

DRAINAGE AGREEMENT

THIS AGREEMENT, made and entered into this 27th day of October, 1978:

BY AND BETWEEN

KOCH INDUSTRIES, INC.

AND

THERMO INVESTORS, INC.

WITNESSETH:

WHEREAS, the parties hereto own Lots 3 and 4, Block 3, and Lot

1, Block 1, Kessler Koch Addition, Wichita, Sedgwick County, Kansas, and desire to establish a drainage easement across the North fifty (50) feet of said lots and to further set out the responsibilities of the parties for the construction, maintenance and repair of the drainage facilities located thereon.

NOW T HEREFOR, in consideration of the mutual promises of the parties it is hereby agreed:

1. An easement for a common drainage ditch is hereby created in favor of each lot above described, said easement being fifty (50) feet in width and consisting of and located on the North fifty (50) feet of each lot above described. This easement is further in favor of the present and future owners of Lot 2, Block 3, Kessler Koch Addition, Wichita, Sedgwick County, Kansas as the dominant estate for drainage of said Lot 2, Block 3, across the servient estates herein created.

2. Cost of construction, maintenance and repair of the drainage facilities located on said easement shall be born by the owner of each lot proportionately as to the linear footage of each lot which abuts on said easement. After completion of the facility, the abutting property owners agree to maintain and keep open and clear of obstruction said easement at their expense.

STATE OF KANSAS
SEDGWICK COUNTY
FILED FOR RECORD AT
... 4... P. M.
NOV 8 1978

NO. 4 12862
BETTE F. McCART
REGISTER OF DEEDS

Pat Kessler
Deputy

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