

**HIGHWAY USE AGREEMENT**

THIS HIGHWAY USE AGREEMENT (“Agreement”) is made and given by Sedgwick County, Kansas, (“Grantor”) for the benefit of the Kansas Department of Transportation, (“KDOT”).

WITNESSETH:

WHEREAS, Grantor is the holder of certain rights to that certain real property acquired via condemnation by Grantor in Sedgwick County case A-31849 (1950) and 74151 (1930) (the “Parent Tract”); and

WHEREAS, Grantor desires to grant KDOT use for highway construction and maintenance over and under the certain tract of land comprised of a portion of the Parent Tract as more specifically described in Exhibit A1-A5 attached hereto (“Tract A”); and

WHEREAS, Grantor’s interest in the Parent Tract is for the purpose of maintaining a flood control project and any use of the Tracts, must be subordinate to the security and stability of the flood control project, as currently constructed, and to the security and stability of any future maintenance and improvements of the flood control project;

NOW, THEREFORE, for good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the Grantor agrees as follows:

1. Grant of Use for Highway.
  - A. Grantor grants and conveys to KDOT, its successors and assigns, agents, invitees, licensees and tenants, appendant, appurtenant, non-exclusive, right-of-way permission for the construction, maintenance and improvement of a limited access highway, bridges, ramps and other appurtenances as deemed necessary by grantee for the safe and efficient operation of the state highway system under and across the portion of the Parent Tract comprising Tract A.
  
2. Scope of Easements. This Agreement, and all of the provisions contained herein and all of the rights and obligations hereunder, are given for the sole purpose of construction, maintenance and improvement of a limited access highway. Projects utilizing the permissions granted may be completed in phases over a period of time. If construction of the first phase of the improvements is commenced within three years from the date of execution of this Agreement, this Agreement, and all of the provisions contained herein and all of the rights and obligations hereunder, shall be and constitute covenants of the Parent Tract and shall bind all present and future owners thereof.

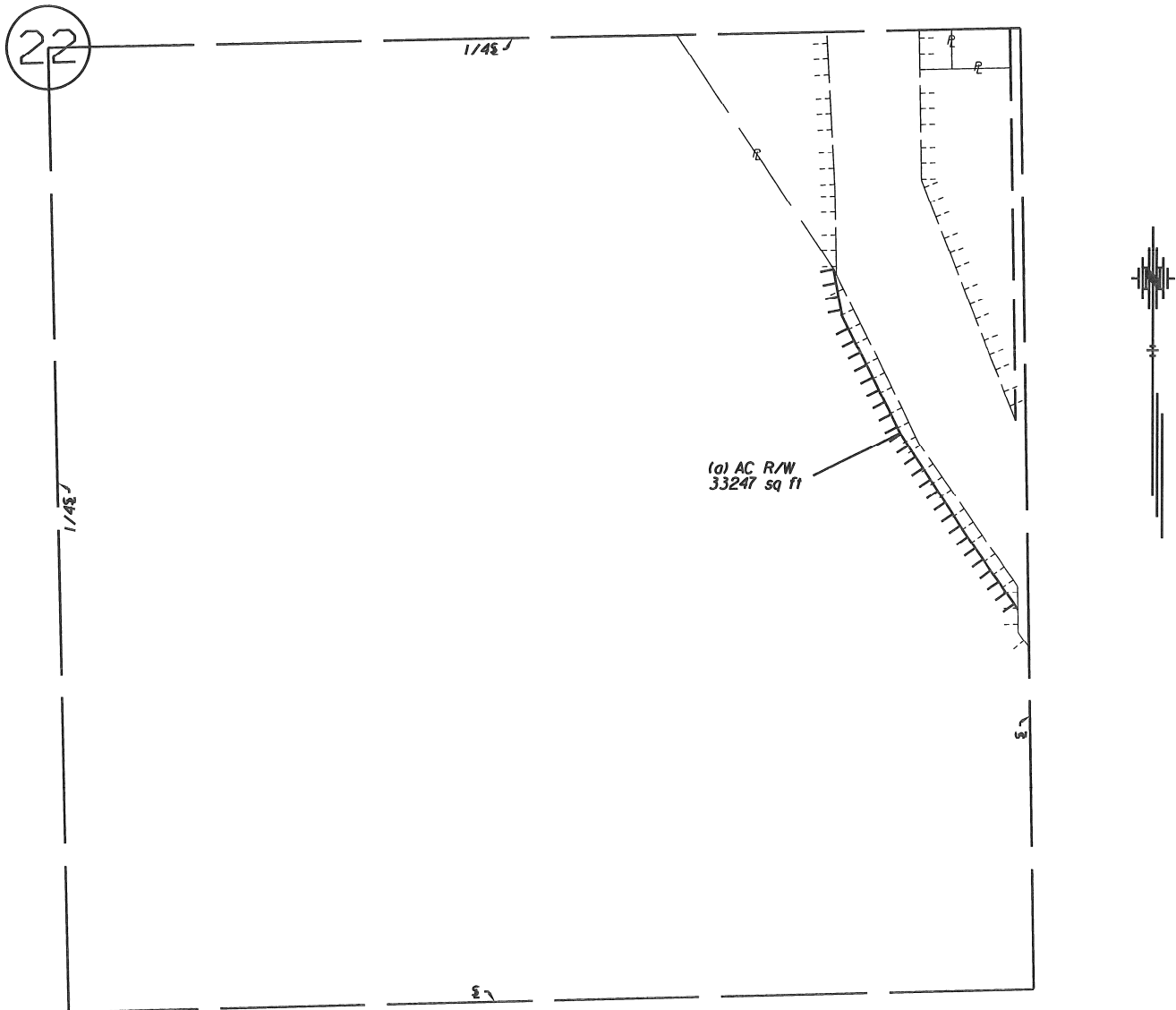


**Exhibit A1**

BOARD OF COUNTY COMMISSIONERS  
SEDGWICK COUNTY  
235-87 KA-0161-04  
TOL SE 1/4, SEC. 22, T27S, R1W  
03-27-13

55 3478

1 OF 5



SCALE = 1" = 400'

**Exhibit A1**

## (Exhibit A1 Legal Description)

(a) A tract of land in the Southeast Quarter of Section 22, Township 27 South, Range 1 West of the 6th P.M., described as follows: COMMENCING at the Southeast corner of said Quarter Section; thence on an assumed bearing of North 00 degrees 54 minutes 12 seconds West, 935.06 feet along the East line of said Quarter Section to the Westerly right of way line of the existing highway; thence North 37 degrees 34 minutes 58 seconds West, 50.22 feet along said Westerly right of way line; thence North 00 degrees 54 minutes 12 seconds West, 60.80 feet along said Westerly right of way line to the POINT OF BEGINNING; FIRST COURSE, thence North 34 degrees 56 minutes 08 seconds West, 261.34 feet; SECOND COURSE, thence North 33 degrees 16 minutes 09 seconds West, 320.90 feet; THIRD COURSE, thence North 26 degrees 28 minutes 08 seconds West, 354.10 feet; FOURTH COURSE, thence North 10 degrees 47 minutes 55 seconds West, 133.14 feet to the Southwesterly line of a tract of land described as Parcel 1 in a deed recorded in Doc.#/Flm-Pg 28664400 in the Register of Deeds Office, Sedgwick County, Kansas; FIFTH COURSE, thence South 33 degrees 52 minutes 00 seconds East, 14.94 feet along said Southwesterly line to said Westerly right of way line; SIXTH COURSE, thence South 01 degree 03 minutes 22 seconds East, 3.43 feet along said Westerly right of way line; SEVENTH COURSE, thence South 26 degrees 11 minutes 10 seconds East, 513.50 feet along said Westerly right of way line; EIGHTH COURSE, thence South 34 degrees 58 minutes 42 seconds East, 475.28 feet along said Westerly right of way line; NINTH COURSE, thence South 00 degrees 54 minutes 12 seconds East, 64.26 feet along said Westerly right of way line to the POINT OF BEGINNING. The above described tract contains 33247 square feet, more or less.

This conveyance is made for the purpose of a controlled access highway and the grantor hereby releases and relinquishes to the grantee any and all abutters' rights of access to said highway, appurtenant to grantors remaining property.

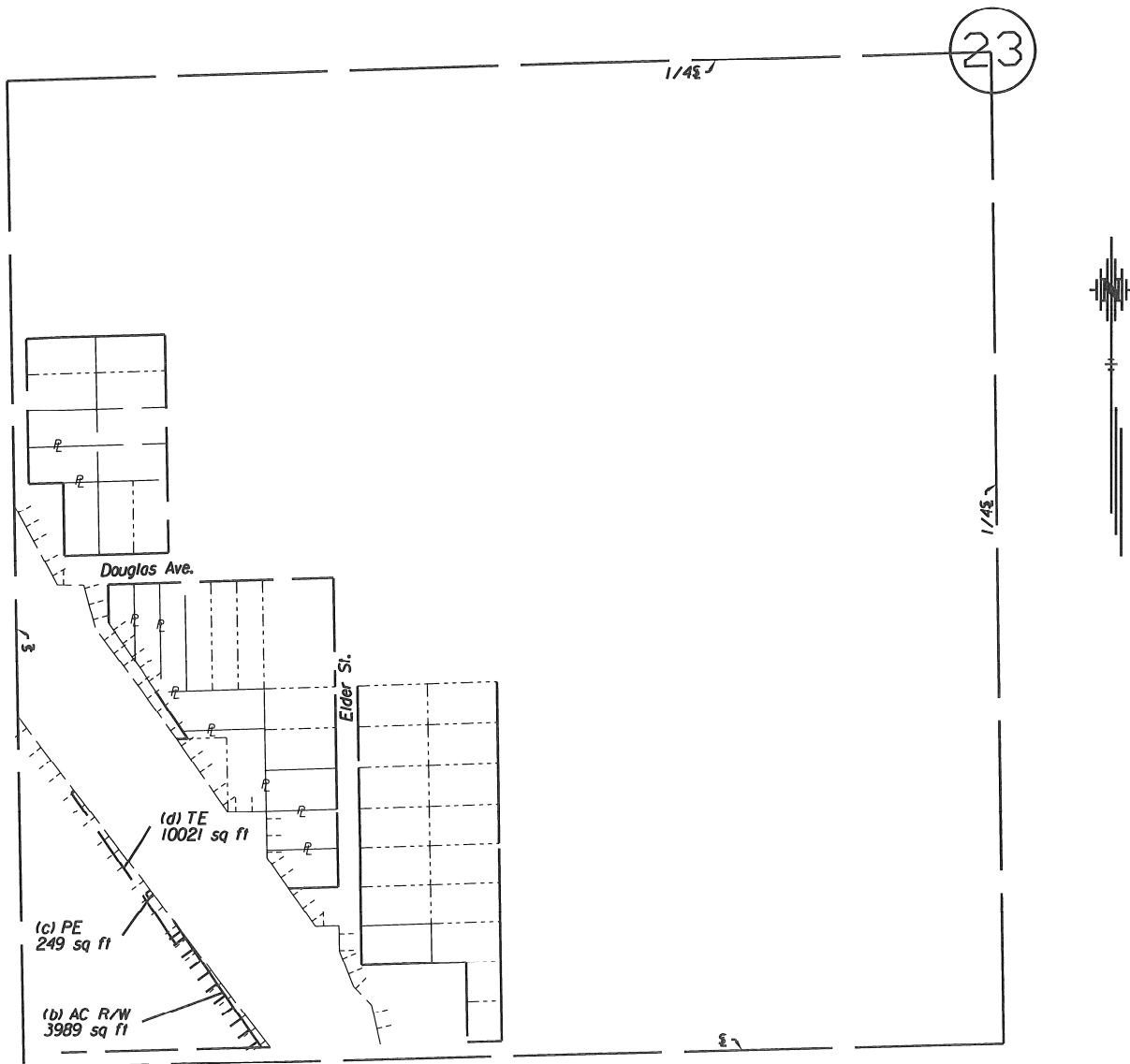
The Secretary may install a fence or other device to delineate the above described controlled access highway facility. If such fence or other device is installed, the Secretary assumes no legal or other responsibility for fencing private property.

**Exhibit A2**

BOARD OF COUNTY COMMISSIONERS  
SEDGWICK COUNTY  
235-87 KA-0161-04  
TOL SW 1/4, SEC. 23, T27S, R1W  
03-27-13

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3478

2 OF 5



SCALE = 1" = 400'

**Exhibit A2**

## (Exhibit A2 Legal Descriptions)

(b) A tract of land in the Southwest Quarter of Section 23, Township 27 South, Range 1 West of the 6th P.M., described as follows: COMMENCING at the Southwest corner of said Quarter Section; thence on an assumed bearing of North 00 degrees 54 minutes 12 seconds West, 935.06 feet along the West line of said Quarter Section to the Westerly right of way line of the existing highway; thence South 37 degrees 34 minutes 58 seconds East, 686.56 feet along said Westerly right of way line to the POINT OF BEGINNING; FIRST COURSE, thence continuing South 37 degrees 34 minutes 58 seconds East, 422.33 feet along said Westerly right of way line to the Northerly right of way line of an existing public road; SECOND COURSE, thence South 88 degrees 36 minutes 00 seconds West, 23.40 feet along said Northerly right of way line; THIRD COURSE, thence North 34 degrees 56 minutes 08 seconds West, 408.95 feet to the POINT OF BEGINNING. The above described tract contains 3989 square feet, more or less.

This conveyance is made for the purpose of a controlled access highway and the grantor hereby releases and relinquishes to the grantee any and all abutters' rights of access to said highway, appurtenant to grantors remaining property.

The Secretary may install a fence or other device to delineate the above described controlled access highway facility. If such fence or other device is installed, the Secretary assumes no legal or other responsibility for fencing private property.

(c) A PERMANENT EASEMENT for drainage purposes and the removal of borrow material over and upon a tract of land in the Southwest Quarter of Section 23, Township 27 South, Range 1 West of the 6th P.M., described as follows: COMMENCING at the Southwest corner of said Quarter Section; thence on an assumed bearing of North 00 degrees 54 minutes 12 seconds West, 935.06 feet along the West line of said Quarter Section to the Westerly right of way line of the existing highway; thence South 37 degrees 34 minutes 58 seconds East, 582.72 feet along said Westerly right of way line to the POINT OF BEGINNING; FIRST COURSE, thence continuing South 37 degrees 34 minutes 58 seconds East, 16.02 feet along said Westerly right of way line; SECOND COURSE, thence South 55 degrees 03 minutes 52 seconds West, 15.94 feet; THIRD COURSE, thence North 34 degrees 56 minutes 08 seconds West, 16.00 feet; FOURTH COURSE, thence North 55 degrees 03 minutes 52 seconds East, 15.20 feet to the POINT OF BEGINNING. The above described tract contains 249 square feet, more or less.

