STATE OF SOUTH DAKOTA  )
COUNTY OF PENNINGTON   )

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 BLACK HILLS POWER, INC., a South Dakota corporation, 7001 Mount Rushmore Road, Rapid City, South Dakota, 57702, the Grantee, a power pole and anchor easement in, on, over, under, and across the following described real property:

A Portion of Tract 17 of Rapid City Greenway Tracts, Located in the SW1/4 of the SW1/4, 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 and replace an electrical power system consisting of buried cables or wires, surface terminals, surface markers, transformer pads or vaults, and associated equipment, 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.

______________________________________________
Notary Public, South Dakota

My Commission Expires:

(SEAL)