY 40150



LOCATION MAP
NOT TO SCALE

TRACT 2
BULLITT COUNTY SCHOOL DISTRICT FINANCE
CORPORATION
A PORTION OF:
PARCELS 1, 4, AND 6, BEING A PORTION OF TRACTS 1,
7, AND 6, OF THE ELLIS COOK SUBDIVISION AS
SHOWN ON THE PLAT BY SEDORIS AND ASSOCIATES
DATED 22SEPT1994 AND RECORDED IN PLAT
CABINET 2 SLIDE 97. DB 627 PG 264
0.50± ACRES

CERTIFICATE OF APPROVAL

APPROVED THIS ____ DAY OF _____, 2023

BY: _____
BULLITT COUNTY
PLANNING COMMISSION

ELLIS COOK ROAD
30.00' ROW
PC 2 SLIDE 97

FOUND 1/2" IRON PIN WITH CAP
STAMPED "H B SEDORIS LS 1872"

S 64°58'14" W
21.02'