

SOUTH DAKOTA SCHOOL OF MINES AND TECHNOLOGY

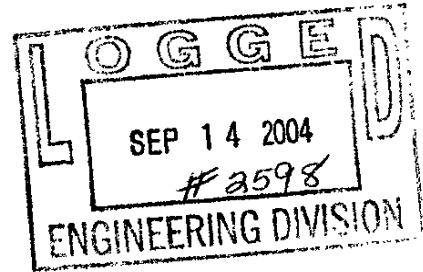


VICE PRESIDENT
OF
BUSINESS & ADMINISTRATION

BUSINESS & ADMINISTRATION

September 10, 2004

Mr. Ted Vore
Acting Director
Department of Public Works
City of Rapid City
300 6th Street
Rapid City, SD 57701



Subject: Upgrading North Feeder into SDSM&T

Dear Mr. Vore:

The attached Right of Way documents pertain to a project Black Hills Power & Light is performing for the South Dakota School of Mines & Technology. We are trying to upgrade the existing 5kV feeder into a new 12kV feeder and need the Right of Way to complete the project.

We would appreciate any help you could provide in expediting the matter. Please call Mike Gebeke, SDSM&T Facilities Director at 394-2251, or myself if you have any questions.

Sincerely,

Timothy G. Henderson
Vice President of Business & Administration

Enclosure

cc: M.D. Gebeke, Director, Facilities Services, SDSM&T

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

JPC
9-21-04

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 Lot B Revised of Tract 32 of Rapid City Greenway Tracts, Less Lot H-1, all located in the East Half of the Northwest Quarter (E $\frac{1}{2}$ NW $\frac{1}{4}$) and the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Six (6), Township One North (T1N), Range Eight East (R8E) of the Black Hills Meridian, Rapid City, 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.

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)

Prepared By: Don Dubej
Black Hills Power, Inc.
PO Box 1400
Rapid City, SD 57709
(605) 721-2231

WO# 15712

RIGHT-OF-WAY PERMIT - OH/UG CORPORATION

I, or We, **MDU**, in consideration of the sum of \$1.00, receipt of which is hereby acknowledged, hereby grants to BLACK HILLS POWER, INC. having its principal place of business and post office address at 625 Ninth Street, P.O. Box 1400, Rapid City, South Dakota 57709, its successors and assigns, a perpetual right-of-way and easement to 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 an electrical power line with poles, wires and associated equipment, and all necessary attachments and appurtenances, with the right of ingress and egress therefor, together with the power to extend to any communications company the right to use any pole or trench placed pursuant to the provisions hereof, upon, over and across that certain piece of real estate hereinafter described, together with the right to cut, trim, or remove from said right-of-way any brush, trees, stumps, or roots where necessary to secure a clearance from the conductors of at least 10 feet on each side of the center line of said right-of-way. This easement shall run with the land. The centerline of the powerline as constructed is the center line of the easement.

The real estate above referred to is specifically described as follows: **SEE EXHIBIT "A"**

The foregoing right is granted upon the express condition that Black Hills Power, Inc. will assume liability for all damage to the hereinbefore described property caused by said Black Hills Power, Inc. failure to use due care in its exercise of the granted right.

Dated this ____ day of _____, 20____. [Corporate Seal]

Signed: _____

Signed: _____

STATE OF: _____ COUNTY OF: _____

On this ____ day of _____, 20____, before me, the undersigned officer, personally appeared _____ and _____, who acknowledged themselves to be the President and Secretary, respectively, of the **MDU** a Corporation, and at that they as such officers, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the Corporation by themselves as such officers.

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

My Commission Expires:

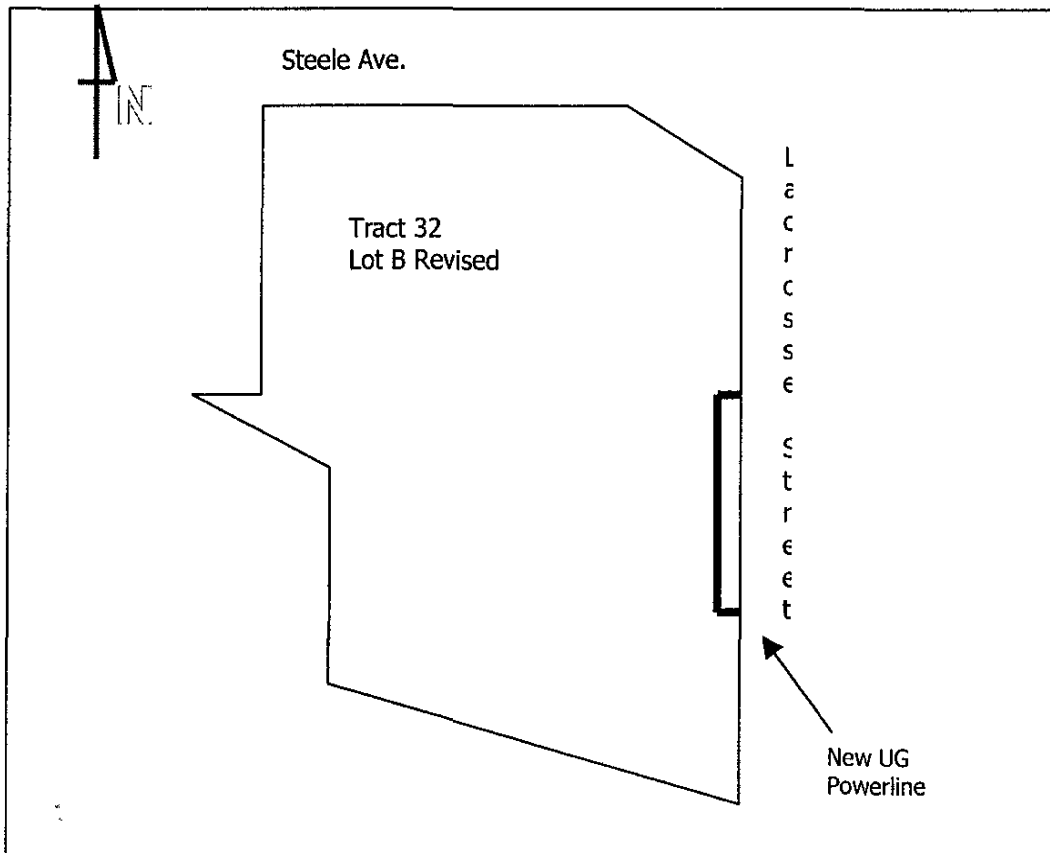
(Seal)

Notary Public No Marks Below This Line

EXHIBIT "A"

The real estate referred to is specifically described as follows:

**Lot B Revised of Tract 32 of Rapid City Greenway Tracts, Less Lot H-1,
All located in the E ½ NW ¼ and NE1/4 SW1/4 of Section 6, T1N, R8E, BHM,
Rapid City, Pennington County, South Dakota**



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