

## UTILITY EASEMENT

The undersigned Pishny Four, LLC, a Kansas Limited Liability Company, hereinafter referred to as Pishny Four, does on this \_\_\_\_ day of \_\_\_\_\_, 2023 hereby establish a Utility Easement, across and under the real estate described below:

Pishny Four, LLC, a Kansas Limited Liability Company is the owner in fee simple of the real estate described on Exhibit "A", Exhibit "B" and Exhibit "C".

The easement tract is described in Exhibit "C".

The easement described in Exhibit "C" is for the benefit of the real estate owned by Pishny Four and for all future owners of said real estate described on Exhibit "A" and will burden the real estate described Exhibit "B" and Exhibit "C".

Pishny Four desires to establish an easement for utilities under and across, real estate owned by them for the benefit of the real estate described on Exhibit "A" and to provide for certain responsibilities in the maintenance of the easement tract is described on Exhibit "C".

General provisions regarding repair and maintenance of the easement:

1. The owner of the land described on Exhibit "A" shall pay the cost of maintenance and repair of the easement.
2. Utilities may be installed only within the easement tract described on Exhibit C, and access to repair, maintain and install said utilities shall be only on the tract described on Exhibit "C" and that portion of the real estate described on Exhibit "A", which is to the east of the easement tract and that portion of a public road to the south of the easement tract. This easement does not include any right to access any portion of the real estate described on Exhibit "B" that is not within the easement tract described on Exhibit "C".
3. All utilities will be buried and shall be buried at a sufficient depth to allow cultivation of crops in the easement tract.
4. The owner of the real estate described in Exhibit "A" will be responsible for the cost of installing, maintaining and repairing the easement, including the obligation to restore the soil to allow cultivation of crops.
5. The owner of the real estate described in Exhibit "A" will be responsible for damage to any growing crops or the land within the easement tract and on the real estate described on Exhibit "B".

Pishny Four conveys to the benefit of themselves and future owners of the land described herein, the easement as described herein, for utility purposes under and across, the real estate described herein and burdened by this easement as described on Exhibit "C".

The easement shall run with the land and shall extend to and shall be binding upon the respective heirs, executors, administrators and assigns of Pishny Four and any owners of the real estate described herein.

The easement shall not terminate by abandonment or merger.

Pishny Four, LLC, a Kansas Limited Liability Company

\_\_\_\_\_  
By: Norman Pishny, Managing Member

STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_

This instrument was acknowledged before me on \_\_\_\_\_ by Norman Pishny, as Managing Member of Pishny Four, LLC, a Kansas Limited Liability Company.

(Seal, if any)

\_\_\_\_\_  
(Signature of notarial officer)

\_\_\_\_\_  
Title (and Rank) (notary public)

My appointment expires \_\_\_\_\_.

Exhibit "A"

A tract of land in the Southeast Quarter of the Southwest Quarter (SE 1/4 of the SW 1/4) of Section 15, and the Northeast Quarter of the Northwest Quarter (NE 1/4 of the NW 1/4) of Section 22 all in Township 4 South, Range 6 East, of the 6th P.M., in Marshall County, Kansas, prepared by Clint J. Friedrichs, PLS #1709 on July 27, 2023, being more particularly described as follows:

BEGINNING at the Southeast (SE) corner of the SW 1/4 of said Section 15;

THENCE North 89°17'39" West along the south line of the SW 1/4 of said Section 15 for 595.08 feet;

THENCE South 00°42'20" West for 750.32 feet;

THENCE North 89°14'39" West for 110.00 feet;

THENCE North 40°42'55" East for 66.00 feet;

THENCE North 14°48'39" East for 62.00 feet;

THENCE North 00°38'58" East for 212.00 feet;

THENCE North 02°18'03" East for 535.00 feet;

THENCE North 71°09'52" West for 89.00 feet;

THENCE North 03°14'44" West for 72.00 feet;

THENCE North 17°14'44" East for 194.00 feet;

THENCE North 89°39'12" East for 667.00 feet to the east line of the SW 1/4 of said Section 15;

THENCE South 00°39'57" West along the east line of the SW 1/4 of said Section 15 for 405.00 feet to the POINT OF BEGINNING.

Containing 7.14 acres more or less.

