

PREPARED BY: City Attorney's Office
300 Sixth Street
Rapid City, SD 57701
(605) 394-4140
JPC
11-7-06

STATE OF SOUTH DAKOTA)
) SS. PERMANENT ACCESS AND UTILITY
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, CITY OF RAPID CITY, Grantor, of 300 Sixth Street, Rapid City, South Dakota, 57701, hereby grants to the general public a permanent access easement and further grants to all public utilities a permanent utility easement in, on, under, and across the following described property:

A portion of the vacated alley adjacent to Lots Five (5) and Twenty-eight (28), and Lots Four (4) and Five (5) of Block 103 Original Town of Rapid City, located in the Northwest Quarter of the Northwest Quarter (NW¼NW¼) of Section One (1), Township One North (T1N), Range Seven East (R7E) of the Black Hills Meridian, Rapid City, Pennington County, South Dakota, as shown on Exhibit "A", which has been attached hereto and incorporated herein.

Such easement shall include the right to enter upon the easement property to construct, install, operate, inspect, maintain, and repair all public utilities and all related appurtenant facilities upon said property. All work shall be performed in a workmanlike manner and shall leave the property in as good condition as existed prior to entry thereon. This easement includes the right to enter upon the above described real property and otherwise to do those things reasonably necessary to effectuate its purpose.

DATED this _____ day of _____, 2006.

CITY OF RAPID CITY

Jim Shaw, Mayor

ATTEST:

Finance Officer

(SEAL)

State of South Dakota)
 SS.
County of Pennington)

On this the _____ day of _____, 2006, before me, the undersigned officer, personally appeared Jim Shaw and James F. Preston, who acknowledged themselves to be the Mayor and Finance Officer, respectively, of the City of Rapid City, a municipal corporation, and 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.

Notary Public, South Dakota

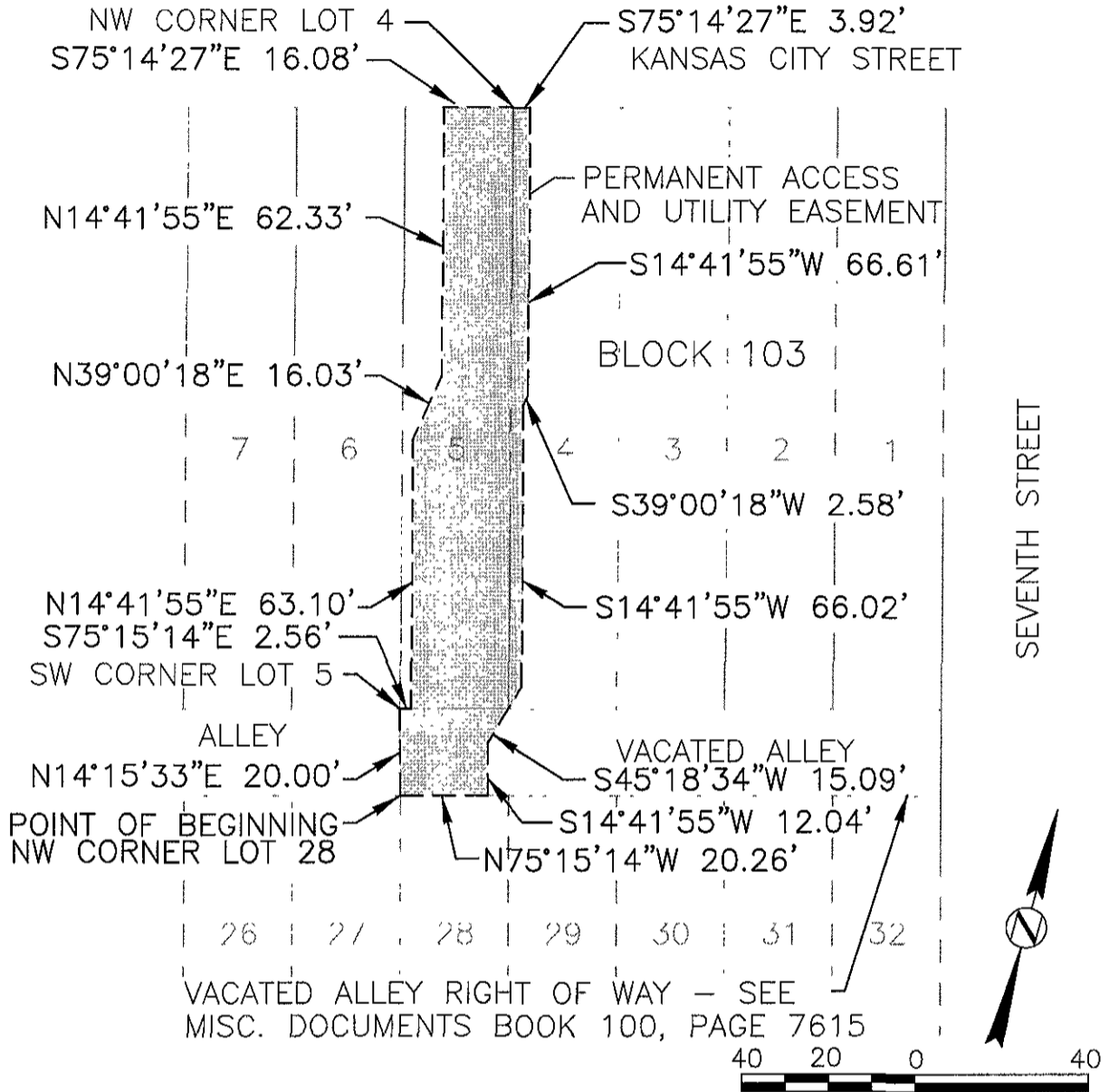
My Commission Expires:

(SEAL)

EXHIBIT A
PERMANENT ACCESS AND UTILITY EASEMENT

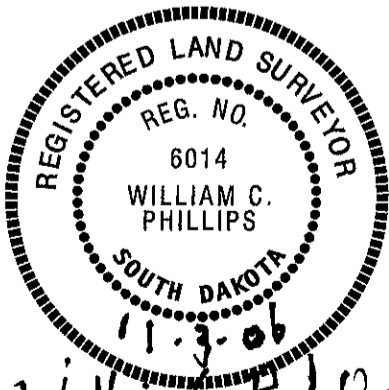
VACATED ALLEY ADJACENT TO LOTS 5 AND 28, LOTS 4 AND 5 OF BLOCK 103
ORIGINAL TOWN OF RAPID CITY
LOCATED IN NW 1/4 OF THE NW 1/4 SECTION 1, T1N, R7E, B.H.M.
RAPID CITY, PENNINGTON COUNTY, SOUTH DAKOTA

OWNER: CITY OF RAPID CITY



SURVEYORS CERTIFICATE:

I, WILLIAM C. PHILLIPS, A REGISTERED LAND SURVEYOR IN THE STATE OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE DIRECTION OF CITY OF RAPID CITY I HAVE PREPARED FROM RECORD DOCUMENTS AND FROM A FIELD SURVEY THE PERMANENT ACCESS AND UTILITY EASEMENT LOCATION SHOWN HEREON AND TO THE BEST OF MY KNOWLEDGE AND BELIEF THE DIMENSIONS SHOWN ARE TRUE AND CORRECT.



WILLIAM C. PHILLIPS

PREPARED BY: **enVision Design, Inc.**
706 WEST BOULEVARD
RAPID CITY, SOUTH DAKOTA

enVision Design, Inc.

DRAWN BY R. DEIBERT DATE 10-27-06
CHECKED BY W. C. PHILLIPS DATE 10-27-06