

PRAIRIE POINT DISCLOSURE

TREE PRESERVATION EASEMENT

Prairie Point 3rd Plat, Lots 20, 21 and 122-133
Prairie Point 4th Plat, Lots 138, 139 and 141-149
Prairie Point 5th Plat, Lots 184-190 and 198-208

Tree preservation easements shown on Prairie Point 3rd, 4th and 5th Plat which affect lots 20, 21 and 122-133, 138, 139, 141-149, 184-191 and 198-208 in Prairie Point stipulate as follow:

An easement or license is hereby dedicated to the City of Olathe, to enter upon, over and across those areas outlined and designated on this plat as "Tree Preservation Easement" or "TP/E". Trees shall not be removed from a tree preservation easement without the City of Olathe's permission, unless such trees are dead, diseased or pose a threat to the public or adjacent property. The Homeowners Association, or their designees, shall be responsible for the maintenance of the tree preservation easement, including but not limited to the removal of dead, diseased trees or trees posing a threat to the public or adjacent property.

In an amendment to the Declaration of Prairie Point dated July 14, 2014, the Prairie Point Homes Association designated each Owner of a Lot affected by the Tree Preservation Easement as the designee for purpose of being responsible for the maintenance of the Tree Preservation Easement within the Owner's Lot, including but not limited to removal of dead, diseased trees or trees posing a threat to the public or adjacent property, and submitting requests to the City of Olathe as required, with respect to the Owner's Lot. Each Lot Owner shall abide by the Tree Preservation Easement and shall indemnify and hold the Developer and the Homes Association harmless from any claim against the Developer and the Association arising out of the failure of the Lot Owner to abide by obligations arising from the Tree Preservation Easement, including reasonable attorney fees and costs incurred to enforce the obligations of such Owner.