

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

JPC
 9-28-04

STATE OF SOUTH DAKOTA)
) SS.
 COUNTY OF PENNINGTON)

PERMANENT SANITARY
 SEWER EASEMENT

FOR AND IN CONSIDERATION of the sum of Ten Thousand Dollars (\$10,000.00), and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, SCOTT A. MOHR, of P.O. Box 3434, Rapid City, South Dakota, 57709, and RANDALL PALMER, of P.O. Box 3434, Rapid City, South Dakota, 57709, Grantors, hereby grant to the CITY OF RAPID CITY, the Grantee, of Rapid City, Pennington County, South Dakota, a perpetual easement, subject to the conditions hereinafter set forth, as hereinafter described.

The property which is the subject of this permanent easement is legally described as:

An eighteen foot (18') strip of land in, on, over and across the east property line of Lot Two (2) of Wal-East Subdivision, Section Twenty-seven (27), Township Two North (T2N), Range Eight East (R8E), of the Black Hills Meridian, Box Elder, Pennington County, South Dakota, as shown on Exhibit "A", attached hereto and incorporated herein by reference.

Such easement shall include the right to construct, operate, maintain and repair utilities upon said property, specifically including a sanitary sewer main.

Grantors shall be entitled to one (1) connection to the sanitary sewer main located within the permanent sanitary sewer easement, subject to Section 13.08.210 of the Rapid City Municipal Code requiring that any connection to the City sewer for any property located outside the corporate limits of the City be specifically approved by the City Council. Grantors shall also be entitled to the placement of 74 tons of gravel surfacing parallel to the sewer easement, the exact location and limits to be established at the time of construction as specified by the Grantors.

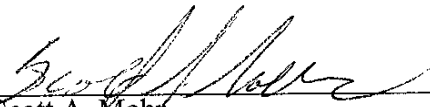
In addition to the Permanent Sanitary Sewer Easement, SCOTT A. MOHR and RANDALL PALMER will also grant to the CITY OF RAPID CITY a temporary construction easement located on the above-described property, as set forth in Exhibit "A", attached hereto and incorporated herein by reference. This Temporary Easement shall be effective from the date of the award of the contract for a period not to exceed one hundred sixty (160) working days. If the project is not constructed by December 31, 2006, a new temporary construction easement shall be obtained.

This easement shall include the right to enter upon the aforescribed real property and otherwise to do those things reasonably necessary to effectuate its purpose.

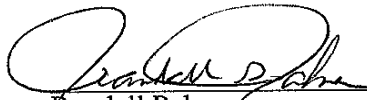
The property which is the subject of this easement shall be kept free of all obstructions including but not limited to buildings, walls, fences, hedges, trees, and shrubs. Grantor is allowed to install a paved or unpaved driveway over or on the easement.

The City of Rapid City will perform all work in a workmanlike manner and, as nearly as reasonably possible, return the surface of the ground to the same condition as existed before any excavation was made.

DATED this 1st day of Oct, 2004.



Scott A. Mohr



Randall Palmer

State of South Dakota)
 SS.
County of Pennington)

On this the 1st day of October, 2004, before me, the undersigned officer, personally appeared Scott A. Mohr, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained

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



Notary Public, South Dakota

My Commission Expires: July 11, 2008

(SEAL)

State of South Dakota)
 SS.
County of Pennington)

On this the 1st day of October, 2004, before me, the undersigned officer, personally appeared Randall Palmer, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained

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

Karen Jones
Notary Public, South Dakota

My Commission Expires: July 11, 2008

(SEAL)

SOUTH INTERSTATE 90 SERVICE ROAD

18'
7'
20'

20' TEMPORARY
CONSTRUCTION
EASEMENT

LOT 1 of
TRACT D W-Y ADDN

LOT 1 of
WAL-EAST SUBDIVISION

LOT 2 of
TRACT D W-Y ADDN

25'

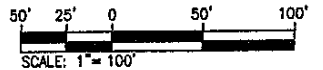
PROPOSED PERMANENT
18' SANITARY SEWER
EASEMENT

LOT 3 of
TRACT D W-Y ADDN

LOT 2 of
WAL-EAST SUBDIVISION

7.14'
18.35'
20.39'

EXHIBIT A
SANITARY SEWER MAIN EASEMENT
LOCATED IN
AN EIGHTEEN FOOT (18') STRIP OF LAND BEGINNING SEVEN FEET (7') FROM
THE EAST PROPERTY LINE OF LOT TWO (2) OF WAL-EAST SUBDIVISION
NE 1/4, SW 1/4, SEC. 27, T2N, R8E, BHM
BOX ELDER, PENNINGTON COUNTY, SOUTH DAKOTA
AUGUST 10, 2004



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PREPARED BY:
CITY OF RAPID CITY
160 SIXTH STREET
RAPID CITY, SD 57701
(605)394-4154 (605)394-6636 (FAX)