

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

JPC
7-28-07

STATE OF SOUTH DAKOTA)
)ss. PERMANENT OVERHEAD 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, a municipal corporation, of 300 Sixth Street, Rapid City, South Dakota, 57701, Grantor, hereby grants to all public utilities a permanent utility easement over the following described real property:

A portion of the vacated alley adjacent to Lots One (1) through Five (5) and Lots Twenty-eight (28) through Thirty-two (32) of Block 103, Original Town of Rapid City, located in the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) 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 by this reference.

This easement grants to all public utilities the right to enter onto the easement property to construct, operate, maintain, alter, remove, upgrade, enhance, and replace the overhead public utility consisting of overhead lines or wires, electrical power line with poles and associated equipment, and all necessary attachments and appurtenant facilities. This easement shall require that all power lines within this easement be located at a minimum of forty (40) feet above the existing ground and 12.5 feet above the roof of the proposed building and shall not exceed 60

feet above the existing ground surface. This easement shall require that all communication lines within this easement be located at a minimum of 27.5 feet above the existing ground and 5.5 feet above the roof of the proposed building and shall not exceed 60 feet above the existing ground surface. Prior to the installation of any facilities, the public utility shall contact the City at least a week in advance and inform them of the scope and location of the work contemplated. All work shall be performed in a workman like manner. Any damage to property or injury to persons caused by the utility in the construction, maintenance or operation of facilities within this easement is the responsibility of the public utility and by using the easement such public utility specifically consents to such liability.

DATED this day of _____, 2007.

CITY OF RAPID CITY

Alan Hanks, Mayor

ATTEST:

Finance Officer

(SEAL)

State of South Dakota)
 ss.
County of Pennington)

On this the _____ day of _____, 2007, before me, the undersigned officer, personally appeared Alan Hanks 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

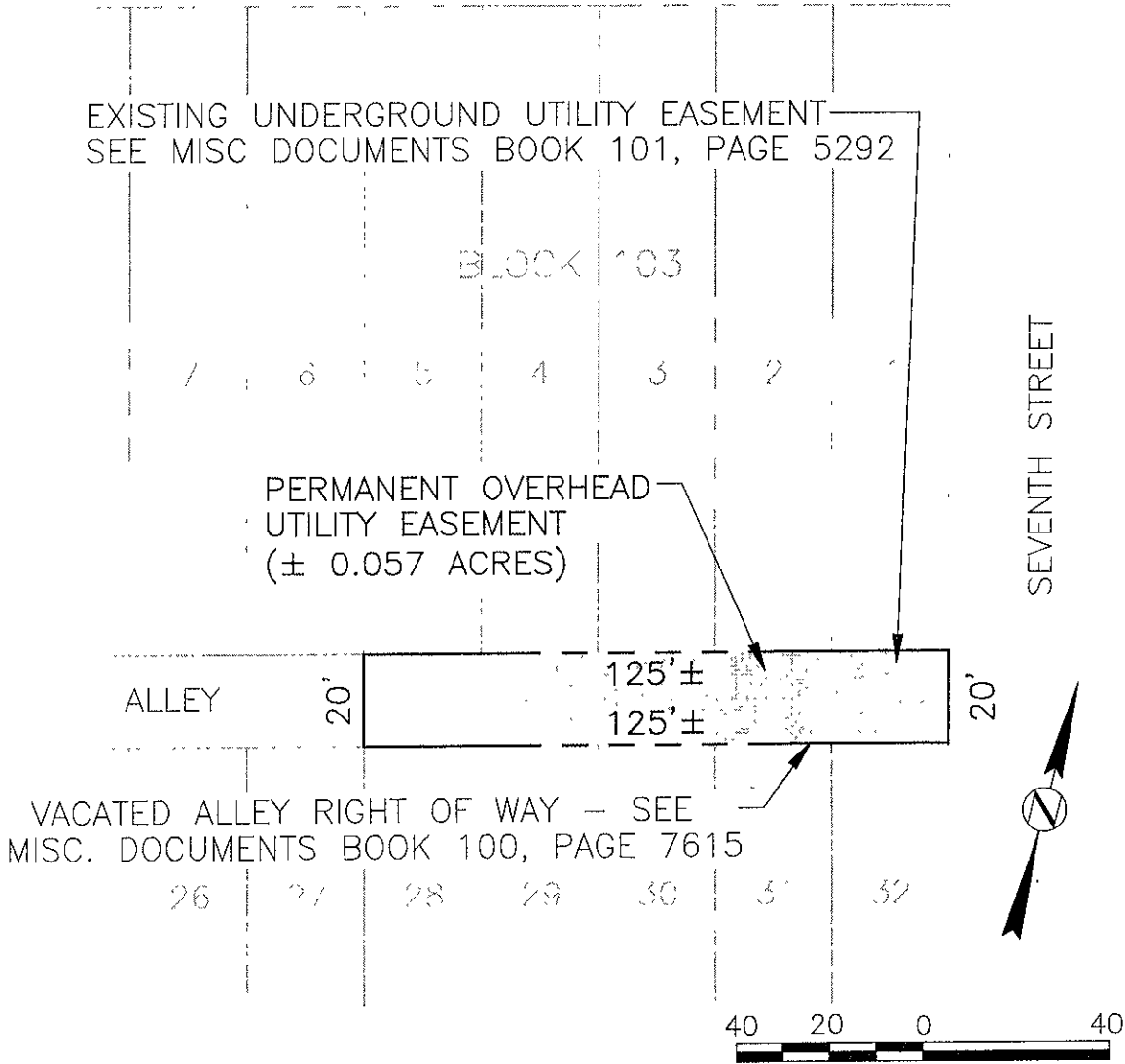
My Commission Expires:

(SEAL)

**EXHIBIT B
PERMANENT OVERHEAD UTILITY EASEMENT**

VACATED ALLEY ADJACENT TO LOTS 1-5 AND LOTS 28-32 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

KANSAS CITY STREET



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 OVERHEAD UTILITY EASEMENT LOCATION SHOWN HEREON AND TO THE BEST OF MY KNOWLEDGE AND BELIEF THE DIMENSIONS SHOWN ARE TRUE AND CORRECT.



PREPARED BY: enVision Design, Inc 706 WEST BOULEVARD RAPID CITY, SOUTH DAKOTA	
DRAWN BY <u>K. MCGINNESS</u> DATE <u>05-23-07</u> CHECKED BY <u>W. C. PHILLIPS</u> DATE <u>05-23-07</u>	