RIGHT-OF-WAY/ USE OF EASEMENT
PERMIT AGREEMENT

Public Works & Utilities
City Engineer's Office
City Hall, 7th Floor
455 North Main
Wichita, Kansas 67202

I request permission to _____

_____

in the public easement located on my property addressed as _____

_____ in accordance with the enclosed plans, drawings, and/or photographs.

The legal description of my property at this address is as follows:

Lot:_____Block: _____

Addition: _____

- or -

Metes and bounds description: _____

I agree to maintain liability insurance with the City of Wichita in the amount required by the City Attorney to hold the City harmless from any liability for personal injury or property damage, either public or private, that may occur due to the installation and maintenance of the encroachment (copy attached), and to abide by all other conditions imposed with this requested privilege.

I understand that should it become necessary for the City of Wichita or any utility operating under a City franchise to work at this location, it shall be my responsibility to remove any or all of the encroachment if necessary, and to replace the same as approved by the City, at my own cost. In the event of an emergency or situation that requires the repair and/or maintenance of any public utility within the easement in which the encroachment is located, and such repair and/or maintenance necessitates the need to remove or cause damage to the encroachment, the City may remove and/or damage the encroachment without notice and will not be responsible for the repair or replacement thereof, and I understand that I will be required to pay the costs for any such removal, repair, or replacement (as approved by the City) of the encroachment either by direct payment to the City or through special assessment. Should the encroachment become damaged as a result of leaking, cave-in or failure of a utility within the right-of-way/easement, or during this excavation, the City of Wichita or utility operating under a City franchise will not be responsible for the repair or replacement thereof.

I understand that if construction, maintenance or repair of a utility is determined by the City to be impossible or impractical due to the presence of the encroachment I will be required to pay the costs of

tunneling under the encroachment to permit repair and/or maintenance of the public utility either by direct payment to the City or through special assessment.

I understand that if a utility or an adjacent property owner incurs an increased cost due to the necessity of construction of greater distance to avoid connecting beneath the encroachment that the City may assess any cost incurred by it against me. Such assessment shall be in the manner described in K.S.A. 0-6a17, as amended from time to time.

The provisions contained herein are to be construed as covenants running with the land and may be enforced against any titleholder of the described premises.

Payment for the administrative charge to the City of Wichita is enclosed, along with a separate check for the recording fee payable to the Sedgwick County Register of Deeds.

Upon approval of a Right-of-way/Use of Easement Permit, I agree to pay the annual permit fee in accordance with City Code chapter 10.08. which will be assessed annually if not paid when invoiced.

IN WITNESS HEREOF, the below signed parties hereto have caused this agreement to be executed in their names.

Sincerely, _____

Owner/Authorized Agent, Company Name, Title

_____ _____

Owner/Authorized Agent, Title – Signature Owner/Authorized Agent, Title – Printed

STATE OF KANSAS, SEDGWICK COUNTY, ss:

BE IT REMEMBERED, that on this _____ day of _____, 20____, before me, a Notary Public, in and fore said county and state, came _____ (Name & Title), to me personally known to be the same person(s) who executed the within and foregoing instrument and duly acknowledged the execution of the same as the authorized act and deed of the Corporation.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, the day and year last written.

_____

Notary Public

My Commission Expires: _____

_____ _____

Owner Telephone Number Date Submitted

_____ _____

Owner Address Owner Fax

_____ _____

Owner City, State, Zip Owner E-mail Address

APPROVED:

_____

Paul Gunzelman, P.E., City Engineer Rev. 2025 02