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QUITCLAIM DEED

The UNITED STATES OF AMERICA, acting by and through the Secretary of the Interior, acting by and through the Southeast Regional Director, Bureau of Outdoor Recreation, under and pursuant to the power and authority contained in the provisions of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, and particularly as amended by Public Law 485, 91st Congress, and regulations and orders promulgated thereunder (hereinafter designated "Grantor"), for and in consideration of the perpetual use of the hereinafter described premises as and for public park and public recreation area purposes, by the City of Louisville, Kentucky (hereinafter designated "Grantee"), does hereby release and quitclaim to Grantee, and to its successors and assigns, subject to the reservations, exceptions, restrictions, conditions and covenants hereinafter expressed and set forth, all Grantor's right, title and interest in and to the following described property, consisting of approximately 186.91 acres, located in Meade County, Kentucky:

Beginning at a point on the reservation boundary, the line between lands now or formerly owned by Tula May Bruce and Tract "A", at the intersection of said reservation boundary with the northern right-of-way line of State Route 1638; thence, leaving said right-of-way line and with said reservation boundary, the line between lands of said Bruce and Tract "A", the following courses and distances:

North 38° 00' 00" East 2,320.57 feet,
North 67° 00' 00" West 160.00 feet,
North 50° 00' 00" West 630.00 feet,
North 34° 00' 00" West 210.00 feet,
North 28° 00' 00" West 170.00 feet,
North 08° 00' 00" West 410.00 feet,
North 02° 00' 00" West 325.00 feet,
North 25° 30' 00" East 85.00 feet to a corner common to lands of said Bruce and Tract "A" in a line of lands now or formerly owned by the Outer Creek National Park, said corner being at the intersection of the centerlines of State

Route 1238 and an unnamed Road; thence, leaving lands of said Bruce and the Centerline of said Route 1238, and with the line between lands of said Park and Tract "A", along the centerline of said unnamed road, continuing with said reservation boundary, the following courses and distances:

South 59° 30' 00" East 1,080.00 feet,
South 25° 15' 00" East 1,980.00 feet,
South 18° 30' 00" East 500.00 feet,
South 50° 00' 00" East 600.00 feet,
South 68° 30' 00" East 330.00 feet,
South 39° 30' 00" East 240.00 feet,
South 23° 00' 00" East 390.00 feet,
South 01° 30' 00" West 1,160.00 feet,
South 20° 00' 00" East 500.00 feet, to the said northern right-of-way line of Route 1638; thence, leaving lands of said Park and the reservation boundary, and crossing Tract "A" along said right-of-way line, the following courses:

Curve right in a westerly direction 631.56 feet, supported by a chord of North 67° 39' 37" West 629.54 feet.

North 59° 46' 00" West 3,626.96 feet to the place of beginning, containing 186.91 acres, more or less.

Being a portion of the same property conveyed to the United States of America;

1. from Jerome Cheatham, et ux, dated 28 July 1941, and filed for record same date in Deed Book 71, Page 179, in the land records of Meade County, Kentucky.

2. from Rees Dickson, et ux, dated 5 November 1941, and filed for record, 7 November 1941, in Deed Book 71, Page 527, in the land records of Meade County, Kentucky.

3. from Corlie Phillips, et ux, dated 23 September 1941, and filed for record, 25 October 1941, in Deed Book 69, Page 504, in the land records of Meade County, Kentucky.

4. from W. K. Wilson, et ux, dated 1 March 1941, and filed for record 3 March 1941, in Deed Book 103, Page 370, in the land records of Hardin County, Kentucky.

5. from James S. Berry, et ux, 7 January 1957 and filed for record 21 January 1957, in Deed Book 89, Page 576, in the land records of Bullitt County, Kentucky.

6. from John W. Edington, dated 5 December 1956, and filed for record, same date, in Deed Book 89, Page 250, in the land records of Bullitt County, Kentucky.

7. from Robert Ruff and Mittie Ruff, his wife, dated 17 June 1919, and filed for record, 18 June 1919, in Deed Book 72, Page 248, in the land records of Hardin County, Kentucky.

also the same land as that described in the following Declaration of Taking by the United States of America as filed in the District Court of the United States for the Western District of Kentucky:

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1. from Hays Basham, et ux, by Civil Action Numbers 350, dated 11 September 1941, final opinion by the Attorney General dated 26 July 1943.

