

MINUTES OF MEETING HELD MAY 23, 2011

The Common Council of the City of Somerset, Kentucky met in a regular session on Monday, May 23, 2011 at 7:00 p.m. with the following present: Mayor Eddie Girdler. Council Members: Jerry Girdler, Mike New, Donna Hunley, John Minton, Jim Mitchell, Pat Bourne, Jerry Burnett, Tom Eastham, Jim Rutherford, Linda Stringer, Jerry Wheeldon, and Mark Beasley. City Attorney Carrie Wiese, and City Clerk David Godsey.

Mr. Wheeldon moved to approve the minutes of the regular meeting held on May 9, 2011, along with the reports as mailed. Mr. Beasley seconded the motion. Upon roll call the following Council Members voted “Aye”: Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Bourne, Mr. Burnett, Mr. Eastham, Mr. Rutherford, Mrs. Stringer, Mr. Wheeldon, and Mr. Beasley.

First reading was given the following Ordinance # 11-06:

ORDINANCE NUMBER 11-06

AN ORDINANCE AMENDING ORDINANCE NO. 00-18 KNOWN AS THE ZONING ORDINANCE AND ALTERING THE ZONING MAP, BY CHANGING A BOUNDARY OF LAND NOW ZONED R-2 TO R-3. BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOMERSET, KENTUCKY:

Mr. Burnett moved to approve the quitclaim deed purchasing the access road for the sewer plant off of Alexander Street. Mr. Wheeldon seconded the motion. Upon roll call the following Council Members voted “Aye”: Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Bourne, Mr. Burnett, Mr. Eastham, Mr. Rutherford, Mrs. Stringer, Mr. Wheeldon, and Mr. Beasley.

QUITCLAIM DEED

THIS QUITCLAIM DEED, is made and entered into by and between ONE REFINERY ROAD, LLC, a Kentucky Limited Liability Company with a principal office of 600 Monticello Street, Somerset, KY 42501, party of the first part and GRANTOR, and the CITY OF SOMERSET, a Kentucky municipal corporation with a principal office of 400 East Mt. Vernon Street, Somerset, KY 42501, party of the second part and GRANTEE. The in-care-of address to which the property tax bill for the current year may be sent is City of Somerset, 400 East Mt. Vernon Street, Somerset, KY 42501.

WITNESSETH:

THAT FOR AND IN CONSIDERATION of \$22,500.00 (Twenty Two Thousand Five Hundred Dollars and 00/100), the receipt of which is hereby acknowledged, the Grantor has this day bargained and sold and does by this instrument grant, transfer, set over, quitclaim and conveys unto Grantee, its successors and assigns, forever, all Grantor's right, title, and interest in and to a certain tract or parcel of land located in Pulaski County, state of Kentucky, near Somerset Kentucky, and bounded and described as follows:

See Exhibit "A" attached hereto and incorporated in full by reference.

The above described land is subject to all easements, exceptions, right-of-ways, restrictions of record, and any applicable ad valorem taxes that may apply. The property described on Exhibit "A" was part of the ~~is further subject assets purchased by Grantor pursuant to the attached Court Order entered by the Eastern District Bankruptcy Court, London Division, Case No. 07-60407, attached hereto as Exhibit "B" and incorporated in full by reference.~~ permitting property, including the property described in Exhibit "A",

to be sold free of any liens or claims according to applicable law and that the same shall have clear title upon the sale.

WE, ONE REFINERY ROAD, LLC, Grantor, and the CITY OF SOMERSET, KENTUCKY, Grantee, do hereby certify as evidenced by their signatures below, and pursuant to KRS Chapter 382, that the hereinabove described property is transferred with consideration as stated above and that such is the complete and full consideration for this conveyance.

TO HAVE AND TO HOLD the said property hereinabove described, together with all appurtenances and improvements thereunto belonging unto the second party, in fee simple, but without covenant or warranty of title by Grantor..

IN WITNESS WHEREOF Grantor and Grantee have hereunto subscribed their name on this the ____ day of _____, 2011.

GRANTOR – ONE REFINERY ROAD, LLCGRANTEE - CITY OF SOMERSET:

BY: _____BY: _____
Authorized Agent –ManagerMayor, Eddie Girdler

ATTEST:

David Godsey, Somerset City Clerk

COMMONWEALTH OF KENTUCKY
COUNTY OF PULASKI

The foregoing Deed and Consideration Certificate was signed, sworn to, and acknowledged before me this ____ day of _____, 2011, by Mayor, Eddie Girdler, as Grantee, and as his free act and deed under the Executive Authority per KRS.

NOTARY PUBLIC, STATE AT LARGE

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EXHIBIT "A"

Legal Description

5.7896 Acres

A certain tract or parcel of land lying and being in the City of Somerset, State of Kentucky, approximately .2 miles east of Monticello Street along Alexander Street and being more fully described as follows:

Beginning at an existing steel chain link fence post, said post being in the north right of way of Alexander Street and being in the line of Somerset Oil (Deed Book 475 Page 395); Thence with Somerset Oil North 88 degrees 38 minutes 29 seconds East for a distance of 783.00 feet to an existing steel chain link fence post, said post being a common corner to the City of Somerset (see Liz pendens book 17 page 324); Thence leaving Somerset Oil and running with the line of the City of Somerset South 03 degrees 33 minutes 52 seconds West for a distance of 407.37 feet to an existing iron pin with cap stamped RLS 3010, a new corner of a 4.5335 acre tract and in the original line of Somerset Oil (Comm. Deed Book 16 Page 185 Tracts 2 & 3); Thence with the original line between Tracts 2 & 3 North 84 degrees 17 minutes 27 seconds West for a distance of 598.27 feet to a ½" x 18" rebar, set this survey with cap stamped LS 3167, typical of all set rebars, said rebar being in the east right of way of Stigall Lane 10 feet from the centerline; Thence with the Stigall Lane right of way North 39 degrees 04 minutes 14 seconds West for a distance of 144.83 feet to a ½" x 18" rebar, set this survey; Thence still with said right of way North 02 degrees 16 minutes 05 seconds West for a distance of 142.17 feet to a ½" x 18" rebar, set this survey; Thence still with said right of way North 11 degrees 58 minutes 18 seconds West for a distance of 32.66 feet to a ½" x 18" rebar, set this survey; Thence still with said right of way North 36 degrees 32 minutes 48 seconds West for a distance of 28.70 feet to a ½" x 18" rebar, set this survey; Thence with said right of way North 65 degrees 20 minutes 27 seconds West for a distance of 45.54 feet to the point of beginning together with and subject to covenants, easement, and restrictions of record, said property contains 5.7896 acres as surveyed by Donald R. Burgin Ky. L.S. #3167 on 1-20-98.

Being a portion of Parcel 2: PVA Map #061-6-2-19, Tract 3 of the same property conveyed One Refinery Road, LLC, by deed dated November 14, 2008 as recorded in Deed Book 832, Page 124, for further reference see Commissioner's Deed Book 16 Page 185, Pulaski County Clerk's Office, Kentucky.

Mr. Burnett moved to ask the Circuit Judge to release the Cemetery Trust to the City of Somerset if the City of Somerset and the Cemetery Board can come to an agreement. Mrs. Stringer seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Bourne, Mr. Burnett, Mr. Eastham, Mr. Rutherford, Mrs. Stringer, Mr. Wheeldon, and Mr. Beasley.

There being no further business the meeting adjourned.

APPROVED _____

MAYOR

ATTEST: _____

CITY CLERK