

Appendix 2 Sample Noise Easement Form

NOISE EASEMENT

Parcel _____ County _____

Grantor (s) Name _____

Grantor (s) Address _____

LEGAL DESCRIPTION:

In accordance with section XXXXX of the Land Use Code/Ordinance for XXXXX County, State of Kansas, approving a plat for residential development on the above described property, and in consideration of such approval, Grantors grant to the owners of all property adjacent to the above described property, a perpetual nonexclusive easement as follows:

1. The Grantors, their heirs, successors, and assigns acknowledge by the granting of this easement that the residential development is situated in a area that may be subjected to conditions resulting from military training at Fort Riley . Such conditions include the firing of small and large caliber weapons, the overflight of both fixed-wing and rotary-wing aircraft, the movement of vehicles, the use of generators, and other accepted and customary military training activities. These activities ordinarily and necessarily produce noise, dust, smoke and other conditions that may conflict with Grantors' use of Grantors' property for residential purposes. Grantors hereby waive all common law rights to object to normal and necessary military training activities legally conducted on adjacent Fort Riley, which may conflict with Grantors' use of Grantors' property for residential and other purposes, and Grantors hereby grant an easement to the adjacent Fort Riley for such activities.
2. Nothing in this easement shall grant a right to Fort Riley for ingress or egress upon or across the described property. Nothing in this easement shall prohibit or otherwise restrict the Grantors from enforcing or seeking enforcement of statues or regulations of governmental agencies for activities conducted on adjacent properties.
3. This easement is appurtenant to all property adjacent to the above described property and shall bind to the heirs, successors, and assigns of Grantors and shall endure for the benefit of the adjoined Fort Riley. Fort Riley is hereby expressly granted the right of third party enforcement of the easement.

IN WITNESS WHEREOF, the Grantors have executed this easement dated this _____ day of _____, 20 _____

Grantor