STATE OF SOUTH DAKOTA  )
COUNTY OF PENNINGTON  ) ss.

PERMANENT UTILITY EASEMENT

FOR AND IN CONSIDERATION of the sum of One Dollar ($1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the CITY OF RAPID CITY, a municipal corporation, of 300 Sixth Street, Rapid City, South Dakota, 57701, Grantor, hereby grants to the BLACK HILLS POWER, Inc. a South Dakota corporation, of 625 Ninth Street, P.O. Box 1400, Rapid City, South Dakota, 57709, the Grantee, a permanent utility easement ten feet (10’) in width in, on, over, under, and across the following described real property:

A ten foot (10’) strip of land in, on, over and across the property of LOT 1-30; VACATED ALLEY AND VACATED SAINT CHARLES ST LOCATED BETWEEN W5 ft OF LOT 8-LOT 15 BLK 19 AND LOT 16-22 AND W5 ft OF LOT 23 BLK 12 WEST BOULEVARD, Section Two (2), Township One North (T1N), Range Seven East (R7E), Rapid City, Pennington County, South Dakota, as shown on Exhibit “A”, attached hereto and incorporated herein by reference.

This easement grants to the Grantee the right to construct, operate, maintain, repair, alter, inspect, remove, upgrade, enhance, and replace an electrical power system consisting of buried cables or wires, surface terminals, surface markers, transformer pads, vaults, and associated equipment, together with the power to extend to any communications company the right to use any trench places pursuant to the provisions hereof, with the right of ingress and egress, together with the right to cut, trim, or remove
any bush, trees, stumps, or roots where necessary within said easement, to secure a

clearance of ten feet (10’) from the conductors.

The foregoing easement is granted upon the express condition that Black Hills

Power Inc. will assume liability for any and all injuries or damage caused by the

Grantee’s failure to use due care in its exercise of the rights granted.

DATED this ____ day of _______________________, 2016.

CITY OF RAPID CITY

________________________________
Steve Allender, Mayor

ATTEST:

________________________________
Pauline Sumption, Finance Officer

(SEAL)

State of South Dakota)

) ss.

County of Pennington)

On this the ____ day of ______________, 2016, before me, the undersigned officer,

personally appeared Steve Allender and Pauline Sumption, who acknowledged themselves to be

the Mayor and Finance Officer, respectively, of the City of Rapid City, a municipal corporation,

and that they, as such Mayor and Finance Officer, being authorized so to do, executed the

foregoing instrument for the purposes therein contained by signing the name of the City of Rapid

City by themselves as Mayor and Finance Officer.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

________________________________
Notary Public – South Dakota

My Commission Expires:

(SEAL)
LOT 1-30; VACATED ALLEY AND VACATED SAINT CHARLES ST LOCATED BETWEEN W5 ft OF LOT 8-LOT 15 BLK 19 AND LOT 16-22 AND W5 ft OF LOT 23 BLK 12 WEST BOULEVARD

B.H.M., Pennington County, South Dakota

Note: Centerline of the Power Line as Constructed will be the Centerline of the Easement.