Project No.

Tract No.

**UTILITY EASEMENT**

KNOW ALL MEN BY THESE PRESENTS: That the **CITY OF OVERLAND PARK, KANSAS,** a Kansas municipal corporation (“**Grantor**”), in consideration of the sum of Ten Dollars ($10.00) and other valuable considerations, receipt and sufficiency of which is hereby acknowledged, does hereby grant to the **CITY OF OVERLAND PARK**, **KANSAS,** a Kansas municipal corporation (“**Grantee”)**, with an address of 8500 Santa Fe Drive, Overland Park, KS 66212, its successors and assigns, forever a perpetual easement over, under and through the property described in **Attachment A** attached hereto and incorporated herein (the “**Easement Property**”), for the purpose of entering upon, locating, constructing and maintaining, or authorizing the location, construction, or maintenance, and use of conduits, water, gas, sewer pipes, poles, wires, surface drainage facilities, ducts, cables, and appurtenances thereto in any part of the easement, including the right to clean, repair, replace and care for the facilities, and for any reconstruction and future expansion of the facilities within the Easement Property together with the right of access to the Easement Property and over the Easement Property for these purposes in the following described property:

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

THIS EASEMENT is executed, delivered, and granted upon the following conditions:

1. Grantor, its/his/her heirs, executors, administrators, successors and assigns, hereby releases Grantee, its agents and employees, assigns and successor from any and all liability for damage to the remaining lands resulting from this conveyance, and construction and maintenance of said utilities, PROVIDED Grantee, its agents and employees assigns and successors shall as soon as practicable, after construction of said utilities and all subsequent alterations and repairs thereto, restore all property of the Grantor to a neat and presentable condition.

2. It is understood by Grantor that the utilities constructed hereunder shall, in every respect be a public utility as if laid in one of the dedicated streets of Grantee, and all property abutting thereon shall have the right to connect therewith under the same conditions as if the utilities were in a public street; and Grantee, or any abutting property owners, upon permit from Grantee herein, shall have the right at all times to enter upon the described premises for the purpose of making any necessary repair to or renewals for replacements of the utilities.

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3. The rights granted herein shall not be construed to interfere with or restrict Grantor, its/his/her heirs, executors, administrators, successors and assigns from the use of the Easement Property with respect to the construction and maintenance of property improvements along and over the Easement Property so long as the same are so constructed as not to impair the strength or interfere with the use and maintenance of the utilities.

This Utility Easement shall run with the land and apply to all interests now owned or hereafter acquired to the above-described property. It shall be filed of record with the Register of Deeds, Johnson County, Kansas.

ATTEST: CITY OF OVERLAND PARK

City Clerk *Mayor/City Manager/ Department Director*

APPROVED AS TO FORM:

Attorney for the City

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**MUNICIPAL CORPORATE ACKNOWLEDGEMENT**

STATE OF KANSAS )

) SS.

COUNTY OF JOHNSON)

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, Kansas, a municipal corporation duly organized, incorporated and existing under and by virtue of the laws of Kansas, and Marian Cook, City Clerk of said municipal corporation, who are 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 the 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: