

City Project No. \_\_\_\_\_  
Project Name \_\_\_\_\_ Tr. # \_\_\_\_\_  
Parcel No. \_\_\_\_\_  
(Trust)

**PERMANENT SIDEWALK AND UTILITY EASEMENT**

THIS AGREEMENT, Made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_, by and between \_\_\_\_\_ and \_\_\_\_\_, Trustees of the \_\_\_\_\_, acting pursuant to the powers to convey realty granted under said trust, its successors, administrators, and assigns, hereinafter called Grantor, and the **CITY OF OLATHE, KANSAS**, a Municipal Corporation, located in the County of Johnson, State of Kansas, hereinafter called Grantee.

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

SECTION ONE  
GRANT OF 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 sidewalk and utility easement, with the right to reasonable ingress and egress thereto, for the purposes of laying, constructing, operating, inspecting, maintaining, altering, repairing, replacing, substituting, relocating, adding to, and removing of the sidewalk and/or utility lines on,

in, over, 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.

Grantor does hereby covenant and promise to the Grantee that the described real estate is free, clear, discharged and unencumbered of and from all former and other grants, titles, charges, estates, judgments, taxes, assessments and encumbrances, of whatsoever nature and kind.

SECTION TWO  
TERM

The rights granted herein shall be possessed and enjoyed by the Grantee, its successors and assigns, so long as the sidewalk/utilities constructed pursuant hereto shall be maintained and operated by the Grantee, its successors and assigns.

SECTION THREE  
ASSIGNMENTS

The rights granted herein shall not be assignable together or separately nor in whole or in part without the written permission of both parties.

SECTION FOUR  
WARRANTY OF TITLE

Grantors covenant and warrant that it is the owner of the premises and has the right, title and capacity to grant the easement herein conveyed.

SECTION FIVE  
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:**

\_\_\_\_\_  
(Trust Name)

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
City, State & Zip: \_\_\_\_\_

**GRANTEE:**

**CITY OF OLATHE, KANSAS,**  
A Municipal Corporation

By: \_\_\_\_\_  
J. Michael Wilkes, City Manager

ATTEST:

\_\_\_\_\_  
Donald T. Howell, City Clerk

(SEAL)

**ACKNOWLEDGMENT**

STATE OF KANSAS        )  
  ) ss:  
COUNTY OF JOHNSON    )

BE IT REMEMBERED, that on this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_, before me, the undersigned, a Notary Public within and for the County and State aforesaid, came \_\_\_\_\_ and \_\_\_\_\_, as Trustees of the \_\_\_\_\_, to me personally known to be the identical persons who executed the above and foregoing instrument and who acknowledged the execution of the same on behalf of said Trust.

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

\_\_\_\_\_  
Notary Public

My Appointment Expires:

\_\_\_\_\_

**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 **DONALD T. HOWELL**, 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

My Appointment Expires:

\_\_\_\_\_