

DEED

THIS DEED, made and entered into this 3rd day of August,

1966, by and between the Commonwealth of Kentucky, by L. Felix Joyner, Commissioner of Finance of the Commonwealth of Kentucky, party of the First Part, and the Nicholas County Development Corporation, a Kentucky corporation, party of the Second Part.

WITNESSETH: That for and in consideration of the covenants of the second party hereinafter set forth, the Commonwealth of Kentucky does hereby grant, convey, and transfer unto the second party, its successors and assigns forever, the following described property lying and being in Nicholas County, Kentucky, and more particularly described as follows:

(1) That portion of the land covered by the permanent pool of Lake Carnico, Nicholas County, Kentucky, said lake having been created by the construction of a dam in Brushy Fork Creek at the point shown on a plat or map of the lake project recorded in Deed Book 60, page 523, in the Office of the Clerk of the Nicholas County Court, the "permanent pool" being the pool formed by the dam below the permanent spillway which is 900.0 feet elevation based on sea level, and including all land lying below the elevation of 900.0 feet from sea level in said lake;

(2) A strip of land surrounding the water impounded by the dam mentioned in (1), above, and extending for a distance of 100 feet from the 900.0 foot elevation level of the permanent pool onto the surrounding land.

Containing in both (1) and (2) as described a total of 180 acres, more or less, and being the same property conveyed to the Commonwealth of Kentucky for the use and benefit of the Departments of Highways and Conservation (now designated the Department of Natural Resources) by the Nicholas County Development Corporation by deed dated the 21st day of April, 1961, and recorded in Deed Book 59, page 281, and in the Office of the Clerk of the Nicholas County Court.

In consideration for the conveyance of the above described property, the second party covenants and agrees as follows, to wit:

(1) That the Commonwealth of Kentucky, through such of its Departments and Agencies as are now or may be in future, designated by law, shall have the exclusive and sole responsibility for the regulation and policing of fishing, water safety and conservation measures on Lake Carnico as provided in a contract between the Department of Fish and Wildlife Resources and the party of the Second Part dated January 29, 1962. This permanent grant of authority over the activities specified shall not be construed to impair in any manner the right of the second party, its successors and assigns, to establish and operate upon and in conjunction with the lake and adjacent areas, including but not limited to, such activities as boating, boat docks, swimming areas, stores and concessions at which supplies are rented or sold to the public, or to engage in any legitimate commercial activities in such areas;

(2) That the second party will indemnify and hold the Commonwealth of Kentucky, its Departments and Agencies, its officers, servants and employees free and harmless from any and all claims, demands, damages, actions, costs and charges of every description which the said Commonwealth, its Departments, Agencies, officers, servants and employees may otherwise be required to pay by reason of the operation of Lake Carnico, including but not limited to flood damage, except for such claims as may arise from the Acts of the Commonwealth, its Departments, Agencies, officers, servants and employees.

TO HAVE AND TO HOLD the property described above, together with all appurtenances thereto, unto the second party, its successors and assigns forever, with the highest warranties of title the Commonwealth of Kentucky can convey under the law.

IN WITNESS HEREOF, the parties hereto have caused this deed
to be executed by their duly authorized officers on the day and date first mentioned.

COMMONWEALTH OF KENTUCKY

Nicholas County Development Corp.

L. Felix Jeyner

Charles Cox President
Charles Cox, President

L. Felix Jeyner Commissioner
Department of Finance

Approved as to Form and Legality

Hunter B Whitfield

Attorney, Department of Finance

The conveyance of this subject property is approved.

Edward T. Breathitt

Edward T. Breathitt, Governor
Commonwealth of Kentucky