



**CALLED CITY COMMISSION MEETING  
AGENDA FOR JULY 7, 2020  
5:00 PM  
VIDEO TELECONFERENCE MEETING**

*Any member of the public who wishes to make comments to the Board of Commissioners is asked to fill out a Public Comment Sheet and return to the City Clerk's Office no later than 3:30 p.m. on the day of the Commission Meeting. The Mayor will call on you to speak during the Public Comments section of the Agenda.*

**ROLL CALL**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**DELETIONS**

	<b>I.</b>	<b><u>ORDINANCE(S) - ADOPTION</u></b>
		A. Approve Sale of 5400 Commerce Drive to KSR Legacy Investment, Corp. - J ARNDT
	<b>II.</b>	<b><u>COMMENTS</u></b>
	A.	Comments from the City Manager
	B.	Comments from the Board of Commissioners
	C.	Comments from the Audience

# **Agenda Action Form**

## **Paducah City Commission**

Meeting Date: July 7, 2020

Short Title: Approve Sale of 5400 Commerce Drive to KSR Legacy Investment, Corp. - **J ARNDT**

Category: Ordinance

Staff Work By: James Arndt, Lindsay Parish

Presentation By: James Arndt

**Background Information:** The City of Paducah and McCracken County jointly own an industrial building located at 5400 Commerce Drive within the boundaries of Paducah, McCracken County, Kentucky. The building was constructed by the City and the County for the public purpose of economic development. The City, and the County entered into an Amendment to and Assumption of Lease Agreement dated on or about May 21, 2020, with KSR Legacy Investment, Corp. which contains a purchase option allowing the purchase of the building for the sum of \$3,600,000.00.

KSR Legacy has given notice to the City and the County that it desires to exercise the option to purchase the building. This ordinance authorizes the Mayor to enter into a deed with the County and with KSR Legacy to convey the Premises to KSR Legacy for the option price.

Does this Agenda Action Item align with a Strategic Plan Action Step? Yes

If yes, please list the Action Step Item Codes(s): E-1 Encourage and assist local business retention and expansion

Funds Available: Account Name:  
Account Number:

**Staff Recommendation:** Approve the ordinance to enter into a deed with McCracken County and KSR Legacy to convey the premises to KSR Legacy for the option price.

**Attachments:**

1. prop sale - KSR Purchase Property 5400 Commerce Drive
2. Deed to Standard Insurances Company (rev. 7-6-20)

**ORDINANCE NO. 2020-\_\_\_\_\_ - \_\_\_\_\_**

AN ORDINANCE OF THE CITY OF PADUCAH, KENTUCKY, AUTHORIZING AND APPROVING THE SALE OF PROPERTY AT 5400 COMMERCE DRIVE TO KSR LEGACY INVESTMENT, CORP. PURSUANT TO AN OPTION TO PURCHASE, IN CONJUNCTION WITH McCRACKEN COUNTY, KENTUCKY, WITH RESPECT TO A PUBLIC PROJECT; AND AUTHORIZING THE EXECUTION OF LEGAL DOCUMENTS RELATED THERETO

WHEREAS, the City of Paducah (the “City”) and McCracken County (the “County”) jointly own an industrial building located at 5400 Commerce Drive within the boundaries of Paducah, McCracken County, Kentucky, (“the Premises”) which building was constructed by the City and the County for the public purpose of economic development; and

WHEREAS, the City, and the County entered into an Amendment to and Assumption of Lease Agreement dated on or about May 21, 2020, with KSR Legacy Investment, Corp. (“KSR Legacy”) which contains a purchase option allowing the purchase of the Premises for the sum of \$3,600,000.00 (“the option price”); and

WHEREAS, KSR Legacy has given notice to the City and the County that it desires to exercise said purchase option; and

WHEREAS, the City now wishes to enter into a deed, as described herein, with the County and with KSR Legacy to convey the Premises to KSR Legacy for the option price

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF PADUCAH, KENTUCKY, AS FOLLOWS:

**SECTION 1. Recitals and Authorization.** The Board of Commissioners hereby declares the Premises to be surplus property as it relates to the operations of the City. Further, the Board of Commissioners hereby approves the transfer of the Property with compensation to KSR Legacy Investment Corporation for economic development purposes, all as supported by an independent appraisal. The City hereby authorizes and approves a deed by and between the City of Paducah, Kentucky and McCracken County, Kentucky, as Grantors, and KSR Legacy (or its permitted assignee, if any), as Grantee, for the purpose of conveying the Premises in exchange for payment of the option price, in substantially the same form attached hereto and made part hereof as **Exhibit A**, and for the execution of any and all other documents necessary to close on said transaction not inconsistent with this Ordinance and not substantially adverse to the City as may be approved by the official executing the same on behalf of the City or the City Manager. The approval of such changes, and that such are not substantially adverse to the City, shall be conclusively evidenced by the execution of the deed and related closing documents by the authorized official.

**SECTION 2. Compliance With Open Meetings Laws.** The City Commission hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of this City Commission, and that all deliberations of this City Commission

and of its committees, if any, which resulted in formal action, were in meetings open to the public, in full compliance with applicable legal requirements.

**SECTION 3. Conflicts.** All ordinances, resolutions, orders or parts thereof in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed and the provisions of this Ordinance shall prevail and be given effect.

**SECTION 4. Severability.** The provisions of this Ordinance are declared to be severable. If any section, phrase or provision shall for any reason be declared invalid, such declaration shall not affect the validity of the remainder of this Ordinance.

**SECTION 5. Effective Date.** This Ordinance shall be read on two separate days and will become effective upon summary publication pursuant to KRS Chapter 424.

\_\_\_\_\_  
Brandi Harless, Mayor

ATTEST:

\_\_\_\_\_  
Lindsay Parish, City Clerk

Introduced by the Board of Commissioners, \_\_\_\_\_

Adopted by the Board of Commissioners, \_\_\_\_\_

Recorded by City Clerk, \_\_\_\_\_

Published by *The Paducah Sun*, \_\_\_\_\_

Ord/prop sale - KSR Purchase Property 5400 Commerce Drive

Attachment: Exhibit "A" Deed.

**Exhibit A**  
**Deed**

----- **DEED** -----

THIS DEED OF CONVEYANCE made and entered into on this the \_\_\_\_ day of \_\_\_\_\_, 2020, by and between **McCRACKEN COUNTY, KENTUCKY**, of 300 Clarence Gaines Street, Paducah, KY 42003, and **CITY OF PADUCAH, KENTUCKY**, of P.O. Box 2267, Paducah, KY 42002-2267 (“Grantors”); and **STANDARD INSURANCES COMPANY, a Utah corporation**, of 9310 South 370 West, Sandy, UT 84070 (“Grantee”) (in whose care the state and county tax bill for the aforesaid calendar year may be sent);

WITNESSETH:

THAT FOR the full and actual consideration of the sum of Three Million, Six-Hundred Thousand, and 00/100 Dollars (\$3,600,000.00), cash in hand paid, by the Grantee to the Grantors, the receipt and sufficiency of which are hereby acknowledged; the Grantors have this day bargained and sold and do by these presents hereby bargain, sell, alien, and convey unto the Grantee, its successors and assigns, the following-described real property, lying and being in McCracken County, Kentucky, and more particularly described as follow, to-wit:

The below is subject to Declaration of Protective Covenants and Restrictions for Industrial Park West of record in Deed Book 1186, page 67, and re-recorded in Deed Book 1186, page 643, McCracken County Clerk’s office.

That certain real property located in McCracken County, Kentucky, and more particularly described as follows:

BEING TRACT “D,” CONSISTING OF 12 ACRES, AND TRACT “E,” CONSISTING OF 7.2207 ACRES, IN THE INDUSTRIAL PARK WEST

AS SET FORTH ON THE WAIVER OF SUBDIVISION OF THE INDUSTRIAL PARK WEST TO CREATE NEW TRACT "D," AND TRACT "E" OF THE PADUCAH-McCRACKEN COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY PROPERTY OF RECORD IN PLAT SECTION "L," PAGE 1166, McCRACKEN COUNTY COURT CLERK'S OFFICE.

