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 BLACK HILLS POWER, INC., a South Dakota corporation, 7001 Mt. Rushmore Rd, P.O. Box 1400, Rapid City, South Dakota, 57709, the Grantee, its lessees, licensees, successors and assigns, a permanent utility easement in, on, over, under, and across the following described real property:

A TEN FOOT (10') STRIP OF LAND LOCATED IN, ON, OVER AND ACROSS Tract 12 of Rapid City Greenway Tracts Located in NW1/4 of NE1/4 of Section 3, T1N, R7E, BHM and Located in SE1/4 of SE1/4 of Section 34, T2N, R7E, BHM, Rapid City, PENNINGTON COUNTY, SOUTH DAKOTA.

(SEE ATTACHED EXHIBITS “A”)

This easement grants to the Grantee 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 ___ day of ____________, 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 Agreement Consenting to Assessed Project 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

SEAL

My Commission Expires:
EXHIBIT "A"

The real estate referred to is specifically described as follows:

Tract 12 of Rapid City Greenway Tracts Located in the NW1/4 of the NE1/4 of Section 3, T1N, R7E, BHM and Located in the SE1/4 of the SE1/4 of Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota.

NOTE: The centerline of the powerline as constructed is the centerline of the easement.