

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

STATE OF SOUTH DAKOTA    )  
  )ss.       PERMANENT UTILITY EASEMENT  
COUNTY OF PENNINGTON    )

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, 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 portion of the NE1/4 less part of MJK Subdivision, less Lots H3, H5, and right of way; E1/2NW1/4 less part MJK Subdivision and less Right of way located in Section 19, unplatted T1N, R8E, BHM, Pennington County, South Dakota; as shown on Exhibit "A", attached hereto.

This easement grants to the Grantee the right to construct, operate, maintain, alter, remove, upgrade, enhance, and replace an electrical power system consisting of buried cables or wires, surface terminals, surface markers, transformer pads or vaults, and an electrical power line with poles, wires, and associated equipment, and all necessary attachments and appurtenances, with the right of ingress and egress therefor.

Grantee shall perform all work in a workmanlike manner and shall leave the property in as good condition as existed prior to entry thereon.

Grantee agrees to relocate said electrical power system or make accommodations at its expense if needed for Grantor's purposes.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2004.

CITY OF RAPID CITY

By: \_\_\_\_\_  
Jim Shaw, Mayor

ATTEST:

\_\_\_\_\_  
Finance Officer

(SEAL)

State of South Dakota        )  
  ss.  
County of Pennington        )

On this the \_\_\_\_ day of \_\_\_\_\_, 2004, before me, the undersigned officer, personally appeared Jim Shaw and James F. Preston, 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

My Commission Expires:

(SEAL)