2. from Mabel Basham, et vir, by Civil Action Number 337, dated 30 July 1941, final opinion by the Attorney General dated 23 February 1944.

3. from Mary E. Garrison, by Civil Action Number 337, dated 30 July 1941, final opinion by the Attorney General dated 23 February, 1944.

4. from Cornelius Kooy, et ux, by Civil Action Number 350, dated 30 July 1941, final opinion by the Attorney General dated 22 April 1943.

5. from Lillie H. Mason, by Civil Action Number 270, dated 26 February 1941, final opinion by the Attorney General dated 5 October 1942.

6. from Cora B. Thomas, by Civil Action Number 282, dated 2 June 1941, final opinion by the Attorney General dated 29 October 1942.

7. from James R. Marcum, et ux, by Civil Action Number 3294, dated 1 February 1957, final opinion by the Attorney General dated 15 July 1957.

Also a part of the same land as that described in the following deeds to the United States of America:

1. from Amelia D. Dickson, dated 19 September 1941, and filed for record, 23 September 1941, in Deed Book 71, Page 402, in the land records of Meade County, Kentucky, and filed for record, 27 September 1941, in Deed Book 104, Page 593, in the land records of Hardin County, Kentucky.

2. from Arthur Wright, et ux, dated 15 March 1941, and filed for record, 17 March 1941, in Deed Book 103, Page 413, in the land records of Hardin County, Kentucky.

3. from John W. Edington, dated 5 December 1956, and filed for record same date, in Deed Book 89, Page 252, in the land records of Bullitt County, Kentucky.

4. from Grover Lee, dated 19 December 1956, and filed for record, same date, in Deed Book 89, Page 337, in the land records of Bullitt County, Kentucky.

5. from W. M. Cundiff, dated 12 December 1956, and filed for record, same date, in Deed Book 89, Page 301, in the land records of Bullitt County, Kentucky.

6. from S. P. Cundriff, dated 12 December 1956, and filed for record, same date, in Deed Book 89, Page 285, in the land records of Bullitt County, Kentucky.

7. from William Thomas Price, et al, dated 12 December 1956, and filed for record, same date, in Deed Book 89, Page 289, in the land records of Bullitt County, Kentucky.

8. from Mary E. Scheible, dated 14 January 1919, and filed for record 15 January 1919, in Deed Book 71, Page 235, in the land records of Hardin County, Kentucky.

9. from Belle Sheets, et al, dated 29 April 1919, and filed for record 7 May 1919, in Deed Book 72, Page 355, in the land records of Hardin County, Kentucky.

10. from Horace I. Shearer and Lula Shearer, his wife, dated 25 February 1919, and filed for record, 26 February 1919, in Deed Book 71, Page 521, in the land records of Hardin County, Kentucky.

11. from Delia Ditto, et al, dated 13 October 1920, and filed for record 14 October 1920, in Deed Book 75, Page 275, in the land records of Hardin County, Kentucky.

12. from George W. Smith, et al, dated 28 April 1919, and filed for record, 7 May 1919, in Deed Book 72, Page 344, in the land records of Hardin County, Kentucky.

13. from C. L. Withers and Edith Withers, his wife, dated 4 March 1919, and filed for record, 5 March 1919 in Deed Book 71, Page 571, in the land records of Hardin County, Kentucky.

14. from Clarence Davis and Bertha Davis, his wife, dated 7 February 1919, and filed for record, 12 February 1919 in Deed Book 71, Page 401, in the land records of Hardin County, Kentucky.

15. from the Fort Hill Land Company, et al, dated 14 January 1922, and filed for record, 25 November 1924, in Deed Book 80, Page 357, in the land records of Hardin County, Kentucky.

also part of the same land as that described in the following Declarations of Taking by the United States of America as filed in the District Court of the United States for the Western District of Kentucky:

1. from W. F. Hibberd Heirs, by Civil Action Number 316, dated 24 June 1941, final opinion by the Attorney General dated 9 May 1944.

2. from the Kentucky Silica Company, Incorporated, by Civil Action Number 350, dated 11 September 1941, final opinion by the Attorney General dated 9 October 1944.

3. from Cora B. Thomas, by Civil Action Number 282, dated 2 June 1941, final opinion by the Attorney General dated 29 October 1942.

