

AGREEMENT FOR VOLUNTARY RIGHT OF WAY DONATION

PROJECT NO: EM 1648(1) & ST04-1397 CITY: RAPID CITY PARCEL NO: 5

This agreement made and entered into this _____ day of _____, 20____ by and between RAPID CITY (City) acting by and through the RAPID CITY City Council, hereinafter referred to as CITY, and AR GROUP, LLC, whose postal address is 4213 SOUTH BEDFORD AVENUE SIOUX FALLS, SD 57103, hereinafter referred to as DONOR.

WHEREAS, CITY needs the following easements for construction, operation and maintenance of a highway:

Perpetual Easement: PERMANENT UTILITY EASEMENT AS SHOWN ON ATTACHED EXHIBIT ADJACENT TO LOT H2 LOCATED IN TRACT ONE (1) OF CENTURY 21 SUBDIVISION OF NW1/4 SEC 32, T2N, R8E AND

Temporary Easement: TEMPORARY CONSTRUCTION EASEMENTS FOR PARCEL 5 AS SHOWN ON ATTACHED EXHIBIT

NOW THEREFORE, DONOR understands his/her right to have an appraisal prepared and his/her right to receive just compensation for the above described perpetual and/or temporary easement in accordance with the Uniform Relocation Assistance and Real Property Acquisition Act of 1970, as amended. DONOR does hereby voluntarily grant and donate to CITY, for and in consideration of \$1.00 and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged by DONOR, the above described easements as shown on the plans for construction of the above cited PROJECT.

Stipulations of conditional donation:

DONOR agrees that the erection of fences, structures or obstacles within the perpetual easement will not be permitted.

DONOR grants permission to CITY or CITY'S agent to enter upon above described easement upon approval of this AGREEMENT.

The perpetual easement shall be in effect until the highway is abandoned by proper action of the Rapid City Common Council and the temporary easement shall be in effect until construction of the project is completed.

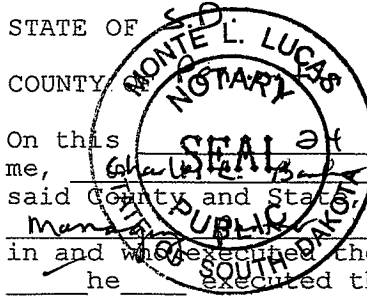
IN WITNESS WHEREOF, the parties hereto have caused this AGREEMENT to be executed.

Attest: _____ City Finance Officer

By: Charles L. Barker Donor

By: _____ Mayor

By: _____ Donor



STATE OF _____ COUNTY _____ On this _____ day of July in the year of 2008, before me, _____ a Notary Public within and for said County and State, personally appeared Charles L. Barker known to me to be the person(s) described in and who executed the foregoing instrument and acknowledged to me that he executed the same for the purpose therein stated.

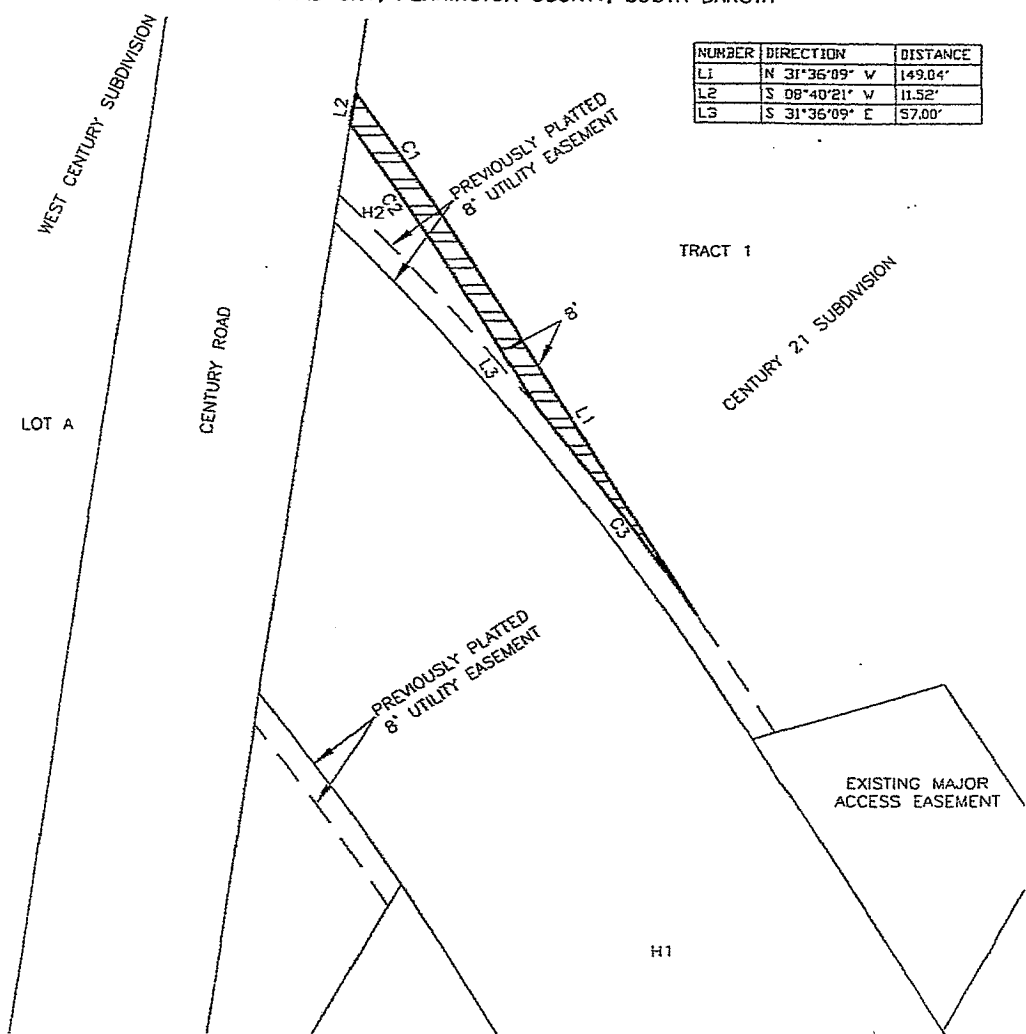
My Commission Expires: 10/29/2013

Monte L. Lucas Notary Public

EXHIBIT A

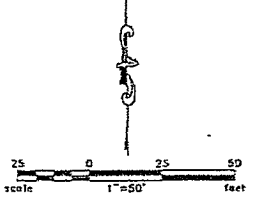
8' WIDE UTILITY EASEMENT

LOCATED IN TRACT 1 CENTURY 21 SUBDIVISION, IN THE NW1/4 OF SECTION 32, TOWNSHIP 2 NORTH, RANGE 8 EAST OF THE BLACK HILLS MERIDIAN RAPID CITY, PENNINGTON COUNTY, SOUTH DAKOTA



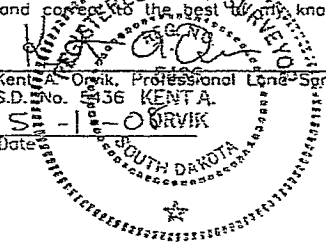
NUMBER	DIRECTION	DISTANCE
L1	N 31°36'09" W	149.04'
L2	S 08°40'21" W	11.52'
L3	S 31°36'09" E	57.00'

NUMBER	DELTA ANGLE	DEGREE OF CURVE - ARC	CHORD DIRECTION	TANGENT	RADIUS	ARC LENGTH	CHORD LENGTH
C1	03°56'03"	05°23'06"	N 33°34'10" W	36.54	1064.00	73.06	73.05
C2	03°29'12"	05°25'33"	S 33°20'43" E	32.14	1056.00	64.26	64.25
C3	04°55'54"	05°20'14"	S 36°34'15" E	46.23	1073.50	92.40	92.37



I, Kent A. Orvik, Professional Land Surveyor, S.D. No. 5436, do hereby certify that the survey plat shown hereon was made by me, or under my direction from notes made in the field, and the same is true and correct to the best of my knowledge and belief.

Kent A. Orvik, Professional Land Surveyor
 S.D. No. 5436 KENT A.
 - I - ORVIK
 Date: _____



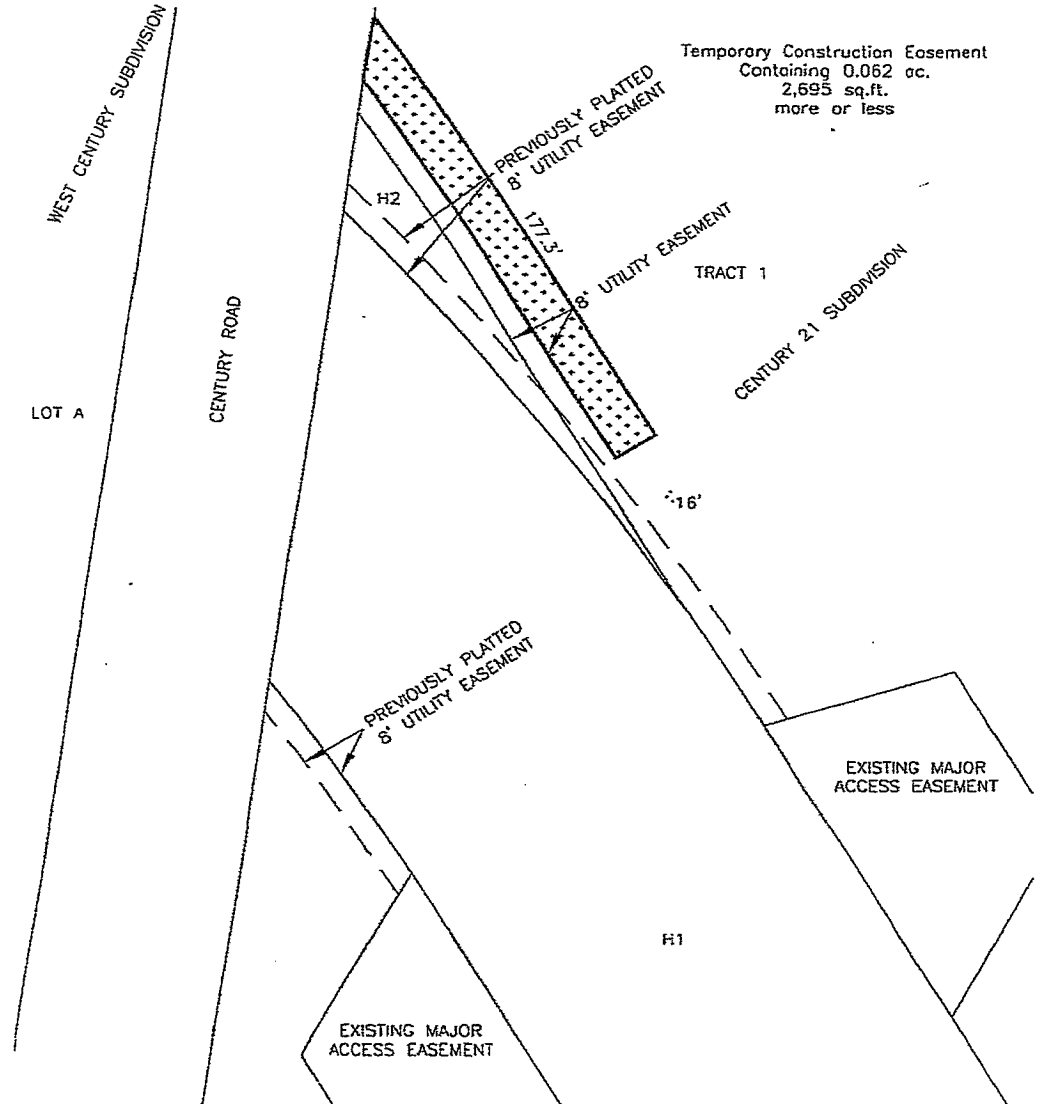
ALL BEARINGS ARE IN SOUTH DAKOTA STATE PLANE, SOUTH ZONE, NAD-83(86) GRID BEARINGS.

ALL DISTANCES ARE GROUND DISTANCES.

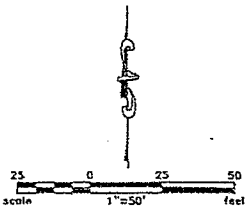
EXHIBIT A

TEMPORARY CONSTRUCTION EASEMENT

LOCATED IN TRACT 1 CENTURY 21 SUBDIVISION, IN THE NW1/4 OF SECTION 32, TOWNSHIP 2 NORTH, RANGE 8 EAST OF THE BLACK HILLS MERIDIAN RAPID CITY, PENNINGTON COUNTY, SOUTH DAKOTA



Temporary Construction Easement
Containing 0.062 ac.
2,695 sq.ft.
more or less



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REG. NO. 5436
Kent A. Orvik, Professional Land Surveyor
S.D. No. 5436
SOUTH DAKOTA
Date: _____

ALL BEARINGS ARE IN SOUTH DAKOTA STATE PLANE, SOUTH ZONE, NAD-83(85) GRID BEARINGS.

WRITTEN OFFER(S) AND NEGOTIATIONS RECORD

PROJECT NO: EM 1648(1) & ST04-1397 CITY: RAPID CITY PARCEL: 5
OWNER AR GROUP, LLC ADDRESS 4213 SOUTH BEDFORD AVENUE; SIOUX FALLS, SD 57103
DESCRIPTION OF PART TAKEN LOT H2 LOCATED IN TRACT ONE (1) OF CENTURY 21
SUBDIVISION OF NW1/4 SEC 32, T2N, R8E, PERMANENT UTILITY EASEMENT AS SHOWN ON
ATTACHED EXHIBIT AND TEMPORARY CONSTRUCTION EASEMENTS FOR PARCEL 5 AS SHOWN ON
ATTACHED EXHIBIT

I, JAMES PRESTON, City Finance Officer, CITY OF RAPID CITY, SOUTH DAKOTA
on this _____ day of _____, 2008, did make an offer to acquire
the above described real property at the fair market value price of
\$ 11,594.00, of which \$ 11,594.00 is for 0.048 acres of
perpetual easement, \$ 0.00 is for 0.062 acres of temporary easement and
\$ 0.00 is for 0.030 acres of utility easements.

LANDOWNER ACKNOWLEDGMENT

I/We the undersigned on 7-24-08, 2008 acknowledge receipt of an offer in
the amount of \$ 11,594.00 for the above described real property and do hereby
agree to accept or decline said offer.

