

City Project No. 3-D-041-18

Project Name: Woodland Road, K-10 to College; Tr. # ___

Parcel No. _____

(LLC, Corporation, Partnership)

PERMANENT UTILITY EASEMENT

THIS AGREEMENT, made and entered into this _____ day of _____, 201___, by and between the **CITY OF OLATHE, KANSAS**, a Municipal Corporation, hereinafter called Grantor, and **EVERGY METRO, INC.** a Missouri Corporation, hereinafter called Grantee.

NOW, THEREFORE, for the consideration hereinafter described, the parties hereto agree as follows:

**SECTION ONE
GRANT OF PERMANENT EASEMENT**

In consideration of One and No/100 Dollar (\$1.00) in hand paid and other valuable consideration, including just compensation paid for all property damage resulting from the public improvement and from those factors set forth in K.S.A. 26-513 and other factors arising from the public improvement to be made, including but not limited to loss of trees, overhanging tree branches or landscaping within the easement area, receipt of which is hereby acknowledged, the Grantor does hereby grant and convey unto the Grantee, its successors and assigns, a permanent easement for public electrical utility lines, in, over, on, under and through the following described land in the County of Johnson, State of Kansas (such land is referred to herein as the premises):

**SEE EXHIBIT "A" ATTACHED HERETO
AND BY REFERENCE MADE A PART HEREOF.**

Pursuant to the franchise agreement between Grantor and Grantee, if Grantor requires the electrical line located in this Permanent Utility Easement to be relocated in the future, Grantor will be responsible for the relocation costs.

Grantee will vacate the area that runs north and south in the easement filed of record in Book 30 at Page 3. Grantee will vacate the area that runs north and south in the easement filed of record in Book 30 at Page 4.

SECTION TWO
RESTRICTED USE BY GRANTOR

Grantor shall not interfere with the exercise by Grantee of the rights granted herein. Grantor shall not allow or construct or permit to be constructed any structure, trees, overhanging tree branches or landscaping, or obstructions on, over, and under the above described easement area or interfere with the construction, maintenance, or operation of utility lines and appurtenance constructed pursuant to this instrument. Grantee and Grantor, or their agents, shall have the right to trim back any overhanging tree branches and landscaping to the main trunk located on Grantor's property.

SECTION THREE
WARRANTY OF TITLE

Grantor covenants that it is the owner of the premises and has the right, title and capacity to grant the easement granted herein.

SECTION FOUR
EFFECT OF AGREEMENT

This agreement shall be binding upon the heirs, legal representatives, successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this agreement the day and year first above written.

GRANTOR:

CITY OF OLATHE, KANSAS,
A Municipal Corporation

By: _____
Michael Copeland, Mayor

ATTEST:

(SEAL)

Emily Vincent, City Clerk

Property Address:

Mailing Address:
P. O Box 768
Olathe, KS 66051-0781

ACKNOWLEDGMENT

STATE OF KANSAS)
) ss:
COUNTY OF JOHNSON)

BE IT REMEMBERED, that on this _____ day of _____, 201____, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came **J. MICHAEL WILKES**, City Manager of the City of Olathe, Kansas, and **DAVID F. BRYANT III**, Deputy City Clerk of said City, who are personally known to me to be the same persons who executed, as such officers, the within instrument on behalf of said City, and such persons duly acknowledged the execution of the same to be the act and deed of said City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Notary Public

Printed Name: _____

My Appointment Expires:

EXHIBIT "A"

Evergy Metro, Inc. Easement

All of the West 10.00 feet of the South 1,183.58 feet of the East 60.00 feet of the Northeast Quarter of Section 11, Township 13 South, Range 23 East of the Sixth (6th) Principal Meridian, all in the City of Olathe, Johnson County, Kansas.

The above described parcel was created by Kenneth J. Dedrick, PS-1067 on October 09, 2019 with the benefit of ground field survey and contains 11,836 square feet or 0.272 acres, more or less. The exterior lines of the above description shall be extended or truncated as required to intersect the South line of 105th Street (Private Drive) and the South line of said Northeast Quarter.

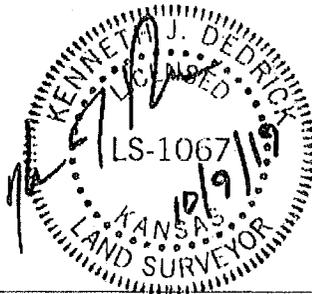
And

All of the West 10.00 feet of the East 60.00 feet of the Southeast Quarter of Section 11, Township 13 South, Range 23 East of the Sixth (6th) Principal Meridian, all in the City of Olathe, Johnson County, Kansas.

The above described parcel was created by Kenneth J. Dedrick, PS-1067 on October 09, 2019 with the benefit of ground field survey and contains 26,024 square feet or 0.597 acres, more or less. The exterior lines of the above description shall be extended or truncated as required to intersect the North and South lines of said Southeast Quarter.

State of Kansas

I, Kenneth J. Dedrick, being a duly registered and licensed Professional Surveyor in the State of Kansas, hereby certify that this real property description was prepared by me or under my direct supervision and is correct to the best of my belief and ability.



Kenneth J. Dedrick PS-1067

10/9/19 10:06 AM

Date

Exhibit A

Woodland Road (College to K-10)

City of Olathe Project No. 3-C-041-18

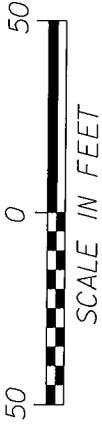
KCP&L Perm. Esmt.

DATE: January 22, 2019

(Sheet 3 of 8)

HNTB

LEGEND:
KCP&L Perm. Esmt.



