PREPARED BY:

WEN 29-10

City Attorney's Office 300 Sixth Street Rapid City, SD 57701

(605) 394-4140

STATE OF SOUTH DAKOTA 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 Tracts Six (6) and Seven (7), Rapid City Greenway Tracts, located in the Northeast Quarter of the Northeast Quarter (NE¼NE¼), Section Nine (9), the South Half of the Southwest Quarter (S½SW¼) of Section Three (3), and the Southeast Quarter of the Southeast Quarter (SE½SE½) of Section Four (4), Township One North (T1N), Range Seven East (R7E) of the Black Hills Meridian, Pennington County, South Dakota, as more fully described on Exhibit "A", attached hereto and incorporated herein by reference.

This easement grants to the Grantee the right to construct, operate, maintain, alter, inspect, 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.

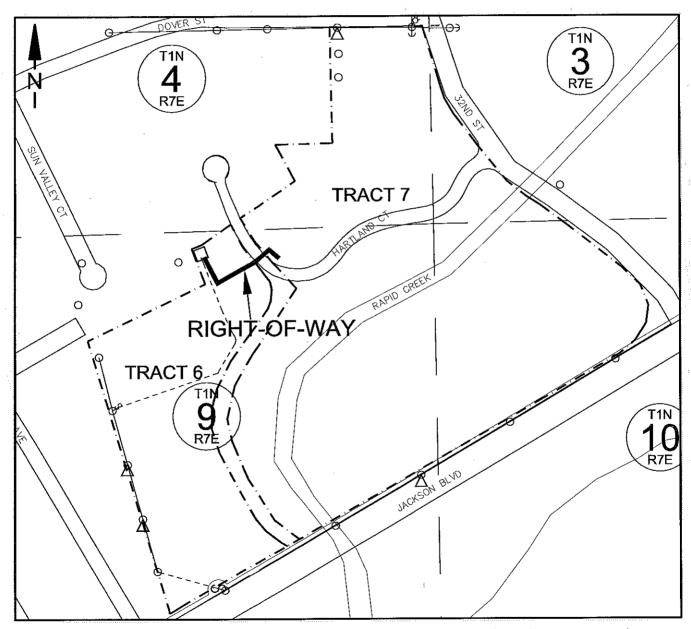
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Grantee shall be solely responsible for the cost of repair, relocation or replacement of their electrical power system or any part thereof in the event that the Grantor deems it necessary to move the easement, or in the event that damage or repairs to the Grantor's underlying water main results in damage to the Grantee's electrical power system or any part thereof. DATED this ______, 2010. CITY OF RAPID CITY ATTEST: Finance Officer (SEAL) State of South Dakota SS. County of Pennington On this the _____ day of ______, 2010, 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) F:\EASEMENT\Utilty easement (black hills power10).doc

EXHIBIT "A"

The real estate referred to is specifically described as follows:

Tracts 6 and 7, Rapid City Greenway Tracts, Located in the NE ¼ of the NE ¼, Section 9, the S1/2 of the SW1/4 of Section 3, and the SE1/4 fo the SE1/4 of Section 4, Township 1N, Range 7E, B.H.M, Rapid City, Pennington County, South Dakota



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

Drawing not to scale