

## DECLARATION OF TAKING

The City of Rapid City hereby declares the real property described in paragraph 2 to be taken for use by the municipality for the purpose of constructing streets and other uses directly associated with the construction of streets in accordance with SDCL 31-19-23.

1. The authority for this taking is a Resolution of Necessity approved by the Rapid City Common Council. The authority for the Resolution of Necessity includes but is not limited to SDCL §§ 31-19-23 et. seq., 9-12-1(2), 9-27-1. The public use for which the lands described herein are taken is the construction of an extension of an existing city street (Anamosa Street) to provide a continuous connection between two other city streets (Lacrosse Street and East North Street).

2. The legal description of the lands subject to this taking is:

A permanent right-of-way easement across a portion of Tract A and the East Half (E½) of vacated Cherry Avenue of the Northeast Quarter of Section Thirty-one (31), Township Two North (T2N), Range Eight East (R8E) of the Black Hills Meridian, Rapid City, Pennington County, South Dakota, to be designated Lot H1, containing 38,799 square feet more or less, as shown on Exhibit "A", attached hereto and incorporated herein by reference;

A forty foot (40') wide permanent water main easement over, under and across Tract A, in the Northeast Quarter of Section Thirty-one (31), Township Two North (T2N), Range Eight East (R8E) of the Black Hills Meridian, Rapid City, Pennington County, South Dakota, as shown on Exhibit "B", attached hereto and incorporated herein by reference;

An eight foot (8') wide permanent utility easement over, under and across Tract A and the East Half (E½) of vacated Cherry Avenue in the Northeast Quarter (NE¼) of Section Thirty-one (31), Township Two North (T2N), Range Eight East (R8E) of the Black Hills Meridian, Rapid City, Pennington County, South Dakota, as shown on Exhibit "C", attached hereto and incorporated herein by reference;

A forty foot (40') wide permanent major drainage easement over, under and across Tract A, in the Northeast Quarter (NE¼) of Section Thirty-one (31), Township Two North (T2N), Range Eight East (R8E) of the Black Hills Meridian, Rapid City, Pennington County, South Dakota, as shown on Exhibit "D", attached hereto and incorporated herein by reference; and

A temporary construction easement over, under and across Tract A and the East Half (E½) of vacated Cherry Avenue, in the Northeast Quarter (NE¼) of Section Thirty-one (31), Township Two North (T2N), Range Eight East

(R8E) of the Black Hills Meridian, Rapid City, Pennington County, South Dakota, as shown on Exhibit "E", attached hereto and incorporated herein by reference. Said temporary construction easement shall include the right to use the property in the manner reasonably and customarily necessary for temporary construction easements and shall be effective for a period of one year from the date the City acquires the legal title to the property, or until sooner released by the City

3. The estate or interest taken in the lands described herein is described in paragraph two, above.
4. The owner of the real property described herein is Dwyer Royalties, LLC and Jeffrey A. Ahlers, Scott D. Ahlers, and Michael D. Ahlers.
5. The estimated sum of money necessary to acquire the land described herein is One Hundred Fifty-Two Thousand Nine Hundred Thirty-Eight Dollars and Thirty-Eight Cents (\$152,938.38) as determined by an appraisal of the land prepared at the direction of the City of Rapid City.
6. A description of the plans for the construction is included in the appraisal attached to the petition as Exhibit 'C' filed concurrently with this Declaration of Taking.
7. The appraisal is attached to the petition as Exhibit 'C', filed concurrently with this Declaration of Taking

Dated this \_\_\_\_\_ day of March, 2009.

CITY OF RAPID CITY

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Alan Hanks, Mayor

ATTEST:

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Jim Preston, Finance Officer