

CITY OF PARK HILLS, KENTUCKY

RESOLUTION 1, 2020

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PARK HILLS, IN
KENTON COUNTY, KENTUCKY, TO AUTHORIZE THE MAYOR, ON
BEHALF OF THE CITY, TO ACCEPT THE DONATION OF REAL ESTATE
AND EXECUTE A
GENERAL WARRANTY DEED**

WHEREAS, pursuant to agreement dated November 14, 2016, between Jim & Judy Berling Land Company, LLC, and the City of Park Hills, Kentucky, among other parties, Jim & Judy Berling Land Company, LLC, agreed to donate to the City of Park Hills, Kentucky, certain property adjacent to a residential land development project known as Audubon Forest; and

WHEREAS, the City desires to accept this donation of property at no cost and further to authorize the Mayor to execute the General Warranty Deed attached hereto.

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. The City Council of the City of Park Hills authorizes the Mayor to accept the donation of real property described in **Exhibit A**; and
2. The City Council of the City of Park Hills authorizes and directs the Mayor to execute the General Warranty Deed in the form of the attached Exhibit A; and
3. The City Council of the City of Park Hills directs the Mayor to take all steps necessary to properly record the Deed to confirm the City's acceptance and ownership of the parcel; and
4. The City Council of the City of Park Hills authorizes and directs the Mayor to amend, modify, execute and/or deliver any and all documents that she deems necessary and advisable in order to complete the transaction authorized by this resolution and to perform such other acts, as in her

judgment may be necessary or appropriate in order to effectuate the intent
and purposes of the foregoing resolution.

Approved by the City Council this ____ day of January 2020.

Kathy Zembrodt, Mayor

Julie Alig, City Clerk

AFTER RECORDING, RETURN TO:

Hemmer DeFrank Wessels PLLC
Attn: Timothy Lynch
250 Grandview Drive, Suite 500
Fort Mitchell, Kentucky 41017

THIS CONVEYANCE IS EXEMPT FROM TRANSFER TAX PURSUANT TO K.R.S. 142.050(7)(b) AS A TRANSFER OF TITLE TO A CITY OF THIS COMMONWEALTH FOR NO CONSIDERATION PAID.

GENERAL WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

That **JIM & JUDY BERLING LAND COMPANY, L.L.C., a Kentucky limited liability company,**

for and in consideration of -- \$1.00 -- and other good and valuable considerations to it paid by the Grantee herein, the receipt of which is hereby acknowledged, does bargain, sell and convey to:

CITY OF PARK HILLS, KENTUCKY, a municipal corporation and city of the home rule class, its successors and assigns forever,

the following described real estate, in the City of Park Hills, County of Kenton and Commonwealth of Kentucky, to-wit:

Grantor's Address: 1671 Park Road, Suite 1, Ft. Wright, KY 41011
Grantee's Address: 1106 Amsterdam Road, Park Hills, KY 41011

Mail Tax Bill for 2020 and Name: City of Park Hills
Thereafter in Care of: Address: 1106 Amsterdam Road, Park Hills, KY 41011

Parcel One

Group Number: 5438
Plat Slides: 2211 and 2211A
PIDN: 041-10-10-055.26
Commonly Known As Parcel "A", Audubon Forest

Situated in the City of Park Hills, County of Kenton and Commonwealth of Kentucky, to-wit:

Being all of Parcel "A" of Audubon Forest as shown on Plat Slides 2211 and 2211A of the Kenton County Clerk's records at Covington, Kentucky.

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

Being part of the same property conveyed to the Grantor herein by General Warranty Deed recorded in Official Record Book C-5991, Page 309 and being part of the same property conveyed to the Grantor herein by General Warranty Deed recorded in Official Record Book C-5990, Page 156, all references being to the Kenton County Clerk's records at Covington, Kentucky.

Parcel Two

Group Number: 5438

Plat Slides: 2211 and 2211A

PIDN: 041-10-10-055.28

Commonly Known As Parcel "C", Audubon Forest

Situated in the City of Park Hills, County of Kenton and Commonwealth of Kentucky, to-wit:

Being all of Parcel "C" of Audubon Forest as shown on Plat Slides 2211 and 2211A of the Kenton County Clerk's records at Covington, Kentucky.

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

Being part of the same property conveyed to the Grantor herein by General Warranty Deed recorded in Official Record Book C-5991, Page 309 and being part of the same property conveyed to the Grantor herein by General Warranty Deed recorded in Official Record Book C-5990, Page 156, all references being to the Kenton County Clerk's records at Covington, Kentucky.

Together with all the PRIVILEGES AND APPURTENANCES to the same belonging. TO HAVE AND TO HOLD the same to the said

CITY OF PARK HILLS, KENTUCKY, a municipal corporation and city of the home rule class, its successors and assigns,

the Grantor, its successors and assigns, HEREBY COVENANTING with the Grantee, its successors and assigns, that the TITLE so conveyed is CLEAR, FREE AND UNENCUMBERED and that it will WARRANT AND DEFEND the same against all legal claims whatsoever.

The real estate herein conveyed is expressly granted and conveyed subject to the following restrictive covenants which shall run with and bind the land in perpetuity forever and shall be binding upon the Grantee, and its successors and assigns:

1. The real estate may only be used for the purpose of an outdoor nature preserve, and shall be maintained in perpetuity hereafter in its natural environmental and ecological condition. The purpose of this restrictive covenant is to retain the real estate in its natural, vegetative, hydrologic, scenic, open, and wooded condition and to retain such real estate as suitable habitat for plants and wildlife.
2. All uses and activities upon the real estate which are inconsistent with the purpose of this restrictive covenant are hereby prohibited. Without limiting the generality of the foregoing, the following uses and activities are specifically prohibited: (a) the construction of homes, buildings, structures, fences, roads, trails, and signs are prohibited; (b) the removal or destruction of trees, shrubs, plants, and other vegetation is prohibited, except for removal of dead vegetation which poses an immediate threat of personal injury or property damage and removal of invasive species of plants which negatively impacts the overall ecological condition of the real estate; (c) the excavation or removal of soil, gravel, rocks, and other materials and substances is prohibited; (d) the removal, destruction, or obstruction of bodies of water and water courses is prohibited; (e) the dumping or placing of trash, debris, and other refuse upon the real estate is prohibited; and (f) activities and uses which are detrimental to stormwater drainage, flood control, erosion control, and soil conservation are prohibited.

The establishment of the restrictive covenants set forth herein above constitutes a material inducement for the Grantee's acceptance of the conveyance of the real estate described herein. The Grantee shall have standing to enforce the terms of the restrictive

covenants contained herein against person or entity in violation thereof by any remedy provided at law or in equity, including suits for injunction and restraining orders.

IN WITNESS WHEREOF, the said Grantor, **JIM & JUDY BERLING LAND COMPANY, L.L.C.**, a Kentucky limited liability company, by and through **JAMES W. BERLING**, its Authorized Member, pursuant to authorizing Resolution, hereunto sets its hand, this _____ day of _____, 20____.

JIM & JUDY BERLING LAND COMPANY, L.L.C.
A Kentucky Limited Liability Company

By: _____
JAMES W. BERLING, its Authorized Member

COMMONWEALTH OF KENTUCKY

COUNTY OF KENTON

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by **JIM & JUDY BERLING LAND COMPANY, L.L.C.**, a Kentucky limited liability company, by and through **JAMES W. BERLING**, its Authorized Member, on behalf of said Company.

Notary Public

Print Name: Anthony C. Berling

Comm. Expires: 11/19/2023

I.D. Number: 633333

CERTIFICATION

We, **JIM & JUDY BERLING LAND COMPANY, L.L.C.**, a Kentucky limited liability company, Grantor herein, by and through **JAMES W. BERLING**, its Authorized Member, pursuant to authorizing Resolution, at the address of 1671 Park Road, Suite 1, Ft. Wright, Kentucky 41011, and **CITY OF PARK HILLS, KENTUCKY**, a municipal corporation and city of the home rule class, Grantee herein, by and through Kathy Zembrodt, its Mayor, pursuant to authorizing Resolution, at the address of 1106 Amsterdam Road, Park Hills, Kentucky 41011, do hereby certify, pursuant to KRS Chapter 382, that the afore-described property is conveyed without consideration and the fair market value of said property is **\$115,000.00**. We further certify our understanding that falsification of the stated consideration or sale price of the property is a Class D felony, subject to one to five years imprisonment and fines up to \$10,000.00.

JIM & JUDY BERLING LAND COMPANY, L.L.C.
A Kentucky Limited Liability Company (Grantor)

CITY OF PARK HILLS, KENTUCKY
A Municipal Corporation and City of Home Rule Class
(Grantee)

By: _____
JAMES W. BERLING, its Authorized Member

By: _____
Kathy Zembrodt - Mayor Print Name:

Title: _____

COMMONWEALTH OF KENTUCKY)
) SS
COUNTY OF _____)

SUBSCRIBED, SWORN TO AND ACKNOWLEDGED before me, a Notary Public, this _____ day of _____, 20____, by **JIM & JUDY BERLING LAND COMPANY, L.L.C.**, a Kentucky limited liability company, by and through **JAMES W. BERLING**, its Authorized Member, on behalf of said Company.

Notary Public

Print Name: Anthony C. Berling

Comm. Expires: 11/19/2023
I.D. Number: 633333

COMMONWEALTH OF KENTUCKY)
) SS
COUNTY OF _____)

SUBSCRIBED, SWORN TO AND ACKNOWLEDGED before me, a Notary Public, this ____ day of _____,
20____, by **CITY OF PARK HILLS, KENTUCKY, a municipal corporation and city of the home rule class**, by and through
Kathy Zembrodt, its Mayor, on behalf of said City.

Notary Public
Print Name: _____
Comm. Expires: _____
I.D. Number: _____

This Instrument Prepared By:

Michael M. Sketch
Adams, Stepner, Woltermann & Dusing, P.L.L.C.
40 West Pike Street, P.O. Box 861, Covington, Kentucky 41011 / (859) 394-6200
[No Title Examination Performed by this Preparer]

CITY OF PARK HILLS, KENTUCKY

RESOLUTION NO. 2, 2020

**A RESOLUTION OF THE CITY OF PARK HILLS, KENTUCKY RELATING TO THE
COMMEMORATION OF THE 100TH ANNIVERSARY OF KENTUCKY'S
RATIFICATION OF THE 19TH AMENDMENT WHICH GRANTED WOMEN THE
RIGHT TO VOTE**

WHEREAS, on January 6, 1920, Kentucky ratified the 19th Amendment to the United States Constitution granting national suffrage to women;

WHEREAS, Kentucky's ratification came after years of work by women and men in Kenton County and across the Commonwealth of Kentucky;

WHEREAS, we recognize local suffragettes such as Eugenia B. Farmer, Isabella Shepard, Louise Southgate, Nancy McLaughlin, and many others, who dedicated their time and effort to champion equality;

WHEREAS, organizations created by these women such as the Kenton County Equal Rights Association, Kentucky Equal Rights Association, and many more helped to champion women's suffrage in our community;

WHEREAS, Jessica Firth of Covington, Kentucky was the first woman to run for state public office in Kentucky in 1923;

WHEREAS, states and communities across the nation are celebrating the 19th Amendment and the date of their state's ratification;

WHEREAS, August 26, 2020, will mark the nationwide centennial of the 19th Amendment officially becoming part of the United States Constitution after the required number of states had ratified;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF PARK HILLS, IN
KENTON COUNTY, KENTUCKY that the City Council of the City of Park Hills does
hereby proclaim:**

1. The City of Park Hills, Kentucky commemorates January 6, 2020, as the 100th anniversary of Kentucky's ratification of the 19th Amendment and reaffirms Park Hills, Kentucky's commitment to empowering and uplifting the voices of women across our great Commonwealth and in our community.
2. The designation of January 6, 2020, as a city holiday celebrating women's equality, to be recognized each year hereafter.

Approved by the City Council this ____ day of January 2020.

CITY OF PARK HILLS, KENTUCKY

By: _____
Mayor Kathy Zembrodt

Attest: _____
City Clerk

**CITY OF PARK HILLS
EXECUTIVE ORDER NO. 1, 2020**

**AN EXECUTIVE ORDER CONFIRMING THE MAYOR'S APPOINTMENT OF THE
CITY OF PARK HILLS REPRESENTATIVE AND ALTERNATE REPRESENTATIVE
TO THE PLANNING AND DEVELOPMENT SERVICES OF KENTON COUNTY**

BE IT ORDERED that the following persons are hereby appointed as Representative and Alternate Representative to the Planning and Development Services of Kenton County:

SECTION I

Representative – Joe Shields
Alternate Representative – Wesley Deters

SECTION II

All designated persons are hereby appointed effective January 1, 2020 and are effective through December 31, 2020.

SECTION III

All Ordinances, Orders and/or Resolutions in conflict herewith are hereby repealed; provided, however, that the Park Hills Code Enforcement Board and Ordinance No. 5, 2005 are not within scope of this Municipal Order.

SECTION IV

IT IS SO ORDERED, this 13th day of January, 2019

Kathy Zembrodt, Mayor

ATTEST:

City Clerk

Passed: _____