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, NORTHWESTERN ENGINEERING COMPANY, of 314 Founders Park Drive, Rapid City, South Dakota, 57701, Grantor, hereby grants to the CITY OF RAPID CITY, a South Dakota municipal corporation, of 300 Sixth Street, Rapid City, SD 57701, Grantee, a permanent utility easement as described herein.

Grantor owns the following property which is the subject of this permanent easement and legally described as:

Lot E; East 80 feet of Lots 10-12; West 50 feet of Lots 10-12 and ½ Vacated Alley; West 25 feet of East 125 feet of Lot 13; North 70 feet of Lot 43 of Lot 13; Lot 42 and South ½ of Lot 43 of Lot 13; and all of Lots 32-41 all in Block 6 of Boulevard Addition, located in Section 2, Township 1 North (T1N), Range 7 East (R7E), Rapid City, Pennington County, South Dakota.

Grantor grants to Grantee a permanent utility easement in, on, under, and across the above-described property as shown on Exhibit “A” attached hereto and incorporated herein by reference.

Such easement shall run with the land, shall be perpetual, and shall be binding upon and inure to the benefit of the parties and their respective successors and assigns. Such easement shall include the right to enter upon the easement property to construct, install, operate, inspect, maintain, and repair all public utilities and all related appurtenant facilities upon said property. All work shall be performed in a workmanlike manner. The area which is the subject of this easement shall be kept free of all obstacles, including fences, gates, shrubs, walls, trees, or other items which obstruct the public access to the roadway or which compromise the Grantee’s use of the easement. This easement includes the right to enter upon the above described real property and otherwise to do those things reasonably necessary to effectuate its purpose.

Grantee shall have the exclusive option and authority to further grant, by license, assignment, or other arrangement, some or all of the rights granted hereby to other public and private utilities. Any such sub-grant shall be on the terms and conditions established by Grantee. The intention of the authority granted by this paragraph is to allow the City of Rapid City the ability to manage and control the easement area in the same manner and as if it was dedicated public right-of-way within the City’s jurisdiction. Pursuant to this authority, City hereby grants a license to Black Hills Power Inc. for overhead clearance for utilities on existing poles located
within the right of way. This license grants Black Hills Power Inc. the right to access and use the City easement to trim and remove or control by other means any trees or vegetation within the City’s easement area which is necessary to secure 10 feet of clearance from Black Hills Power Inc.’s conductors or to install or maintain anchors and guy wires.

Dated this 27th day of March, 2018.

NORTHWESTERN ENGINEERING COMPANY

By

Its

State of South Dakota

County of Pennington

On this 27th day of March, 2018, before me, the undersigned officer, personally appeared, , who acknowledged himself/herself to be the of Northwestern Engineering Company, a South Dakota corporation, and that he/she, as such , being authorized so to do, executed the foregoing instrument for the purposes therein contained.

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

Notary Public, State of South Dakota

My Commission Expires:

(SEAL)

My Commission Expires
September 9, 2023
Dated this ________ day of ________________________, 2018.

CITY OF RAPID CITY

ATTEST:

______________________________
Steve Allender, Mayor

______________________________
Finance Officer
(SEAL)

State of South Dakota )
ss.
County of Pennington )

On this the ________ day of ________________________, 2018, 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 duly authorized to do so, executed the foregoing instrument for the purposes herein 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, State of South Dakota

My Commission Expires:
(SEAL)
EXHIBIT A
Utility Easement
in the vacated Kansas City Street ROW
Adjoining Lot 12 and ½ of the vacated alley, Lot E, Lot 13 and
Lots 33 through 43 of Lot 13, all in Block 6, Boulevard Addition,
Located in Section 2, T1N, R7E, BHM
Rapid City, Pennington County, South Dakota

22' Previously
vacated Kansas City
Street ROW

Utility Easement
this document

Kansas City Street

Prepared by:
Fisk Land Surveying & Consulting Engineers, Inc.
P.O. Box 8154, Rapid City, SD 57709
(605) 348-1538  3-1-18