

KDOT Project No.

**PERMANENT PUBLIC
RIGHT-OF-WAY
EASEMENT**

THIS INDENTURE, made this _____ day of _____, 200___, by and between _____

_____, hereinafter referred to as the Landowner; and the City of Topeka, a municipal corporation, hereinafter referred to as the City.

WITNESSETH, that the Landowner in consideration of one dollar and no/100 (\$1.00) and other valuable considerations, the receipt of which is hereby acknowledged, does for itself, its heirs and assigns, hereby grant, bargain, sell, and convey unto the City, a permanent public right-of-way easement for vehicular and pedestrian traffic together with the attendant customary uses, including drainage and utilities, specifically including any utilities placed under the terms of a franchise agreement with the City, over, under, through, across, and along all the following described real estate in the City of Topeka, County of Shawnee, and State of Kansas, to-wit:

(Signature, date and seal of a Registered Land Surveyor certifies that the following real property legal description is an original description and has been prepared by or under the direct supervision of subscribed Registered Land Surveyor. K.S.A. 74-7003)

The City is purchasing this permanent public right-of-way easement for the purpose of erecting or improving a public trafficway for the passage of vehicular and pedestrian traffic, and the City reserves the right to make improvements on that property according to such plans and specifications, as will, in its opinion, best serve the public purpose. The payment of the purchase price for the public right-of-way easement conveyed shall be considered full compensation for that public right-of-way easement, and for any diminution in value that may result to the remaining property by virtue of proximity to the project, grade, alignment, utility installation, or the alteration of drainage patterns and facilities.

The Landowner, its heirs, or assigns shall retain all underlying fee interest in the above-described property subject to the use by the City for a Public Right-of-Way Easement. Landowner understands and agrees that it is prohibited from placing or constructing any structure or improvement on the above-described property. Further the use of the Public Right-of-Way Easement shall be subject to Kansas State law and City of Topeka ordinances governing public rights-of-way.

Should one or more of the Landowners be natural persons not joined by their respective spouses, it is conclusively presumed that the land conveyed is not the residence, homestead, or principal business or falls within the footprint of the principal business of such Landowner(s). Should one or more of the grantors be a legal entity other than a natural person, it shall be conclusively presumed that the person signing on behalf of that party has been duly and legally authorized to so sign and there shall be no necessity for a seal or attestation.

This Permanent Public Right-of-Way Easement shall run with the land and be binding upon the grantees, lessees, successors, and assigns of the parties hereto, unless terminated by the abandonment of the Public Right-of-Way Easement by the City.

IN WITNESS WHEREOF, Landowner has hereunto set its hand the day and year first above written.

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STATE OF KANSAS, COUNTY OF SHAWNEE, ss.

BE IT REMEMBERED, that on this ____ day of _____, 200__, before me, the undersigned, a notary public in and for the County and State aforesaid, came _____

_____, who _____ personally known to me to be the same person____ who executed the within instrument of writing, and such person____ duly acknowledged the execution of the same.

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

Notary Public

My commission expires: _____

STATE OF KANSAS, COUNTY OF SHAWNEE, ss.

BE IT REMEMBERED, that on this ____ day of _____, 200__, before me, the undersigned, a notary public in and for the County and State aforesaid, came _____

_____, _____ President of _____, a corporation duly organized, incorporated and existing under and by virtue of the laws of the State of _____ who is personally known to me to be such officer, and who is personally known to me to be the same person who executed, as such officer, the within instrument of writing on behalf of said corporation, and such person duly acknowledged the execution of the same to be the act and deed of said corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal, the day and year last above written.

Notary Public

My commission expires: _____

STATE OF KANSAS, COUNTY OF SHAWNEE, ss.

BE IT REMEMBERED, that on this ____ day of _____, 200__, before me, the undersigned, a notary public in and for the County and State aforesaid, came _____

_____, _____ of _____, L.L.C., who is personally known to me to be the same person who executed the within instrument of writing, and such person duly acknowledged the execution of the same on behalf of said Limited Liability Company.

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

Notary Public

My commission expires: _____

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