

Prepared by:  
Richard E. Huffman  
DEMERSSEMAN JENSEN CHRISTIANSON  
STANTON & HUFFMAN, LLP  
516 5th Street, PO Box 1820  
Rapid City, SD 57709-1820  
(605) 342-2814

### **DRAINAGE and ACCESS EASEMENT**

The Evangelical Lutheran Good Samaritan Society, a North Dakota 501(c)(3) nonprofit corporation whose address is 4800 West 57<sup>th</sup> Street, Sioux Falls, SD 57108, (hereinafter "Grantor"), for ONE DOLLAR (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant and convey to the City of Rapid City, a municipal corporation, whose address is 300 Sixth Street, Rapid City, South Dakota 57701 (the "City") a drainage and access easement, subject to the conditions hereinafter set forth, in, on, over, under, and across certain property generally located east of City Springs Road, to west of Sturgis Road and to the south of St. Martins Drive, located in the SE 1/4, NE 1/4 and in the NW 1/4, SE 1/4, and the SW1/4, SE1/4 all of Section 29, Township 2 North, Range 7 East of the Black Hills Meridian, Pennington County, South Dakota, more particularly described on the attached Exhibit A which is incorporated herein by this reference.

This drainage and access easement shall include the right of the City and its authorized agents of ingress and egress to the above-described property and shall include the right to construct, install, operate, maintain, inspect, and repair drainage structures on the property pertaining to the regional detention facilities and other drainage improvements as part of the South Canyon/Lime Creek Drainage Basin Plan.

In connection with this drainage and access easement granted herein, City covenants that for itself and its agents as follows:

- (i) All construction undertaken upon the burdened real property shall be consistent with the South Canyon/Lime Creek Drainage Basin Plan for ponds 305,388 and 389.
- (ii) The parties understand that the Grantor will have the right to use the drainage easement area for any purpose, which does not interfere with the rights granted to the City under this drainage and access easement.
- (iii) The parties understand that the City does not have the ability to conduct the day to day maintenance of the regional detention facilities but will be responsible for any maintenance beyond day to day maintenance.

- (iv) The City will cause its designees to restore property not actually used for drainage structures and improvements to its condition before disturbance.

This drainage and access easement and the obligations and rights of the parties contained herein shall be perpetual and shall run with the land, and shall be binding upon and inure to the benefit of the parties and their respective successors, and assigns.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

Grantor:

The Evangelical Lutheran Good Samaritan Society

BY: \_\_\_\_\_

Name: Rae Nae Nylander

Title: Vice President, Financial Services & Chief Financial Officer

ATTEST:

BY: \_\_\_\_\_

Name: Sylvia Gause

Title: Secretary

CITY OF RAPID CITY

\_\_\_\_\_  
Alan Hanks, Mayor

ATTEST:

\_\_\_\_\_  
Finance Officer

(SEAL)

STATE OF SOUTH DAKOTA            )  
  ):SS CORPORATE ACKNOWLEDGEMENT  
COUNTY OF MINNEHAHA            )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2010, before me, the undersigned officer, personally appeared Raye Nae Nylander and Sylvia Gause, who acknowledged themselves to be the Vice President, Financial Services & Chief Financial Officer, and Secretary, respectively, of The Evangelical Lutheran Good Samaritan Society, a North Dakota 501(c)(3) corporation, and that being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by themselves as the Vice President, Financial Services & Chief Financial Officer, and Secretary.

In witness whereof, I hereunto set my hand and official seal.

\_\_\_\_\_  
Notary Public  
My commission expires \_\_\_\_\_

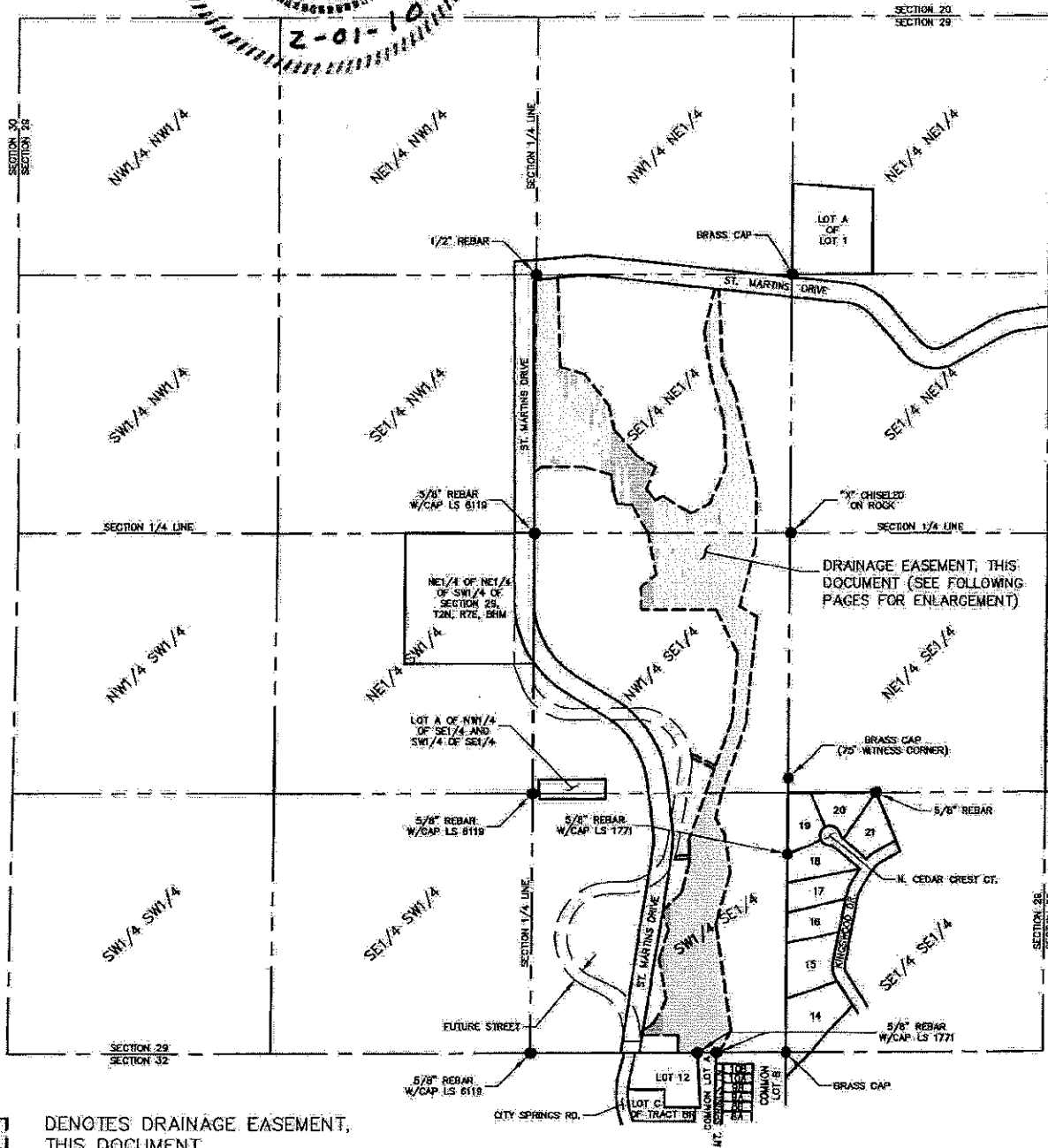
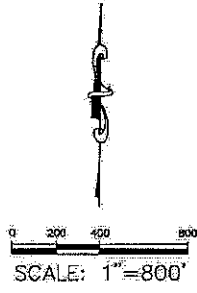
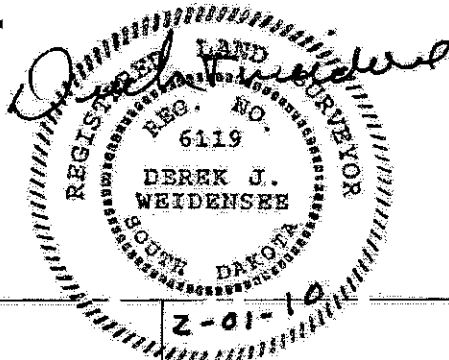
STATE OF SOUTH DAKOTA            )  
  ):SS  
COUNTY OF PENNINGTON            )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2010, before me, the undersigned officer, personally appeared Alan Hanks and Pauline Sumption, 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 instrument for the purposes therein contained by signing the name of the corporation by themselves as the Mayor and Finance Officer.

In witness whereof, I hereunto set my hand and official seal.

\_\_\_\_\_  
Notary Public, South Dakota  
My commission expires \_\_\_\_\_

"EXHIBIT A"  
PAGE 1



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DENOTES DRAINAGE EASEMENT, THIS DOCUMENT

**DRAINAGE EASEMENT**  
LOCATED IN SE1/4 NE1/4 AND IN NW1/4 SE1/4 AND IN SW1/4 SE1/4 ALL OF SECTION 29, T2N, R7E, BHM RAPID CITY, SOUTH DAKOTA

Surveyed By: DW/AM  
Date: APRIL 2008  
Drawn By: KJS  
Checked By: DW  
Location: SECTION 29  
T2N, R7E, BHM

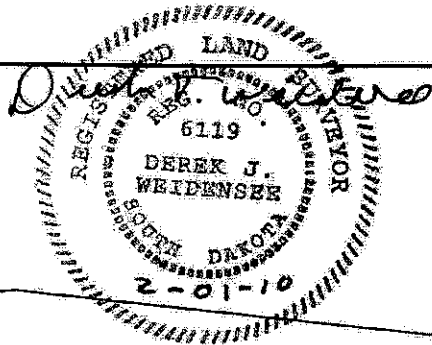


**FMG, Inc.**  
3700 Sturgis Road  
Rapid City, SD 57702-0317  
(605) 342-4105 FAX (605) 342-4222  
www.fmgengineering.com

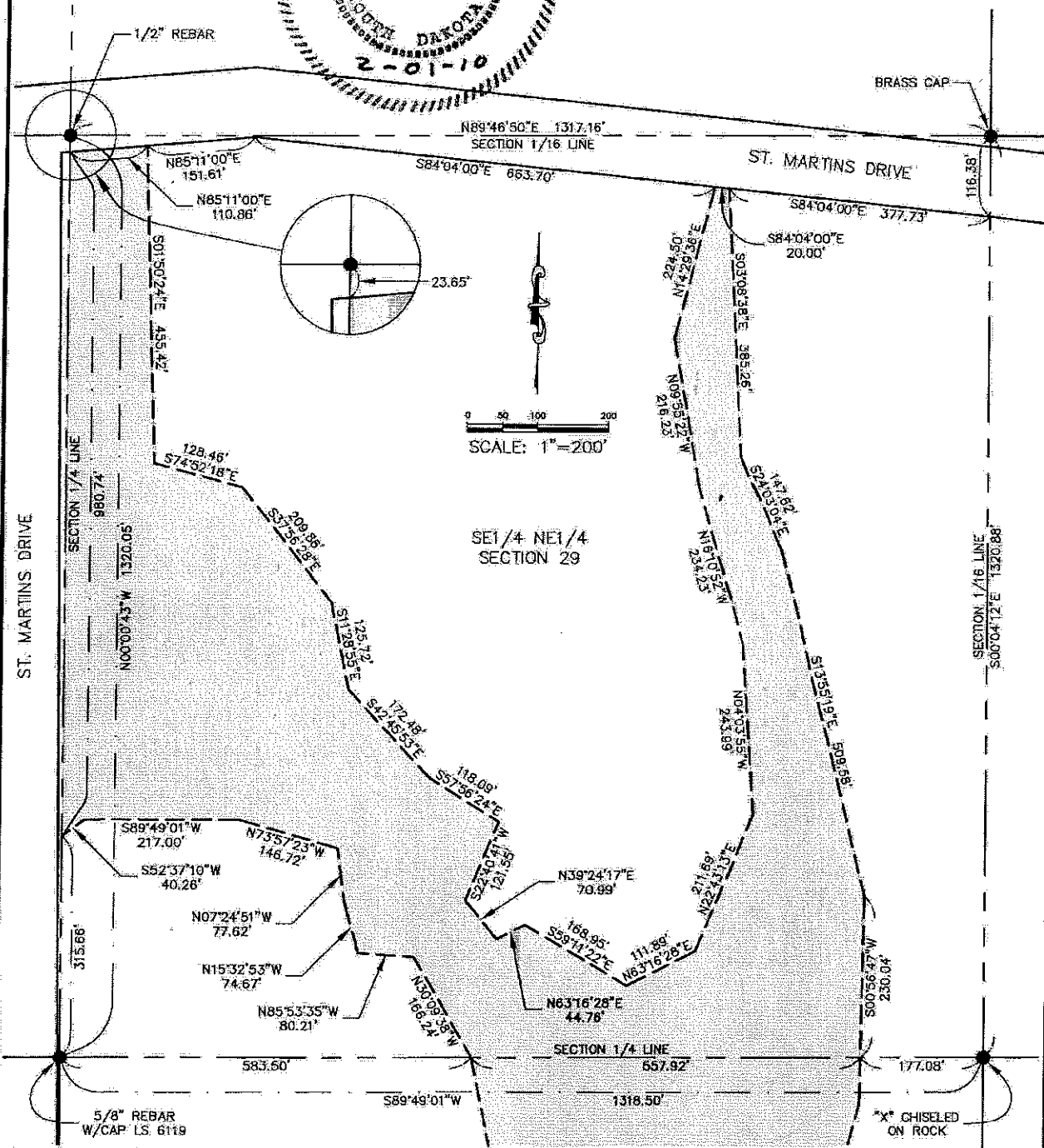
JANUARY 2010

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"EXHIBIT A"  
PAGE 2



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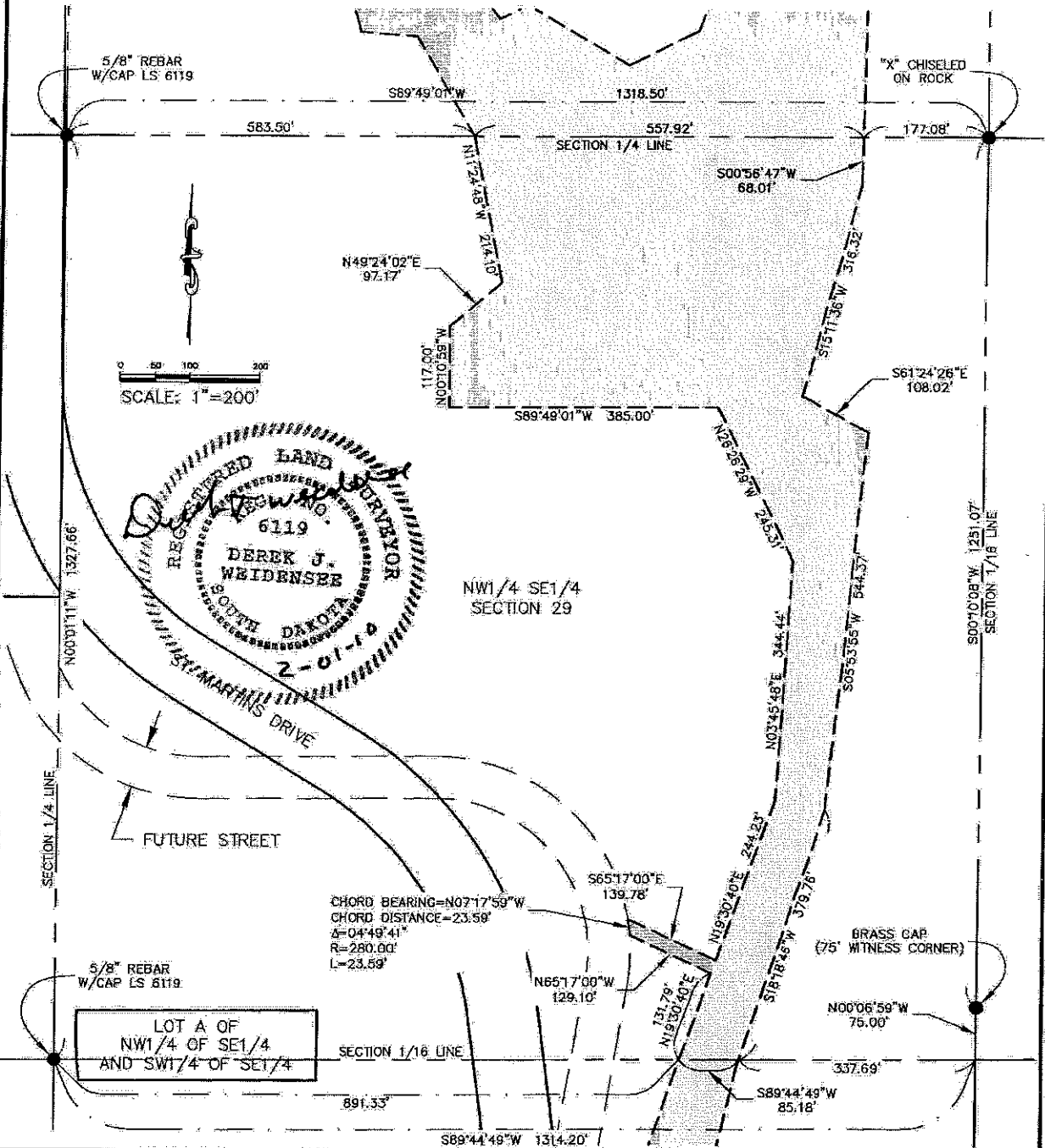
JANUARY 2010

3881.01

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PAGE 3



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RAPID CITY, SOUTH DAKOTA

|              |               |
|--------------|---------------|
| Surveyed By: | DW/AM         |
| Date:        | APRIL 2008    |
| Drawn By:    | KES           |
| Checked By:  | DR            |
| Location:    | SECTION 29    |
|              | T2N, R7E, BHM |




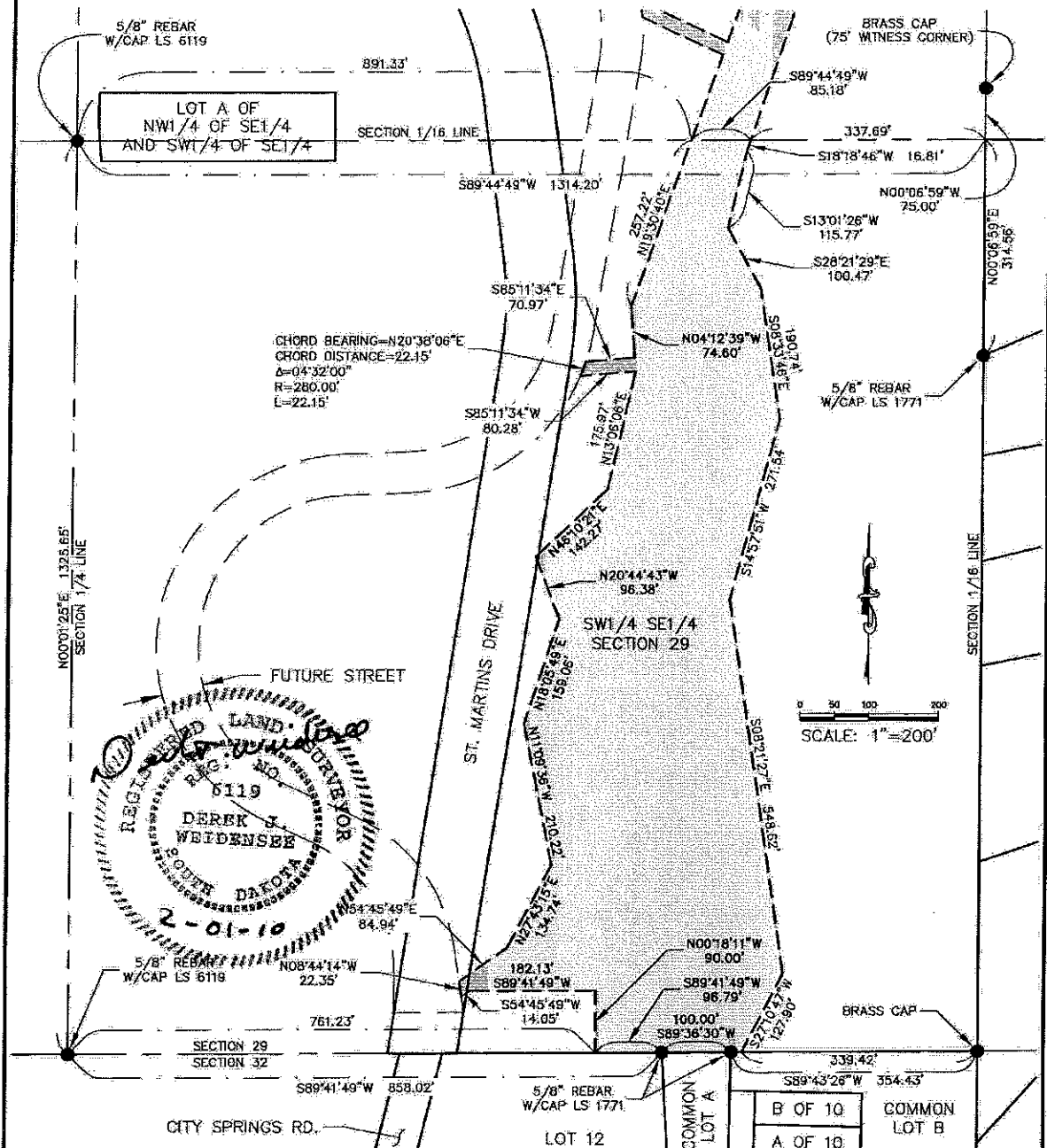
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JANUARY 2010

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 RAPID CITY, SOUTH DAKOTA

JANUARY 2010

Surveyed By: DM/AM  
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 Checked By: DL  
 Location: SECTION 29  
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