

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

STATE OF SOUTH DAKOTA)
)SS. PERMANENT UTILITY EASEMENT
COUNTY OF PENNINGTON)

FOR AND IN CONSIDERATION of the sum of Fifteen Thousand Dollars (\$15,000.00), construction of six (6) sewer line stubs (one to the south from each of the five manholes and one to the north from the center manhole adjacent to the Andersons' fee lands below-described), a one tap per stub exception from any oversize sewer construction fees relating to the above-described six (6) sewer line stubs, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, WAYNE R. and JOANNE ANDERSON, husband and wife, and Anne Anderson and Phyllis Weaver record owners of 7900 Morris Lane, Rapid City, SD 57703, Grantors, hereby grants to the CITY OF RAPID CITY, a South Dakota municipality, 300 Sixth Street, Rapid City, SD 57701, Grantee, its agents, employees, and contractors a permanent Utility Easement, subject to the conditions hereinafter set forth, as hereinafter described.

The property which is the subject of this Permanent Utility Easement is legally described as:

A strip of land located in the NE1/4 of the NW1/4, less section line R.O.W., of Section 25, Township One North (T1N), Range Eight East (R8E) of the Black Hills Meridian, as shown by attached Sanitary Sewer Easement marked exhibit "A"; and a storm sewer easement in the SE1/4SW1/4 less section line R.O.W., of Section 24, Township One North (T1N), Range Eight East (R8E), Black Hills Meridian, Rapid City, Pennington County, South Dakota, as shown on the attached Storm Sewer Easement exhibit "A" attached hereto.

Such Easement shall include the right to enter upon the easement property to construct, install, operate, inspect, maintain, and repair sanitary sewer lines and storm sewer lines along with all related appurtenant facilities upon said property. The City shall perform all work in a workmanlike manner, and as nearly reasonably possible shall leave the property in as good condition as existed prior to entry thereon.

As of the date this easement is recorded, no new obstacles, including fences, shrubs, walls, or other items which obstruct the visibility or usefulness of the easement shall be placed in or on the area which is the subject of this easement. Nor shall any existing obstacles be replaced. However, landowners and their heirs, successors, and assigns shall have the free and unrestricted right of access over and across the easement property except as may not be permitted by City of Rapid City code.

The easement shall include the right to enter upon the above afordescribed easement property and otherwise to do those things reasonably necessary to effectuate its purpose.

DATED this _____ day of _____, 2006.

Wayne R. Anderson

Anne Anderson

Joanne Anderson

Phyllis Weaver

State of South Dakota)
 SS.
County of Pennington)

On this the _____ day of _____, 2006, before me, the undersigned officer, personally appeared Wayne R. and Joanne Anderson, known to me or satisfactorily proved to be the person whose name is subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

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

Notary Public

My Commission Expires:

(SEAL)

State of South Dakota)
 SS.
County of Pennington)

On this the _____ day of _____, 2006, before me, the undersigned officer, personally appeared Phyllis Weaver, known to me or satisfactorily proved to be the person whose name is subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

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

Notary Public

My Commission Expires:

(SEAL)

State of South Dakota)
 SS.
County of Pennington)

On this the ____ day of _____, 2006, before me, the undersigned officer, personally appeared Anne Anderson, known to me or satisfactorily proved to be the person whose name is subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

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

Notary Public

My Commission Expires:

(SEAL)