(d) A TEMPORARY EASEMENT for highway construction over and upon a tract of land in the Southwest Quarter of Section 23, Township 27 South, Range 1 West of the 6th P.M., described as follows: COMMENCING at the Southwest corner of said Quarter Section; thence on an assumed bearing of North 00 degrees 54 minutes 12 seconds West, 935.06 feet along the West line of said Quarter Section to the Westerly right of way line of the existing highway; thence South 37 degrees 34 minutes 58 seconds East, 248.37 feet along said Westerly existing right of way line to the POINT OF BEGINNING; FIRST COURSE, thence continuing South 37 degrees 34 minutes 58 seconds East, 334.36 feet along said Westerly existing right of way line to the Westerly line of a proposed permanent easement; SECOND COURSE, thence South 55 degrees 03 minutes 52 seconds West, 15.20 feet along said Westerly easement line; THIRD COURSE, thence South 34 degrees 56 minutes 08 seconds East, 16.00 feet along said Westerly easement line; FOURTH COURSE, thence North 55 degrees 03 minutes 52 seconds East, 15.94 feet along said Westerly easement line to said Westerly existing right of way line; FIFTH COURSE, thence South 37 degrees 34 minutes 58 seconds East, 87.82 feet along said Westerly existing right of way line to the Westerly right of way line of the proposed highway; SIXTH COURSE, thence South 34 degrees 56 minutes 08 seconds East, 52.28 feet along said Westerly proposed right of way line; SEVENTH COURSE, thence South 55 degrees 03 minutes 52 seconds West, 30.00 feet; EIGHTH COURSE, thence North 34 degrees 56 minutes 08 seconds West, 490.00 feet; NINTH COURSE, thence North 55 degrees 03 minutes 52 seconds East, 9.76 feet to the POINT OF BEGINNING. The above described tract contains 10021 square feet, more or less.

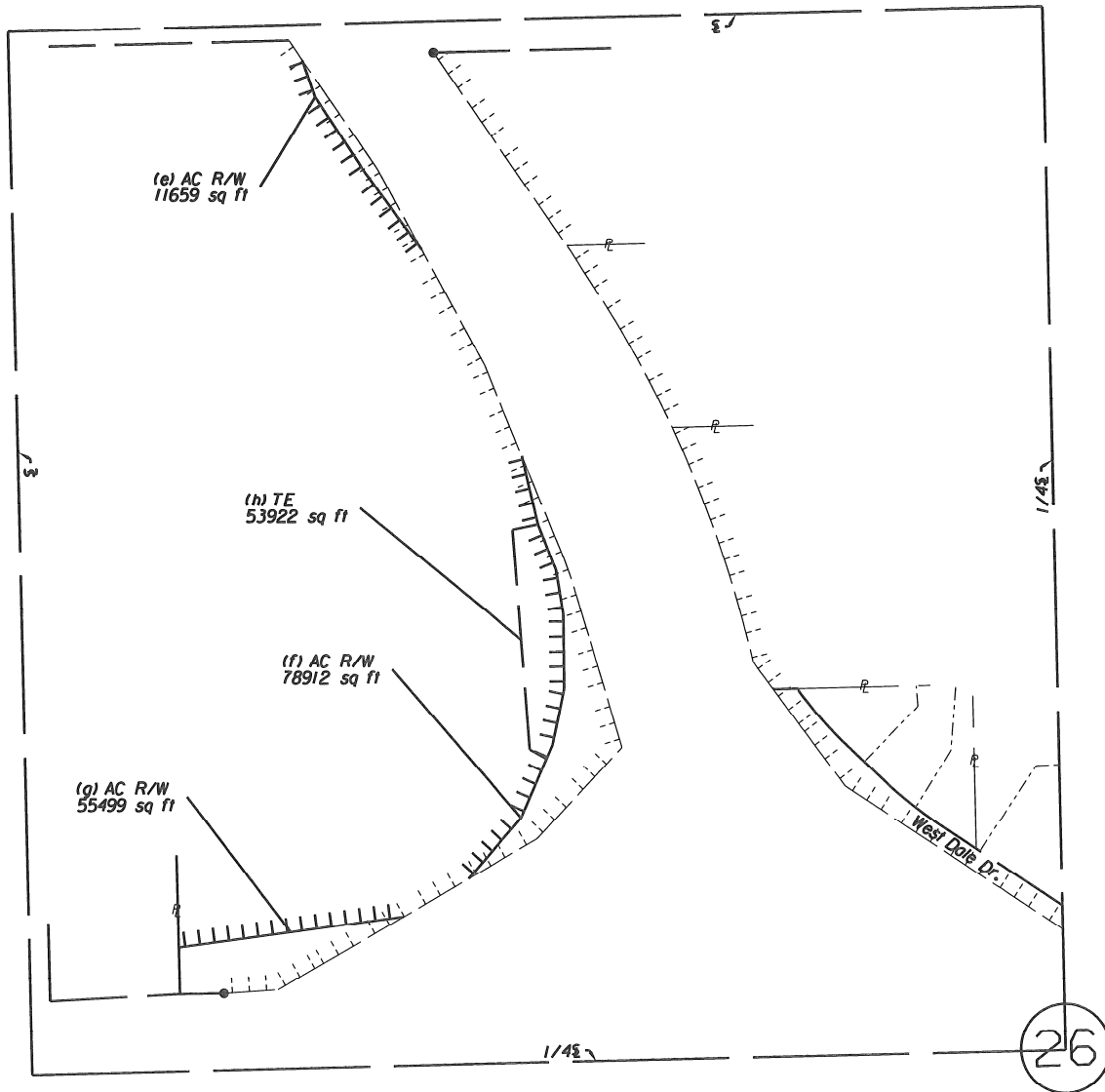
This easement expires ninety days after completion of the highway construction for which this easement is acquired.