BY: _____
LANDOWNER

BY: James Preston
LANDOWNER

Landowner(s) given a USDOT FHWA Acquisition YES NO
Brochure Entitled "Acquiring Real Property
for Federal and Federal-Aid Programs and Projects

Record of calls by negotiator:

- First on _____, 200__, \$ _____ (offer)
- Second on _____, 200__, \$ _____ (offer)
- Third on _____, 200__, \$ _____ (offer)
- Fourth on _____, 200__, \$ _____

Reason(s) new offer(s) justified above or below the Estimate of Value:

A. Authorized _____, 200__ BY _____ Mayor

B. Change is for: Land \$ _____ Easements \$ _____
Damages \$ _____ Improvements \$ _____

C. Reason(s) change is justified: _____

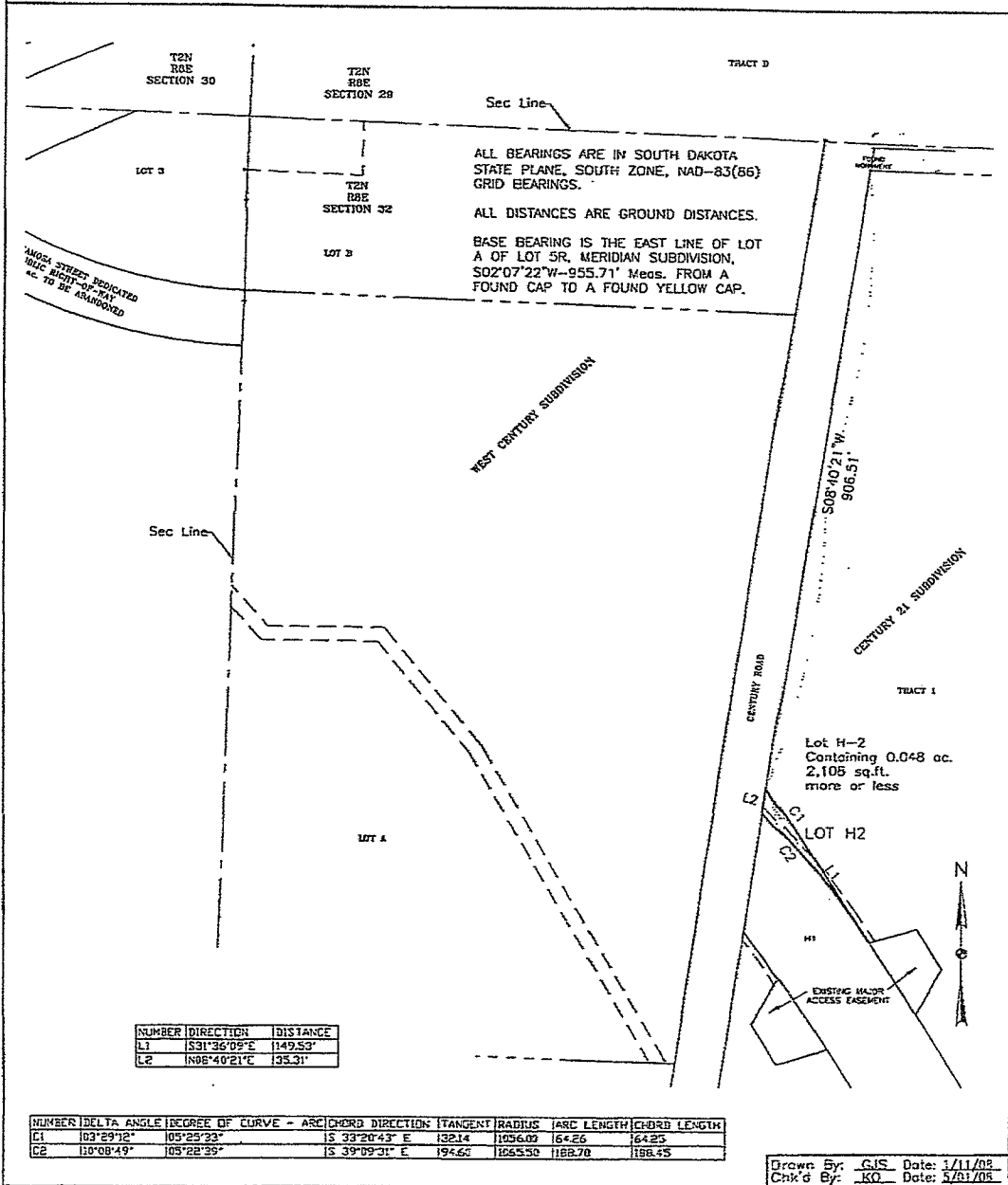
Signature: _____ Date: _____
City Finance Officer

Parcel No. 5

PLAT OF LOT H2

Showing a tract of land to be acquired for highway purposes in
 Tract 1 of Century 21 Subdivision in the NW1/4
 of Section 32, Township 2 North, Range 8 East of the BHM
 for construction of Project No. ST04-1397 & EM 1648(1)
 PENNINGTON COUNTY, SOUTH DAKOTA

SCALE: 1 INCH = 100 FEET



SURVEYOR'S STATEMENT

I, Kent A. Orvik, Registered Land Surveyor in and for the State of South Dakota, do hereby certify that, as ordered by the City of Rapid City the tract of land as shown on the plat has been surveyed at my direction and under my control, and such tract of land shall be hereafter known by the lot number designation herein. The location and dimensions of the tract are shown on this plat.

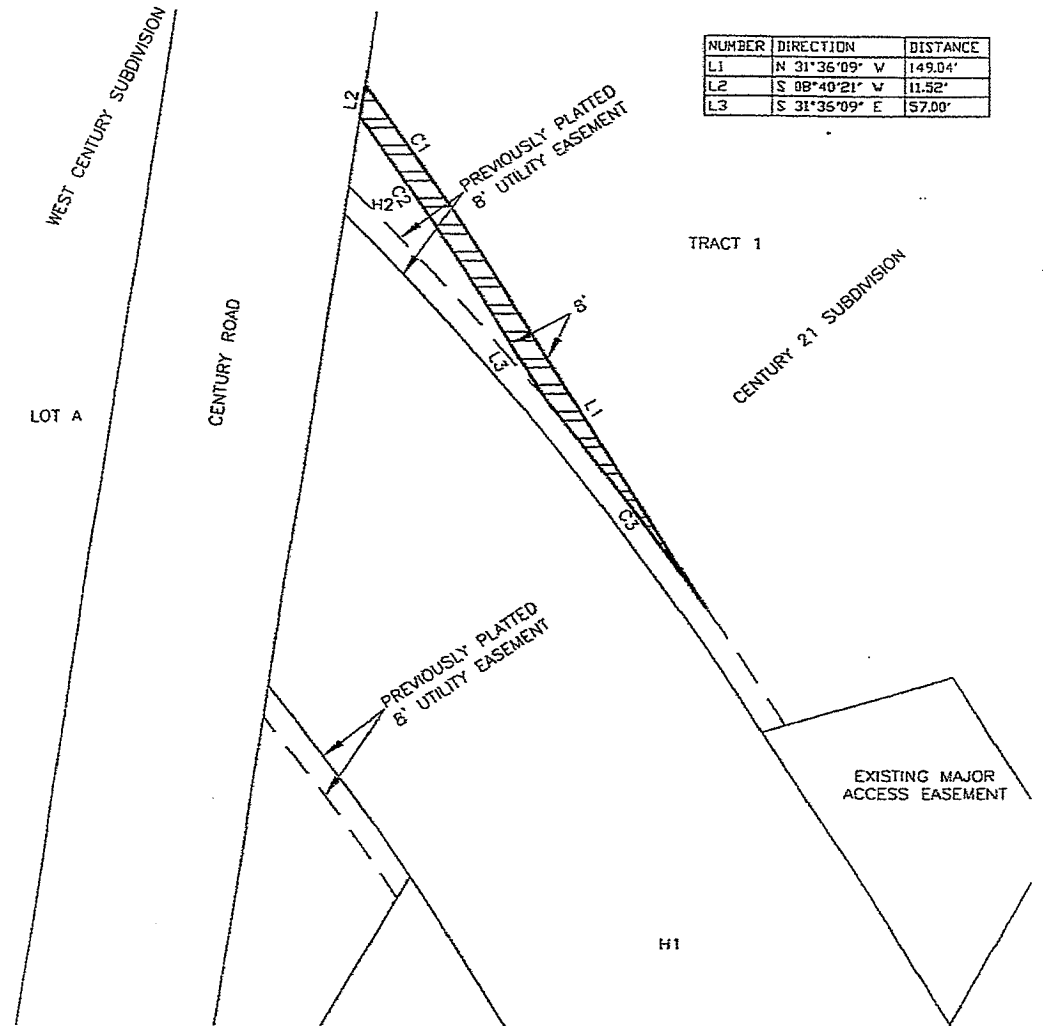
In witness whereof, I have set my hand and seal this _____ day of _____ A.D., 200__

Registered Land Surveyor
 Registration No 5436

EXHIBIT A

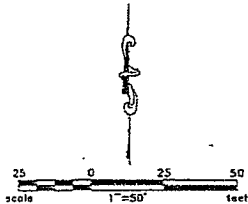
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L3	S 31°35'09" E	57.00'

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Kent A. Orvik, Professional Land Surveyor
 S.D. No. 5436 KENT A.
 S - 1 - O R V I K
 Date: _____



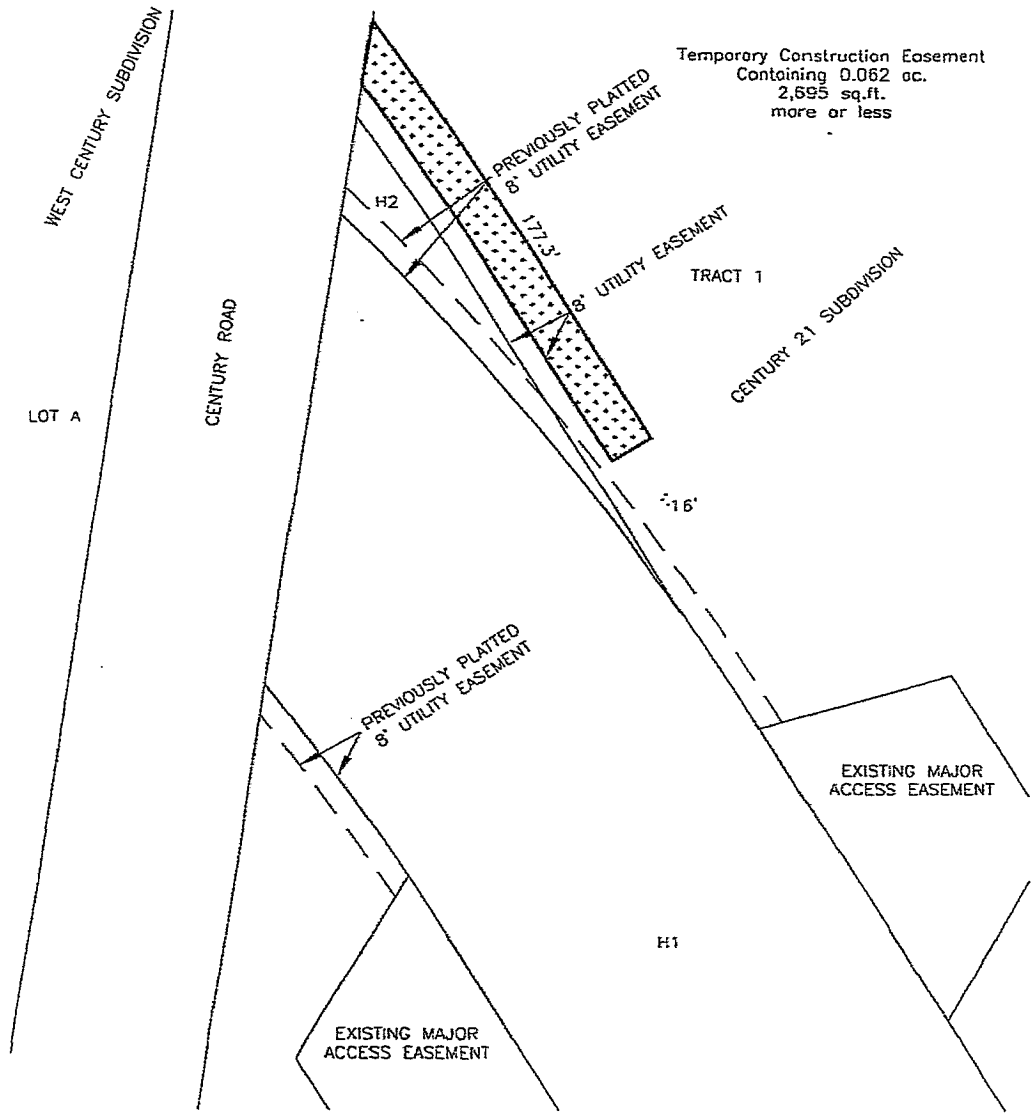
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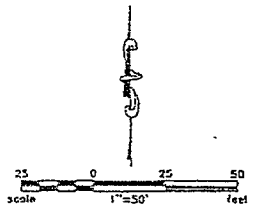
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Containing 0.062 ac.
2,695 sq.ft.
more or less



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REG. NO. 5436
Kent A. Orvik, Professional Land Surveyor
S.D. No. 5436
Date _____
SOUTH DAKOTA

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RIGHT OF WAY AGREEMENT

PROJECT NO: EM 1648(1) & ST04-1397 CITY: RAPID CITY, SD PARCEL NO: 5
OWNER: AR GROUP, LLC ADDRESS: 4213 SOUTH BEDFORD AVENUE; SIOUX FALLS, SD
57103

THIS AGREEMENT for highway right of way and facilities entered into this
_____ day of _____, 2008 by the undersigned, hereinafter referred
to as Grantor, to RAPID CITY, acting by and through its City
Commission/Council, hereinafter referred to as Grantee, witnesseth:

WHEREAS, RAPID CITY, South Dakota plans the construction, operation and
maintenance of a city street as described by resolution on file in the City
Finance Office, designated by the above project no., and

WHEREAS, a portion of the right of way for such highway is located over
and across the real property hereinafter described: LOT H2 LOCATED IN TRACT
ONE (1) OF CENTURY 21 SUBDIVISION OF NW1/4 SEC 32, T2N, R8E, PERMANENT UTILITY
EASEMENT AS SHOWN ON ATTACHED EXHIBIT AND TEMPORARY CONSTRUCTION EASEMENTS FOR
PARCEL 5 AS SHOWN ON ATTACHED EXHIBIT

WHEREAS, the Grantor has this date executed and delivered a QUIT CLAIM
Deed conveying the above described real property to RAPID CITY for a total of
\$ 11,594.00 for land conveyed, temporary easement and damages

NOW THEREFORE, the parties hereto agree and understand as follows:

1. This AGREEMENT shall be in full force and effect until such highway
is abandoned by the RAPID CITY Commission/Council.
2. The following special agreements mutually agreed upon by and between
the parties hereto are made a binding part of this AGREEMENT:
 - a. _____
 - b. _____
 - c. _____
3. That the Grantor by deliverance herewith of the properly executed
deed conveying the above described property to the Grantee and upon
receipt of payment of the above amount by the Grantor from the
Grantee, less any deductions necessary to satisfy any liens or
encumbrances necessary to guarantee a good and sufficient title to
the Grantee, the Grantee shall be released from any claims or
damages accruing or alleging to accrue to the adjacent property of
the Grantor, his successors or assigns, by virtue of the
construction, operation and maintenance of said highway.
4. That Grantor, his heirs, successors or assigns, shall not interfere
with or disturb any of such above described highway facility or
portion thereof without express approval of the RAPID CITY
Commission/Council and then only under the conditions as designated
by the RAPID CITY Commission/Council.
5. The Grantor grants permission to the Grantee to enter upon the
above described property to commence construction upon approval of
this agreement with the understanding payment will be made as soon
as all required documents and releases are properly signed and
received by the Grantee and a voucher processed for payment.

IN WITNESS WHEREOF, the parties hereto have caused this AGREEMENT to be
executed.

By: _____
Mayor

By: 
Grantor

Attest: _____
City Finance Officer

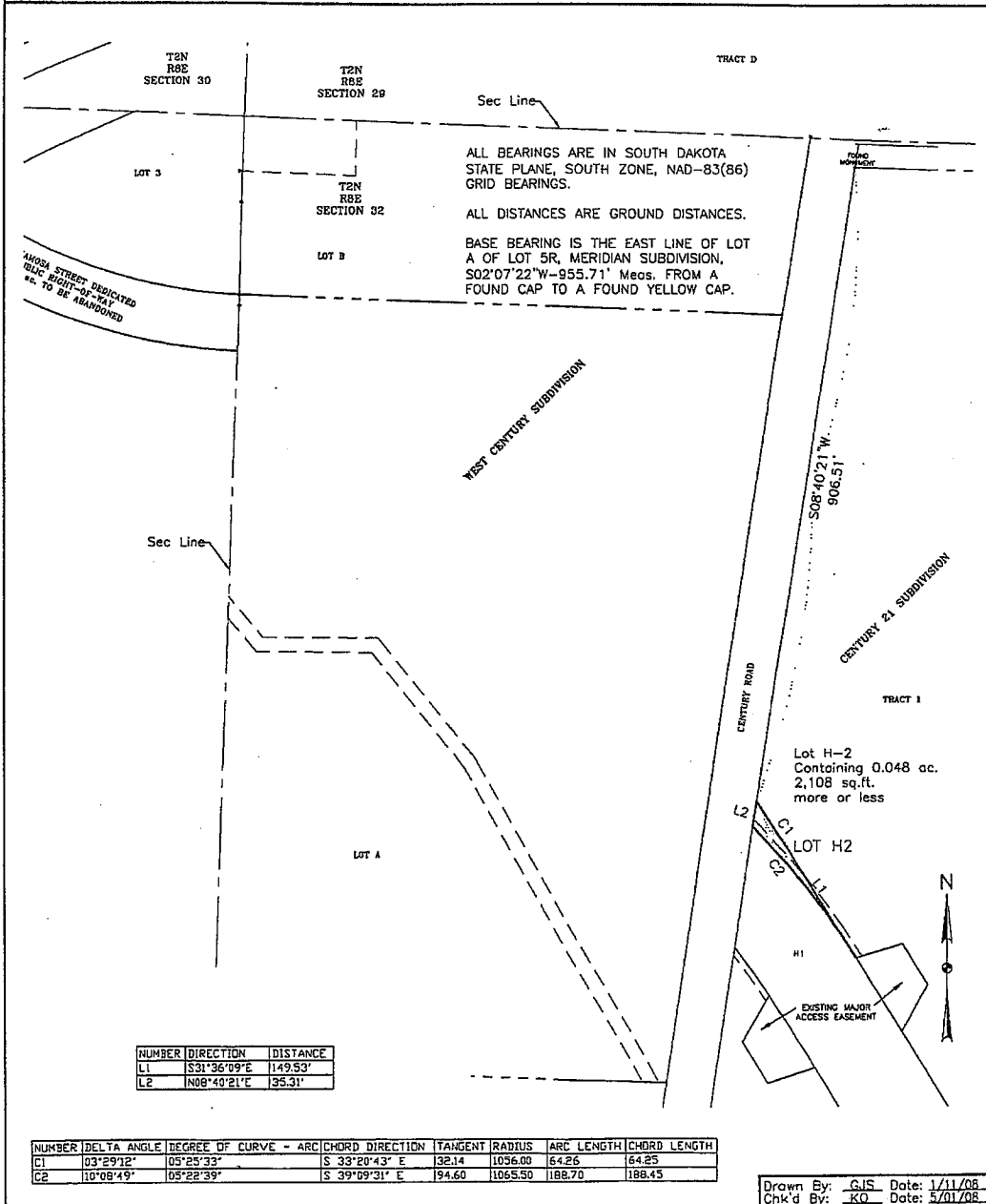
By: _____
Grantor

Parcel No. 5

PLAT OF LOT H2

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 for construction of Project No. ST04-1397 & EM 1648(1)
 PENNINGTON COUNTY, SOUTH DAKOTA

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In witness whereof, I have set my hand and seal this ____ day of _____ A.D., 200__.

Registered Land Surveyor
 Registration No. 5436

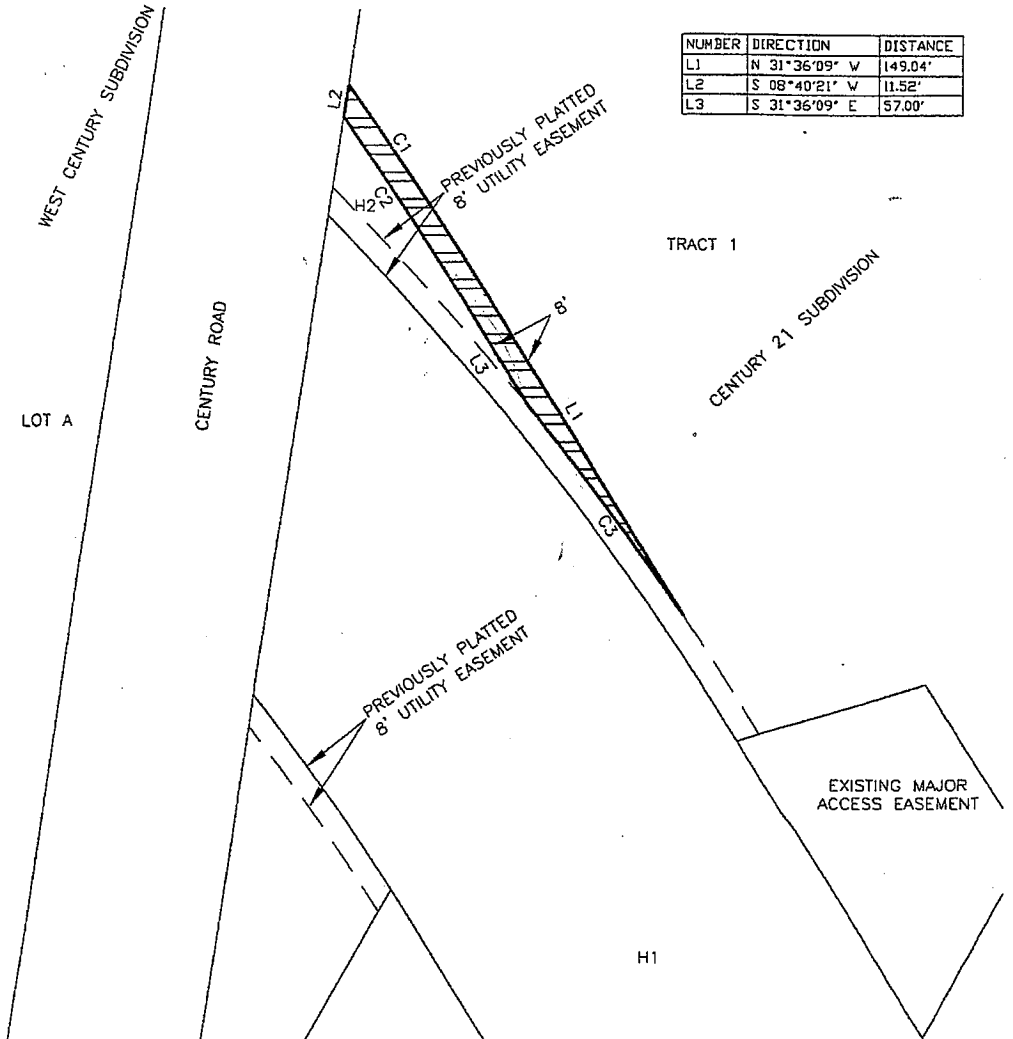
OFFICE OF REGISTER OF DEEDS

State of South Dakota

EXHIBIT A

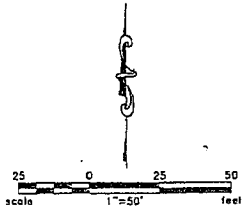
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Kent A. Orvik, Professional Land Surveyor
 S.D. No. 5436 KENT A.
 S. I. - 1 - O ORVIK
 Date _____
 SOUTH DAKOTA

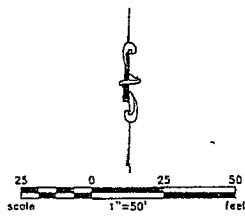
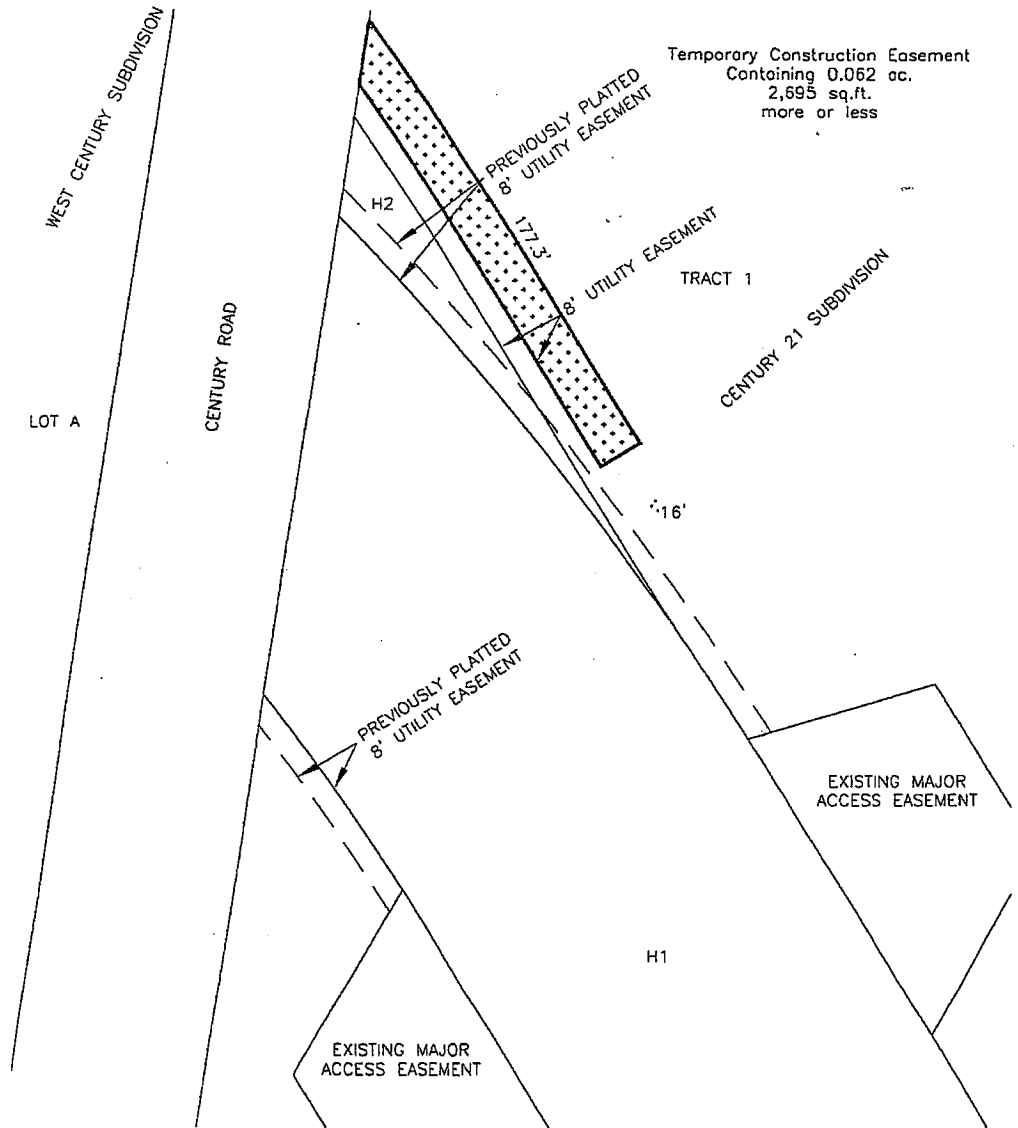
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REG. NO. 5436
Kent A. Orvik, Professional Land Surveyor
S.D. No. 5436
S-1-07
SOUTH DAKOTA

ALL BEARINGS ARE IN SOUTH DAKOTA STATE PLANE, SOUTH ZONE, NAD-83(86) GRID BEARINGS.

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

STATE OF SOUTH DAKOTA)
) SS. TEMPORARY CONSTRUCTION
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, AR GROUP, LLC, of 4213 S. Bedford Avenue, Sioux Falls, South Dakota, 57103, Grantor, hereby grants to the CITY OF RAPID CITY, 300 Sixth Street, Rapid City, South Dakota, 57701, its agents, employees, and contractors, a temporary construction easement over and across the following described real property:

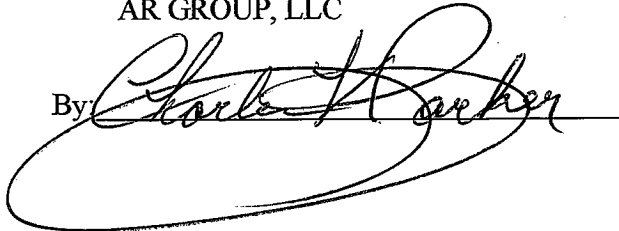
A portion of Tract One (1) Century 21 Subdivision, located in the Northwest Quarter (NW¼) of Section Thirty-two (32), Township Two North (T2N), Range Eight East (R8E) of the Black Hills Meridian, Rapid City, Pennington County, South Dakota, as shown on Exhibit "A", attached hereto and incorporated herein by reference.

This easement shall include the right to enter upon the easement property for the purpose of constructing the project entitled, "East Anamosa Street Extension, Project No. ST04-1397 & EM 1648(1)".

This Temporary Easement shall be effective from the date of signing to December 31, 2010.

AR GROUP, LLC

By



State of South Dakota)
) SS.
County of Pennington)

On this the 24 day of July, 2008, before me, the undersigned officer, personally appeared Charles Barker, who acknowledged himself to be the

Managing Partner of AR GROUP, LLC, and that he as such Partner, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of AR GROUP, LLC by himself as Managing Partner.

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

Monte L. Lucas
Notary Public, South Dakota

My Commission Expires: 10/29/13

(SEAL)

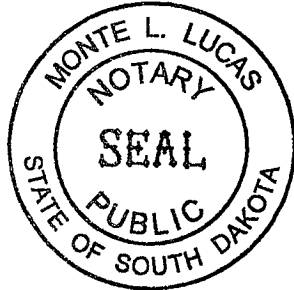
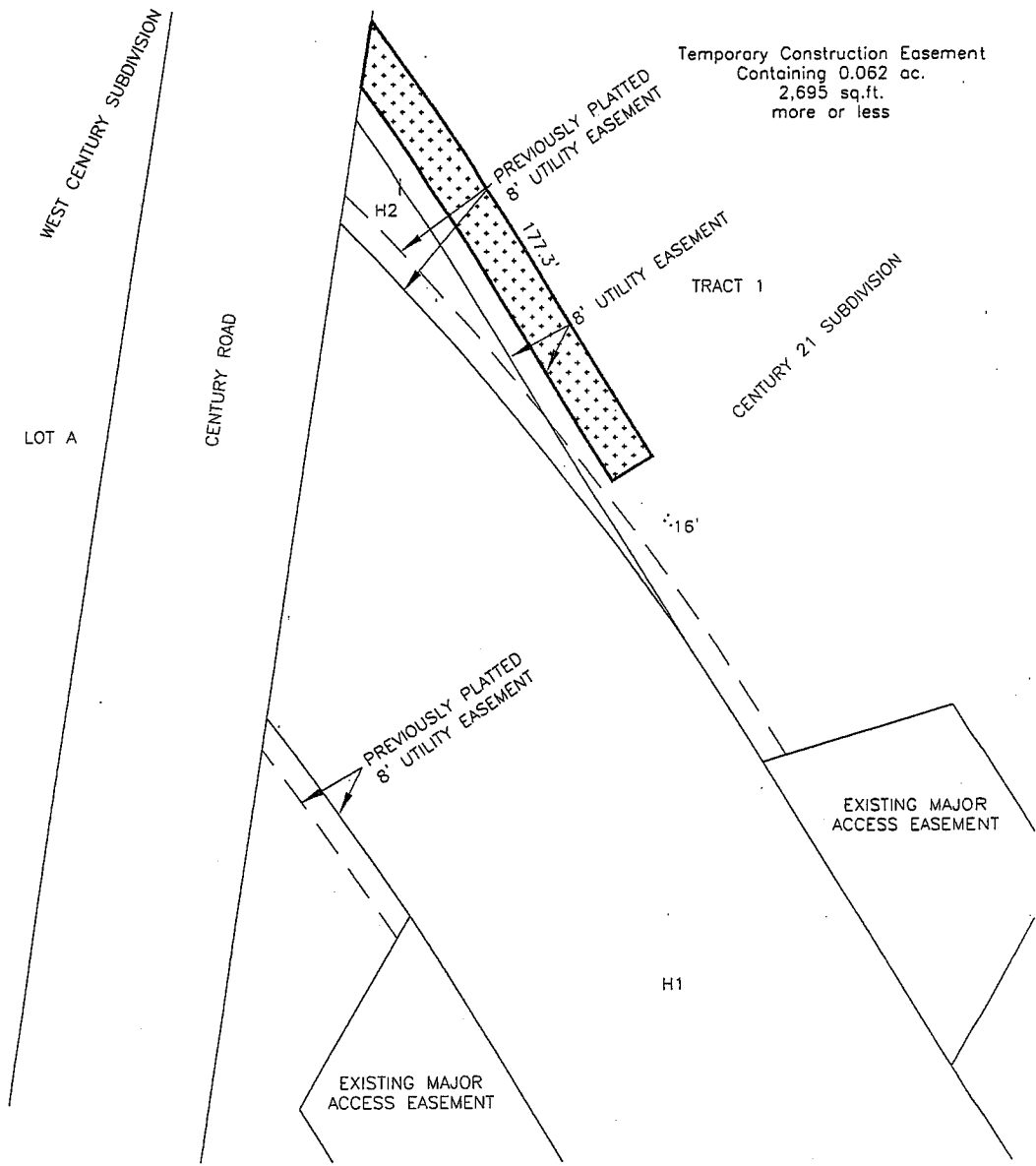


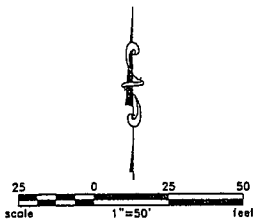
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more or less



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KENT A. ORVIK
 REG. NO. 5436
 Kent A. Orvik, Professional Land Surveyor
 S. No. 5436
 SOUTH DAKOTA
 Date

ALL BEARINGS ARE IN SOUTH DAKOTA STATE PLANE, SOUTH ZONE, NAD-83(86) GRID BEARINGS.

ALL DISTANCES ARE GROUND DISTANCES.

BASE BEARING IS THE EAST LINE OF LOT A OF LOT 5R, MERIDIAN SUBDIVISION, S02°07'22"W-955.71' Meas. FROM A FOUND CAP TO A FOUND YELLOW CAP.

PREPARED BY:
 KADRMAS, LEE & JACKSON, INC.
 330 KNOLLWOOD DRIVE
 RAPID CITY, SD 57701-6611
 (605) 721-5553

Kadmas
Lee &
Jackson
 Engineers Surveyors
 Planners

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, AR GROUP, LLC, of 4213 S. Bedford Avenue, Sioux Falls, South Dakota, 57103, Grantor, hereby grants to the CITY OF RAPID CITY, a South Dakota municipality, 300 Sixth Street, Rapid City, South Dakota, 57701, the Grantee, a perpetual 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 eight feet (8') in width in, on, over, and across Tract One (1) of Century 21 Subdivision, located in the Northwest Quarter (NW¼) of Section Thirty-two (32), Township Two North (T2N), Range Eight East (R8E) of the Black Hills Meridian, Rapid City, Pennington County, South Dakota, as shown on Exhibit "A", attached hereto and incorporated herein by reference.

Such easement shall include the right to enter upon the easement property to construct, install, operate, inspect, maintain, and repair private and public utilities and their related appurtenant facilities. The City shall perform all work in a workmanlike manner and shall leave the property in as good condition as existed prior to entry thereon.

The area which is the subject of this easement shall be kept free of all obstacles, including fences, shrubs, walls, or other items which obstruct the visibility or usefulness of the easement.

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

DATED this 24 day of July, 2008.

AR GROUP, LLC

By: Charles S. Barker
Its: Managing Partner

State of South Dakota)
 SS.
County of Pennington)

On this the 24 day of July, 2008, before me, the undersigned officer, personally appeared Charles Barker, who acknowledged himself to be the Managing Partner of AR GROUP, LLC, and that he as such Partner, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of AR GROUP, LLC by himself as Managing Partner.

