Project No.

Tract No.

**SIDEWALK VARIANCE**

**OF CITY ENGINEER STANDARD**

THIS SIDEWALK VARIANCE is granted with the stipulations herein below stated this day of , 20 , by the CITY ENGINEER of the CITY OF OVERLAND PARK, KANSAS (the “City Engineer”) to (“Petitioner”).

WITNESSETH:

WHEREAS, Petitioner is the owner of the following described real property located in the City of Overland Park, Johnson County, Kansas, to wit:

**SEE ATTACHMENT ‘A’ (the "Property")**

WHEREAS, Petitioner desires to construct a structure or improvement on the Property; and,

WHEREAS, Chapter 13.10 of the Overland Park Municipal Code ("O.P.M.C.") requires Petitioner to construct a sidewalk along any public street or streets adjacent to a parcel of land, the proposed improvement of which requires the Petitioner to apply for a Building Permit from the City; and

WHEREAS, Petitioner has petitioned the City Engineer for a variance from the requirements of Chapter 13.10, the request having been made as authorized and provided in O.P.M.C. Section 13.10.110; and

WHEREAS, the City Engineer has recommended that Petitioner be granted the requested variance from the requirements of Chapter 13.10 of the O.P.M.C. subject to the conditions and stipulations hereinafter set forth.

NOW, THEREFORE, BE IT RESOLVED by the City Engineer of the City of Overland Park, Kansas:

1. That the City Engineer does hereby grant Petitioner the requested “variance” from the requirements of Chapter 13.10 of the O.P.M.C. contingent upon the performance and observance of the following regulations, stipulations, conditions, and restrictions, to wit:
2. In the event that a demand is later made by the City Engineer for the sidewalk to be installed, the Petitioner shall, within 45 days from the date of mailing of the demand by the City Engineer by certified mail, install the sidewalk.

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2. That the variance and stipulations shall be on and after the date of the execution of this variance a covenant running with the Property and shall be binding upon the heirs, successors, transferees, and assigns of Petitioner as acknowledged and agreed by Petitioner having affixed such signature hereinbelow.

3. That this variance, fully executed, shall be filed with the Register of Deeds in Johnson County, Kansas, and the filing of same shall constitute constructive notice to all heirs, successors, transferees, and assigns of Petitioner of the covenant running with the land, and notice of this variance and stipulations made thereto.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and affixed their seals the day and year first above written.

CITY ENGINEER OF THE PETITIONER(S)

CITY OF OVERLAND PARK, KANSAS

 By:

Printed Name Printed Name

APPROVED AS TO FORM

Attorney for the City

**CITY ENGINEER ACKNOWLEDGEMENT**

STATE OF )

 ) SS.

COUNTY OF )

BE IT REMEMBERED, That on this day of , 20 , before me, the undersigned, a Notary Public in and for the County and State aforesaid, came City Engineer of the City of Overland Park, Kansas, pursuant to the authority conferred by O.P.M.C. Section 13.10.110, who is personally known to me to be the said City Engineer and who is personally known to me to be the same person who executed as such City Engineer the foregoing instrument on behalf of the City, and such person duly acknowledged the execution of same to be the act and deed of said City Engineer.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last above written.

 Notary Public

 Notary Stamp:

**INDIVIDUAL ACKNOWLEDGEMENT**

STATE OF )

 ) SS.

COUNTY OF )

BE IT REMEMBERED, That on this day of , 20 , before me, the undersigned, a Notary Public in and for the County and State aforesaid, came who is/are personally known to me to be the same person(s) who executed the within instrument of writing and duly acknowledged the execution of same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last above written.

 Notary Public

 Notary Stamp:

**LIMITED LIABILITY COMPANY ACKNOWLEDGEMENT**

STATE OF )

 ) SS.

COUNTY OF )

BE IT REMEMBERED, That on this day of , 20 , before me, the undersigned, a Notary Public in and for the County and State aforesaid, came (name/s), member(s) of

 (name of company), a Limited Liability Company duly formed under the provisions of the (state) Limited Liability Company Act, who is/are personally known to me to be the such member(s) and who is/are personally known to me to be the same person(s) who executed as such member(s) the foregoing instrument on behalf of said company, and such person(s) duly acknowledged the execution of same to be the act and deed of said company.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last above written.

 Notary Public

 Notary Stamp:

**CORPORATE ACKNOWLEDGEMENT**

STATE OF )

 ) SS.

COUNTY OF )

BE IT REMEMBERED, That on this day of , 20 , before me, the undersigned, a Notary Public in and for the County and State aforesaid, came President of , a corporation duly organized, incorporated and existing under and by virtue of the laws of the State of , and , Secretary of said Corporation, who are personally known to me to be the such officers and who are personally known to me to be the same persons who executed as such officers the within instrument on behalf of said Corporation, and such persons duly acknowledged the execution of the same to be the act and deed of said Corporation.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last above written.

 Notary Public

 Notary Stamp: