

LF091405-13



CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-2724

OFFICE OF THE CITY ATTORNEY

300 Sixth Street

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LF091405-13

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MEMORANDUM

TO: Legal and Finance Committee

FROM: Joel P. Landeen, Assistant City Attorney

DATE: 9-12-05

RE: Proposed Easement from Willowbend Rd to SE Connector

I have attached to this memo a draft of a proposed easement that would allow public and emergency vehicle access from the end of Willowbend Rd. to the SE Connector until such time as the permanent connection is made. This is item #3 on Wednesday's Legal and Finance Committee Agenda.

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

STATE OF SOUTH DAKOTA)
) SS. TEMPORARY ACCESS
COUNTY OF PENNINGTON) EASEMENT

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, PLUM CREEK DEVELOPMENT, LLC., a corporation, located at 2655 S. Valley Drive, Rapid City, South Dakota, 57703, Grantor, hereby grants to the CITY OF RAPID CITY, a municipal corporation, located at 300 Sixth Street, Rapid City, South Dakota, 57701, for the benefit of the general public, a temporary access easement in, over and across the following described real property:

The Northwest Quarter of the Southwest Quarter (NW1/4, SW1/4), less the platted portion of Plum Creek Subdivision, Less Lot H1 and less the right of way all located in Township One North (T1N), Range Eight East (R8E) of Section 16, Black Hills Meridian, Rapid City, Pennington County, State of South Dakota.

This easement will connect the current terminus of Willowbend Road to the Southeast Connector and will generally follow the course of the former road section that previously connected Willowbend Road to S. Valley Drive.

This easement shall include the right for the State or City to enter onto the property and construct improvements to facilitate public and emergency access from the end of Willowbend Road to the Southeast Connector. It is understood that in addition to providing access in times of emergency this easement may also be used by the general public at any time to access Willowbend Road from the Southeast Connector.

The State or City shall perform all work in a workmanlike manner. However, the City will not be responsible for repairing or replacing any structures or improvements that are placed in the temporary easement after the effective date of the easement.

This easement is being granted under the specific condition that it is understood by the Grantor and Grantee that the City will not use this easement as a basis to grant an exception to the City's policy that any development that has more than 40 residences must have two points of access. This condition does not include any exceptions that have been approved by the City prior to the effective date of this easement.

