

PREPARED BY: City Attorney's Office  
300 Sixth Street  
Rapid City, SD 57701 *JM*  
(605) 394-4140 *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, BELLWETHER LIMITED PARTNERSHIP, of 1518 Forest Drive, Rapid City, South Dakota, 57701, 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 (20') in width and three hundred fifty feet in length and a strip of land ten (10') feet in width and thirty five (35') in length in, on, over, and across portions of Tract B, Lots one through fourteen (1-14) and Lots twenty one through thirty two (21-32) all 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 10 day of Nov, 2004.

BELLWETHER LIMITED PARTNERSHIP

By: [Signature]  
Its: President

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

On this the 10<sup>th</sup> of November, 2004, before me, the undersigned officer, personally appeared Roger D. Knutson, who acknowledged himself to be the President of Bellwether Limited Partnership, and that he, as such President, being authorized so to do, executed the foregoing instrument by signing the name of Bellwether Limited Partnership by himself as President.

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

[Signature]  
Notary Public, South Dakota

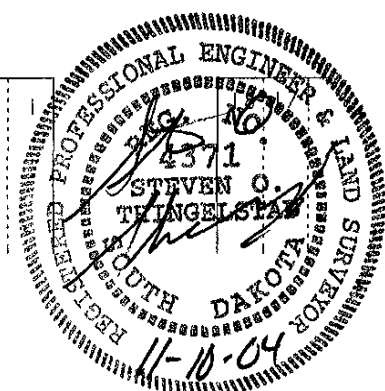
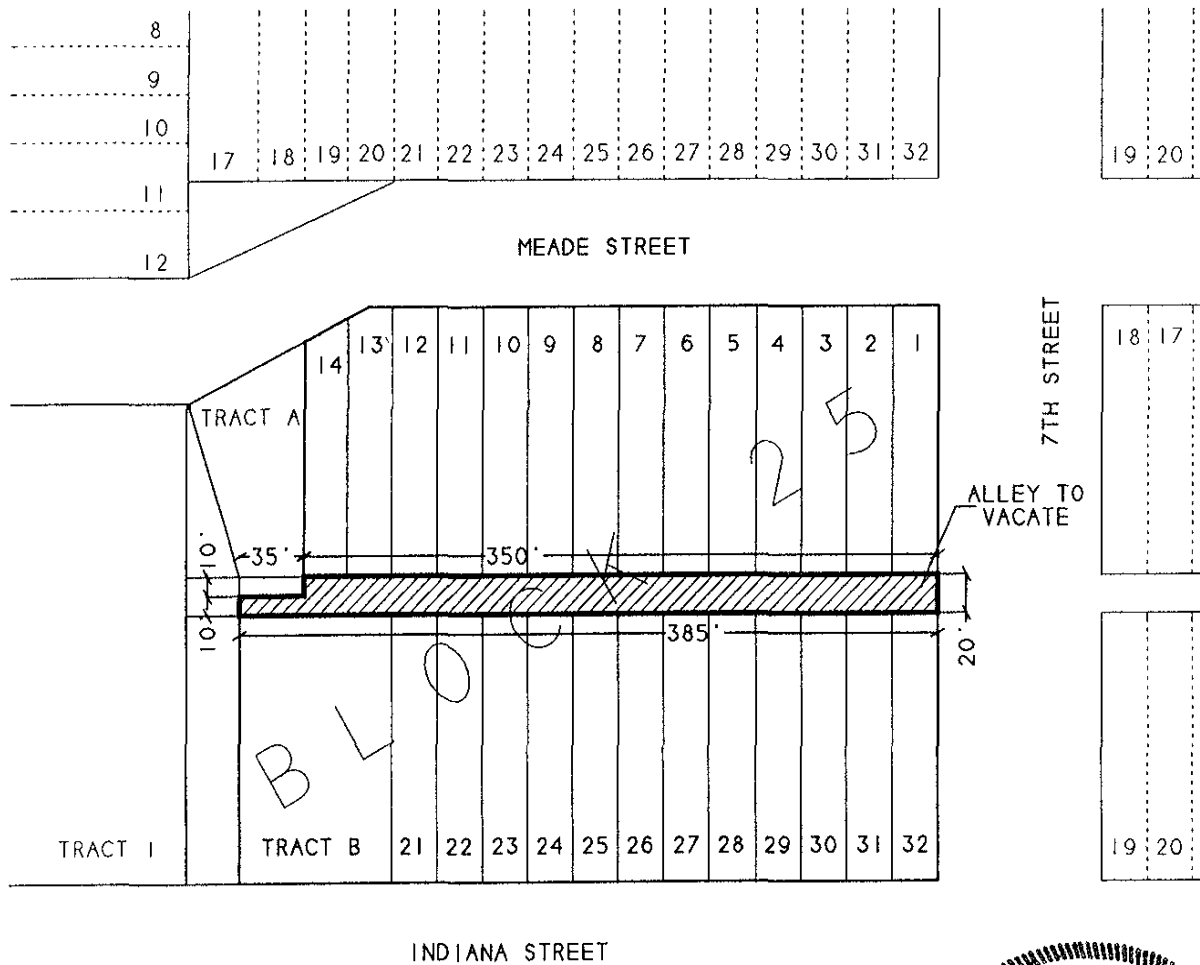
My Commission Expires: January 13, 2006

(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  
 TELEPHONE (605) 718-3988