

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

WEN
6-27-16

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, 625 Ninth Street, P.O. Box 1400, Rapid City, South Dakota, 57709, the Grantee, a permanent utility easement in, on, over, under, and across the following described real property:

A FIVE FOOT (5') STRIP OF LAND LOCATED IN, ON, OVER AND ACROSS LOT B REVISED OF TRACT 32, RAPID CITY GREENWAY TRACTS, LOCATED IN THE NW ¼, SECTION 6, T1N, R8E, BHM., PENNINGTON COUNTY, SOUTH DAKOTA, AS SHOW ON EXHIBIT "A", ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.

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.

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 _____, 2016.

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 _____, 2016, 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

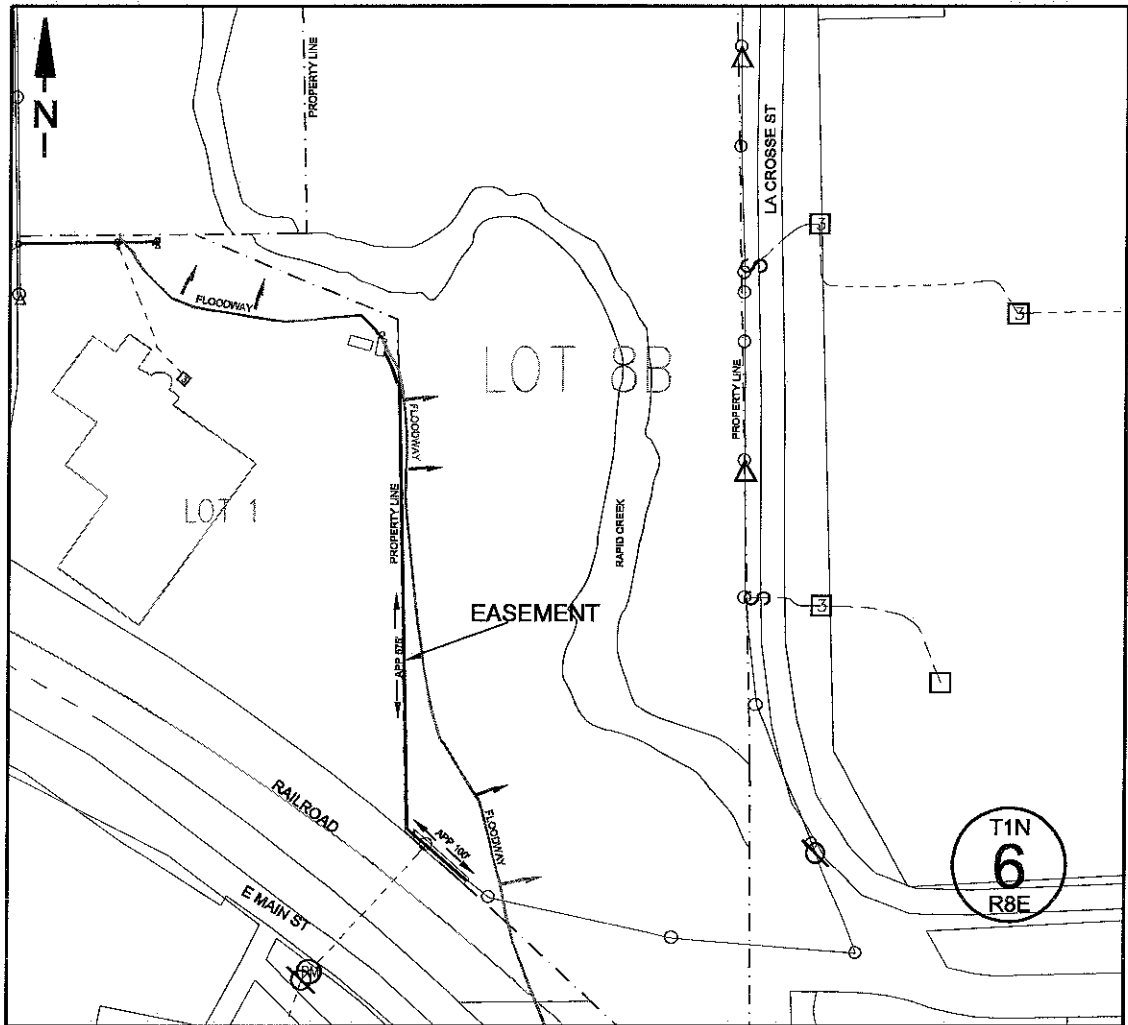
My Commission Expires:

(SEAL)

EXHIBIT "A"

The real estate referred to is specifically described as follows:

A FIVE FOOT (5') STRIP OF LAND LOCATED IN, ON, OVER AND ACCROSS LOT B REVISED OF TRACT 32, RAPID CITY GREENWAY TRACTS, LOCATED IN THE NW 1/4, SECTION 6, T1N, R8E, BHM., PENNINGTON COUNTY, SOUTH DAKOTA.



Note: The power line as constructed is the easement.