 **Waste Management Program**

 **AGREEMENT FOR EASEMENT,**

 **NOTICE AND COVENANT RUNNING WITH LAND**

This Agreement made this day of , 20 , between the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (insert name of landowner) hereinafter called Owner and Missouri Department of Natural Resources, hereinafter called Department, to satisfy the requirements of the Missouri Solid Waste Management Law.

WITNESSETH.

Owner wishes to execute an Agreement for Easement, Notice and Covenant Running with Land for a solid waste disposal area (hereinafter called landfill) on property owned by Owner in County, Missouri, and more fully described as follows: (Insert detailed legal description, as per Deed conveying title)

**[Note: Additional lines and pages can be added as necessary for the legal description. Delete note once template is filled out]**

Owner has access to the above described landfill as follows: (Insert detailed legal description, as per Deed conveying title, and separately identifying access property not owned by landowner)

NOW, THEREFORE, in consideration of the mutual covenants of the parties and other valuable consideration, receipt of which is hereby acknowledged, the Department and Owner agree as follows:

1. The Department has issued Solid Waste Disposal Area Operating Permit No.

to , dated , 20 , for

 (insert person(s) that permit is issued to)

the operation of a landfill by Owner [and ] in

 (insert name of operator, if different than Owner)

compliance with the provisions pursuant to the Missouri Solid Waste Management Law.

2. The owner hereby grants, bargains, sells and conveys to the Department, its agents, contractors, successors and assigns an easement in the landfill described above, together with an easement in the access property owned by landowner as described above, to enter the landfill, in accordance with 260.205.11 RSMo, as necessary to complete work specified in the closure plan, or to monitor or maintain the site if specified in a post-closure plan, or to take remedial action during the post-closure period. "Closure plan", "post-closure plan", and "post-closure period" are defined pursuant to the Missouri Solid Waste Management Law and for the purpose of this agreement are described in permit number . If the landfill is accessible only through property not owned by landowner, the Owner/Operator should obtain a separate easement from the access property’s owner(s) in favor of the Department for appropriate access.

3. This agreement, when filed by the Owner with the Recorder of Deeds for \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ County, Missouri, shall serve as notice that the property described herein has been permitted as a solid waste disposal area and, that use of the property in any manner which interferes with the closure and, where appropriate, post-closure plans filed with the Department is prohibited.

4. The Owner, heirs, successors in title, personal representatives and assigns shall not use the herein described property in any manner which interferes with any closure and/or post-closure plans which are filed with the Department. Further, the use of the herein described property is subject to the Missouri Solid Waste Management Law and the rules promulgated thereunder.

5. Any restriction in this agreement on the use of the herein described property is a covenant running with the land.

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

OWNER:

[Insert Owner’s Name]

Title

Notary for Owner:

STATE OF MISSOURI )

) ss

COUNTY OF )

On this day of , 20 , before me personally appeared \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

Notary Public

Commission in County.

My Commission Expires: .

MISSOURI DEPARTMENT OF NATURAL RESOURCES

WASTE MANAGEMENT PROGRAM:

Charlene S. Fitch, Director

Notary for Missouri Department of Natural Resources

STATE OF MISSOURI )

) ss

COUNTY OF COLE )

On this day of in the year 20 before me, a Notary Public in and for the said state, personally appeared ,

Missouri Department of Natural Resources, known to me to be the person who executed the within document in behalf of the Department and acknowledged to me that he/she executed the same for the purposes therein stated.

Notary Public

Commissioned in County

My Commission Expires: