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, its lessees, licensees, successors and assigns, a permanent utility easement in, on, over, under, and across the following described real property:

The Northeast Quarter (NE¼), less part of the MJK Subdivision, less Lots H3, H5, and right of way; the East Half of the Northwest Quarter (E½NW¼), less part of the MJK Subdivision, less Lot Two (2) and less right of way, located in Section Nineteen (19), T1N, R8E of the B.H.M., Pennington County, South Dakota, as more fully described 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, 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.

[Signature page follows]
DATED this _____ day of __________________, 2018.

CITY OF RAPID CITY

______________________________
Steve Allender, Mayor

Attest

______________________________
Pauline Sumption, Finance Officer

(seal)

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

On this _____ 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.

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

(seal)                                     __________________________
Notary Public
My Commission Expires _________________________
EXHIBIT "A"

The real estate referred to is specifically described as follows:

The NE1/4, less part of the MJK Subdivision, less Lots H3, H5, and right of way; E1/2NW1/4, less part of the MJK Subdivision, less Lot 2 and right of way. Located in Section 19, Township 1N, Range 8E, BHM, Pennington County, South Dakota.

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