**Signage Easement Reservation:**

Excepting and reserving to the Grantors, their successors and assigns, and all other persons or entities for the advantage of Grantors, including G.P.E.D.C., Inc. a/k/a Greater Paducah Economic Development Council a/k/a Paducah Economic Development, or its successors or assigns, and/or Paducah-McCracken County Industrial Development Authority, a perpetual easement for the right to install, construct, and repair, replace, and maintain signage, including reasonable ingress and egress thereto, for the industrial development generally known as "I-24 Logistics Park" f/k/a "Industrial Park West" or its successor, provided that the same does not unreasonably interfere with the Grantee's (or Grantee's successors' and assigns') use of the above-described property, which easement shall be on, over, across and through that portion of the above-described property as is more particularly described as follows:

Beginning at the intersection of the south right-of-way line of Commerce Drive and the west right-of-way line of Olivet Church Road (KY 998), thence along the said west right-of-way line of Olivet Church Road S 11°20'59" W a distance of 86.97 feet to an existing concrete monument, thence along the said west right-of-way line of said road S 8°49'02" W a distance of 16.92 feet to the point of beginning of the easement area described herein, thence continuing along the west right-of-way line of Olivet Church Road S 8°49'02" W a distance of 60.00 feet to the southeast corner of said easement, thence N 81°10'58" W a distance of 60.00 feet to the southwest corner of said easement, thence N 8°49'02" E a distance of 60.00 feet to the north corner of said easement, thence S 81°10'58" E a distance of 60.00 feet to the point of beginning of said easement, containing 3600 sq. ft. The above signage reservation is also depicted on the map attached to the instrument recorded August 31, 2006, in Deed Book 1101, page 258 (specifically appearing on page 263), in the McCracken County Clerk's office.

Being in all respects the same property conveyed to City of Paducah, Kentucky, and County of McCracken, Kentucky, by deed dated March 26, 2004, of record in Deed Book 1035, page 452, in the McCracken County Clerk's Office.

Also see option to purchase referenced in Memorandum of Lease and Memorandum of Assignment and Assumption dated May 21, 2020, recorded June 2, 2020, in Deed Book 1409, page 388, McCracken County Clerk's office. Also see the assignment of the option to purchase from KSR Legacy Investment, Corp. to Standard Insurances Company dated \_\_\_\_\_, 2020, recorded in Deed Book \_\_\_\_\_, page \_\_\_\_\_, McCracken County Clerk's office.

**This deed was prepared by the draftsman without the benefit of a title examination. The information and legal description contained in this deed were furnished by the Grantors herein and the draftsman assumes no liability for the accuracy thereof.**

TO HAVE AND TO HOLD the herein-described property, together with all improvements thereon and all rights, easements, and appurtenances thereunto in anywise appertaining, unto the Grantee, its successors and assigns forever.

The Grantors covenant to and with the Grantee that they are well and truly seized of the fee simple title to the herein-described property, and do make this conveyance under COVENANT OF GENERAL WARRANTY, subject to covenants, restrictions and easements of record.

**CONSIDERATION CERTIFICATE: By signing below, the Grantors and Grantee hereby acknowledge that the consideration stated hereinabove is the full actual consideration for the transfer of the subject property. The Grantee joins this deed for the sole purpose of certifying the consideration.**

IN TESTIMONY WHEREOF, the Grantors and Grantee have hereunto set their hands on this the day and year first written.

[SIGNATURE PAGES TO FOLLOW]







I hereby certify that this  
instrument has been prepared by:

Law Offices

McMurry and Livingston, PLLC  
201 Broadway, P. O. Box 1700  
Paducah, KY 42002-1700  
(270) 443-6511

By: \_\_\_\_\_  
Kerry D. Smith

File: G.P.E.D.C. – KSR Legacy