

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

APC
11-9-04

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, the THOMAS P. WALSH FAMILY LIMITED PARTNERSHIP, of 3800 W. 53rd Street, Sioux Falls, South Dakota, 57106, Grantor, hereby grants to the CITY OF RAPID CITY, a South Dakota municipality, 300 Sixth Street, Rapid City, South Dakota, 57701, the Grantee, a perpetual utility easement, subject to the conditions hereinafter set forth and as hereinafter described.

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

A strip of land twenty feet (10') in width and thirty five (35') in length in, on, over, and across the southern portion of Tract A of Block Twenty-five (25) of South Boulevard Addition located in Section Twelve (12), Township One North (T1N), Range Seven East (R7E) of the Black Hills Meridian, Rapid City, Pennington County, South Dakota, as shown on Exhibit "A", attached hereto and incorporated herein by this reference.

Such easement shall include the right to enter upon the easement property to maintain and repair all public and private utilities and their related appurtenant facilities upon said property.

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

The area which is the subject of this easement shall be kept free of all obstacles, including fences, shrubs, walls, or other items which obstruct the visibility or usefulness of the easement.

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.

DATED this 12 day of Nov., 2004.

THOMAS P. WALSH FAMILY LIMITED PARTNERSHIP

By: *T P Walsh*
Its: *manager*

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

On this the 12th of November, 2004, before me, the undersigned officer, personally appeared *Thomas P. Walsh*, who acknowledged himself to be the *manager* of the Thomas P Walsh Family Limited Partnership, and that he, as such *manager*, being authorized so to do, executed the foregoing instrument by signing the name of Thomas P Walsh Family Limited Partnership by himself as *manager*.

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

Glenda R. Kolkman
Notary Public, South Dakota

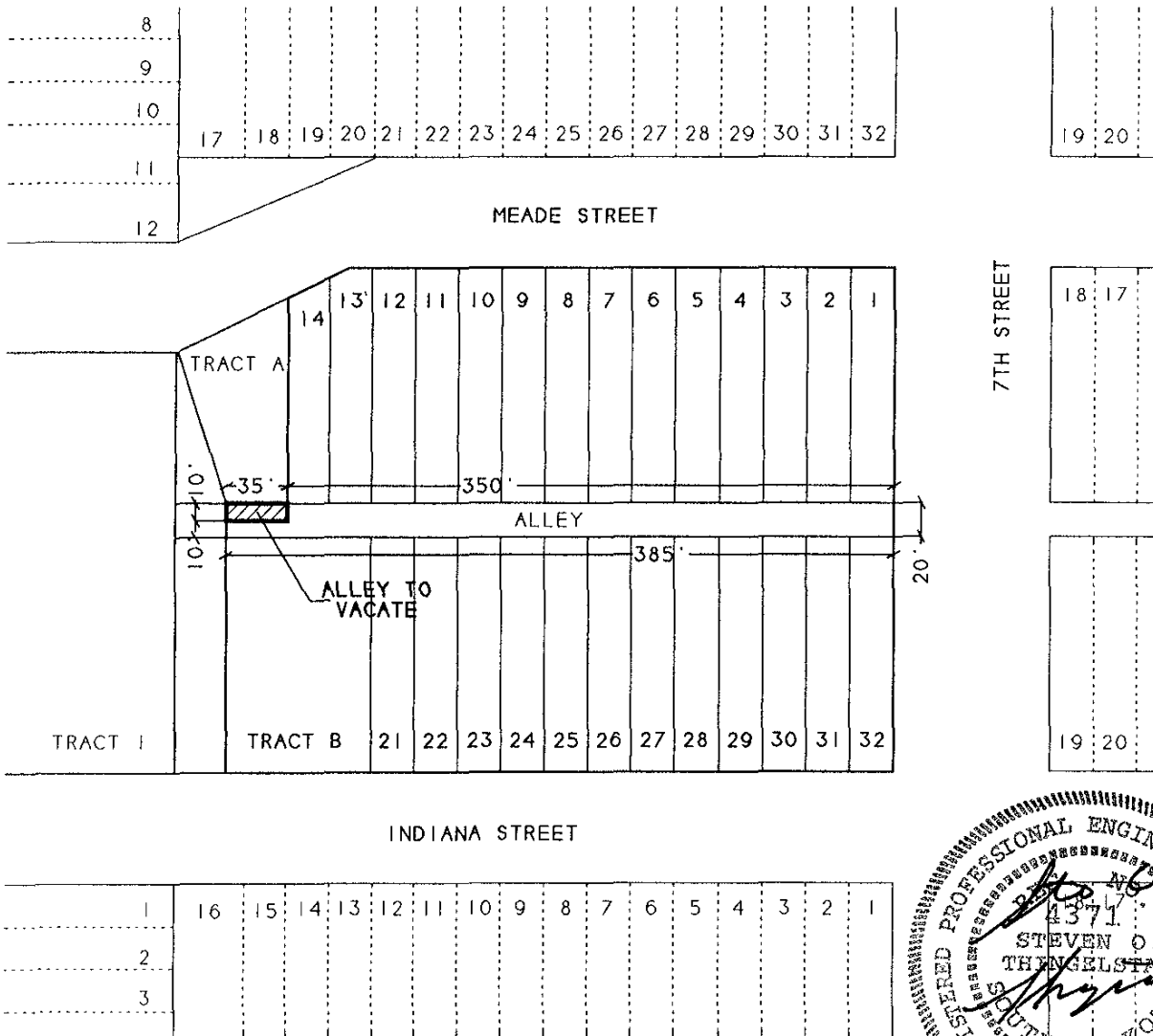
My Commission Expires: *January 13, 2006*

(SEAL)

EXHIBIT "A"
OF
PARTIAL VACATION OF ALLEY
OF BLOCK 25 OF SOUTH BOULEVARD ADDITION
LOCATED IN SECTION 12, T1N, R7E, BHM
RAPID CITY, PENNINGTON COUNTY, SOUTH DAKOTA



SCALE: 1" = 100'
NOVEMBER 10, 2004



ALLEY DEDICATED TO PUBLIC R.O.W.
AS SHOWN IN BOOK 3, PAGE 256
RECORDED ON JANUARY 15TH 1948 AT
PENNINGTON COUNTY REGISTER OF DEEDS
OFFICE.

PREPARED BY: STEVEN O THINGELSTAD
BRITTON ENGINEERING & LAND SURVEYING, INC.
11750 NORTH HIGHWAY 79, BLACK HAWK, SD 57718
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