PERMANENT UTILITY EASEMENT AGREEMENT

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, SD 57701, Grantor, hereby grants to WEST RIVER ELECTRIC ASSOCIATION, INC., a South Dakota corporation, of PO Box 410, Wall, SD 57790, the Grantee, a permanent utility easement in, on, over, and across the following described real property:

Township 1 North, Range 8 East, BHM, Pennington County, South Dakota:
Section 25: NW¼NE¼, Less the West 66 feet;
as more particularly shown on Exhibit A, attached hereto and incorporated herein by this reference.

This easement grants to the Grantee the right to construct, operate, maintain, remove and replace an electrical power transmission and/or distribution system consisting of an electrical power line with wires and associated equipment, and all necessary attachments and appurtenances, with the right of ingress and egress thereto. This easement shall also include the right to cut, trim, or remove any brush, trees, stumps, or roots where necessary within said easement area to secure a clearance from the conductors. This easement shall run with the land, shall be perpetual, and shall be binding upon and inure to the benefit of the parties and their successors and assigns.

The parties agree that all poles, wires, and other facilities including any main service entrance equipment, installed on the easement area at the Grantee’s expense shall remain the property of the Grantee, removable at the option of the Grantee. The Grantee agrees to pay any damage to growing crops, pastures, fences or buildings of the Grantors resulting from the exercise of the rights herein granted, said damages, if not mutually agreed upon, shall be ascertained and determined by three disinterested persons: one appointed by the Grantor, one appointed by the Grantee, and a third appointed jointly by all parties.

[Signature pages follow]
DATED this ____ day of ______________________, 2017.

CITY OF RAPID CITY

By ________________________________________
Steve Allender, Mayor

ATTEST

____________________
Pauline Sumption, Finance Officer

(seal)

State of South Dakota )
) ss.
County of Pennington )

On this the ____ day of ______________________, 2017, 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: ____________________
DATED this ___ day of ____________, 2017.

WEST RIVER ELECTRIC ASSOCIATION, INC.

By ________________

Its ________________

State of South Dakota  
)

) ss.

County of Pennington  
)

On this the 2nd day of ____________, 2017, before me, the undersigned officer, personally ________________, who acknowledged himself to be the ________________, of West River Electric Association, Inc., a corporation, and that he, as such officer, being authorized so to do, executed the foregoing instrument for the purposes therein contained.

IN WITNESS WHEREOF I hereunto set my hand and official seal.

(seal)

MATT SCHMAHLM 
Notary Public, South Dakota
My Commission Expires: _____________
April 26, 2020
EXHIBIT A

Utility Easement
located in the NW¼ NE¼ of Section 25,
Township 1 North, Range 8 East of the Black Hills Meridian,
Pennington County, South Dakota.

March, 2017

SCALE IN FEET

0 20 40 60 80

PREPARED BY
D.C. Scott
SURVEYORS, INC.
3153 ANDERSON ROAD
RAPID CITY, SD 57703
(605) 393-2400

PERMANENT
UTILITY EASEMENT
DOC. NO. A201617281
P.C.R.D.

PERMANENT OUTFALL
SEWER EASEMENT
MISC. BK.91 PG.264
PLAT BK.9 PG.236
P.C.R.D.

REDEMPTION ROAD
66 ft. DEDICATED
PUBLIC R.O.W.
PLAT BK.32 PG.88
P.C.R.D.