

RESTORATION AGREEMENT

WHEREAS, the City of Overland Park, Kansas (the "City") is coordinating improvements to wit: **DESCRIPTION OF THE PROJECT** (the "Project"); and

WHEREAS, as a result of utility relocation activities and construction relating to the Project, certain restoration at **SITUS ADDRESS** (the "Property") will be required (the "Restoration") as further described in **Exhibit A**, attached hereto and incorporated by reference herein; and

WHEREAS, the City has agreed to the request of **OWNER(S) NAME(S)**, (**OWNER(S) NAME(S)** along with the successor and assigns are collectively hereinafter referred to as the "Owner") to pay the Owner directly for the cost of Restoration within the existing and proposed easement areas.

NOW THEREFORE, the City and the Owner agree as follows:

1. The City will reimburse the Owner the estimated cost of the Restoration, in an amount not to exceed ~~#####~~, to be used by the Owner to perform the Restoration on the Property.
2. The Owner will own and maintain the Restoration with the City having no ownership, maintenance or any other responsibility related to same.
3. The Owner agrees and understands that any Restoration they perform or cause to be performed within any existing or proposed easement areas on the Property would be "at risk" if the City ever determines such Restoration compromises the integrity of the Project or the City's use of easements.
4. The Owner agrees that the money provided by the City for the Restoration within the existing and proposed easement areas on the Property will serve as consideration for the Owner's full satisfaction and release related to the same, and the Owner agrees to release and fully discharge the City, its employees, officers, agents and assigns from any and all liability, claims, demands, costs, charges and expenses incident to the Project's effect on the Property, now or in the future. In addition, the Owner hereby agrees not to assert any claim against the City, its employees, officers, agents or assigns in any court of law based upon the Project's effect on the Property, now or in the future.
5. The Owner acknowledges the payment hereunder by the City is in no way an admission of liability on the part of the City.

EXHIBIT A
TO
RESTORATION AGREEMENT

Owner(s)

Situs Address

The City agrees to pay the Owner the total sum of \$ _____, which is full compensation for the Restoration of the following:
