

MUNICIPAL ORDER NO. 4, 2019

A MUNICIPAL ORDER DECLARING THE PROPERTIES LOCATED AT 1011 AMSTERDAM ROAD, 1013 AMSTERDAM ROAD, AND 937 MONTAGUE ROAD SURPLUS PROPERTY; AND FURTHER AUTHORIZING THE MAYOR TO EXECUTE QUITCLAIM DEEDS TRANSFERING THE PROPERTIES IN ACCORDANCE WITH KRS §82.083(4)(b).

WHEREAS, the City of Park Hills owns property located at 1011 Amsterdam Road, 1013 Amsterdam Road, and 937 Montague Road (the “Surplus Real Properties”);

WHEREAS, Condoview, LLC, will build a residential development on the vacant site of the former Gateway Community & Technical College campus (the “Development”);

WHEREAS, the Development will include up to 82 new homes;

WHEREAS, on or about February 12, 2019, the City of Park Hills entered into a Development Agreement with Condoview, LLC;

WHEREAS, under the Development Agreement with Condoview, LLC, Park Hills agreed to convey to Condoview, LLC, parcels adjacent to Amsterdam Road and integral to the successful completion of the Development, including 1011 Amsterdam Road and 1013 Amsterdam Road;

WHEREAS, the City of Park Hills now wishes to convey to Condoview, LLC, property located at 937 Montague Road;

WHEREAS, the Properties are no longer needed by the City of Park Hills and the City of Park Hills now desires to declare the Surplus Real Properties to be surplus property, so that they can be transferred with or without compensation in accordance with KRS §82.083(4)(b).

**NOW, THEREFORE, BE IT ORDERED BY THE CITY OF PARK HILLS,
KENTUCKY, AS FOLLOWS:**

Section 1. In accordance with KRS §82.083(3), the City of Park Hills makes the following determinations:

1. The Surplus Real Properties owned by the City of Park Hills are located at 1011 Amsterdam Road, 1013 Amsterdam Road, and 937 Montague Road. A copy of the legal descriptions for the Surplus Real Properties are included in the respective Quitclaim Deeds for the Surplus Real Properties, which are attached hereto as “Exhibit A,” and incorporated herein by reference.

2. The intended use for the Surplus Real Properties at the time of their acquisition was for refurbishing and revitalizing the Surplus Real Properties and the corresponding Amsterdam Road area.

3. It is in the public interest to dispose of the Surplus Real Properties in order for Condoview, LLC to obtain the properties and utilize them as part of the developer’s commitment to reconfigure Amsterdam Road.

4. 1011 Amsterdam Road and 1013 Amsterdam Road shall be transferred, with compensation to the City of Park Hills in the amount of \$100,000, for economic development purposes pursuant to KRS §82.083(4)(b), which include, but are not limited to, the reconfiguration of Amsterdam Road.

5. 937 Montague Road shall be transferred, without compensation, for economic development purposes pursuant to KRS §82.083(4)(b), which include, but are not limited to, the reconfiguration of Amsterdam Road.

Section 2. The City Council of the City of Park Hills hereby declares the Surplus Real Properties to be surplus property which may be transferred, sold, or otherwise conveyed in accordance with the provisions of KRS §82.083(4).

Section 3. The City Council of the City of Park Hills hereby authorizes the Mayor to execute the Quitclaim Deeds attached as “Exhibit A” hereto in order to deed away the Surplus Real Properties to Condoview, LLC.

Section 4. The City Council of the City of Park Hills hereby authorizes the Mayor or her designee, and other appropriate City officials, to amend, modify, execute and/or deliver any and all documents which are deemed necessary and advisable in order to complete the transaction authorized by this order and other actions as required under the Development Agreement with Condoview, LLC.

Adopted this ____ day of May, 2019.

Kathy Zembrodt, Mayor

Attested by: _____
Julie Alig, City Clerk

After recording return to:

THIS CONVEYANCE IS EXEMPT FROM TRANSFER TAX PURSUANT TO K.R.S. 142.050(7)(b), AS A TRANSFER OF TITLE FROM ANY CITY WITHIN THE COMMONWEALTH OF KENTUCKY.

QUITCLAIM DEED

THIS QUITCLAIM DEED is made and entered into this ____ day of May, 2019, by and between The City of Park Hills, Kentucky, a municipal corporation and city of the home rule class, having a mailing address of 1106 Amsterdam Road, Park Hills, Kentucky 41011 (“Grantor”), and CondoView LLC, a Kentucky limited liability company, having a mailing address of 8044 Montgomery Road, Suite 300, Cincinnati, Ohio 45236 (“Grantee”).

Pursuant to KRS 382.135(1)(d), the in-care-of address to which the property tax bill for the year in which the property is transferred may be sent is CondoView LLC, 8044 Montgomery Road, Suite 300, Cincinnati, Ohio 45236.

WITNESSETH:

That for and in consideration of the sum of One and 00/100 Dollar (\$1.00), cash in hand paid, the receipt and sufficiency of which is hereby acknowledged, the Grantor does hereby quitclaim in fee simple to Grantee, its successors and assigns forever, the following described real estate:

SEE LEGAL DESCRIPTION IN ATTACHED EXHIBIT A INCORPORATED HEREIN BY REFERENCE.

Group: 16
PIDN: 040-42-00-028.00
Property Address: 937 Montague Road, Park Hills, Kentucky 41011

Prior Deed Reference: Being all of the same property conveyed to Grantor from Elsmere Management Corporation by deed dated November 30, 2007, and recorded in **Book C-3586, Page 43** in the records of the Kenton County Clerk’s Office in Covington, Kentucky.

TO HAVE AND TO HOLD the above described real estate, together with all the appurtenances thereunto belonging, unto the Grantee in fee simple forever, in the fashion and manner stated in the conveying clause. The Grantee joins in the execution of this deed for the sole purpose of certifying the consideration.

This conveyance is made subject to all easements, restrictions, and covenants of record, real estate taxes and assessments due and payable after the date hereof, all legal highways, streets, and rights-of-way, and utility easements and utility facilities in existence.

IN TESTIMONY WHEREOF, witness the signature of the Grantor hereto this the date first above written.

GRANTOR:

The City of Park Hills, Kentucky
A municipal corporation and city of the home rule class

By: _____
Kathy Zembrodt - Mayor

Commonwealth of Kentucky)
)
County of Kenton)

The foregoing instrument was subscribed, sworn to and acknowledged before me this _____ day of May, 2019, by Kathy Zembrodt, the Mayor of The City of Park Hills, Kentucky, a municipal corporation and city of the home rule class, on behalf of the municipal corporation.

Notary Public
My commission expires: _____

CONSIDERATION CERTIFICATE

Pursuant to KRS Chapter 382, the undersigned, first being duly cautioned and sworn, the Grantor and Grantee in the above deed, do hereby certify that \$1.00 is the true, correct, and full consideration paid for the real estate herein conveyed. The estimated fair cash value of the property herein conveyed is \$8,000.00. This conveyance is exempt from transfer tax pursuant to K.R.S. 142.050(7)(b) as a transfer of title from any city within the Commonwealth of Kentucky.

GRANTOR:

The City of Park Hills, Kentucky
A municipal corporation and city of
the home rule class

By: _____
Kathy Zembrodt - Mayor

GRANTEE:

CondoView LLC
A Kentucky limited liability company

By: _____
Title: _____

Commonwealth of Kentucky)
)
County of Kenton)

The foregoing instrument was subscribed, sworn to and acknowledged before me this _____ day of May, 2019, by Kathy Zembrodt, the Mayor of The City of Park Hills, Kentucky, a municipal corporation and city of the home rule class, on behalf of the municipal corporation.

Notary Public
My commission expires: _____

Commonwealth of Kentucky)
)
County of Kenton)

The foregoing instrument was subscribed, sworn to and acknowledged before me this _____ day of May, 2019, by _____, the _____ of CondoView LLC, a Kentucky limited liability company, on behalf of the limited liability company.

Notary Public
My commission expires: _____

This instrument prepared by:

Timothy Lynch, Esq.
Hemmer DeFrank Wessels PLLC
250 Grandview Drive, Suite 500
Fort Mitchell, KY 41017

EXHIBIT A

LEGAL DESCRIPTION

GROUP NO. 16
PIDN: 040-42-00-028.00

Beginning at a point in the southerly line on Montague Street where the Street Car Company right-of-way acquired from Devou adjoins the property formerly owned by John Duefel and wife: said point being 210.7 feet East of the southeasterly corner of Montague Street and Amsterdam Road (formerly Spenser Street) extending thence with the line of said right-of-way S 36 degrees W 111.2 feet; thence S 53 degrees 40 minutes W 59 feet; thence N 62 degrees W 22 feet to a point in the former South line of Deufel's property; thence N 36 degrees E 167.2 feet to the South line of Montague Street; thence along the southerly line of Montague Street eastwardly 40 feet to the place of beginning, containing 1444/1000 acres, more or less.

Subject to easements, conditions, restrictions, and covenants of record and/or in existence.

Being the same property conveyed to Elsmere Management Corporation, a Kentucky corporation, by deed recorded May 1, 1997, in the Deed Book 1216, Page 318 of the Kenton County Clerk's records at Covington, Kentucky.

After recording return to:

THIS CONVEYANCE IS EXEMPT FROM TRANSFER TAX PURSUANT TO K.R.S. 142.050(7)(b), AS A TRANSFER OF TITLE FROM ANY CITY WITHIN THE COMMONWEALTH OF KENTUCKY.

QUITCLAIM DEED

THIS QUITCLAIM DEED is made and entered into this ____ day of May, 2019, by and between The City of Park Hills, Kentucky, a municipal corporation and city of the home rule class, having a mailing address of 1106 Amsterdam Road, Park Hills, Kentucky 41011 (“**Grantor**”), and CondoView LLC, a Kentucky limited liability company, having a mailing address of 8044 Montgomery Road, Suite 300, Cincinnati, Ohio 45236 (“**Grantee**”).

Pursuant to KRS 382.135(1)(d), the in-care-of address to which the property tax bill for the year in which the property is transferred may be sent is CondoView LLC, 8044 Montgomery Road, Suite 300, Cincinnati, Ohio 45236.

WITNESSETH:

That for and in consideration of the sum of Fifty Thousand and 00/100 Dollars (\$50,000.00), cash in hand paid, the receipt and sufficiency of which is hereby acknowledged, the Grantor does hereby quitclaim in fee simple to Grantee, its successors and assigns forever, the following described real estate:

SEE LEGAL DESCRIPTION IN ATTACHED EXHIBIT A INCORPORATED HEREIN BY REFERENCE.

Group: 16 and 3144/COV
PIDN: 040-42-00-023.00
Property Address: 1011 Amsterdam Road, Park Hills, Kentucky 41011

Prior Deed Reference: Being all of the same property conveyed to Grantor from the Master Commissioner of the Kenton Circuit Court by deed dated February 1, 2005, and recorded in **Book C-2535, Page 339** in the records of the Kenton County Clerk’s Office in Covington, Kentucky.

TO HAVE AND TO HOLD the above described real estate, together with all the appurtenances thereunto belonging, unto the Grantee in fee simple forever, in the fashion and manner stated in the conveying clause. The Grantee joins in the execution of this deed for the sole purpose of certifying the consideration.

This conveyance is made subject to all easements, restrictions, and covenants of record, real estate taxes and assessments due and payable after the date hereof, all legal highways, streets, and rights-of-way, and utility easements and utility facilities in existence.

IN TESTIMONY WHEREOF, witness the signature of the Grantor hereto this the date first above written.

GRANTOR:

The City of Park Hills, Kentucky
A municipal corporation and city of the home rule class

By: _____
Kathy Zembrodt - Mayor

Commonwealth of Kentucky)
)
County of Kenton)

The foregoing instrument was subscribed, sworn to and acknowledged before me this _____ day of May, 2019, by Kathy Zembrodt, the Mayor of The City of Park Hills, Kentucky, a municipal corporation and city of the home rule class, on behalf of the municipal corporation.

Notary Public
My commission expires: _____

CONSIDERATION CERTIFICATE

Pursuant to KRS Chapter 382, the undersigned, first being duly cautioned and sworn, the Grantor and Grantee in the above deed, do hereby certify that \$50,000.00 is the true, correct, and full consideration paid for the real estate herein conveyed. This conveyance is exempt from transfer tax pursuant to K.R.S. 142.050(7)(b) as a transfer of title from any city within the Commonwealth of Kentucky.

GRANTOR:

The City of Park Hills, Kentucky
A municipal corporation and city of
the home rule class

By: _____
Kathy Zembrodt - Mayor

GRANTEE:

CondoView LLC
A Kentucky limited liability company

By: _____
Title: _____

Commonwealth of Kentucky)
)
County of Kenton)

The foregoing instrument was subscribed, sworn to and acknowledged before me this _____ day of May, 2019, by Kathy Zembrodt, the Mayor of The City of Park Hills, Kentucky, a municipal corporation and city of the home rule class, on behalf of the municipal corporation.

Notary Public
My commission expires: _____

Commonwealth of Kentucky)
)
County of Kenton)

The foregoing instrument was subscribed, sworn to and acknowledged before me this _____ day of May, 2019, by _____, the _____ of CondoView LLC, a Kentucky limited liability company, on behalf of the limited liability company.

Notary Public
My commission expires: _____

This instrument prepared by:

Timothy Lynch, Esq.
Hemmer DeFrank Wessels PLLC
250 Grandview Drive, Suite 500
Fort Mitchell, KY 41017

EXHIBIT A

LEGAL DESCRIPTION

GROUP NOS. 16; 3144
PIDN: 040-42-00-023.00

Property Address: 1011 Amsterdam Road
Park Hills, Kentucky 41011

BEING PART OF AN UNNUMBERED PARCEL APPEARING ON COPIED AND RESTORED PLAT NO. 27, KENTON COUNTY CLERK'S RECORDS AT COVINGTON, KENTUCKY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A CONCRETE NOTCH IN THE EASTERLY LINE OF AMSTERDAM ROAD, 167.00 FEET, SOUTH 38 DEGREES 00'00" WEST FROM MONTAGUE ROAD IN THE CITY OF PARK HILLS, SAID POINT BEING THE NORTHWESTERLY CORNER OF A PARCEL AS SURVEYED BY TERRY W. HUGHES, DATED MAY 31, 1983 AND RECORDED IN DEED BOOK 845, PAGE 215, KENTON COUNTY RECORDS, THENCE SOUTH 53 DEGREES 15' WEST 110.00 FEET TO A STONE WALL; THENCE SOUTH 38 DEGREES 00'00" WEST, 163.00 FEET TO A FOUND IRON PIPE; THENCE SOUTH 7 DEGREES 15'00" WEST, 88.29 FEET TO A POINT; THENCE NORTH 86 DEGREES 27'19" WEST, 124.23 FEET TO A POINT IN THE EASTERLY LINE OF AMSTERDAM ROAD; THENCE ALONG THE EASTERLY LINE OF AMSTERDAM ROAD; NORTH 3 DEGREES 32'41" EAST, 93.10 FEET TO FOUND IRON PIPE; THENCE ALONG THE EASTERLY LINE OF AMSTERDAM ROAD, NORTH 38 DEGREES 00'00" EAST, 229.99 FEET TO THE TRUE PLACE OF BEGINNING. CONTAINING 33.129.719 SQUARE FEET, SHOWN AS PARCEL 1 ON SURVEY OF T.H. KOHLER, REG. L.S. #2339, DATED JANUARY 17, 1984, APPROVED BY KENTON COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION.

Being the same property conveyed to the Grantors herein by quitclaim deed from RODNEY WIECK and MELINDA WIECK, his wife; and JACK TORLINE and CAROL TORLINE, his wife, said deed dated February 20, 1987, and recorded in Deed Book 940, Page 66 of the records in the Kenton County Clerk's office at Covington, Kentucky; and also being the same property conveyed to Grantors herein by deed from RODNEY WIECK and MELINDA WIECK, his wife; and JACK TORLINE and CAROL TORLINE, his wife, said deed dated February 6, 1984, and recorded in Deed Book 864, Page 68 of the aforesaid records.

SUBJECT to conditions, restriction and easements contained in the deeds and instruments of record.

After recording return to:

THIS CONVEYANCE IS EXEMPT FROM TRANSFER TAX PURSUANT TO K.R.S. 142.050(7)(b), AS A TRANSFER OF TITLE FROM ANY CITY WITHIN THE COMMONWEALTH OF KENTUCKY.

QUITCLAIM DEED

THIS QUITCLAIM DEED is made and entered into this ____ day of May, 2019, by and between The City of Park Hills, Kentucky, a municipal corporation and city of the home rule class, having a mailing address of 1106 Amsterdam Road, Park Hills, Kentucky 41011 (“**Grantor**”), and CondoView LLC, a Kentucky limited liability company, having a mailing address of 8044 Montgomery Road, Suite 300, Cincinnati, Ohio 45236 (“**Grantee**”).

Pursuant to KRS 382.135(1)(d), the in-care-of address to which the property tax bill for the year in which the property is transferred may be sent is CondoView LLC, 8044 Montgomery Road, Suite 300, Cincinnati, Ohio 45236.

WITNESSETH:

That for and in consideration of the sum of Fifty Thousand and 00/100 Dollars (\$50,000.00), cash in hand paid, the receipt and sufficiency of which is hereby acknowledged, the Grantor does hereby quitclaim in fee simple to Grantee, its successors and assigns forever, the following described real estate:

SEE LEGAL DESCRIPTION IN ATTACHED EXHIBIT A INCORPORATED HEREIN BY REFERENCE.

Group: 3144
PIDN: 040-42-00-023.01
Property Address: 1013 Amsterdam Road, Park Hills, Kentucky 41011

Prior Deed Reference: Being all of the same property conveyed to Grantor from R. Lex Phillips and Melinda J. Wieck by deed dated October 11, 2005, and recorded in **Book C-2804, Page 6** in the records of the Kenton County Clerk’s Office in Covington, Kentucky.

TO HAVE AND TO HOLD the above described real estate, together with all the appurtenances thereunto belonging, unto the Grantee in fee simple forever, in the fashion and manner stated in the conveying clause. The Grantee joins in the execution of this deed for the sole purpose of certifying the consideration.

This conveyance is made subject to all easements, restrictions, and covenants of record, real estate taxes and assessments due and payable after the date hereof, all legal highways, streets, and rights-of-way, and utility easements and utility facilities in existence.

IN TESTIMONY WHEREOF, witness the signature of the Grantor hereto this the date first above written.

GRANTOR:

The City of Park Hills, Kentucky
A municipal corporation and city of the home rule class

By: _____
Kathy Zembrodt - Mayor

Commonwealth of Kentucky)
)
County of Kenton)

The foregoing instrument was subscribed, sworn to and acknowledged before me this _____ day of May, 2019, by Kathy Zembrodt, the Mayor of The City of Park Hills, Kentucky, a municipal corporation and city of the home rule class, on behalf of the municipal corporation.

Notary Public
My commission expires: _____

CONSIDERATION CERTIFICATE

Pursuant to KRS Chapter 382, the undersigned, first being duly cautioned and sworn, the Grantor and Grantee in the above deed, do hereby certify that \$50,000.00 is the true, correct, and full consideration paid for the real estate herein conveyed. This conveyance is exempt from transfer tax pursuant to K.R.S. 142.050(7)(b) as a transfer of title from any city within the Commonwealth of Kentucky.