SCALE IN FEET

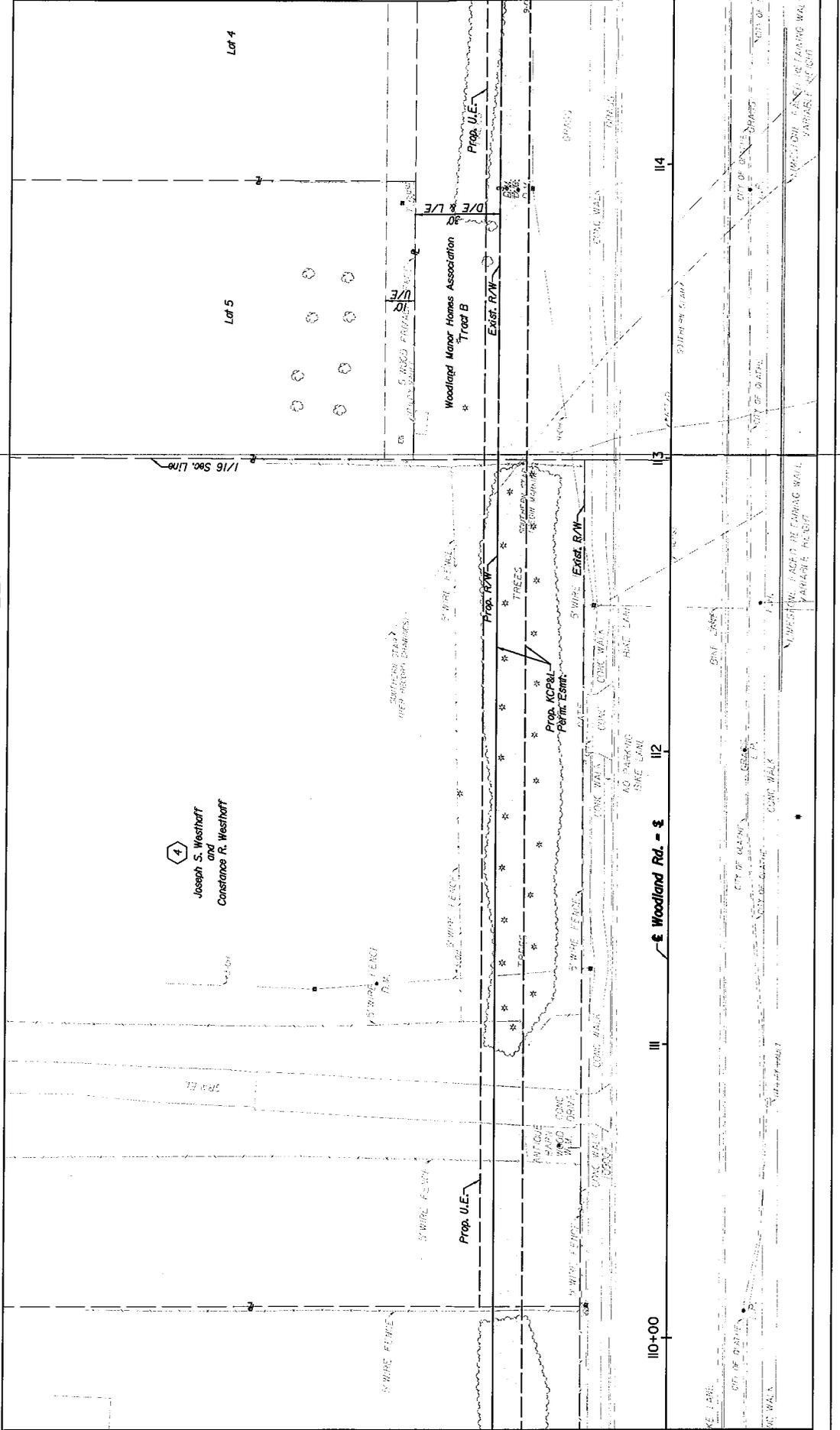


Exhibit A
 Woodland Road (College to K-10)
 City of Olathe Project No. 3-C-041-18

KCP&L Perm. Esmt.

DATE: January 22, 2019

(Sheet 4 of 8)

HNTB

LEGEND:
 KCP&L Perm. Esmt.

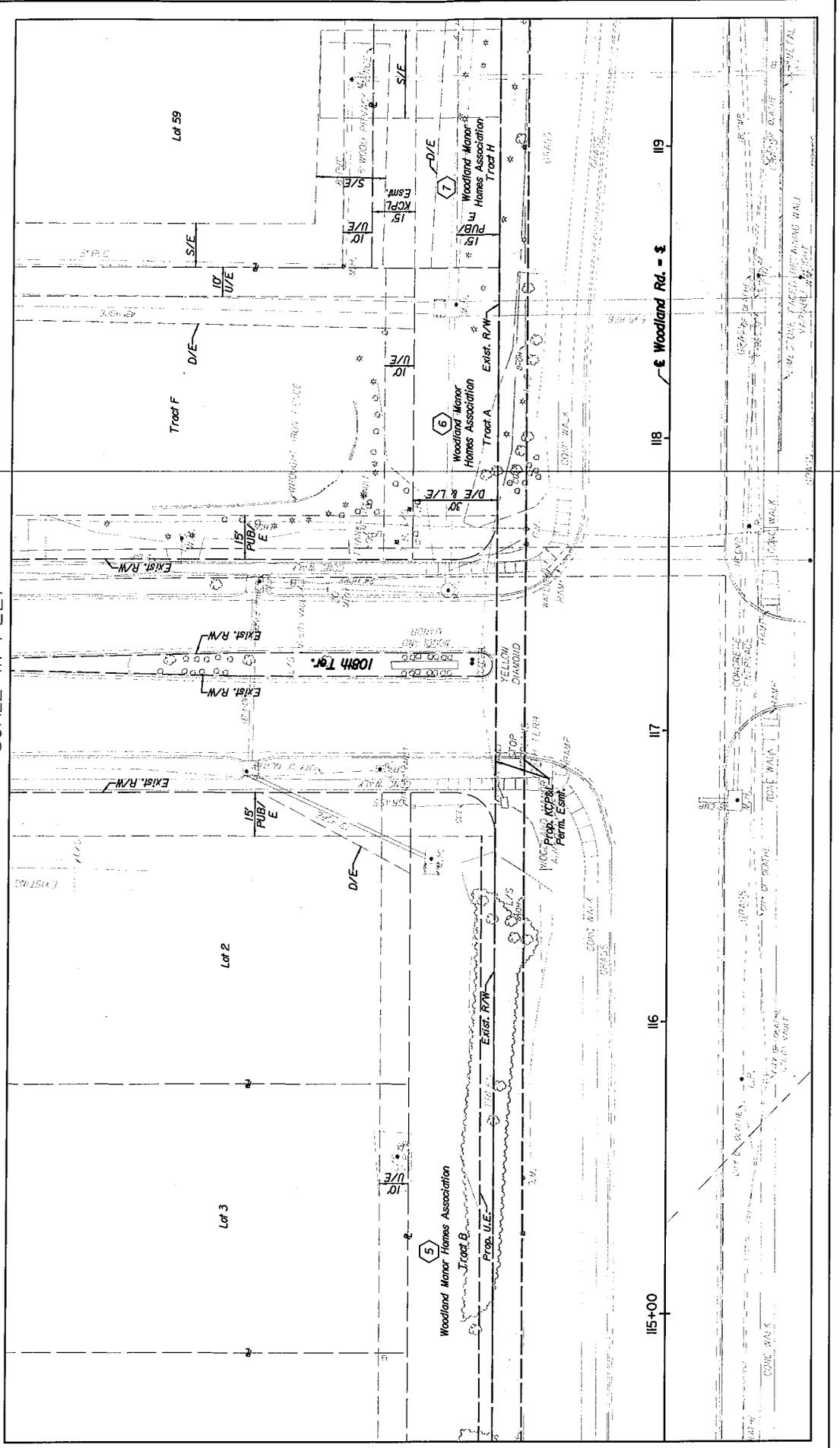
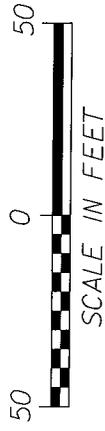


Exhibit A
 Woodland Road (College to K-10)
 City of Olathe Project No. 3-C-041-18

KCP&L Perm. Esmt.

DATE: January 22, 2019
 (Sheet 5 of 8)

HNTB

LEGEND:
 KCP&L Perm. Esmt.