4. from Annie G. Thompson and E. V. Thompson, her husband, by Civil Action Number 357, dated 8 December 1920, final opinion of the Attorney General dated 29 July 1936.

5. from Jeanette Reichmuth, et al. by Civil Action Number 3294, dated 14 February 1957, final opinion by the Attorney General dated 4 November 1957.

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and also a part of the same land as that described in the transfer from the Department of Interior by Public Land Order Number 43, as authorized under the 56 Stat. 326 Act of 6 June 1942, dated 26 August 1944 and filed in Federal Register Document 44-13983, 11 September 1944.

There are excepted from this conveyance and reserved to the Grantor, and its assigns, all oil, gas, and other minerals in, under and upon the lands herein conveyed, together with the rights to enter upon the land for the purpose of mining and removing the same.

This conveyance is made subject to any and all existing rights-of-way, easements and covenants and agreements affecting the above described premises, whether or not the same now appear of record, including an avigation easement covering overlying air space for aircraft approaching and departing runways 15 and 33.

To Have and to Hold the hereinbefore described property, subject to the reservations, exceptions, restrictions, conditions and covenants herein expressed and set forth unto the Grantee, its successors and assigns, forever.

Pursuant to authority contained in the Federal Property and Administrative Services Act of 1949, as amended, and applicable rules, regulations and orders promulgated there-

under, the General Services Administration determined the property to be surplus to the needs of the United States of America and assigned the property to the Department of the Interior for further conveyance to the City of Louisville, Kentucky.

It is agreed and Understood by and between the Grantor and Grantee, and the Grantee by its acceptance of this deed, does acknowledge its understanding of the agreement, and does covenant and agree for itself, and its successors and assigns, forever, as follows:

1. This property shall be used and maintained for the public purposes for which it was conveyed in perpetuity as set forth in the program of utilization and plan contained in the application, submitted by the Grantee on December 26, 1974, which program and plan may be amended from time to time at the request of either the Grantor or Grantee, with the written concurrence of the other party, and such amendments shall be added to and become a part of the original application.

2. The Grantee shall, within 6 months of the date of the deed of conveyance, erect and maintain a permanent sign or marker near the point of principal access to the conveyed area indicating that the property is a park or recreation area and has been acquired from the Federal Government for use by the general public.

3. The property shall not be sold, leased, assigned, or otherwise disposed of except to another eligible governmental agency that the Secretary of the Interior agrees in writing can assure the continued use and maintenance of the

the property for public park or public recreational purposes subject to the same terms and conditions in the original instrument of conveyance. However, nothing in this provision shall preclude the Grantee from providing related recreational facilities and services compatible with the approved application, through concession agreements entered into with third parties, provided prior concurrence to such agreements is obtained in writing from the Secretary of the Interior.

4. From the date of this conveyance, the Grantee, its successors and assigns, shall submit biennial reports to the Secretary of the Interior, setting forth the use made of the property during the preceding two-year period, and other pertinent data establishing its continuous use for the purposes set forth above, for ten consecutive reports and as further determined by the Secretary of the Interior.

5. If at any time the United States of America shall determine that the premises herein conveyed, or any part thereof, are needed for the national defense, all right, title and interest in and to said premises, or part thereof determined to be necessary to such national defense, shall revert to and become the property of the United States of America.

6. Deleted.

7. As part of the consideration for this Deed, the Grantee covenants and agrees for itself, its successors and assigns, that (1) the program for or in connection

with which this Deed is made will be conducted in compliance with, and the Grantee, its successors and assigns, will comply with all requirements imposed by or pursuant to the regulations of the Department of the Interior as in effect on the date of this Deed (43 C.F.R. Part 17) issued under the provisions of Title VI of the Civil Rights Act of 1964; (2) this covenant shall be subject in all respects to the provisions of said regulations; (3) the Grantee, its successors and assigns, will promptly take and continue to take such action as may be necessary to effectuate this covenant; (4) the United States shall have the right to seek judicial enforcement of this covenant, and (5) the Grantee, its successors and assigns, will (a) obtain from each other person (any legal entity) who, through contractual or other arrangements with the Grantee, its successors or assigns, is authorized to provide services or benefits under said program, a written agreement pursuant to which such other person shall, with respect to the services or benefits which he is authorized to provide, undertake for himself the same obligations as those imposed upon the Grantee, its successors and assigns, by this covenant, and (b) furnish a copy of such agreement to the Secretary of the Interior, or his successor; and that this covenant shall run with the land hereby conveyed, and shall in any event, without regard to technical classification or designation, legal or otherwise, be binding to the fullest extent permitted by law and equity for the benefit of, and in favor of the Grantor and enforceable by the Grantor against the Grantee, its successors and assigns.

