

EASEMENT

For and in consideration of One Dollar (\$1.00) and other good and valuable considerations, the receipt whereof is hereby acknowledged, The City of Lawrence of 2101 Wakarusa Drive, Lawrence, Kansas, Grantor, does hereby grant, bargain, sell, convey and release unto Wakarusa Watershed Joint District No. 35 of Overbrook, Kansas, Grantee, its successors and assigns, an easement in, over and upon the following described land situated in the County of Douglas, State of Kansas, to wit:

(see attached description)

for the purposes of:

For and in connection with the operation and maintenance of a flood water retarding structure designated as Structure No. 24 of the Wakarusa Watershed Joint District No. 35 for Dam, Spillway, construction, and removal of borrow materials of the structure and facilities.

1. This easement includes the right of ingress and egress at any time over and upon the above described land of Grantor.
2. There is reserved to the Grantor, its heirs and assigns, the right and privilege to use the above-described land of the Grantor at any time in any manner and for any purpose, including the construction/installation and maintenance of a recreational multi use path for public access, not inconsistent with the full use and enjoyment by the Grantee, its successors and assigns, of the rights and privileges herein granted. The multi use path shall not be located in the spillway area or located where it will adversely impact the operation, maintenance or function of Wakarusa Watershed Dam Site No. 24.
3. All disturbed areas will be reseeded at the expense of Grantee.

TO HAVE AND TO HOLD, the aforesaid easement in, over and upon the above-described land of the Grantor, with all of the rights, privileges and appurtenances thereto belonging or in anyway appertaining, unto the Grantee its successors and assigns, forever.

IN WITNESS WHEREOF, the Grantor has executed this instrument on the ____ day of _____, 2011.

GRANTOR:

STATE OF KANSAS, COUNTY OF _____, ss:

BE IT REMEMBERED that on this ____ day of _____, 2011, before me, the undersigned, a notary public in and for the County and State aforesaid, came _____, to me known to be the identical person(s) who executed the within and foregoing instrument and acknowledge to me that (he/she/they) executed the same as (his/her/their) free and voluntary act and deed, for the uses and purposes therein set forth.

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

Notary Public

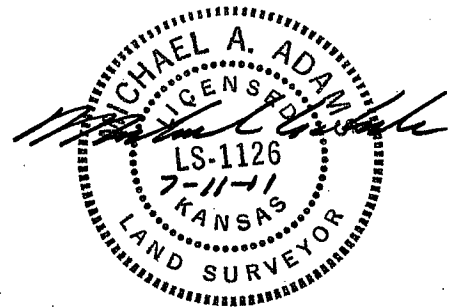
My commission expires:

Easement Description:

Part of Lot 1, Yankee Tank View Addition 2nd Plat, located in the Southwest Quarter of Section 4, Township 13 South, Range 19 East of the 6th Principal Meridian, in the City of Lawrence, Douglas County, Kansas more particularly described as follows:

Commencing at the Southwest corner of the Southwest Quarter of said Section 4; thence North 00 degrees 41 minutes 21 seconds West a distance of 662.86 feet to the Southwest corner of Lot 1 of said Yankee Tank View Addition 2nd Plat, and the point of beginning; thence continuing North 00 degrees 41 minutes 21 seconds West on the West line of said Lot 1, a distance of 718.88 feet; thence South 79 degrees 57 minutes 22 seconds East a distance of 241.78 feet; thence South 39 degrees 59 minutes 54 seconds East a distance of 167.79 feet; thence South 11 degrees 44 minutes 30 seconds West a distance of 166.09 feet; thence South 21 degrees 28 minutes 10 seconds West a distance of 88.09 feet; thence South 31 degrees 49 minutes 34 seconds West a distance of 125.21 feet to the South line of said Lot 1; thence South 88 degrees 01 minutes 34 seconds West on said South line a distance of 60.86 feet; thence continuing on said South line, South 00 degrees 41 minutes 21 seconds East a distance of 94.09 feet; thence South 31 degrees 49 minutes 34 seconds West a distance of 115.39 feet to the South line of said Lot 1; thence South 88 degrees 01 minutes 34 seconds West on said South line a distance of 84.72 feet to the point of beginning.

Said tract contains 170,597 square feet, (3.92 acres) of land more or less.



Easement for Yankee Tank dam/Lake Alvamar - Wakarusa Watershed District #35