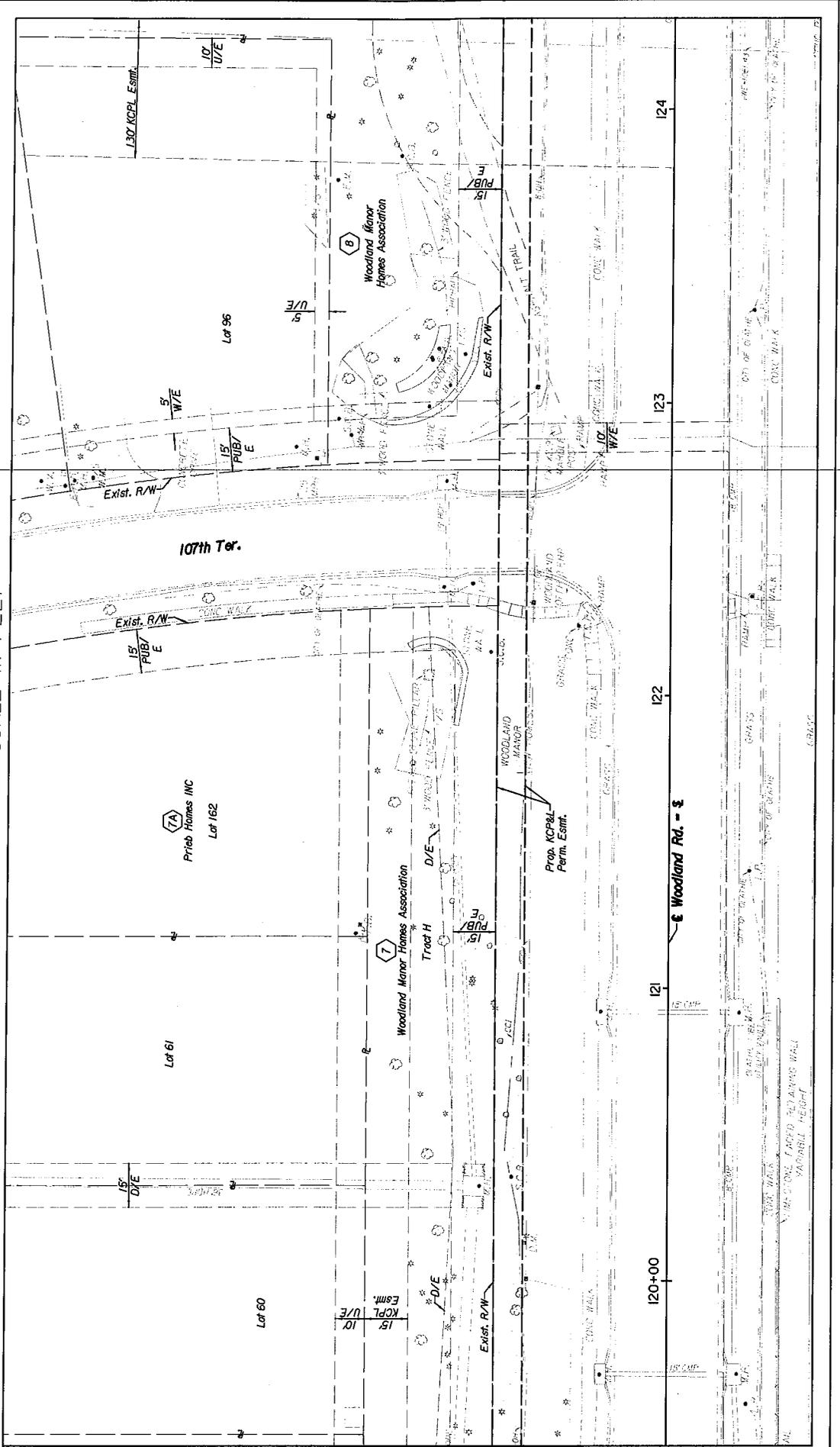
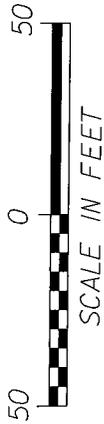


Exhibit A
 Woodland Road (College to K-10)
 City of Olathe Project No. 3-C-041-18

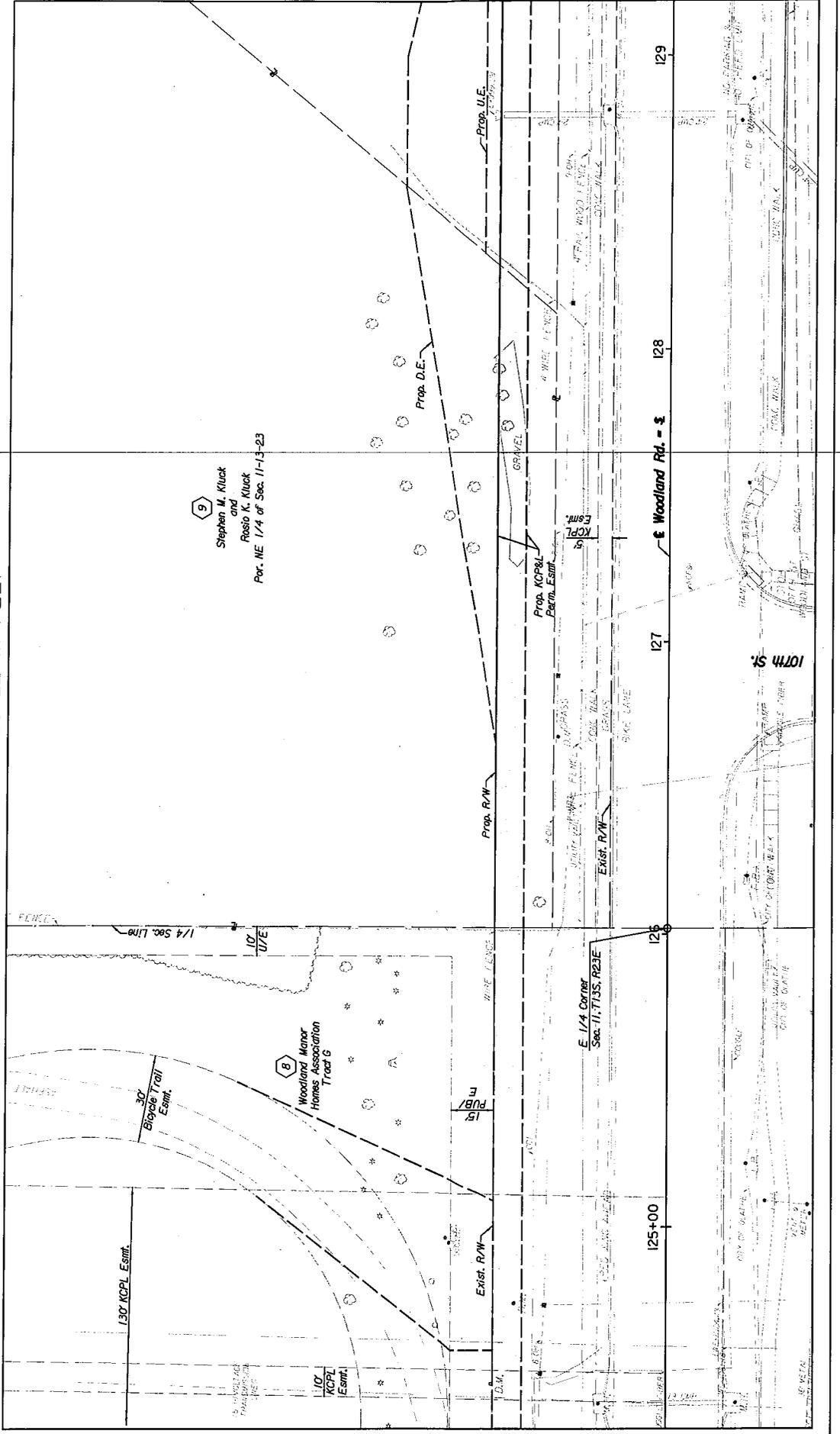
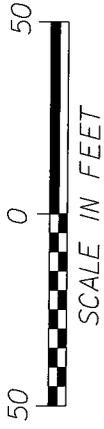
KCP&L Perm. Esmt.

DATE: January 22, 2019

(Sheet 6 of 8)

HNTB

LEGEND:
 KCP&L Perm. Esmt.



9
 Stephen M. Kluck
 and
 Rosita K. Kluck
 Por. NE 1/4 of Sec. 11-13-23

B
 Woodland Manor
 Homes Association
 Tract G

E 1/4 Corner
 Sec. 11-13-23E

Exhibit A
 Woodland Road (College to K-10)
 City of Olathe Project No. 3-C-041-18

KCP&L Perm. Esmt. DATE: January 22, 2019
 (Sheet 8 of 8)

HNTB

LEGEND:
 KCP&L Perm. Esmt.