Exhibit "B"

A tract of land in Lots 6 & 7 of Block 29 of Railroad Addition to the City of Waterville, the Southwest Quarter (SW 1/4) and the South Half of the Northwest Quarter (S 1/2 of the NW 1/4) of Section 15, the North Half of the Northwest Quarter (N 1/2 of the NW 1/4) of Section 22, and the East Half of the Southeast Quarter (E 1/2 of the SE 1/4) of Section 16 all in Township 4 South, Range 6 East, of the 6th P.M., in Marshall County, Kansas, prepared by Clint J. Friedrichs, PLS #1709 on July 27, 2023, being more particularly described as follows:

BEGINNING at the Northwest (NW) corner of said Section 22;  
THENCE South 00°38'02" West along the west line of said section 22 for 449.34 feet to the NW corner of Railroad Addition to the City of Waterville;  
THENCE South 76°20'38" East along the north line of said Railroad Addition for 35.93 feet to Northwest (NW) corner of Lot 7 of said Block 29;  
THENCE South 00°40'13" West along the west line of said Block 29 for 111.63 feet to the Southwest (SW) corner of Lot 6 of said Block 29;  
THENCE South 89°23'17" East along the south line of said Lot 6 for 198.29 feet to the centerline of the vacated alley in said Block 29;  
THENCE North 00°44'02" East along said centerline for 66.75 feet to the north line of said Railroad Addition;  
THENCE along the north line of said Railroad addition for the following three (3) courses:  
THENCE South 76°39'16" East for 365.61 feet;  
THENCE South 76°38'00" East for 765.30 feet;  
THENCE South 89°14'39" East for 617.59 feet;  
THENCE North 40°42'55" East for 66.00 feet;  
THENCE North 14°48'39" East for 62.00 feet;  
THENCE North 00°38'58" East for 212.00 feet;  
THENCE North 02°18'03" East for 535.00 feet;  
THENCE North 71°09'52" West for 89.00 feet;  
THENCE North 03°14'44" West for 72.00 feet;  
THENCE North 17°14'44" East for 194.00 feet;  
THENCE North 89°39'12" East for 667.00 feet to the east line of the West Half (W 1/2) of said Section 15;  
THENCE North 00°39'57" East along the east line of the W 1/2 of said Section 15 for 3003.00 feet;  
THENCE North 71°12'50" West for 250.00 feet;  
THENCE North 75°26'11" West for 180.00 feet;  
THENCE North 89°16'54" West for 164.00 feet;  
THENCE South 67°51'42" West for 132.00 feet;  
THENCE South 39°35'02" West for 180.00 feet;  
THENCE South 16°32'36" West for 266.00 feet;  
THENCE South 26°05'01" West for 232.00 feet;  
THENCE South 55°19'03" West for 204.00 feet;  
THENCE South 72°49'56" West for 253.00 feet;  
THENCE South 84°31'06" West for 585.00 feet;  
THENCE South 70°35'46" West for 201.00 feet;  
THENCE South 56°05'52" West for 178.00 feet;  
THENCE South 39°04'32" West for 680.00 feet;  
THENCE South 49°10'40" West for 348.00 feet;  
THENCE South 61°05'06" West for 688.00 feet to the east Right-of-Way (R/W) line of 4th Road;  
THENCE along the east R/W line of said 4th Road for the following five (5) courses:  
THENCE South 29°28'21" East for 147.00 feet;  
THENCE South 38°00'12" East for 101.12 feet;  
THENCE South 29°28'21" East for 100.00 feet;  
THENCE South 14°45'33" East for 59.06 feet;  
THENCE along a curve to the right having a radius of 879.02 feet, a chord bearing South 14°16'15" East, chord length of 460.99 feet and an arc length of 466.44 feet;  
THENCE North 89°04'09" West for 60.00 feet to the centerline of said 4th Road;  
THENCE South 00°55'50" West along the centerline of said 4th Road for 547.00 feet to the south line of the SE 1/4 of said Section 16;  
THENCE South 89°30'40" East along the south line of the SE 1/4 of said Section 16 for 669.88 feet to the POINT OF BEGINNING.  
Containing 227.34 acres more or less.



Exhibit "C"

A tract of land in the Northeast Quarter of the Northwest Quarter (NE 1/4 of the NW 1/4) of Section 22, Township 4 South, Range 6 East, of the 6th P.M., in Marshall County, Kansas, prepared by Clint J. Friedrichs, PLS #1709 on July 27, 2023, being more particularly described as follows:

COMMENCING at the Northeast (NE) corner of said NW 1/4;  
THENCE North 89°17'39" West along the north line of said NW 1/4 for 595.08 feet;  
THENCE South 00°42'20" West for 750.32 feet;  
THENCE North 89°14'39" West for 110.00 feet to the POINT OF BEGINNING;  
THENCE North 40°42'55" East for 66.00 feet;  
THENCE North 14°48'39" East for 62.00 feet;  
THENCE North 00°38'58" East for 212.00 feet;  
THENCE North 02°18'03" East for 277.00 feet;  
THENCE South 07°36'17" West for 167.00 feet;  
THENCE South 01°42'48" West for 359.00 feet;  
THENCE South 18°05'37" West for 23.00 feet;  
THENCE South 45°40'20" West for 37.00 feet;  
THENCE South 81°42'31" West for 30.00 feet;  
THENCE North 89°14'39" West for 446.00 feet;  
THENCE South 00°45'21" West for 22.00 feet;  
THENCE South 89°14'39" East for 470.00 feet to the POINT OF BEGINNING.  
Containing 0.42 acres more or less.