Project No.

Tract No.

**TEMPORARY CONSTRUCTION EASEMENT**

KNOW ALL PERSONS BY THESE PRESENTS, that the **CITY OF OVERLAND PARK**, KANSAS, a Kansas municipal corporation ("Grantor"), for the sum of Ten Dollars ($10.00) and other valuable considerations, receipt and sufficiency of which is hereby acknowledged, does grant to , a (state) corporation/company/limited liability company ("Grantee"), with an address of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, a Temporary Construction Easement over, under and through the following described real property:

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

The above described easement is to be used for the purpose of constructing, grading, improving, reconstructing, and inspecting [project description] as shown by the plans of the proposed improvement dated [ ], prepared by [ ]. This Temporary Construction Easement includes the right of ingress and egress over and through the Easement Property.

Grantee hereby agrees to restore the Easement Property to as near the original condition as possible. Grading within the Temporary Construction Easement may result in a grade change.

Grantee hereby agrees to indemnify, defend and hold Grantor harmless from and against any and all claims and damages, including reasonable attorney’s fees, resulting from any injury to persons or property either now or in the future arising from Grantee’s use of the Easement Property herein granted, this indemnification to survive expiration of the easement.

This Temporary Construction Easement shall commence upon the date listed below and shall expire months after the completion and acceptance of construction.

This Easement shall inure to and bind the successors and assigns of the parties, and shall constitute a covenant running with the land.

Rev. 1-12-16

IN WITNESS WHEREOF, the party above named has executed this easement this day of , 20 .

ATTEST: CITY OF OVERLAND PARK

City Clerk [Department Director/City Manager]

APPROVED AS TO FORM: ACCEPTED BY GRANTEE:

Attorney for the City Signature

Printed Name

**MUNICIPAL 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, Title] of the City of Overland Park, a municipal corporation duly organized , incorporated and existing under and by virtue of the laws of the State of Kansas, and Marian Cook, City Clerk of said municipal corporation, who is personally known to me to be the same persons who executed as such officials the within instrument on behalf of said municipal corporation, and such persons duly acknowledged the execution of same to be the act and deed of said municipal 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: