

NON-EXCLUSIVE ACCESS AND UTILITY EASEMENT

THIS NON-EXCLUSIVE ACCESS AND UTILITY EASEMENT, executed by the Board of County Commissioners on behalf of Sedgwick County, Kansas (hereinafter, "Grantor") and delivered to [Name] (hereinafter, "Grantee").

WITNESSETH:

That for and in consideration of the sum of \$1.00 and other good and valuable consideration, the receipt of which is hereby acknowledged, Grantor hereby grants, bargains, sells and conveys to the Grantee a permanent non-exclusive access easement in, over, across and upon the following described premises, to wit:

A portion of Lot 1, Block A, Coliseum Park II, Sedgwick County, Kansas described as follows: Commencing at the Northeast corner of Lot 1, Block A; thence on an assumed bearing of S 89°14'30" W along the North line of said Lot 1, also being the North line of the South half of the Southeast Quarter of Section 33, Township 25 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, a distance of 1491.50 feet; thence S 0°35'34" E, along the West line of Assignment of Lease recorded on Film 1738, Page 21, a distance of 297.29 feet; thence S 57°22'16" W, a distance of 144.86 feet to the Point of Beginning; thence S 23°03'05" E, a distance of 165.48 feet; thence S 1°50'23" W, a distance of 652.49 feet to a point on the South line of said Lot 1, said point being 1484.25 feet West of the Southeast corner of said Lot 1, thence S 89°26'47" W along the South line of said Lot 1, a distance of 45.04 feet; thence N 1°50'23" E, a distance of 685.76 feet; thence N 42°45'34" W, a distance of 113.60 feet; thence N 57°22'16" E, a distance of 66.85 feet to the Point of Beginning. [Parcel A]

for the purpose of easement to allow access by Grantee's trucks, not to be less than 20' wide, to the property described as follows:

A portion of Lot 1, Block A, Coliseum Park II, Sedgwick County, Kansas described as follows: Commencing at the Northeast corner of Lot 1, Block A; thence on an assumed bearing of S 89°14'30" W along the North line of said Lot 1, also being the North line of the South half of the Southeast Quarter of Section 33, Township 25 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, a distance of 1491.50 feet to the Point of Beginning; thence S 0°35'34" E, along the West line of Assignment of Lease recorded on Film 1738, Page 21, a distance of 297.29 feet; thence S 57°22'16" W, a distance of 442.35 feet; thence S 89°13'53" W, a distance of 118.01 feet; thence N 0°35'34" W, a distance of 530.87 feet, more or less, to a point on the North line of said Lot 1; thence N 89°14'30" E along the North line of said Lot 1, a distance of 493.00 feet to the Point of Beginning, said tract contains 5.00 acres, more or less. [Parcel B]

and for the purpose of public utilities serving the property immediately described above. Grantor shall be responsible for maintaining the access easement.

Grantor reserves the right to relocate the easement, at the sole cost of the Grantor, by filing an amended easement. Grantor shall provide reasonable prior notice to Grantee of the intent to relocate the easement and shall at all times maintain access by Grantee to the property described as Parcel B above.

The Grantor, for itself, its successors and assigns, does hereby covenant and agree with the Grantee, and its successors and assigns, that the Grantor at the time of execution of this Easement as the good, right and authority to grant this Easement, and that the Grantor and its successors and assigns further covenant to warrant and defend said Easement against the lawful claims of all persons whatsoever.

GRANTOR

Sedgwick County, Kansas

Board of County Commissioners
of Sedgwick County, Kansas

Tim R. Norton, Chairman
Second District

STATE OF KANSAS)
)
) ss:
COUNTY OF SEDGWICK)

The foregoing instrument was acknowledged before me, a Notary Public in and for the County and State aforesaid, this _____ day of _____, 2012, by Tim R. Norton, Chairman, Second District, for the Board of County Commissioners of Sedgwick County, Kansas.


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

NOTARY PUBLIC

My Appointment Expires: _____

Attest:

Kelly B. Arnold, County Clerk

Approved as to form:


Robert W. Parnacott, Assistant County Counselor