GRANTOR:

The City of Park Hills, Kentucky
A municipal corporation and city of
the home rule class

By: _____
Kathy Zembrodt - Mayor

GRANTEE:

CondoView LLC
A Kentucky limited liability company

By: _____
Title: _____

Commonwealth of Kentucky)
)
County of Kenton)

The foregoing instrument was subscribed, sworn to and acknowledged before me this _____ day of May, 2019, by Kathy Zembrodt, the Mayor of The City of Park Hills, Kentucky, a municipal corporation and city of the home rule class, on behalf of the municipal corporation.

Notary Public
My commission expires: _____

Commonwealth of Kentucky)
)
County of Kenton)

The foregoing instrument was subscribed, sworn to and acknowledged before me this _____ day of May, 2019, by _____, the _____ of CondoView LLC, a Kentucky limited liability company, on behalf of the limited liability company.

Notary Public
My commission expires: _____

This instrument prepared by:

Timothy Lynch, Esq.
Hemmer DeFrank Wessels PLLC
250 Grandview Drive, Suite 500
Fort Mitchell, KY 41017

EXHIBIT A

LEGAL DESCRIPTION

Property Address: 1013 Amsterdam Road, Park Hills, Kentucky 41011

Being a parcel of land lying in the City of Park Hills, the County of Kenton, and the Commonwealth of Kentucky, and more particularly described as follows:

Group No: 3144

Beginning at a concrete notch in the east line of Amsterdam Road, 167.00 feet

South 38° 00'00" West from Montague Road in the City of Park Hills; thence

South 53° 15' West 110.00 feet to a stone wall; thence South 38° 00' West 163.00 feet to an iron pipe; thence South 7° 15' West 150.00 feet to an iron pipe; thence South 25° 07'40" West along the right of way of the road constructed on the Cincinnati, Newport, Covington Transit property 138.10 feet to an iron pipe; thence South 82° 09'20" West 70.84 feet to an iron pipe in the east line of Amsterdam Road; thence North 3° 32'41" East along the east line of Amsterdam Road 297.0951 feet to an iron pipe; thence continuing along said east line North 38° 00' East 229.99 feet to the place of beginning, containing 1.2226 acres, as resurveyed by Terry W. Hughes, Kentucky Land Surveyor #820, and shown by plat recorded in Deed Book 1195, Page 121, Kenton County Clerk's records at Covington, Kentucky.

EXCEPTION: Group No. 16

There is expected from the above and not intended to be conveyed, the following described property:

BEGINNING at a concrete notch in the easterly line of Amsterdam Road, 167.00 feet, South 38° 00'00" West from Montague Road in the City of Park Hills, said point being the northwesterly corner of a parcel surveyed by Terry W. Hughes, dated May 31, 1983, and recorded in Deed Book 845, Page 215, Kenton County Clerk's records; thence South 53° 15'00" West 110.00 feet to a stone wall; thence South 38° 00'00" West, 163.00 feet to a found iron pipe; thence South 7° 15'00" West, 88.28 feet to a point; thence North 86° 27'19" West, 124.23 feet to a point in the easterly line of Amsterdam Road; thence along the easterly line of Amsterdam Road, North 38° 00'00" East, 229.99 feet to the true place of beginning, CONTAINING 33,129.719 square feet, shown as PARCEL 1 on the survey of T.H. Kohler, Reg. L.S. #2339, dated January 17, 1984, approved by Kenton County & Municipal Planning & Zoning Commission.

Subject to real estate taxes and assessments not yet due and payable, easements, conditions, covenants, restrictions and all matters of record.

Being a part of the same property conveyed to Grantor Melinda J. Wieck, divorced and unremarried at the time, by deed from Rodney Wieck, dated January 29, 1996, and record on August 31, 1996, in Deed Book 1195, Page 121, Kenton County Clerk's records at Covington, Kentucky.