

PREPARED BY: City Attorney's Office
300 Sixth Street
Rapid City, SD 57701
(605) 394-4140

OK
9-12-18

STATE OF SOUTH DAKOTA)
)ss. PERMANENT UTILITY EASEMENT
COUNTY OF PENNINGTON)

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 BLACK HILLS POWER, INC., a South Dakota corporation, 7001 Mount Rushmore Road, Rapid City, South Dakota, 57702, the Grantee, a permanent utility easement ten feet (10') in width in, on, over, under, and across the following described real property:

Tract 15 Revised of Rapid City Greenway Tracts located in the SE1/4 of the SW ¼ of Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, as shown on Exhibit "A", attached hereto and incorporated herein by reference.

This easement grants to the Grantor the right to survey, construct, operate and 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 or vaults, and associated equipment, together with the power to extend to any communications company the right to use any trench placed pursuant to the provisions hereof, with the right of ingress and

egress, together with the right to cut, trim, or remove any brush, 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 _____, 2018.

CITY OF RAPID CITY

By: _____
Steve Allender, Mayor

ATTEST:

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 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.

(SEAL)

Notary Public, South Dakota
My Commission Expires:

EXHIBIT 'A'

POWER POLE & ANCHOR EASEMENT, TRACT 15 REVISED OF RAPID CITY GREENWAY TRACTS

LOCATED IN SE1/4 OF SW1/4 OF SECTION 35, T2N, R7E, BHM,
RAPID CITY, PENNINGTON COUNTY, SOUTH DAKOTA

WEST OMAHA STREET
RIGHT-OF-WAY OF RECORD



5/8" REBAR

AUGUST 30, 2018

0 20' 40'

SCALE: 1" = 40'

LEGEND

- Denotes found survey monument as noted.
- (M) Denotes Measured in this survey.
- ⊂ Guy Wire Anchor
- ⊙ Power Pole

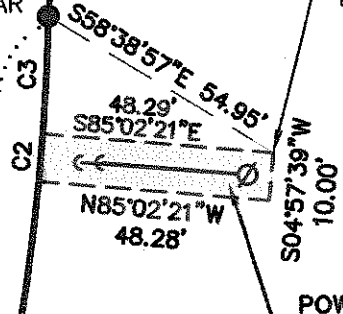
NOTES:

- 1) **BASIS OF BEARINGS:** SOUTH DAKOTA STATE PLANE COORDINATES SYSTEM SOUTH ZONE NAD 83 (2011), FROM RAPID CITY CONTROL POINT #2087 WITH A PUBLISHED COORDINATE OF: N 651513.378 E 1203455.07 DISTANCES ARE GRID.
- 2) SIDE LINES OF EASEMENT TO BE LENGTHENED OF SHORTENED TO CONFORM TO RIGHT-OF-WAY LINES.
- 3) THE CENTER OF THE POWER LINE AS CONSTRUCTED IS THE CENTERLINE OF THE EASEMENT.

N=651408.44
E=1203498.32

5/8" REBAR

CROSS STREET
RIGHT-OF-WAY OF RECORD

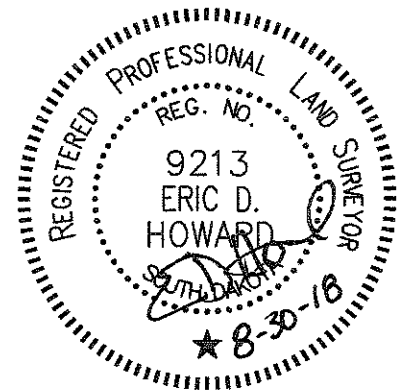


POWER POLE & ANCHOR
EASEMENT TO BE CREATED
THIS DOCUMENT.

TRACT 15 REVISED RAPID CITY GREENWAY TRACTS

5/8" REBAR

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1(M)	123.88'	460.17'	15°25'25"	N08°57'59"E	123.50'
C2(M)	10.00'	460.17'	1°14'42"	N04°55'13"E	10.00'
C3(M)	24.44'	460.17'	3°02'36"	N02°46'34"E	24.44'



S:\2503.18 BR ENERGY \TRACT 17-PP EASEMENT\2503.18 TRACT 15 REVISED-PP EASEMENT.dwg, 8/30/2018 3:56:13 PM