



Kenton County School District | *It's about ALL kids.*

Issue Paper

DATE:

02/22/2024

AGENDA ITEM (ACTION ITEM):

Consider / Approve the Kentucky Transportation Cabinet’s \$4,200 offer for a temporary construction easement for 16,478 square feet of land on the Simon Kenton campus for KY-536 road improvements.

APPLICABLE BOARD POLICY:

01.1 Legal Status of the Board

HISTORY/BACKGROUND:

The Kentucky Transportation Cabinet (KTC) has started land acquisition for an upcoming road construction project to improve safety and reduce congestion on KY-536 from Williamswood Road/Calvary Drive to KY-17. KTC is requesting temporary use of 16,748 square feet of land on the Simon Kenton campus near the end of Alvin Drive as a staging area for construction equipment and materials. Granting the temporary easement will not impact school operations or the flow of traffic on campus.

FISCAL/BUDGETARY IMPACT:

Payment from the Kentucky Transportation Cabinet to the KCS D in the amount of \$4,200.

RECOMMENDATION:

Approve the Kentucky Transportation Cabinet’s \$4,200 offer for a temporary construction easement for 16,478 square feet of land on the Simon Kenton campus for KY-536 road improvements.

CONTACT PERSON:

Matt Rigg, Chief Operations Officer

Principal/Administrator



District Administrator



Superintendent

GRANT OF TEMPORARY EASEMENT

THIS GRANT OF TEMPORARY EASEMENT entered into by and between Kenton County School District Finance Corporation, an agency and instrumentality of the Kenton County School District, a political subdivision of the Commonwealth of Kentucky; of 1055 Eaton Drive, FT Wright, Kentucky 41017, Grantor, in whose care the state and county tax bill for the aforesaid calendar year may be sent; and the **COMMONWEALTH OF KENTUCKY**, for the use and benefit of the **TRANSPORTATION CABINET, DEPARTMENT OF HIGHWAYS**, Frankfort, Kentucky 40622, Grantee;

WITNESSETH: That the Grantor, for and in consideration of **FOUR THOUSAND TWO HUNDRED DOLLARS (\$4200.00)** cash to be paid as agreed, the receipt of which is hereby acknowledged, has bargained and sold and does hereby grant unto the Grantee, its successors and assigns an easement in and to the following described property, as more particularly set forth below:

Group: IND
PIDN: 033-00-00-033.00

A parcel of land located in Kenton County, Kentucky, and being more particularly described as follows:

Parcel 142
Tract A

Being a tract of land lying on the South side of KY 536 in Kenton County, on the West side of Madison Pike (Old KY 17) and being more particularly described as follows:

Beginning at a point in the West property line of the grantor, said point also being in the existing South right of way line of Alvin Drive, 41.51 feet right of High School Approach Sta. 13+65.58; Thence with said existing right of way line N64°50'58"E, 112.02 feet to a point in the proposed temporary easement line, 70.00 feet left of High School Approach Sta. 13+76.27; Thence with said easement line for the following calls: S19°13'19"E, 151.73 feet to a point 40.00 feet left of High School Approach Sta. 15+25.00; S59°22'28"W, 85.00 feet to a point 45.00 feet right of High School Approach Sta. 15+25.00; N37°40'39"W, 131.93 feet to a point in the West property line of the grantor, 61.20 feet right of High School Approach Sta. 13+94.07; Thence with said property line N04°01'04"E, 34.63 feet to the **POINT OF BEGINNING**.

The above-described parcel contains 0.384 acre (16,748 square feet).

It is the specific intention of the grantor herein to convey a temporary easement to the property described above for the purpose of roadway construction; said easement terminates and reverts upon completion of same.

Being part of the same property conveyed to Board of Education of the Kenton County School District Finance Corporation, an agency and instrumentality of the Kenton County School District, a political subdivision of the Commonwealth of Kentucky by Deed from Board of Education of the Kenton County School District dated December 28, 1999, and recorded at Book I-102, Page 75, in the office of the Kenton County Clerk at Independence, Kentucky.

The above-described property is being acquired by the Grantee pursuant to a public highway improvement identified as the KY 536 (Bristow Road) Right of Way Project. Item 6-162.40, 12F0 FD52 059 6977708R; STP 8206 (009). Said project was authorized by Transportation Cabinet Official Order NO 112928. This project is by access permit in portions of the project and controlled access in portions of the project, as required to be set forth in Section 6 of the Kentucky Administrative Regulations, (603 KAR 5:120).

Dr. Henry Webb, Superintendent of Kenton County School District and CEO of Kenton County School District Finance Corporation, an agency and instrumentality of the Kenton County School District, a political subdivision of the Commonwealth of Kentucky, is signing this Grant of Easement on behalf of said corporation by the authority given to him in a corporate resolution signed _____ day of _____, by Ms. Jessica Jehn, Chairperson and Ms. Misty Jones, Secretary of Kenton County School District Finance Corporation, an agency and instrumentality of the Kenton County School District, a political subdivision of the Commonwealth of Kentucky.

TO HAVE AND TO HOLD said property unto the Grantee, its successors and assigns, with all the rights and privileges thereunto belonging.

IN TESTIMONY WHEREOF, the Grantor, Kenton County School District Finance Corporation, an agency and instrumentality of the Kenton County School District, a political subdivision of the Commonwealth of Kentucky has executed this Grant of Easement on this the ____ day of _____, 2024.

GRANTOR:

Kenton County School District Finance Corporation, an agency and instrumentality of the Kenton County School District, a political subdivision of the Commonwealth of Kentucky

By: Dr. Henry Webb, Superintendent and CEO

EXEMPTION OF CERTIFICATE OF CONSIDERATION

This Deed is exempt pursuant to KRS 382.135(2)(c).

CERTIFICATE OF ACKNOWLEDGMENT

COMMONWEALTH OF KENTUCKY

COUNTY OF KENTON

I, the undersigned certify that the foregoing Grant of Easement was produced before me in my said County and State and duly acknowledged by Dr. Henry Webb, Superintendent and CEO of Kenton County School District Finance Corporation, an agency and instrumentality of the Kenton County School District, a political subdivision of the Commonwealth of Kentucky, to be the act and deed of said Corporation and his duly authorized act and deed as Superintendent and CEO thereof, this _____ day of _____, 2024.

Notary Public, KY State at Large

My Commission Expires: _____

Notary ID Number: _____

THIS INSTRUMENT PREPARED BY:

Darren L. Embry
Embry Merritt Womack Nance, PLLC
Chase Tower
201 East Main Street, Suite 1402
Lexington, KY 40507
859.543.0453

RESOLUTION

WHEREAS, the Commonwealth of Kentucky for the use and benefit of the Transportation Cabinet, Department of Highways, has agreed to purchase a temporary easement described as Parcel No. 142, Tract A, consisting of 0.384 acre from a parcel of land located in Kenton County, Kentucky belonging to Kenton County School District Finance Corporation, an agency and instrumentality of the Kenton County School District, a political subdivision of the Commonwealth of Kentucky for Highway Project No.12FO FD52 059 6977708R; and federal project NO. STP 8206 (009), KY 536.

WHEREAS, a majority of the Board of Directors of the Corporation having voted to accept \$4200.00 as consideration thereof,

BE IT THEREFORE resolved that the above named Corporation accepts said consideration and hereby authorizes and directs Dr. Henry Webb, Superintendent and CEO to execute a Grant of Easement to the Commonwealth of Kentucky, for the use and benefit of the Transportation Cabinet, Department of Highways, for the consideration above stated.

BE IT THEREFORE also resolved that Dr. Henry Webb, Superintendent and CEO, shall act as its authorized agent to certify that the consideration reflected in the Grant of Easement is the full consideration paid.

This _____ day of _____, 2024.

Kenton County School District Finance Corporation, an agency and instrumentality of the Kenton County School District, a political subdivision of the Commonwealth of Kentucky

By: _____
Ms. Jesica Jehn, Chairperson

By: _____
Ms. Misty Jones, Secretary

MEMORANDUM OF UNDERSTANDING

COUNTY	ITEM NO.	PARCEL	NAME
Kenton	6-162.40	142	Kenton County School District Finance Corporation
PROJECT NO.	FEDERAL NUMBER		PROJECT
12FO FD52 059 6977708R	STP 8206(009)		Improve safety and reduce congestion on KY 536

Property Owners:

This Memorandum of Understanding contains all the representations and agreements made between the parties hereto and upon which they relied in executing a Deed of Conveyance, Deed of Easement, or Grant of Easement dated _____.

The related deed conveys the following interests and amounts of real property as shown on the official plans:

	Amount	Square feet	Acres
Fee simple		<input type="checkbox"/>	<input type="checkbox"/>
Permanent easement		<input type="checkbox"/>	<input type="checkbox"/>
Temporary easement	16,748	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Excess property in fee simple		<input type="checkbox"/>	<input type="checkbox"/>

The total consideration to be paid for the property conveyed is \$ 4200 _____.

This consideration includes payment for any and all reacquisition or reversion rights of the property owners or their heirs or assigns, which may arise pursuant to KRS 416.670.

- This is a total acquisition.
- This is a partial acquisition. The remaining property will have the following access to the proposed highway improvement:
 - Access as provided by the Department's permit. Access not designated on the plans will be the sole responsibility of the Property Owners (proposed highway access is by permit).
 - Access at designated points as shown on the plans (proposed highway access is limited).
 - No access (proposed highway access is fully controlled).
 - The remaining property will be landlocked by this acquisition.
- No improvements are being acquired.
- Improvements are being acquired. The disposition of the acquired improvements will be as follows:
 - The Cabinet receives titles to the improvements.
 - The Cabinet receives titles to the improvements, but for the salvage value of \$ _____ the Property Owners agree to remove the same from the right of way as outlined in the building removal contract. When the structure has been moved clear of the right of way and easement areas, the Property Owners regain the titles. Where tenants occupy improvements, the tenants must be afforded ample time to relocate prior to the Property Owners' being authorized to start the removal.

SIGNS

- No sign is being acquired.
- One or more signs are being acquired.
 - The Cabinet receives and retains title to each sign.
 - The Cabinet receives title to each sign, but for the salvage value of \$ _____ the Property Owners agree to remove the same from the right of way by _____ or forfeit both the recovery of each sign and the salvage value paid. _____

The Property Owners understand that they will not be required to vacate or move personal property from any improvement in less than 90 days from the date of receiving the written offer of relocation assistance. The Property Owners further understand that before being required to vacate or move personal property, they will be given a 30-day written notice that will specify the date they must be completely clear of the improvement.

The Property Owners will assist in obtaining necessary releases of all mortgages, liens, or other encumbrances on the property conveyed. They will pay direct all taxes due for the year in which the Cabinet receives title to the property and, upon submission of the paid receipt, will be reimbursed a pro-rata portion of these property taxes. Also, they will pay direct any penalty costs for prepayment of an existing recorded mortgage and similar expenses incidental to conveying real property to the Cabinet and, upon submission of properly supported paid receipts, will be reimbursed. All reimbursement claims must be deemed fair, necessary, and properly supported for payment.

MEMORANDUM OF UNDERSTANDING

Unless otherwise stated, Property Owners state that no drainage outlets such as pipes, sump pump outlets, gutter downspouts, or septic system drainage of any kind, currently extend onto the existing right of way. In addition, the parties agree as follows:

As owners of the property to be conveyed, we request payment be made as follows:

Name: Kenton County School District Finance Corporation		Name:	
Address: 11246 Madison Pike, Independence KY 41051		Address:	
SSN or Tax ID:	Amount of Check: \$4200	SSN or Tax ID:	Amount of Check: \$
Telephone Number:		Telephone Number:	
Name:		Name:	
Address:		Address:	
SSN or Tax ID:	Amount of Check: \$	SSN or Tax ID:	Amount of Check: \$
Telephone Number:		Telephone Number:	

Note: Attach additional pages, as needed.

The Property Owners acknowledge that if the agreed consideration for this transaction was negotiated based upon a waiver valuation/Minor Acquisition Review (MAR) amount of at least \$10,000.00 but not more than \$25,000.00, the Property Owners were offered the option of having the Cabinet obtain an appraisal of the property and have hereby waived that option.

This Memorandum of Understanding, together with the Right of Way Plans, the Deed of Conveyance, Deed of Easement, or Grant of Easement, and any other documents referenced in these instruments, represent all the terms and conditions of the agreement between the Transportation Cabinet and the Property Owners, which was reached without coercion, threats, or other promises by either party.

By their signatures on this document, the agents representing the Transportation Cabinet certify that they have no direct, indirect, present, or contemplated future interest in this property and in no way will benefit from this acquisition.

This Memorandum of Understanding was signed _____.

Signature of Agents for Transportation Cabinet _____.

Signatures of Property Owners	Signatures of Property Owners
Superintendent: Dr. Henry Webb	

Note: Attach additional pages, as needed.