

**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.

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Kathy Zembrodt, Mayor

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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 Thereafter in Care of:* **Name: City of Park Hills**  
**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, Stepler, 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]*