

RECORDER'S CERTIFICATION
JACKSON COUNTY, MISSOURI

06/23/2020 9:40 AM

FEE: \$33.00

5 PGS



INSTRUMENT NUMBER / BOOK & PAGE

2020E0052431

Book:

Page:

Robert T. Kelly, Director, Recorder of Deeds

LIMITED UTILITY EASEMENT

THIS AGREEMENT, made and entered into this 22 day of June, 2020 is by and between **Tustin LLC, a Corporation organized and existing under the laws of the State of Missouri**, hereinafter called **GRANTOR**, and the City of Lee's Summit, a Municipal Corporation located in Jackson and Cass Counties, Missouri, with a mailing address of 220 S.E. Green Street, Lee's Summit, Missouri 64063, hereinafter called **GRANTEE**. The **GRANTOR**, in consideration of the sum of One Dollar (\$1.00), and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does by these presents grant, bargain, sell, convey, and confirm unto said **GRANTEE**, its successors and assigns, a Permanent Easement over, along, across, and under the lands hereinafter described, including the right and privilege at any time and from time to time the right to utility users currently within the easement area to enter upon said easement to operate, maintain, repair, replace and remove public utility lines, meters, vaults and all necessary appurtenances thereto and existing on the date of this conveyance, and specifically for the City of Lee's Summit the right to operate, maintain, repair, replace and remove fiber-optic communications cable and lines and related equipment at any time now or in the future, over, under, through, across and upon the said portion of land legally described as follows:

Lot 1 Utility Easement

A tract of land being located in Lot 1, Dahmer Development Lots 1-3, a plat as recorded in the office of the recorder, Jackson County, Missouri, as Document No. 2008E0018991, being more particularly described as follows:

The East 10 feet of said Lot 1.

See Attached Exhibit "A".

and

A tract of land being located in Lot 1, Dahmer Development Lots 1-3, a plat as recorded in the office of the recorder, Jackson County, Missouri, as Document No. 2008E0018991, being more particularly described as follows:

The North 15 feet of said Lot 1.

See Attached Exhibit "B".

Project: Dahmer Development
Project Activity: Utility Easement
Tract: Lot 1

This grant shall not convey or provide to any owner, operator or utility of any nature except the City of Lee's Summit, the right to enter into the legally described areas for the purpose of constructing new lines or facilities for any type of utility service or by any utility company or provider that is not presently within the portion of land legally described herein or is the **GRANTEE**. This conveyance expressly intends and requires that new utility owners, operators or companies who are not the City of Lee's Summit, Missouri, shall be required to obtain written consent from **GRANTOR** and **GRANTEE** before entering into and/or using such **UTILITY EASEMENT** described and conveyed herein. It is further intended that any such written consent shall be subordinate to the rights granted herein to other utility companies and the **GRANTEE**.

GRANTEE, its employees and duly authorized agents, its contractors and their employees shall have the right to enter upon above described land at any and all times to construct, build, repair, survey; operate and store machinery and equipment; establish, alter and change grade and contour of the land; remove trees, brush, shrubbery, bushes, permanent structures and personal property including fences; and to use said land for all reasonable purposes.

GRANTEE, agrees that it will restore, replace, relocate, and repair all existing improvements which are lawfully located within the easement area legally described above on the date of this easement, which are damaged or temporarily removed during the course of any work within the easement granted by this document. **GRANTEE** shall also grade, seed or sod, and restore yard areas damaged by said construction work. Such restoration and replacement shall be at the sole expense of the **GRANTEE**, and shall be of substantially equal value to existing improvements. However, this commitment shall not be construed to require additional compensation for items herein designated for permanent removal.

GRANTOR, to the fullest extent allowed by law, including, without limitation, section 527.188, RSMo. (2006), hereby waives any right to request vacation of the easement herein granted.

GRANTOR herewith acknowledges receipt of a good and sufficient consideration to compensate for any and all damage suffered or to be suffered or sustained by them as a result of removal of trees, shrubs and other permanent improvements on the easement herein described, other than those to be replaced, if any, as herein provided, together with any and all damages suffered or to be suffered or sustained by **GRANTOR** as a result of the relocation, construction, or maintenance of the facilities to be built by **GRANTEE** and any and all other damage suffered or to be suffered or sustained by **GRANTOR** as a result of the use of this easement by **GRANTEE** or its contractors, employees and agents.

IN WITNESS WHEREOF, Grantor has hereunto set His hand this 22 day of June, 2020.


Signature

Dusty Dahmer, Executive Member

ACKNOWLEDGMENT

STATE OF MISSOURI

COUNTY OF ~~JACKSON~~ Lafayette

On this 22 day of June, 2020, before me appeared **Dusty Dahmer**, to me personally known, who, being by me duly sworn did say that he is the Executive Member of Tustin LLC, and that said instrument was signed in behalf of said corporation by authority of its board of directors, and said Dusty Dahmer acknowledged said instrument to be the free act and deed of said corporation.


Notary Public Signature

ADAM MURRY Notary Public - Notary Seal STATE OF MISSOURI Commissioned for Lafayette County My Commission Expires: <u>9-22-20</u> Commission # 16826948

Exhibit "A"

EXI
BUI

Bank of Lee's Summit
61-340-22-35-00-0-00-000

Lot 2
Dahmer Development
Lots 1-3
Doc. No. 2008E0018991

Lot 1
Dahmer Development
Lots 1-3
Doc. No. 2008E0018991

Lot 3
Dahmer Development
Lots 1-3
Doc. No. 2008E0018991

10' Utility Easement

Future
Building

SW Market Street

Private
Alley

EXISTING



Easement Description

A tract of land being located in Lot 1, Dahmer Development Lots 1-3, a plot as recorded in the Office of the Recorder, Jackson County, Missouri, as Document No. 2008E0018991, being more particularly described as follows:

The East 10 feet of said Lot 1.

Easement Exhibit

Utility Esmt

SHEET 1 OF 1

DATE:

5/29/2020

PROJECT NUMBER:

Reece Nichols

REV. TO DWG.:

N/A

SCALE:

1"=30'

Easement Exhibit

Dahmer Development

Lot 1, Dahmer Development Lots 1-3
Lee's Summit, Jackson County, Missouri

ENGINEERING
ENGINEERING & SURVEYING
SOLUTIONS

50 SE 30TH STREET
LEE'S SUMMIT, MO 64082
P:(816) 623-9888 F:(816) 623-9849

Exhibit "B"

Bank of Lee's Summit
61-340-22-35-00-0-00-000

15' Utility Easement

Lot 1
Dahmer Development
Lots 1-3
Doc. No. 2008E0018991

Future
Building

SW Market Street

Private
Alley

EXISTING



Easement Description

A tract of land being located in Lot 1, Dahmer Development Lots 1-3, a plot as recorded in the Office of the Recorder, Jackson County, Missouri, as Document No. 2008E0018991, being more particularly described as follows:

The North 15 feet of said Lot 1.

Easement Exhibit.

Utility Esmt

SHEET 1 OF 1

DATE:

6/12/2020

PROJECT NUMBER:

Reece Nichols

REV. TO DWG.:

N/A

SCALE:

1"=30'

Easement Exhibit

Reece & Nichols

Lot 1, Dahmer Development Lots 1-3

Lee's Summit, Jackson County, Missouri



50 SE 30TH STREET
LEE'S SUMMIT, MO 64082
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