



**FINANCE AND ADMINISTRATION CABINET
DEPARTMENT FOR FACILITIES AND SUPPORT SERVICES**

**Division of Real Properties
Bush Building, 3rd Floor
403 Wapping Street
Frankfort, Kentucky 40601
(502) 564-2205
Fax: (502) 564-8108**

ANDY BESHEAR
Governor

SAM RUTH
Commissioner

HOLLY M. JOHNSON
Secretary

SCOTT AUBREY
Director

MEMORANDUM

TO: Katherine Halloran, Committee Staff Administrator
Capital Projects and Bond Oversight Committee

FROM: Brien S. Hoover, Leasing Manager *BSH*
Division of Real Properties

DATE: June 17, 2021

SUBJECT: PR-5668, Rockcastle County
Transportation Cabinet
Emergency Lease

As outlined, attached please find notification of a lease agreement being processed by the Division's Leased Properties Branch.

If you have questions or require additional information concerning this matter, please advise.

BSH/bh
Attachment

Cc: Capital Construction Log
OSBD
PR-5668 File
BSH

REPORT TO CAPITAL PROJECTS AND BOND OVERSIGHT COMMITTEE

EMERGENCY LEASE AGREEMENT

KRS 56.823(5)/KRS 56.823(11)(b)

Lease No.: PR-5668		County: Rockcastle	
Using Agency: Transportation Cabinet			
LESSOR (identify all parties having 5% or more ownership): Attach extra sheet if necessary		Darcy E. Clark	
Property Location: 7445 Climax Road, Mt. Vernon, KY			
Check One: <input checked="" type="checkbox"/> New Lease <input type="checkbox"/> Renewal <input type="checkbox"/> Modification			
Type Space: Ice Storm Debris Storage		Cost Per Square Foot: \$500.00 per acre per month	
Annual Rental Cost: \$12,000.00		Average Cost Per Square Foot of Leased-In Space in County: \$N/A No Comparable Lease Agreements	
Utilities Included: <input type="checkbox"/> Yes <input type="checkbox"/> No (N/A)			
Cancellation Clause:	<input checked="" type="checkbox"/> Yes If yes, explain terms: 30 Days		<input type="checkbox"/> No If no, explain why not:
Effective Date: May 17, 2021		Expiration Date: To be determined	
Justification for Lease: Please see attached			
Has the Finance & Administration Cabinet complied with statutory requirements: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, explain:			
Explain why the Finance & Administration Cabinet chose this lessor (see attached approval memo and modification): Please see attached			

2021 ICE STORM DEBRIS STORAGE LEASE AGREEMENT

WHEREAS, the COMMONWEALTH OF KENTUCKY, TRANSPORTATION CABINET, DEPARTMENT OF HIGHWAYS, pursuant to KRS 177.020(7), by and through its Commissioner of Highways, hereinafter DEPARTMENT, is required to maintain and repair state maintained highways within the Commonwealth, and DARCY E. CLARK, hereinafter OWNER, is the owner of approximately 2 acres of vacant land located at 7445 Climax Road, Mt. Vernon, Rockcastle Co, Kentucky 40456; and

WHEREAS, the 2021 Ice Storm has created the need for extensive cleanup of ice storm related vegetative debris from state and county maintained right-of-way within Bourbon County;

NOW THEREFORE, in consideration of the mutual covenants and agreements hereinafter set forth, the parties agree as follows:

This Lease Agreement is made this 17 day of ^{May}~~April~~, 2021, by and between Darcy E. Clark, 7445 Climax Road, Mt. Vernon, Rockcastle Co, Kentucky 40456 as Lessor, and the Commonwealth of Kentucky, Transportation Cabinet, Department of Highways, 200 Mero Street, Frankfort, Kentucky as Lessee.

1. The DEPARTMENT does hereby lease approximately 2 acres of land from the OWNER at the OWNER'S address of 7445 Climax Road, Mt. Vernon, Rockcastle Co, Kentucky 40456, and as depicted on the drawing attached hereto as Exhibit A, for the purpose of storing 2021 Ice Storm tree and brush debris until such time as removal of such materials by the DEPARTMENT is effectuated. The DEPARTMENT shall have full control of said leased space and, to any extent required under the aforesaid Contract, is hereby granted a temporary easement in and to said leased space.

^{D.E.C.}
^{L.A.} The term of this lease shall be month to month commencing on the 17 day of ~~April~~^{May}, 2021, but shall run from this date until such time as said materials are removed by the DEPARTMENT. The DEPARTMENT shall give thirty (30) days written notice of termination of the lease to OWNER.

3. The only debris to be received at this location will be tree and brush debris collected as a result of ice storm damage from highway right-of-way through the county wide storm debris removal contract.

4. To the extent permitted by law, the OWNER agrees to indemnify and hold harmless the DEPARTMENT and all of its officers, agents, and employees from any and all damages, suits, actions and/or claims of any nature made by any person, entity, agency or party specifically including but not limited to those claims resulting from actions of the OWNER or any of its agents, guests, or invitees of whatsoever nature.

5. The DEPARTMENT agrees to remove all debris and return said land to its original condition including any necessary grading and vegetative cover/damage repair.

6. The sole consideration for this Lease Agreement is the payment of \$500 per month per acre by the DEPARTMENT to the OWNER and no cash or other payment shall be required of or made by the DEPARTMENT to the OWNER.

2021 Ice Storm Debris Storage Lease Agreement

7. The undersigned, authorized representatives of both the OWNER and DEPARTMENT, certify that he/she accepts and acknowledges the aforementioned terms and conditions of this Lease Agreement.

Doug S. Kirk 5-17-2021
Vendor/Lessor Date

DocuSigned by:
Todd Shipp 5/20/2021
66A9A3E7A87648E
Approved as to form & legality:
Attorney, Transportation Cabinet Date

A. [Signature] 5/20/2021
Secretary, Transportation Cabinet Date

Approved as to form & legality:
Attorney, Finance & Administration Cabinet Date

Secretary, Finance & Administration Cabinet Date

Approved as to site and use (See Attached)
Energy & Environment Cabinet
Department of Environmental Protection
Division of Waste Management

License ID: SR#21-021

PR#5668

Emergency Approval for Storm Debris Stockpile Staging and Management Area

Site Name: Eric Clark Property Storm Debris Site

Address: 7449 Climax Rd, Mt Vernon, KY 40456

County: Rockcastle

**Site Location (Lat/Long): N37.466763
W084.229672**

Responsible Party Name: KYTC District 8

Contact Name and Phone Number: Jami West (606) 677-3540

Representatives from [Division of Waste Management](#) have visited the above named site and [approved](#) the site for the purposes of stockpiling and/or burning of natural wood and vegetative debris generated from the severe storms of February 2021. This approval may be associated with the following FEMA declaration number [Click here to enter text.\(if applicable\)](#).

Any approval is valid for a period of six months from the dated signature below. Any requests for time extensions will be managed on a case-by-case basis.

Attached to this approval is a list of storage and disposal recommendations.

DAQ Representative:

Date:

DWM Representative: Chase Whitis, London Regional Office

Date: 05/21/2021



**FINANCE AND ADMINISTRATION CABINET
DEPARTMENT FOR FACILITIES AND SUPPORT SERVICES**

ANDY BESHEAR
Governor

SAM RUTH
Commissioner

Division of Real Properties
Bush Building, 3rd Floor
403 Wapping Street
Frankfort, Kentucky 40601
(502) 564-2205
Fax: (502) 564-8108

HOLLY M. JOHNSON
Secretary

SCOTT AUBREY
Director

MEMORANDUM

TO: Holly M. Johnson, Secretary
Finance and Administration Cabinet

FROM: Scott Aubrey, Director
Division of Real Properties

DATE: June 17, 2021

SUBJECT: PR-5668, Rockcastle County
Transportation Cabinet

The Kentucky Transportation Cabinet has submitted the attached lease agreement for execution pursuant to KRS 56.805 (3)(e) and the limited authority delegated to the Transportation Cabinet pursuant to KRS 56.814(1) to identify and promptly secure temporary storm debris storage sites. The sites are used for temporary storage of debris resulting from the February 2021 ice storm pending reduction or destruction of the collected material. Capital Projects & Bond Oversight Committee reporting is required within thirty days of execution pursuant to KRS 56.823(5). The subject lease agreement provides for the use of 2 acres of land at a cost of \$500.00 per acre per month (\$12,000.00 annually) effective May 17, 2021 and your approval is recommended to facilitate ice storm recovery activities.

Should you require additional information, please advise.

JSA/BSH/bh
Attachment

RECOMMENDED: _____
Sam Ruth, Commissioner
Dept. for Facilities & Support Services



COMMONWEALTH OF KENTUCKY
TRANSPORTATION CABINET
transportation.ky.gov

Andy Beshear
GOVERNOR

Jim Gray
SECRETARY

March 4, 2021

Holly M. Johnson, Secretary
Finance and Administration Cabinet
Room 383, Capitol Annex
Frankfort, KY 40601

Dear Secretary Johnson:

The Transportation Cabinet is requesting that an emergency declaration, under the provision of KRS 56.805, Section 3(e), be issued for the Commonwealth of Kentucky pursuant to the Governor's State of Emergency Declaration (attached).

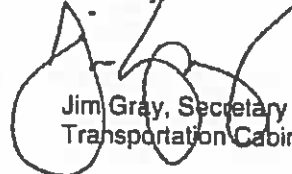
Beginning February 8, 2021 several counties in Kentucky, along with several other states, were hit with a punishing ice storm. In addition to the power outages and other damage created by this storm, the storm left most public streets and roads in these counties littered and/or blocked by trees and limbs. Transportation Cabinet crews and contractors worked continuously for several days to reopen the roads. However, much of the debris still exists and in several places it is still blocking parts of roads or is immediately adjacent to the roadway.

The staff of both of our Cabinets has been working with local governments to establish contracts for the removal of this debris. However, several of the counties do not have approved areas to collect the debris and stage the destruction/reduction of the material. Leases with private land owners are reimbursable expenses through FEMA for this disaster as long as reasonable rates are arranged.

The Transportation Cabinet is using established and approved waste areas wherever possible. However, we need to make other arrangements in the counties that do not have in-place arrangements. Time is of the essence to restore public safety on our roadways and the lack of appropriate sites is preventing our contractors and our state forces from completing this mission.

Please contact Tracy Nowaczyk, Director of Maintenance, for any questions or additional information at tracy.nowaczyk@ky.gov.

Cordially,



Jim Gray, Secretary
Transportation Cabinet



ANDY BESHEAR
GOVERNOR

EXECUTIVE ORDER

Secretary of State
Frankfort
Kentucky

2021-093
February 11, 2021

STATE OF EMERGENCY

WHEREAS, beginning on February 8, 2021, and continuing, a severe weather system generating damaging ice, snow, and arctic temperatures tracked across the entire Commonwealth, causing dangerous road conditions, significant amounts of vegetative debris, disruption of electrical distribution, and interruption of water systems resulting in severe impacts to transportation, infrastructure, governmental properties, and private properties; and

WHEREAS, these conditions endanger public health and safety and/or public and private property; and

WHEREAS, state and local governments share responsibility for protection of public health, safety, and security as well as for the protection of public and private property and for taking appropriate actions to ensure the provision of essential public services;

NOW, THEREFORE, I, Andy Beshear, Governor of the Commonwealth of Kentucky, by virtue of the authority vested in me by the Kentucky Constitution and by Chapter 39A of the Kentucky Revised Statutes, do hereby declare that a State of Emergency exists in the Commonwealth of Kentucky and do hereby Order and Direct that:

1. The Division of Emergency Management within the Department of Military Affairs shall execute the Kentucky Emergency Operations Plan and, from the Kentucky Emergency Operations Center, shall coordinate the response and relief activities of all state agencies and private relief organizations in response to this emergency.
2. The Adjutant General is authorized to issue active duty orders for the mobilization of such National Guard personnel and equipment as he may determine to protect life and safety, to continue essential public services and to prevent undue loss and suffering.
3. All state agencies shall coordinate any and all public and emergency information and/or activities/releases related to this emergency and the response efforts of state agencies with the Division of Emergency Management.
4. All state agencies shall provide sufficient personnel required for the staffing of the Kentucky Emergency Operations Center or other command, control, and coordination points as may be designated by the Division of Emergency Management's Director and shall provide such personnel, vehicles, equipment, and other resources needed to protect life and property and to ensure continuation, restoration and recovery of essential public services.
5. The Finance and Administration Cabinet is directed to provide assistance with incident/disaster resource management, procurements and contracting and to fund the urgent operational and/or response of the Division of Emergency Management and the unbudgeted expenditures and obligations of other state agencies that are



ANDY BESHEAR
GOVERNOR

EXECUTIVE ORDER

Secretary of State
Frankfort
Kentucky

2021-093
February 11, 2021

incurred in response to and recovery from this emergency incident and in executing the provisions of this Executive Order.

6. The Division of Emergency Management is authorized to request assistance, federal, state, local, private sector, volunteer, and donated resources as may be available to minimize human suffering and to restore essential services to the general population and to assist state and local governments and individuals impacted by this emergency.
7. The Division of Emergency Management shall consult with the American National Red Cross and local officials to determine the need for emergency shelters for displaced families and shall coordinate with local government, school boards, and other organizations to determine the availability of schools and other facilities to be used as shelters during this emergency.
8. Transportation on and access to any and all public roadways in the affected area may be restricted or prohibited in the interest of public health and safety.

This order is effective February 11, 2021.

A handwritten signature in black ink that reads "Andy Beshear".

ANDY BESHEAR, Governor
Commonwealth of Kentucky

MICHAEL G. ADAMS
Secretary of State



ANDY BESHEAR
GOVERNOR


COMMONWEALTH OF KENTUCKY
FINANCE AND ADMINISTRATION CABINET
DEPARTMENT FOR FACILITIES AND SUPPORT SERVICES
403 WAPPING STREET
FRANKFORT, KY 40601-3462
(502) 564-0402
FAX NO. (502) 564-0569
Sam.ruth@ky.gov

HOLLY M. JOHNSON
SECRETARY

SAM RUTH
COMMISSIONER

MEMORANDUM

TO: Jim Gray, Secretary
Transportation Cabinet

FROM: Sam Ruth, Commissioner 
Finance and Administration Cabinet
Dept. for Facilities & Support Services

DATE: March 29, 2021

SUBJECT: Emergency Lease Agreement
Authorization (KRS 56.805(3)(e))
Limited Delegated Authority (KRS 56.814(1))
Temporary Storm Debris Storage Sites

Please be advised that we are in receipt of your request for Emergency Certification(s) pursuant to applicable provisions of KRS 56.805(3)(e) relative to Lease Agreements necessary to secure suitable sites for the temporary storage of storm debris as otherwise authorized under the provision of Executive Order 2021-093.

In accordance with KRS 56.814(1), please be advised that the Department recognizes that the appropriate source of expertise relative to the identification of suitable sites for temporary debris storage rests with the Transportation Cabinet and those designated Transportation Cabinet employees engaged in the removal of said debris. Accordingly, we are taking the extraordinary action of providing the Transportation Cabinet and those employees you so designated with limited and specific written authorization to act on behalf of the Finance and Administration Cabinet relative to those Lease Agreements necessary to facilitate the expeditious removal of storm debris. This authorization is subject to the following specific conditions:

1. The scope of authority is limited to those actions necessary to identify necessary and suitable sites for the temporary storage of storm debris; to negotiate with owners or persons authorized to represent the owners of identified sites relative to reasonable compensation for use of same; and, to initiate processing of the Lease Agreements subject to additional restrictions as defined herein.
2. All Lease Agreements shall be documented by use of the form agreement developed by the Transportation Cabinet and approved by the Finance & Administration Cabinet. Any agreements deviating from the approved form must be submitted to the Finance and Administration Cabinet for approval prior to execution of the agreement and prior to use of any property secured via a modified agreement.

Correspondence to: Jim Gray, Secretary
Emergency Lease Agreement Authorization
Limited Delegated Authority
Temporary Storm Debris Storage Sites
March 29, 2021
Page Two

3. The Transportation Cabinet shall be responsible for obtaining all necessary information to complete each Lease Agreement form package, including information relative to the ownership of the property, terms of each Lease Agreement, and appropriate signatures from the Lessor, Transportation Cabinet and the Energy and Environment Cabinet if or as applicable. Once each Lease Agreement is completed as described above, the documents shall be delivered to the Department of Facilities & Support Services, Division of Real Properties for processing. The Division of Real Properties will assign appropriate identification numbers to each Lease Agreement and obtain additional signatures from the Office of General Counsel, and the Secretary, Finance and Administration Cabinet. The original Lease Agreements will be maintained by the Division of Real Properties and executed copies will be provided to the property owner and the Transportation Cabinet. Please note that this does not preclude the Transportation Cabinet from immediately utilizing selected sites provided that the associated Lease Agreement designates a specific start date within the agreement.
4. Any Lease Agreement with an estimated or actual annual cost equal to or exceeding \$100,000 must be submitted to the Finance and Administration Cabinet for approval prior to execution of the Lease Agreement and prior to use of the property secured by same. The Finance & Administration Cabinet specifically exempts authority to negotiate for or otherwise initiate any Lease Agreement providing for an annual rental cost equal to or exceeding \$100,000 from the specific written authority otherwise provided via this document.
5. Any Lease Agreement providing for use of a site partially or fully located outside the boundaries of the Commonwealth must be submitted to the Finance and Administration Cabinet for approval prior to execution of the Lease Agreement and prior to use of the property secured by same. The Finance & Administration Cabinet specifically exempts authority to negotiate for or otherwise initiate any Lease Agreement providing for use of a site partially or fully located outside the boundaries of the Commonwealth from the specific written authority otherwise provided via this document.

The Department for Facilities & Support Services would like to recognize the tremendous efforts of the Transportation Cabinet relative to restoring public safety on the roadways of the Commonwealth. Appropriate staff within the Department for Facilities & Support Services will remain available to provide immediate assistance with this effort as necessary. Should you have questions, require additional information, or require further assistance, please contact the Department for Facilities & Support Services, Division of Real Properties.



**FINANCE AND ADMINISTRATION CABINET
DEPARTMENT FOR FACILITIES AND SUPPORT SERVICES**

ANDY BESHEAR
Governor

SAM RUTH
Commissioner

Division of Real Properties
Bush Building, 3rd Floor
403 Wapping Street
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(502) 564-2205
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HOLLY M. JOHNSON
Secretary

SCOTT AUBREY
Director

MEMORANDUM

TO: Katherine Halloran, Committee Staff Administrator
Capital Projects and Bond Oversight Committee

FROM: Brien S. Hoover, Leasing Manager *BSH*
Division of Real Properties

DATE: June 17, 2021

SUBJECT: PR-5678, Johnson County
Transportation Cabinet
Emergency Lease

As outlined, attached please find notification of a lease agreement being processed by the Division's Leased Properties Branch.

If you have questions or require additional information concerning this matter, please advise.

BSH/bh
Attachment

Cc: Capital Construction Log
OSBD
PR-5678 File
BSH

REPORT TO CAPITAL PROJECTS AND BOND OVERSIGHT COMMITTEE

EMERGENCY LEASE AGREEMENT
KRS 56.823(5)/KRS 56.823(11)(b)

Lease No.: PR-5678		County: Johnson	
Using Agency: Transportation Cabinet			
LESSOR (identify all parties having 5% or more ownership): Attach extra sheet if necessary		Arlie O. Daniels Jr	
Property Location: 7244 KY RT 201, Sitka, KY			
Check One: <input checked="" type="checkbox"/> New Lease <input type="checkbox"/> Renewal <input type="checkbox"/> Modification			
Type Space: Ice Storm Debris Storage		Cost Per Square Foot: \$500.00 per acre per month	
Annual Rental Cost: \$12,000.00		Average Cost Per Square Foot of Leased-In Space in County: \$N/A No Comparable Lease Agreements	
Utilities Included: <input type="checkbox"/> Yes <input type="checkbox"/> No (N/A)			
Cancellation Clause:	<input checked="" type="checkbox"/> Yes If yes, explain terms: 30 Days		<input type="checkbox"/> No If no, explain why not:
Effective Date: May 3, 2021		Expiration Date: To be determined	
Justification for Lease: Please see attached			
Has the Finance & Administration Cabinet complied with statutory requirements: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, explain:			
Explain why the Finance & Administration Cabinet chose this lessor (see attached approval memo and modification): Please see attached			

2021 ICE STORM DEBRIS STORAGE LEASE AGREEMENT

WHEREAS, the COMMONWEALTH OF KENTUCKY, TRANSPORTATION CABINET, DEPARTMENT OF HIGHWAYS, pursuant to KRS 177.020(7), by and through its Commissioner of Highways, hereinafter DEPARTMENT, is required to maintain and repair state maintained highways within the Commonwealth, and ARLIE DANIELS, hereinafter OWNER, is the owner of approximately 2 acres of vacant land located at 7244 KY RT 201, Sitka, Johnson County, Kentucky 41255; and

WHEREAS, the 2021 Ice Storm has created the need for extensive cleanup of ice storm related vegetative debris from state and county maintained right-of-way within Johnson and Lawrence County;

NOW THEREFORE, in consideration of the mutual covenants and agreements hereinafter set forth, the parties agree as follows:

This Lease Agreement is made this 3 day of May, 2021, by and between Arlie Daniels, 7244 KY RT 201, Sitka, Johnson County, Kentucky 41255 as Lessor, and the Commonwealth of Kentucky, Transportation Cabinet, Department of Highways, 200 Mero Street, Frankfort, Kentucky as Lessee.

1. The DEPARTMENT does hereby lease approximately 2 acres of land from the OWNER at the OWNER'S address of 7244 KY RT 201, Sitka, Johnson County, Kentucky 41255, and as depicted on the drawing attached hereto as Exhibit A, for the purpose of storing 2021 Ice Storm tree and brush debris until such time as removal of such materials by the DEPARTMENT is effectuated. The DEPARTMENT shall have full control of said leased space and, to any extent required under the aforesaid Contract, is hereby granted a temporary easement in and to said leased space.
2. The term of this lease shall be month to month commencing on the 3 day of May, 2021, but shall run from this date until such time as said materials are removed by the DEPARTMENT. The DEPARTMENT shall give thirty (30) days written notice of termination of the lease to OWNER.
3. The only debris to be received at this location will be tree and brush debris collected as a result of ice storm damage from highway right-of-way through the county wide storm debris removal contract.
4. To the extent permitted by law, the OWNER agrees to indemnify and hold harmless the DEPARTMENT and all of its officers, agents, and employees from any and all damages, suits, actions and/or claims of any nature made by any person, entity, agency or party specifically including but not limited to those claims resulting from actions of the OWNER or any of its agents, guests, or invitees of whatsoever nature.
5. The DEPARTMENT agrees to remove all debris and return said land to its original condition including any necessary grading and vegetative cover/damage repair.
6. The sole consideration for this Lease Agreement is the payment of \$500 per month per acre by the DEPARTMENT to the OWNER and no cash or other payment shall be required of or made by the DEPARTMENT to the OWNER.

7. The undersigned, authorized representatives of both the OWNER and DEPARTMENT, certify that he/she accepts and acknowledges the aforementioned terms and conditions of this Lease Agreement.

Arlie Daniels _____ 6/1/21 _____
Vendor/Lessor Date

DocuSigned by:
Todd Shipp 6/9/2021

Approved as to form & legality:
Attorney, Transportation Cabinet Date

[Signature] 6/9/2021

Secretary, Transportation Cabinet Date

Approved as to form & legality:
Attorney, Finance & Administration Cabinet Date

Secretary, Finance & Administration Cabinet Date

Approved as to site and use (See Attached)
Energy & Environment Cabinet
Department of Environmental Protection
Division of Waste Management

License ID: SR# 21-037

PR#5678

Emergency Approval for Storm Debris Stockpile Staging and Management Area

Site Name: Johnson County (Sitka Rt. 201) Storm Debris Site.
The Transportation Department #12 will be sharing this site with the Johnson County Physical Court in regards to staging/chipping/burning storm debris material.

Address: 7359-7499 KY-201

County: Johnson County

**Site Location (Lat/Long): 37.927473
-82. 829437**

Responsible Party Name: Transportation Department District #12

Contact Name and Phone Number: James D Wright 606-433-7791 or 606-207-5555

Representatives from Division of Waste Management have visited the above named site and approved the site for the purposes of stockpiling and/or burning of natural wood and vegetative debris generated from the severe storms of February 2021. This approval may be associated with the following FEMA declaration number [Click here to enter text.](#)(if applicable).

Any approval is valid for a period of six months from the dated signature below. Any requests for time extensions will be managed on a case-by-case basis.

Attached to this approval is a list of storage and disposal recommendations.

DAQ Representative:

Date:

DWM Representative: Robert Shaun Whitaker

Date: 04/29/2021



**FINANCE AND ADMINISTRATION CABINET
DEPARTMENT FOR FACILITIES AND SUPPORT SERVICES**

ANDY BESHEAR
Governor

Division of Real Properties
Bush Building, 3rd Floor
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Frankfort, Kentucky 40601
(502) 564-2205
Fax: (502) 564-8108

HOLLY M. JOHNSON
Secretary

SAM RUTH
Commissioner

SCOTT AUBREY
Director

MEMORANDUM

TO: Holly M. Johnson, Secretary
Finance and Administration Cabinet

FROM: Scott Aubrey, Director
Division of Real Properties

DATE: June 17, 2021

SUBJECT: PR-5678, Johnson County
Transportation Cabinet

The Kentucky Transportation Cabinet has submitted the attached lease agreement for execution pursuant to KRS 56.805 (3)(e) and the limited authority delegated to the Transportation Cabinet pursuant to KRS 56.814(1) to identify and promptly secure temporary storm debris storage sites. The sites are used for temporary storage of debris resulting from the February 2021 ice storm pending reduction or destruction of the collected material. Capital Projects & Bond Oversight Committee reporting is required within thirty days of execution pursuant to KRS 56.823(5). The subject lease agreement provides for the use of 2 acres of land at a cost of \$500.00 per acre per month (\$12,000.00 annually) effective May 17, 2021 and your approval is recommended to facilitate ice storm recovery activities.

Should you require additional information, please advise.

JSA/BSH/bh
Attachment

RECOMMENDED: _____
Sam Ruth, Commissioner
Dept. for Facilities & Support Services



COMMONWEALTH OF KENTUCKY
TRANSPORTATION CABINET
transportation.ky.gov

Andy Beshear
GOVERNOR

Jim Gray
SECRETARY

March 4, 2021

Holly M. Johnson, Secretary
Finance and Administration Cabinet
Room 383, Capitol Annex
Frankfort, KY 40601

Dear Secretary Johnson:

The Transportation Cabinet is requesting that an emergency declaration, under the provision of KRS 56.805, Section 3(e), be issued for the Commonwealth of Kentucky pursuant to the Governor's State of Emergency Declaration (attached).

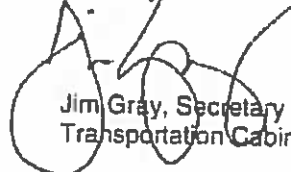
Beginning February 8, 2021 several counties in Kentucky, along with several other states, were hit with a punishing ice storm. In addition to the power outages and other damage created by this storm, the storm left most public streets and roads in these counties littered and/or blocked by trees and limbs. Transportation Cabinet crews and contractors worked continuously for several days to reopen the roads. However, much of the debris still exists and in several places it is still blocking parts of roads or is immediately adjacent to the roadway.

The staff of both of our Cabinets has been working with local governments to establish contracts for the removal of this debris. However, several of the counties do not have approved areas to collect the debris and stage the destruction/reduction of the material. Leases with private land owners are reimbursable expenses through FEMA for this disaster as long as reasonable rates are arranged.

The Transportation Cabinet is using established and approved waste areas wherever possible. However, we need to make other arrangements in the counties that do not have in-place arrangements. Time is of the essence to restore public safety on our roadways and the lack of appropriate sites is preventing our contractors and our state forces from completing this mission.

Please contact Tracy Nowaczyk, Director of Maintenance, for any questions or additional information at tracy.nowaczyk@ky.gov.

Cordially,



Jim Gray, Secretary
Transportation Cabinet



ANDY BESHEAR
GOVERNOR

EXECUTIVE ORDER

Secretary of State
Frankfort
Kentucky

2021-093
February 11, 2021

STATE OF EMERGENCY

WHEREAS, beginning on February 8, 2021, and continuing, a severe weather system generating damaging ice, snow, and arctic temperatures tracked across the entire Commonwealth, causing dangerous road conditions, significant amounts of vegetative debris, disruption of electrical distribution, and interruption of water systems resulting in severe impacts to transportation, infrastructure, governmental properties, and private properties; and

WHEREAS, these conditions endanger public health and safety and/or public and private property; and

WHEREAS, state and local governments share responsibility for protection of public health, safety, and security as well as for the protection of public and private property and for taking appropriate actions to ensure the provision of essential public services;

NOW, THEREFORE, I, Andy Beshear, Governor of the Commonwealth of Kentucky, by virtue of the authority vested in me by the Kentucky Constitution and by Chapter 39A of the Kentucky Revised Statutes, do hereby declare that a State of Emergency exists in the Commonwealth of Kentucky and do hereby Order and Direct that:

1. The Division of Emergency Management within the Department of Military Affairs shall execute the Kentucky Emergency Operations Plan and, from the Kentucky Emergency Operations Center, shall coordinate the response and relief activities of all state agencies and private relief organizations in response to this emergency.
2. The Adjutant General is authorized to issue active duty orders for the mobilization of such National Guard personnel and equipment as he may determine to protect life and safety, to continue essential public services and to prevent undue loss and suffering.
3. All state agencies shall coordinate any and all public and emergency information and/or activities/releases related to this emergency and the response efforts of state agencies with the Division of Emergency Management.
4. All state agencies shall provide sufficient personnel required for the staffing of the Kentucky Emergency Operations Center or other command, control, and coordination points as may be designated by the Division of Emergency Management's Director and shall provide such personnel, vehicles, equipment, and other resources needed to protect life and property and to ensure continuation, restoration and recovery of essential public services.
5. The Finance and Administration Cabinet is directed to provide assistance with incident/disaster resource management, procurements and contracting and to fund the urgent operational and/or response of the Division of Emergency Management and the unbudgeted expenditures and obligations of other state agencies that are



ANDY BESHEAR
GOVERNOR

EXECUTIVE ORDER

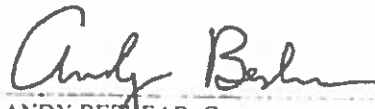
Secretary of State
Frankfort
Kentucky

2021-093
February 11, 2021

incurred in response to and recovery from this emergency incident and in executing the provisions of this Executive Order.

6. The Division of Emergency Management is authorized to request assistance, federal, state, local, private sector, volunteer, and donated resources as may be available to minimize human suffering and to restore essential services to the general population and to assist state and local governments and individuals impacted by this emergency.
7. The Division of Emergency Management shall consult with the American National Red Cross and local officials to determine the need for emergency shelters for displaced families and shall coordinate with local government, school boards, and other organizations to determine the availability of schools and other facilities to be used as shelters during this emergency.
8. Transportation on and access to any and all public roadways in the affected area may be restricted or prohibited in the interest of public health and safety.

This order is effective February 11, 2021.


ANDY BESHEAR, Governor
Commonwealth of Kentucky

MICHAEL G. ADAMS
Secretary of State



ANDY BESHEAR
GOVERNOR


COMMONWEALTH OF KENTUCKY
FINANCE AND ADMINISTRATION CABINET
DEPARTMENT FOR FACILITIES AND SUPPORT SERVICES
403 WAPPING STREET
FRANKFORT, KY 40601-3462
(502) 564-0402
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Sam.ruth@ky.gov

HOLLY M. JOHNSON
SECRETARY

SAM RUTH
COMMISSIONER

MEMORANDUM

TO: Jim Gray, Secretary
Transportation Cabinet

FROM: Sam Ruth, Commissioner 
Finance and Administration Cabinet
Dept. for Facilities & Support Services

DATE: March 29, 2021

SUBJECT: Emergency Lease Agreement
Authorization (KRS 56.805(3)(c))
Limited Delegated Authority (KRS 56.814(1))
Temporary Storm Debris Storage Sites

Please be advised that we are in receipt of your request for Emergency Certification(s) pursuant to applicable provisions of KRS 56.805(3)(e) relative to Lease Agreements necessary to secure suitable sites for the temporary storage of storm debris as otherwise authorized under the provision of Executive Order 2021-093.

In accordance with KRS 56.814(1), please be advised that the Department recognizes that the appropriate source of expertise relative to the identification of suitable sites for temporary debris storage rests with the Transportation Cabinet and those designated Transportation Cabinet employees engaged in the removal of said debris. Accordingly, we are taking the extraordinary action of providing the Transportation Cabinet and those employees you so designated with limited and specific written authorization to act on behalf of the Finance and Administration Cabinet relative to those Lease Agreements necessary to facilitate the expeditious removal of storm debris. This authorization is subject to the following specific conditions:

1. The scope of authority is limited to those actions necessary to identify necessary and suitable sites for the temporary storage of storm debris; to negotiate with owners or persons authorized to represent the owners of identified sites relative to reasonable compensation for use of same; and, to initiate processing of the Lease Agreements subject to additional restrictions as defined herein.
2. All Lease Agreements shall be documented by use of the form agreement developed by the Transportation Cabinet and approved by the Finance & Administration Cabinet. Any agreements deviating from the approved form must be submitted to the Finance and Administration Cabinet for approval prior to execution of the agreement and prior to use of any property secured via a modified agreement.

Correspondence to: Jim Gray, Secretary
Emergency Lease Agreement Authorization
Limited Delegated Authority
Temporary Storm Debris Storage Sites
March 29, 2021
Page Two

3. The Transportation Cabinet shall be responsible for obtaining all necessary information to complete each Lease Agreement form package, including information relative to the ownership of the property, terms of each Lease Agreement, and appropriate signatures from the Lessor, Transportation Cabinet and the Energy and Environment Cabinet if or as applicable. Once each Lease Agreement is completed as described above, the documents shall be delivered to the Department of Facilities & Support Services, Division of Real Properties for processing. The Division of Real Properties will assign appropriate identification numbers to each Lease Agreement and obtain additional signatures from the Office of General Counsel, and the Secretary, Finance and Administration Cabinet. The original Lease Agreements will be maintained by the Division of Real Properties and executed copies will be provided to the property owner and the Transportation Cabinet. Please note that this does not preclude the Transportation Cabinet from immediately utilizing selected sites provided that the associated Lease Agreement designates a specific start date within the agreement.
4. Any Lease Agreement with an estimated or actual annual cost equal to or exceeding \$100,000 must be submitted to the Finance and Administration Cabinet for approval prior to execution of the Lease Agreement and prior to use of the property secured by same. The Finance & Administration Cabinet specifically exempts authority to negotiate for or otherwise initiate any Lease Agreement providing for an annual rental cost equal to or exceeding \$100,000 from the specific written authority otherwise provided via this document.
5. Any Lease Agreement providing for use of a site partially or fully located outside the boundaries of the Commonwealth must be submitted to the Finance and Administration Cabinet for approval prior to execution of the Lease Agreement and prior to use of the property secured by same. The Finance & Administration Cabinet specifically exempts authority to negotiate for or otherwise initiate any Lease Agreement providing for use of a site partially or fully located outside the boundaries of the Commonwealth from the specific written authority otherwise provided via this document.

The Department for Facilities & Support Services would like to recognize the tremendous efforts of the Transportation Cabinet relative to restoring public safety on the roadways of the Commonwealth. Appropriate staff within the Department for Facilities & Support Services will remain available to provide immediate assistance with this effort as necessary. Should you have questions, require additional information, or require further assistance, please contact the Department for Facilities & Support Services, Division of Real Properties.