**Exhibit A3**

BOARD OF COUNTY COMMISSIONERS  
SEDGWICK COUNTY  
235-87 KA-0161-04  
TOL NW 1/4, SEC. 26, T27S, R1W  
03-27-13

55 3478

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SCALE = 1" = 400'

**Exhibit A3**

(Exhibit A3 Legal Descriptions) (1 of 2)

(e) A tract of land in the Northwest Quarter of Section 26, Township 27 South, Range 1 West of the 6th P.M., described as follows: COMMENCING at the Northwest corner of said Quarter Section; thence on an assumed bearing of North 88 degrees 36 minutes 00 seconds East, 713.41 feet along the North line of said Quarter Section; thence South 01 degree 24 minutes 00 seconds East, 40.00 feet to the Westerly right of way line of the existing highway; thence South 34 degrees 30 minutes 53 seconds East, 60.73 feet along said Westerly right of way line to the POINT OF BEGINNING; FIRST COURSE, thence continuing South 34 degrees 30 minutes 53 seconds East, 336.52 feet along said Westerly right of way line; SECOND COURSE, thence South 28 degrees 49 minutes 43 seconds East, 231.38 feet along said Westerly right of way line; THIRD COURSE, thence North 36 degrees 21 minutes 30 seconds West, 241.66 feet; FOURTH COURSE, thence North 33 degrees 26 minutes 29 seconds West, 230.08 feet; FIFTH COURSE, thence North 19 degrees 01 minute 14 seconds West, 98.79 feet to the POINT OF BEGINNING. The above described tract contains 11659 square feet, more or less.

This conveyance is made for the purpose of a controlled access highway and the grantor hereby releases and relinquishes to the grantee any and all abutters' rights of access to said highway, appurtenant to grantors remaining property.

The Secretary may install a fence or other device to delineate the above described controlled access highway facility. If such fence or other device is installed, the Secretary assumes no legal or other responsibility for fencing private property.

(f) A tract of land in the Northwest Quarter of Section 26, Township 27 South, Range 1 West of the 6th P.M., described as follows: COMMENCING at the Southwest corner of said Quarter Section; thence on an assumed bearing of North 88 degrees 38 minutes 26 seconds East, 1121.33 feet along the South line of said Quarter Section; thence North 01 degree 21 minutes 34 seconds West, 468.69 feet to the Northerly right of way line of the existing highway and the POINT OF BEGINNING; FIRST COURSE, thence North 41 degrees 18 minutes 09 seconds East, 205.78 feet; SECOND COURSE, thence North 23 degrees 33 minutes 47 seconds East, 202.00 feet; THIRD COURSE, thence North 11 degrees 40 minutes 33 seconds East, 144.51 feet; FOURTH COURSE, thence North 00 degrees 41 minutes 27 seconds East, 185.90 feet; FIFTH COURSE, thence North 09 degrees 28 minutes 40 seconds West, 115.17 feet; SIXTH COURSE, thence North 22 degrees 01 minute 45 seconds West, 122.96 feet; SEVENTH COURSE, thence North 13 degrees 25 minutes 48 seconds West, 177.98 feet to the Westerly right of way line of the existing highway; EIGHTH COURSE, thence South 22 degrees 36 minutes 39 seconds East, 283.25 feet along said Westerly right of way line; NINTH COURSE, thence South 19 degrees 54 minutes 28 seconds East, 49.25 feet along said Westerly right of way line; TENTH COURSE, thence South 17 degrees 24 minutes 30 seconds East, 153.17 feet along said Westerly right of way line; ELEVENTH COURSE, thence South 16 degrees 46 minutes 08 seconds East, 293.34 feet along said Westerly right of way line to said Northerly right of way line; TWELFTH COURSE, thence South 43 degrees 06 minutes 20 seconds West, 316.25 feet along said Northerly right of way line; THIRTEENTH COURSE, thence South 60 degrees 02 minutes 12 seconds West, 204.51 feet along said Northerly right of way line to the POINT OF BEGINNING. The above described tract contains 78912 square feet, more or less.

This conveyance is made for the purpose of a controlled access highway and the grantor hereby releases and relinquishes to the grantee any and all abutters' rights of access to said highway, appurtenant to grantors remaining property.

The Secretary may install a fence or other device to delineate the above described controlled access highway facility. If such fence or other device is installed, the Secretary assumes no legal or other responsibility for fencing private property.



**Exhibit A3**

(Exhibit A3 Legal Descriptions) (2 of 2)

(g) A tract of land in the Northwest Quarter of Section 26, Township 27 South, Range 1 West of the 6th P.M., described as follows: COMMENCING at the Southwest corner of said Quarter Section; thence on an assumed bearing of North 88 degrees 38 minutes 26 seconds East, 953.51 feet along the South line of said Quarter Section; thence North 01 degree 21 minutes 34 seconds West, 377.18 feet to the Northerly right of way line of the existing highway and the POINT OF BEGINNING; FIRST COURSE, thence South 60 degrees 02 minutes 12 seconds West, 369.04 feet along said Northerly right of way line; SECOND COURSE, thence South 86 degrees 08 minutes 22 seconds West, 137.50 feet along said Northerly right of way line; THIRD COURSE, thence South 89 degrees 09 minutes 24 seconds West, 111.82 feet along said Northerly right of way line to the Southeast corner Lot 1, Western 2nd Addition, according to the recorded plat thereof; FOURTH COURSE, thence North 01 degree 24 minutes 02 seconds West, 118.23 feet along the East line of said Lot; FIFTH COURSE, thence North 82 degrees 19 minutes 31 seconds East, 576.77 feet to the POINT OF BEGINNING. The above described tract contains 55499 square feet, more or less.

This conveyance is made for the purpose of a controlled access highway and the grantor hereby releases and relinquishes to the grantee any and all abutters' rights of access to said highway, appurtenant to grantors remaining property.

The Secretary may install a fence or other device to delineate the above described controlled access highway facility. If such fence or other device is installed, the Secretary assumes no legal or other responsibility for fencing private property.

