

Prepared By: Robert Usera
Black Hills Power, Inc.
P.O. Box 1400
Rapid City, SD 57709
605-721-3200

JPL
3-9-05

WO#87355

RIGHT-OF-WAY PERMIT - OH/UG CORPORATION

I, or We, **City Of Rapid City**, 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 **Ten (10)** feet on each side of the outside conductor(s). This easement shall run with the land. The centerline of the power line as constructed is the centerline of the easement. Location as approved by Public Works Director.

The real estate above referred to is specifically described as follows:

Original Town Of Rapid City, Lot 28 – 32 In Block 97 located in
Section 01, T1N, R7E
BHM, Rapid City, Pennington County, South Dakota

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.

WO# 87355

Dated this _____ day of _____, 2005.

CITY OF RAPID CITY

By: _____
Jim Shaw, Mayor

ATTEST:

Finance Officer

State of South Dakota)
 SS.
Count of Pennington)

On this _____ day of _____, 2005, before me, the undersigned officer, personally appeared _____ and _____, who acknowledged themselves to be the Mayor and Finance Officer, respectively, of the City of Rapid City, a municipal corporation, and at that they as such Mayor and Finance Officer, being authorized so to do, executed the foregoing instrument 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.
My Commission Expires
(Seal)

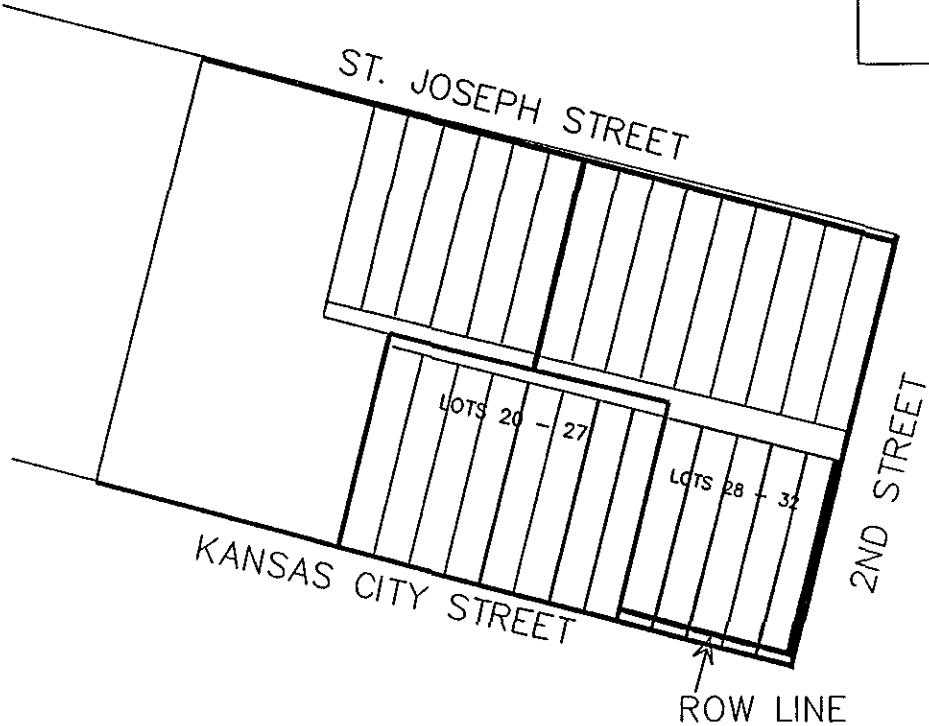
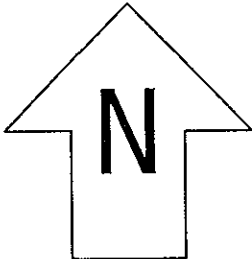
Notary Public

WO# 87355

EXHIBIT A

Legal Description:

ORIGINAL TOWN OF RAPID CITY , LOT 28 – 32 IN BLOCK 97 LOCATED IN SECTION 01, T1N, R7E, BHM, PENNINGTON COUNTY SOUTH DAKOTA



NOTE: THE CENTERLINE OF POWERLINE AS CONSTRUCTED IS THE CENTER OF EASEMENT