

**TEMPORARY
EASEMENT**

THIS INDENTURE, Made this _____ day of _____, 200__ by and between

[1] _____,
hereinafter referred to as Landowner(s); and THE CITY OF TOPEKA, a municipal corporation,
hereinafter referred to as City.

WITNESSETH, That Landowner in consideration of One Dollar and no/100 (\$1.00) and other valuable considerations, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto said City, its duly authorized agents, contractors and assigns, a temporary easement over and through 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)

[2]

It is further understood and agreed that Landowner for the above consideration does hereby grant to City, for construction purposes only, the right of but not limited to entry, occupation, sloping, grading, clearing, grubbing, excavation and the storage of materials during the construction of a _____ [3] _____ improvement.

This easement shall expire __[4]____ (____) year__ from date.

Should one or more of the Landowner(s) 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 Landowner(s) be a legal entity other than a natural person, it shall be conclusively presumed that the person signing on behalf of that entity has been duly and legally authorized to so sign and there shall be no necessity for a seal or attestation.

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

[5]

Easement No. _____

For Project No. ____ [6] _____

STATE OF KANSAS, COUNTY OF SHAWNEE, ss.

[7]

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: _____

[8]

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: _____

[9]

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:

**TEMPORARY EASEMENT
LEGEND**

Easement form is set up for a legal sized (8 ½” x 14”) document and should be printed on the front and reverse sides, not separate sheets. Margins at top and bottom of first and reverse pages must remain to accommodate the requirements of the Register of Deeds and City Clerk. The upper right-hand corner of the front page must have a 3-inch open area for the Register of Deeds stamp.

- Easement should be dated as of the date signed
- [1] Owner of property, i.e. all individual names **and their spouses with marital status** OR corporation, L.L.C., partnership or trust name
- [2] Easement legal description (must be sealed by surveyor). If description is lengthy, attach description on a separate sheet as an Exhibit
- [3] Type of project, i.e. sanitary sewer, sidewalk, waterline, etc.
- [4] Number written alphabetically, then numerically; adjust for singular or plural
- [5] Spouses must sign even though not in title. Names must be typed beneath signatures. If signature is of an officer, partner, manager, or trustee, type their title after name. The person signing must have the authority to transfer real estate interests for the corporation, L.L.C., partnership or trust.
- [6] City of Topeka project number
- [7] Must be used for notarization of signatures of individuals, trustees, partners, *not corporations*. **Notary Public should correct name of state and county, if applicable.**
- [8] Must be used for notarization of signature of corporate officer(s): President, Vice President, or other *authorized* officer must sign. **Notary Public should correct name of state and county, if applicable.**
- [9] Must be used for notarization of Manager or other *authorized* member of the L.L.C. **Notary Public should correct name of state and county, if applicable.**