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 permanent utility easement ten feet (10’) in width in, on, over, under, and across the following described real property:

Tract 17 of Rapid City Greenway Tracts located in the SE1/4 of the SE1/4 of Section 34 and SW1/4 of 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, 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.

Grantee understands that Grantor has underground utilities located within and adjacent to portions of the easement area and that Grantor retains the ability and privilege to use the
easement area for Grantor’s utility purposes to the extent that it does not conflict with the rights granted to Grantee herein. Grantor shall have access to the easement area to perform maintenance, repair, and replacement work on Grantor’s utilities within and adjacent to the easement area. Grantee agrees that it will not interfere with or infringe upon Grantor’s utilities in its utilization of this easement and that Grantee will protect Grantee’s utilities when and if Grantor performs work on Grantor’s utilities within and adjacent the easement area.

The foregoing easement is granted upon the express condition that Black Hills Power, Inc. assumes 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 ______________________, 2019.

CITY OF RAPID CITY

______________________________
Steve Allender, Mayor

ATTEST:

______________________________
Finance Officer
(SEAL)

State of South Dakota  )
                     ss.
County of Pennington  )

On this the _____ day of ______________________, 2019, 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
(SEAL)
My Commission Expires:
EXHIBIT 'A'
POWER LINE EASEMENT,
TRACT 17 OF RAPID CITY GREENWAY TRACTS
LOCATED IN SE1/4 OF SE1/4 OF SECTION 34 AND SW1/4 OF SW1/4 OF
SECTION 35, T2N, R7E, BHM,
RAPID CITY, PENNINGTON COUNTY, SOUTH DAKOTA

<table>
<thead>
<tr>
<th>LINE</th>
<th>BEARING</th>
<th>DISTANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>L1</td>
<td>S81°33'05&quot;E</td>
<td>42.70'</td>
</tr>
<tr>
<td>L2</td>
<td>S03°37'40&quot;E</td>
<td>12.08'</td>
</tr>
<tr>
<td>L3</td>
<td>N81°33'05&quot;W</td>
<td>40.75'</td>
</tr>
<tr>
<td>L4</td>
<td>N08°26'55&quot;E</td>
<td>10.00'</td>
</tr>
</tbody>
</table>

LEGEND

- Denotes found survey monument as noted.
- (M) Denotes Measured in this survey.
- Guy Wire Anchor
- Power Pole
- Electric Meter
- Power Line

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 OR SHORTENED TO CONFORM TO RIGHT-OF-WAY LINES.

3) THE CENTER OF THE POWER LINE AS CONSTRUCTED IS THE CENTERLINE OF THE EASEMENT.

POWER LINE EASEMENT TO BE CREATED THIS DOCUMENT.

WEST OMAHA STREET
RIGHT-OF-WAY OF RECORD

Renner Associates, LLC
Civil Engineering
Land Surveying
616 Sixth Street, Rapid City, SD 57701
Phone: 605-721-7310 Fax: 605-721-7313
Rennerassoc.com

9213
ERIC D. HOWARD

11-16-18