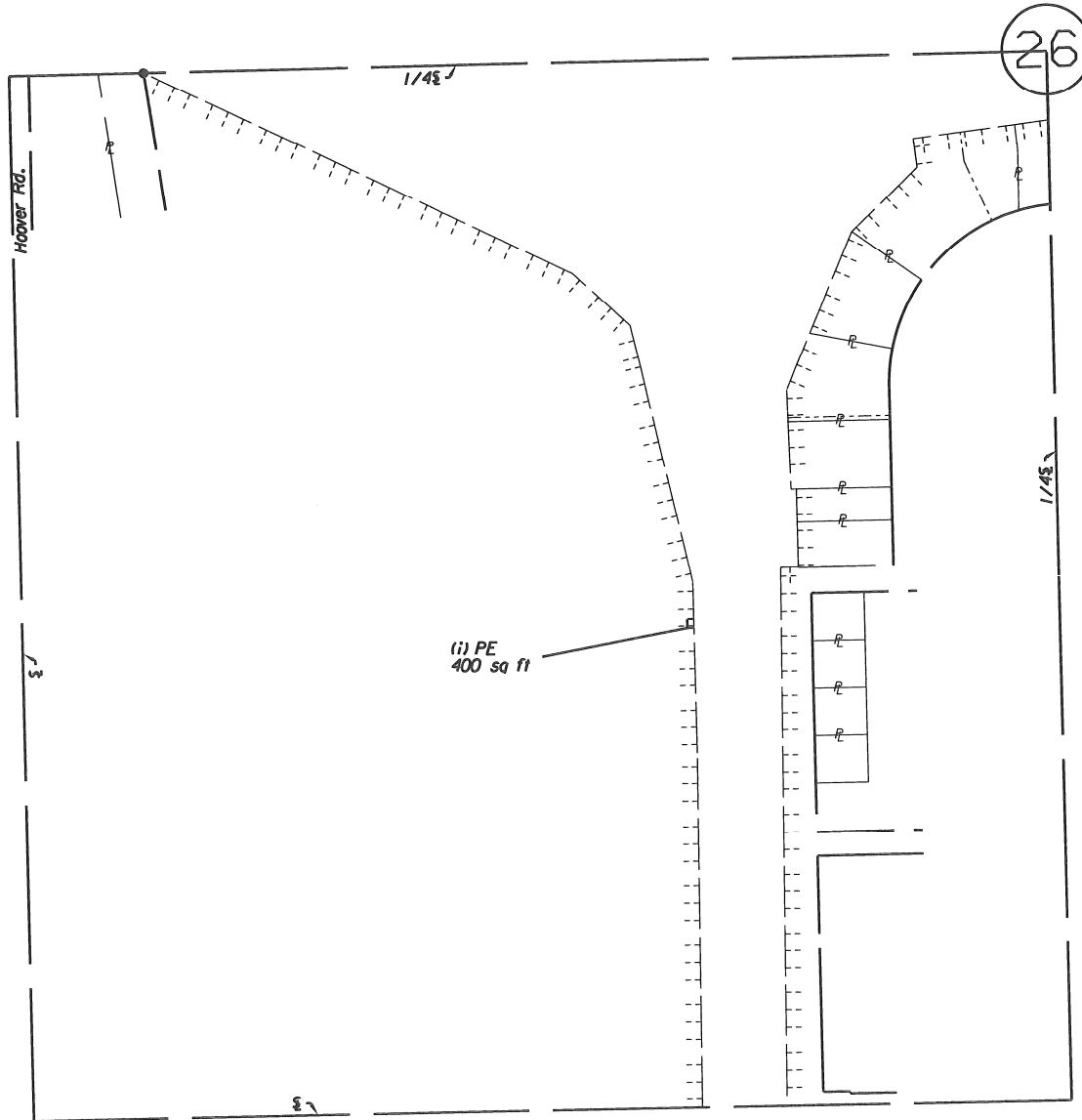
(h) A TEMPORARY EASEMENT for highway construction over and upon a tract of land in the Northwest Quarter of Section 26, Township 27 South, Range 1 West of the 6th P.M., described as follows: COMMENCING at the Southwest corner of said Quarter Section; thence on an assumed bearing of North 88 degrees 38 minutes 26 seconds East, 1121.33 feet along the South line of said Quarter Section; thence North 01 degree 21 minutes 34 seconds West, 468.69 feet to the Northerly right of way line of the proposed highway; thence North 41 degrees 18 minutes 09 seconds East, 205.78 feet along said Northerly right of way line; thence North 23 degrees 33 minutes 47 seconds East, 163.23 feet along said Northerly right of way line to the POINT OF BEGINNING; FIRST COURSE, thence North 61 degrees 19 minutes 01 second West, 49.38 feet; SECOND COURSE, thence North 04 degrees 34 minutes 21 seconds West, 555.04 feet; THIRD COURSE, thence North 78 degrees 13 minutes 40 seconds East, 66.39 feet to said Westerly right of way line of the proposed highway; FOURTH COURSE, thence South 22 degrees 01 minute 45 seconds East, 122.96 feet along said Westerly right of way line; FIFTH COURSE, thence South 09 degrees 28 minutes 40 seconds East, 115.17 feet along said Westerly right of way line; SIXTH COURSE, thence South 00 degrees 41 minutes 27 seconds East, 185.90 feet along said Westerly right of way line; SEVENTH COURSE, thence South 11 degrees 40 minutes 33 seconds West, 144.51 feet along said Westerly right of way line to said Northerly right of way line; EIGHTH COURSE, thence South 23 degrees 33 minutes 47 seconds West, 38.77 feet along said Northerly right of way line to the POINT OF BEGINNING. The above described tract contains 51045 square feet, more or less. This easement expires ninety days after completion of the highway construction for which this easement is acquired.

**Exhibit A4**

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235-87 KA-0161-04  
TOL SW 1/4, SEC. 26, T27S, R1W  
03-27-13

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SCALE = 1" = 400'

**Exhibit A4**

(Exhibit A4 Legal Description)

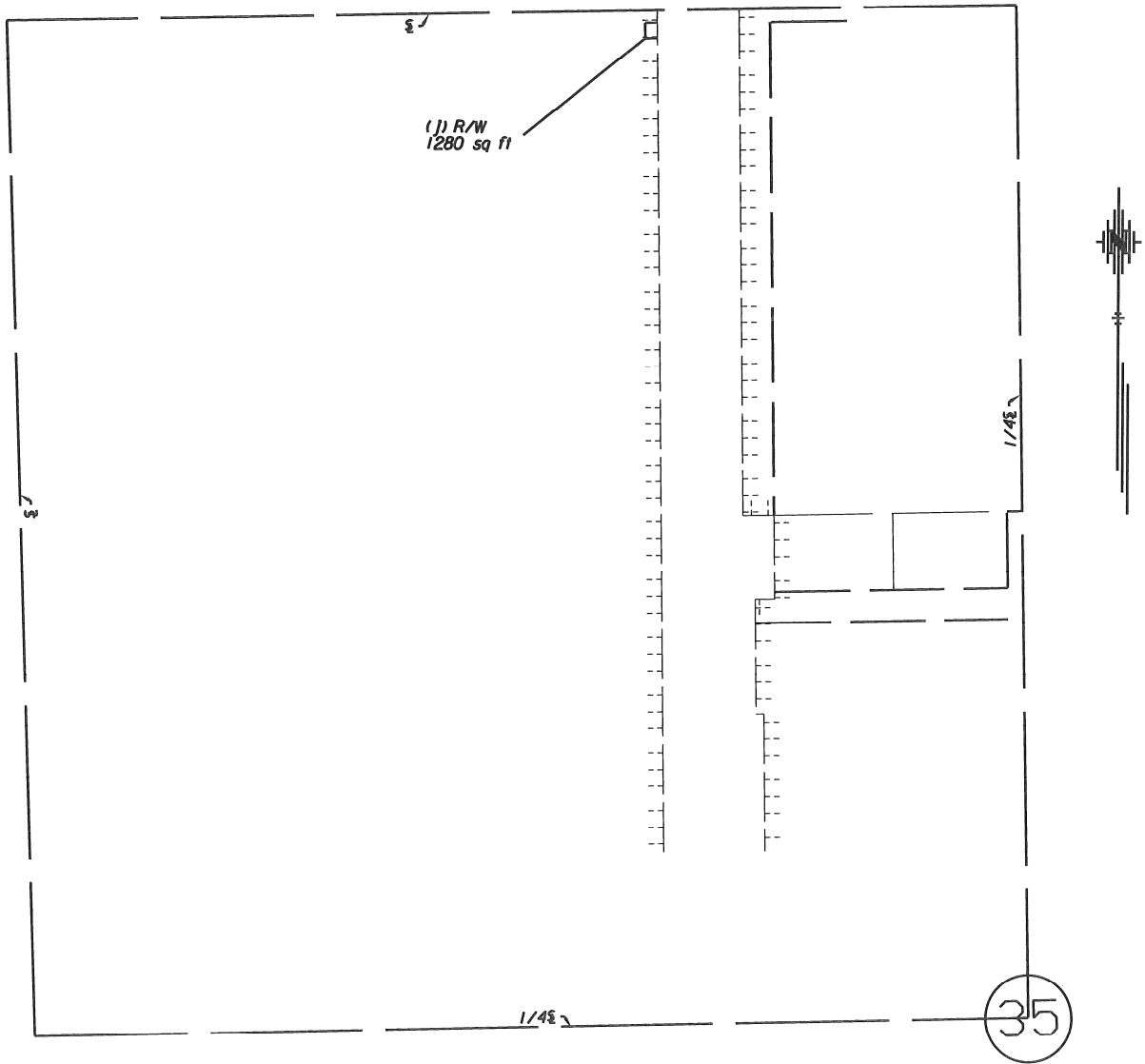
(i) A PERMANENT EASEMENT for drainage purposes and the removal of borrow material over and upon a tract of land in the Southwest Quarter of Section 26, Township 27 South, Range 1 West of the 6th P.M., described as follows: COMMENCING at the Southeast corner of said Quarter Section; thence on an assumed bearing of South 88 degrees 52 minutes 35 seconds West, 937.68 feet along the South line of said Quarter Section to the Westerly right of way line of the existing highway; thence North 00 degrees 51 minutes 37 seconds West, 891.18 feet along said Westerly right of way line; thence North 01 degree 32 minutes 09 seconds West, 316.32 feet along said Westerly right of way line to the POINT OF BEGINNING; FIRST COURSE, thence South 87 degrees 34 minutes 23 seconds West, 16.57 feet; SECOND COURSE, thence North 02 degrees 27 minutes 32 seconds West, 23.86 feet; THIRD COURSE, thence North 87 degrees 30 minutes 32 seconds East, 16.95 feet to said Westerly right of way line; FOURTH COURSE, thence South 01 degree 32 minutes 09 seconds East, 23.88 feet along said Westerly right of way line to the POINT OF BEGINNING. The above described tract contains 400 square feet, more or less.

**Exhibit A5**

BOARD OF COUNTY COMMISSIONERS  
SEDGWICK COUNTY  
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TOL NW 1/4, SEC. 35, T27S, R 1W  
03-27-13

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3478

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SCALE = 1" = 400'

**Exhibit A5**

(Exhibit E Legal Description)

(j) A tract of land in the Northwest Quarter of Section 35, Township 27 South, Range 1 West of the 6th P.M., described as follows: COMMENCING at the Northeast corner of said Quarter Section; thence on an assumed bearing of South 88 degrees 52 minutes 35 seconds West, 937.68 feet along the North line of said Quarter Section to the Westerly right of way line of the existing highway; thence South 00 degrees 42 minutes 06 seconds East, 32.05 feet along said Westerly right of way line to the POINT OF BEGINNING; FIRST COURSE, thence continuing South 00 degrees 42 minutes 06 seconds East, 40.00 feet along said Westerly right of way line; SECOND COURSE, thence South 89 degrees 17 minutes 54 seconds West, 32.00 feet; THIRD COURSE, thence North 00 degrees 42 minutes 06 seconds West, 40.00 feet; FOURTH COURSE, thence North 89 degrees 17 minutes 54 seconds East, 32.00 feet to the POINT OF BEGINNING. The above described tract contains 1280 square feet, more or less.