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

Monte L. Lucas
Notary Public, South Dakota

My Commission Expires: 10/29/13

(SEAL)

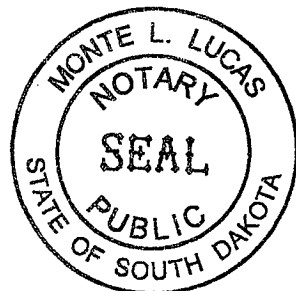
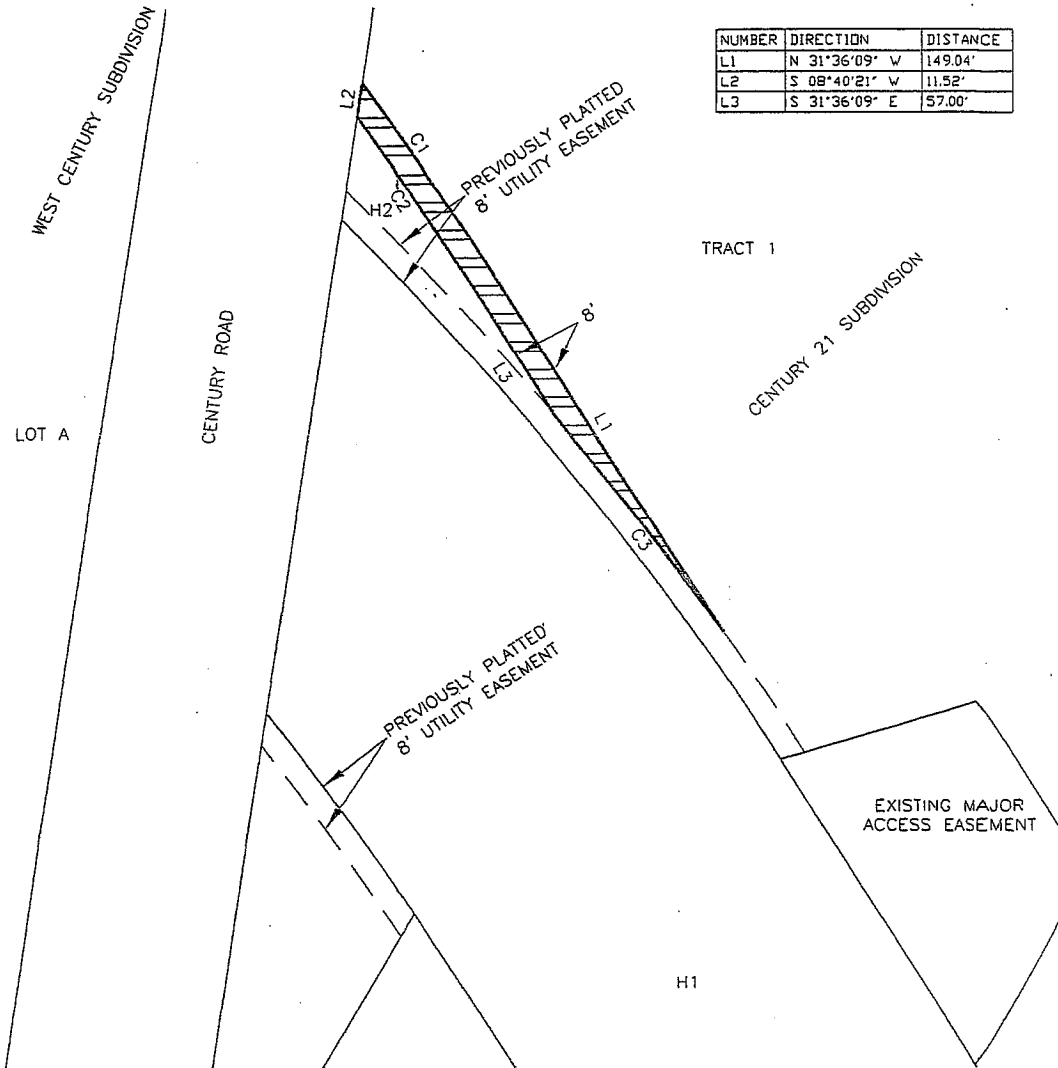


EXHIBIT A

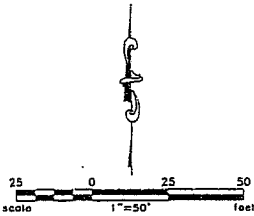
8' WIDE UTILITY EASEMENT

LOCATED IN TRACT 1 CENTURY 21 SUBDIVISION, IN THE NW1/4 OF SECTION 32, TOWNSHIP 2 NORTH, RANGE 8 EAST OF THE BLACK HILLS MERIDIAN RAPID CITY, PENNINGTON COUNTY, SOUTH DAKOTA

NUMBER	DIRECTION	DISTANCE
L1	N 31°36'09" W	149.04'
L2	S 08°40'21" W	11.52'
L3	S 31°36'09" E	57.00'



NUMBER	DELTA ANGLE	DEGREE OF CURVE - ARC	CHORD DIRECTION	TANGENT	RADIUS	ARC LENGTH	CHORD LENGTH
C1	03°56'03"	05°23'06"	N 33°34'10" W	36.54	1064.00	73.06	73.05
C2	03°29'12"	05°25'33"	S 33°20'43" E	32.14	1056.00	64.26	64.25
C3	04°55'54"	05°20'14"	S 36°34'15" E	46.23	1073.50	92.40	92.37



I, Kent A. Orvik, Professional Land Surveyor, S.D. No. 5436, do hereby certify that the survey plot shown hereon was made by me, or under my direction from notes made in the field, and the same is true and correct to the best of my knowledge and belief.

Kent A. Orvik, Professional Land Surveyor
 S.D. No. 5436 KENT A.
 S-1-ORV
 Date _____



ALL BEARINGS ARE IN SOUTH DAKOTA STATE PLANE, SOUTH ZONE, NAD-83(86) GRID BEARINGS.

ALL DISTANCES ARE GROUND DISTANCES.

BASE BEARING IS THE EAST LINE OF LOT A OF LOT 5R, MERIDIAN SUBDIVISION, S02°07'22"W-955.71' Meas. FROM A FOUND CAP TO A FOUND YELLOW CAP.

PREPARED BY:
 KADRMAS, LEE & JACKSON, INC.
 330 KNOLLWOOD DRIVE
 RAPID CITY, SD 57701-6611
 (605) 721-5553

Kadmas
Lee &
Jackson
 Engineers Surveyors
 Planners

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

QUIT CLAIM DEED

AR GROUP, LLC, of 4213 S. Bedford Avenue, Sioux Falls, South Dakota, 57103,
Grantor, for and in consideration of One Dollar (\$1.00) and other good and valuable
consideration, conveys and quit claims to CITY OF RAPID CITY, a municipal corporation, of
300 Sixth Street, Rapid City, South Dakota, 57701, all interest in the following described real
estate in the County of Pennington in the State of South Dakota:

Lot H2 located in Tract One (1) of Century 21 Subdivision, located in the
Northwest Quarter (NW¼) of Section Thirty-two (32), Township Two North
(T2N), Range Eight East (R8E) of the Black Hills Meridian, Rapid City,
Pennington County, South Dakota.

This instrument is intended as a conveyance of land acquired for highway purposes.

EXEMPT FROM TRANSFER FEE: SDCL Section 43-4-22(2)

Dated this 24 day of July, 2008.

AR GROUP, LLC

By: 
Its: Managing Partner

State of South Dakota)
 SS.
County of Pennington)

On this the 24 day of July, 2008, before me, the undersigned
officer, personally appeared Charles Barker, who acknowledged himself to be the
Managing Partner of AR GROUP, LLC, and that he as such Partner, being

authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of AR GROUP, LLC.

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



Notary Public, South Dakota

My Commission Expires: 10/29/13

(SEAL)

