

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 One Dollar (\$1.00), and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, CITY OF RAPID CITY, a municipal corporation, of 300 Sixth Street, Rapid City, South Dakota, 57701, Grantor, hereby grants to BLACK HILLS POWER, INC., a South Dakota corporation, 625 Ninth Street, P.O. Box 1400, Rapid City, South Dakota, 57709, the Grantee, a permanent utility easement in, on, over, under, and across the following described real property:

A portion of Tract A Waste-Land Subdivision located in the South Half (S½) of Section Nineteen (19) and the Northeast Quarter (NE¼) of Section Nineteen (19), Township One North (T1N), Range Eight East (R8E) of the Black Hills Meridian, Rapid City, Pennington County, South Dakota, except any part of MJK Subdivision lying in said Northeast Quarter (NE¼) of Section Nineteen (19), except Lot H3 in said Northeast Quarter (NE¼) of Section Nineteen (19) and except highway right of way, as shown on Exhibit "A", attached hereto.

This easement grants to the Grantee the right to construct, operate, maintain, alter, 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 therefore, 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 five (5) feet on each side of the center line of said right of way.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2006.

CITY OF RAPID CITY

By: \_\_\_\_\_  
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  
Agreement Consenting to Assessed Project 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

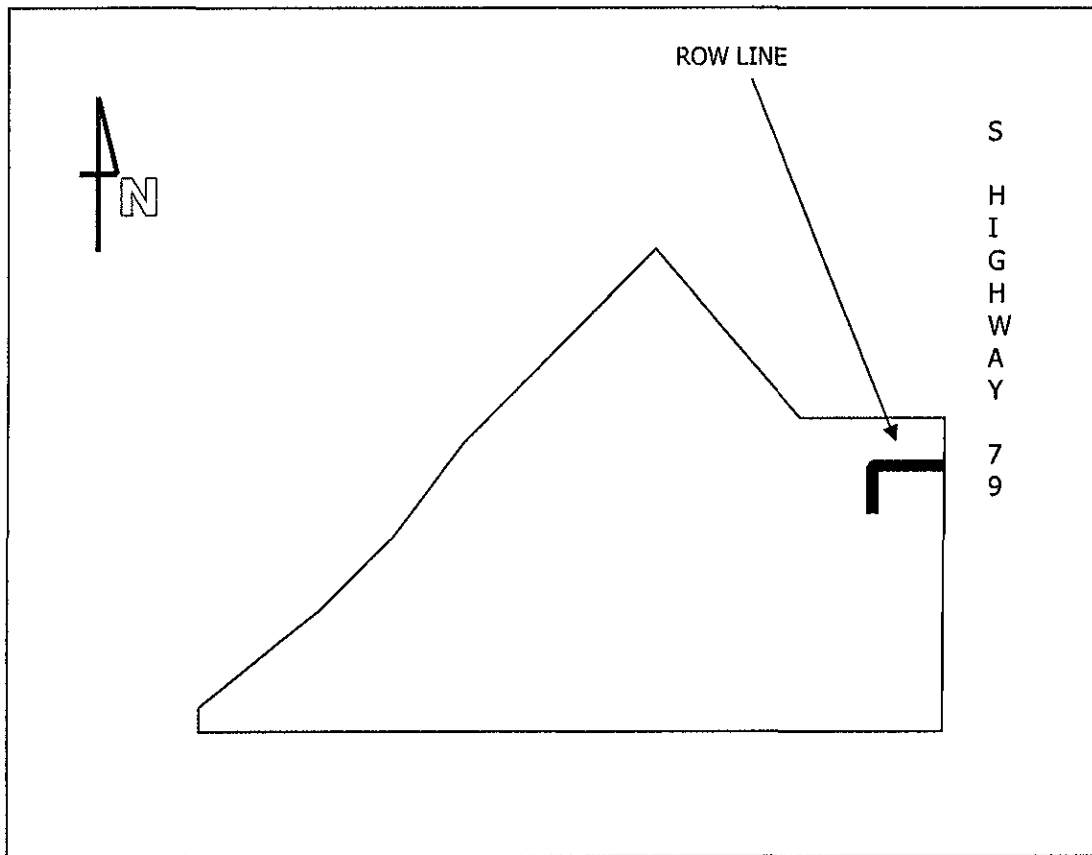
My Commission Expires:

(SEAL)

## EXHIBIT "A"

The real estate referred to is specifically described as follows:

**TRACT A WASTE-LAND SUBDIVISION IN THE SOUTH ½ OF SECTION 19 AND THE NORTHEAST ¼ OF SECTION 19, T1N, R8E, B.H.M., RAPID CITY, PENNINGTON COUNTY, SOUTH DAKOTA EXCEPT ANY PART OF MJK SUBDIVISION LYING IN SAID NE1/4 OF SECTION 19, EXCEPT LOT H3 IN SAID NE1/4 OF SECTION 19, AND EXCEPT HIGHWAY RIGHT-OF-WAY.**



**NOTE: The centerline of the powerline as constructed is the center line of the easement.**