

**EXEMPTED****DEED**2015008955  
**RE 612 22 - 26**

THIS DEED, made and entered into this 26<sup>th</sup> day of September, 2014, by and between the CITY OF HENDERSON, KENTUCKY, a municipal corporation, Henderson Municipal Center, P.O. Box 716, Henderson, Kentucky, 42419-0716, and the WATER AND SEWER COMMISSION OF THE CITY OF HENDERSON, 111 Fifth Street, Henderson, Kentucky, 42420 (DBA Henderson Water Utility), hereinafter referred to as GRANTORS, and HENDERSON COUNTY BOARD OF EDUCATION, for the use and benefit of the Henderson County High School Construction Program, 1805 Second Street, Henderson, Kentucky 42420, hereinafter referred to as GRANTEE. The in-care-of address for this tax year is 1805 Second Street, Henderson, Kentucky 42420.

**WITNESSETH:**

**WHEREAS**, the City of Henderson, Kentucky is the owner of certain real property located at 7-9 North Julia Street, which property was purchased by the Water and Sewer Commission for the use and benefit of the Henderson Water Utility (HWU) in constructing an extension to HWU's storm sewer system referred to as "Center & Julia Stormwater Separation Project - Phase I" (Phase I), all as part of Henderson's Long-Term Control Plan for Reduction of Combined Sewer Overflows; and

**WHEREAS**, construction of the Phase I project is complete, and no further construction on the property is planned, and the Water and Sewer Commission has passed a resolution stating that the property may be sold or otherwise disposed of; and

**WHEREAS**, the property has no further useful purpose for the City of Henderson and HWU, and has been declared surplus real property by both the City and HWU, subject to the reservation of easements for the Phase I storm sewer; and

**WHEREAS**, the Henderson County school system has requested that the property be conveyed to it for the purpose of construction of a home to be occupied by low-to-moderate income person or persons; and

**WHEREAS**, the City of Henderson and the Water and Sewer Commission have determined that the aforesaid home construction is in furtherance of a public purpose and can be made with no consideration per KRS 82.083(3)(a) to the Henderson County School System, a government agency.

**NOW, THEREFORE**, as a donation and without monetary consideration, the GRANTORS, City of Henderson, Kentucky, and the Water and Sewer Commission of the City of Henderson do hereby transfer and convey all of their right, title and interest in and to the following described real property unto the GRANTEE, Henderson County Board of Education, for the use and benefit of the Henderson

County High School Construction Program, in fee simple, its successors and assigns forever, which real property is situated in the City of Henderson, Kentucky, to-wit:

A certain parcel of real property in the City of Henderson, Kentucky on the west side of Julia Street, between Center and First Streets, to-wit:

Beginning at a point in the, west line of Julia Street 50 feet north of the northwest intersection of Center and Julia Streets; thence in a line parallel to Center Street in a western direction 138 feet to a point in an alley; thence along said alley in a northern direction 50 feet to another point in said alley; thence in a line parallel to Center Street in an eastern direction 138 feet to a point in Julia Street; thence in a southern direction, along the line of Julia Street 50 feet to the point of beginning.

Being the same property conveyed to the Municipal Water and Sewer Commission of the City of Henderson by deed from William Henry Cartwright and wife, Linda Cartwright, dated 28 July 1998, of record in Deed Book 478, page 577, Henderson County Clerk's Office.

The Grantors do hereby reserve unto themselves, all of the permanent public utility easements, as shown on the attached Exhibit "A", for the use and benefit of the Commission and the City of Henderson.

This conveyance is subject to all easements, restrictions, rights-of-way and mineral reservations of record.



IT IS SPECIFICALLY UNDERSTOOD AND AGREED that the Henderson County Board of Education shall not transfer or convey the property without written consent of the GRANTORS having first been obtained; and further, should the Henderson County Board of Education fail to construct a dwelling on the property for occupancy by low-to-moderate income persons within two (2) years from the date of this deed, then in that event, the property shall revert to the City of Henderson, and the Henderson County Board of Education shall immediately convey the property back to the City, without consideration, and free from any liens.

TO HAVE AND TO HOLD the above described real property, together with all of the rights, privileges and appurtenances thereunto belonging unto the GRANTEE, Henderson County Board of Education, for the use and benefit of the Henderson County High School Construction Program, in fee simple, its successors and assigns forever, with Covenant of GENERAL WARRANTY.

IN TESTIMONY WHEREOF, witness the signature of the GRANTORS, by and through their duly authorized representatives, this day and year first above written.

GRANTORS:

WATER AND SEWER COMMISSION OF THE CITY  
OF HENDERSON, KENTUCKY

By: [Signature]  
R. Paul Bird, Jr., Commission Chairman

CITY OF HENDERSON, KENTUCKY

By: [Signature]  
Steve Austin, Mayor

ATTEST:

By: [Signature]  
George Jones, III, Secretary

ATTEST:

By: [Signature]  
Carolyn Williams, City Clerk

GRANTEE:

HENDERSON COUNTY BOARD OF EDUCATION

By: [Signature]  
[Signature]  
Name/Title

STATE OF KENTUCKY  
COUNTY OF HENDERSON ... SCT.

The foregoing Deed and Certification was signed and acknowledged before me, a Notary Public, by R. Paul Bird, Jr., and George Jones, III, known to me to be the Chairman and Secretary, respectively, of the Water and Sewer Commission of the City of Henderson, Kentucky, this 3rd day of October, 2014.

[Signature]  
Notary Public ID# 503018  
My commission expires 02-04-2018

STATE OF KENTUCKY  
COUNTY OF HENDERSON ... SCT.

The foregoing Deed and Certification was signed and acknowledged before me, a Notary Public,  
by Steve Austin and Carolyn Williams, known to me to be the Mayor and City Clerk, respectively, of the  
City of Henderson, Kentucky, a municipal corporation, this 26<sup>th</sup> day of September 2014.

Cynthia Ann Bidwermer ID# 48864  
Notary Public  
My commission expires April 9, 2017

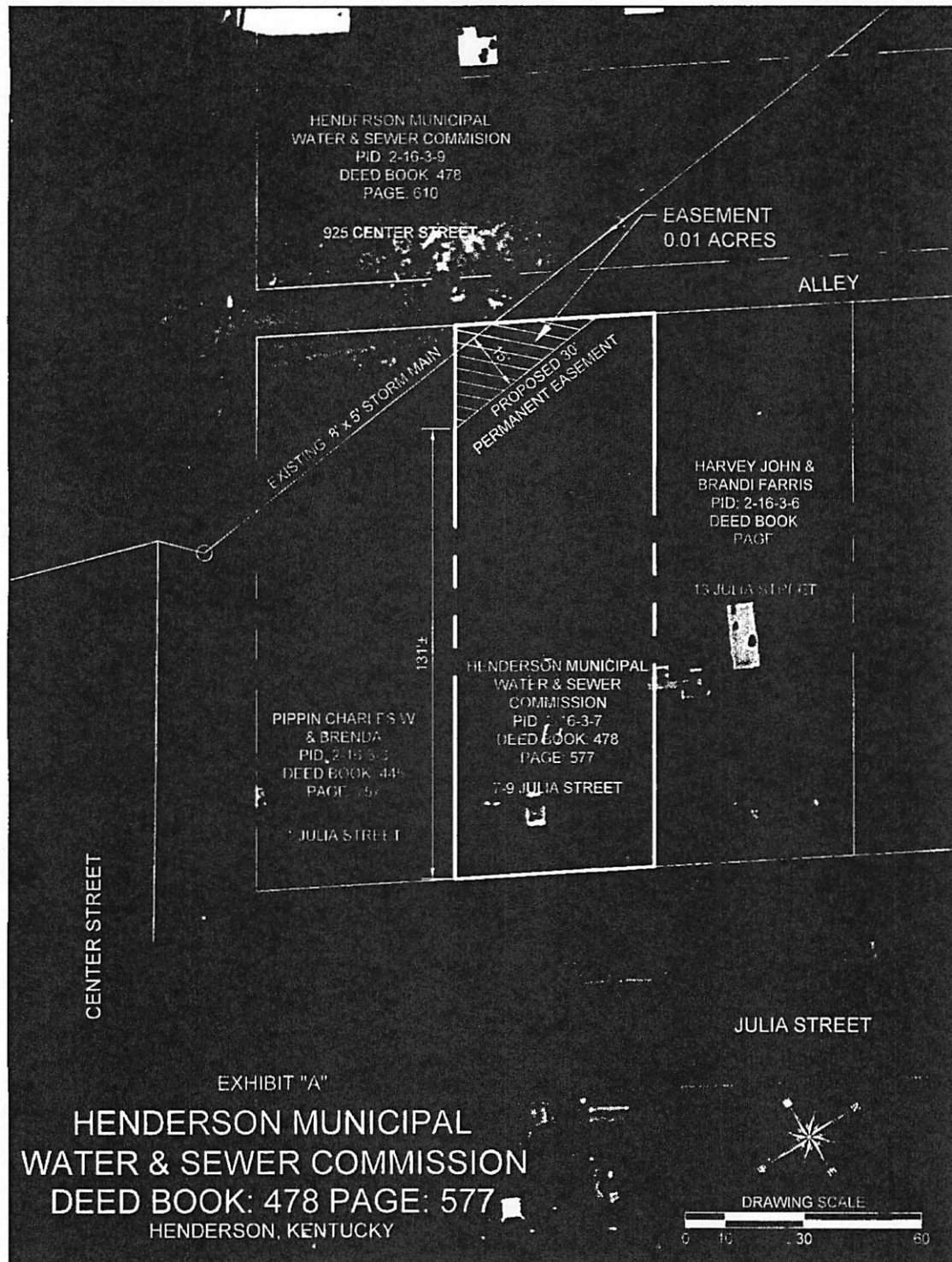
STATE OF KENTUCKY  
COUNTY OF HENDERSON ... SCT.

The foregoing Certification was acknowledged, subscribed and sworn to before me by Grantees,  
Ben Johnson on this the 17 day of December 2014.

Alvin Ben  
Notary Public, State at Large  
My commission expires: 12/8/2018

  
This Instrument Prepared By:

Hon. ERIC A. SHAPPELL  
KING, DEEP & BRANAMAN  
127 N. Main Street  
Henderson, KY 42420  
270.827.1852



mailed to:  
Stall, Keenan & Ogden PLLC  
1 Main St Ste 201  
Evansville, IN 47708  
8/14/15



2015008955

HENDERSON CO, KY FEE \$23.00

PRESENTED / LOADED 08-13-2015 10 14 37 AM

RECORDED: 08-13-2015

RENESA ABNER

CLERK

BY: SHARON BELLARS

DEPUTY CLERK

BK: RE 612

PG: 22-26