

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

4/27/09 MCS

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 strip of land ten feet (10') in width in, on, over and across Lots One (1) and Two (2) of the Southeast Quarter of the Northeast Quarter (SE ¼NE¼) of Section Three (3), Township One North (T1N), Range Seven East (R7E) of the Black Hills Meridian, and in Tract 10A of Rapid City Greenway Tracts located in the Southeast Quarter of the Northeast Quarter (SE¼ NE¼) of Section Three (3), Township One North (T1N), Range Seven East (R7E) of the Black Hills Meridian, Rapid City, Pennington County, South Dakota, 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 therefor.

Grantee shall be solely responsible for the cost of repair, relocation or replacement of their electrical power system or any part thereof in the event that the Grantor deems it necessary to move the easement, or in the event that damage or repairs to the Grantor's underlying water main results in damage to the Grantee's electrical power system or any part thereof.

DATED this ____ day of _____, 2009.

CITY OF RAPID CITY

By: _____
Alan Hanks, Mayor

ATTEST:

Finance Officer

(SEAL)

State of South Dakota)
 ss.
County of Pennington)

On this the ____ day of _____, 2009, 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)