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8. In the event there is a breach of any of the conditions and covenants herein contained by the Grantee, its successors and assigns, whether caused by the legal or other inability of the Grantee, its successors and assigns, to perform said conditions and covenants, or otherwise, all right, title and interest in and to the said premises shall revert to and become the property of the Grantor at its option, which in addition to all other remedies for such breach shall have the right of entry upon said premises, and the Grantee, its successors and assigns, shall forfeit all right, title and interest in said premises and in any and all of the tenements, hereditaments and appurtenances thereunto belonging; provided, however, that the failure of the Secretary of the Department of the Interior to require in any one or more instances complete performance of any of the conditions or covenants shall not be construed as a waiver or relinquishment of such future performance, but the obligation of the Grantee, its successors and assigns, with respect to such future performance shall continue in full force and effect.

IN WITNESS WHEREOF, the Grantor has caused these presents to be executed in its name and on its behalf this the 23rd day of JULY, 1975.

UNITED STATES OF AMERICA
Acting by and through the
Secretary of the Interior

Through:

Robert H. Baker
Southeast Regional Director
Bureau of Outdoor Recreation

By W. Thomas Brown

WITNESSES:

STATE OF GEORGIA)
) ss
COUNTY OF FULTON)

On this 23rd day of July, 1975, before me, the subscriber, personally appeared W. THOMAS BROWN, Bureau of Outdoor Recreation, of the United States Department of the Interior, a governmental agency of the United States of America, and known to me to be the same person described in and who executed the foregoing instrument aforesaid, as the act and deed of the United States of America, for and on behalf of the Secretary of the Interior, duly designated, empowered and authorized so to do by said Secretary, and he acknowledged that he executed the foregoing instrument for and on behalf of the United States of America, for the purposes and uses therein described.

NOTARY PUBLIC

My Commission expires:

Notary Public, Georgia, State at Large
My Commission Expires Jan. 4, 1976

The foregoing conveyance is hereby accepted and the undersigned agrees, by this acceptance, to assume and be bound by all the obligations, conditions, covenants and agreements therein contained.

City of Louisville, Kentucky

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By _____
Harvey I. Sloane
Mayor

COMMONWEALTH OF KENTUCKY)
) ss
COUNTY OF Jefferson)

On this 13th day of October, 1975, before me, the undersigned Officer, personally appeared Harvey I. Sloane to me known and known to me to be the same person whose name is subscribed to the foregoing acceptance, who being by me duly sworn, did depose and say that he is the Mayor of the City of Louisville, Kentucky, that he is duly designated, empowered and authorized by a Resolution of the Board of Aldermen of the City of Louisville, Kentucky dated December 26, 1974 to execute the foregoing acceptance and sign his name thereto; and that he signed his name thereto and acknowledges that he executed the foregoing instrument for and on behalf of the City of Louisville, Kentucky for the purposes and uses therein described.

Kathryn B. Tingle
NOTARY PUBLIC

My Commission expires:

May 22, 1978

ADMITTED TO RECORD
76 JAN 28 AM 9:21
MIKE JONES
MEADE COUNTY COURT, KY.

DEC 44 '75 AM

MEADE COUNTY CLERK
BRANDENBURG, KY.

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This instrument was prepared by Donald H. Spillman.
Donald H. Spillman

Office of the Regional Solicitor, U.S. Department of the Interior, 148 Cain St., N.E., Suite 405, Atlanta, Georgia.

STATE OF KENTUCKY
COUNTY OF MEADE

I, Mike Jones Clerk of the County Court in and for the County and State aforesaid, do hereby certify that the above and foregoing deed was lodged for record on the 28th day of Jan 1976 Whereupon I have truly recorded the same together with this and preceding certificate in my office.

Given under my hand this the 28th day of Jan 1976.

Mike Jones Clerk
By Anna L Burnett D.C.

RECEIVED
'76 JAN 16 AM 10:19
DEPT. OF LAW