

SECTION 21A - AGRICULTURAL PROTECTION EASEMENT (APE)

Any property owner requesting a rezoning of AG district zoned land or the creation of a residential use in the AG district as outlined elsewhere in these regulations, shall provide an easement, to be filed of record with the Riley County Register of Deeds in favor of surrounding agricultural uses, as follows:

This indenture, made this _____ day of _____, 20____, by and between _____, hereinafter referred to as Grantors, and all surrounding property owners within one mile of the perimeter of the described tract who are currently or who may in the future conduct an agricultural use on their property, hereinafter referred to as Grantees, witnesseth:

1. Whereas, Grantors are the owners of land within an agriculturally zoned area of Riley County in which surrounding property owners (Grantees) may desire to undertake or continue an agricultural use which may generate certain conditions, including, but not limited to: dust, odor, noise, smoke, lighting, chemical drift, etc. and Grantees desire to retain the right to produce such conditions across Grantors' land without threat of suit by Grantors for nuisance; and
2. Whereas, Grantors acknowledge they have met and talked with the surrounding property owners and are familiar with the existing agricultural uses of such properties;

Now, therefore, for and in consideration of the sum of \$1.00 and other good and valuable consideration, the receipt whereof by the Grantors is hereby acknowledged, the Grantors do hereby grant, bargain, sell and convey unto the Grantees, their successors and assigns for the benefit of those surrounding property owners conducting agricultural uses, an easement for the free use of the air space for the conditions identified above, by whomsoever shall own and conduct agricultural uses now or in the future (except those uses considered not exempt from zoning) on such properties and across the Grantors' property which is bounded and described as follows:

(Insert Legal Description Here)

TO HAVE AND TO HOLD this easement and all rights appertaining thereto unto the Grantees, their successors and assigns, until all Grantees release the easement.

And the aforesaid easement shall run with the land of the Grantors, as hereinbefore described, for the benefit of the Grantees, and their successors and assigns, for the continuation of agricultural uses in Riley County, Kansas.

IN WITNESS WHEREOF, the Grantors have hereunto set their hands and seals the day and year first above written.