

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

RESERVOIR ACCESS AND UTILITY EASEMENT

Benedictine Convent of Saint Martins, a South Dakota corporation whose address is 2110-C Saint Martins Drive, Rapid City, SD 57702, (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 and its authorized agents, whose address is 300 Sixth Street, Rapid City, South Dakota 57701 (the "City") an access and utility easement, subject to the conditions hereinafter set forth, in, on, over, under, and across certain property generally located south and west of City Springs Road, located in the S1/2 Section 29, Township 2 North, Range 7 East of the Black Hills Meridian, Pennington County, South Dakota, more particularly described on Exhibit A, Page 1 and Exhibit A, Page 2 entitled "Easement for Reservoir and Water Main and Temporary Construction Easement" incorporated herein by this reference.

This easement shall include the right of the City and its agents to enter the above-described property and shall include the right to construct, install, operate, inspect, maintain, and repair a water reservoir, water main, booster station (if necessary) and any appurtenant facilities on the property necessary to meet the current needs of the City water system within the Pinedale Pressure Zone. The City shall own said water reservoir, water main, booster station (if necessary) and any appurtenant facilities and shall be responsible for any maintenance and needed expansion.

The property that is the subject of this easement shall be maintained as it has in the past as untended forest. This easement grants to all public authorities the right to enter upon the aforescribed real property and otherwise to do those things reasonably necessary to effectuate its purpose.

The Parties agree and understand that Grantor shall bear no cost or expense associated with any improvement made by the City or its agents to the burdened real property. Specifically, Grantor shall bear no cost or expense associated with the construction, installation, operation, inspection, maintenance, or repair of any improvement made by City or its agents to the property. All construction undertaken upon the burdened real property shall be consistent with the needs of the City Water System within the Pinedale Pressure zone and all design plans shall be reviewed and approved by the City prior to their construction.

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:

Benedictine Convent of Saint Martins

BY: _____

Name: _____

Title: _____

CITY OF RAPID CITY

Alan Hanks, Mayor

ATTEST:

Finance Officer

(SEAL)

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

On this _____ day of _____, 2010, before me, the undersigned officer, personally appeared _____, acknowledged to be the _____ (title) of Benedictine Convent of Saint Martins, a South Dakota 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 himself/herself as the _____ (title).

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

Notary Public, South Dakota
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.

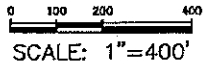
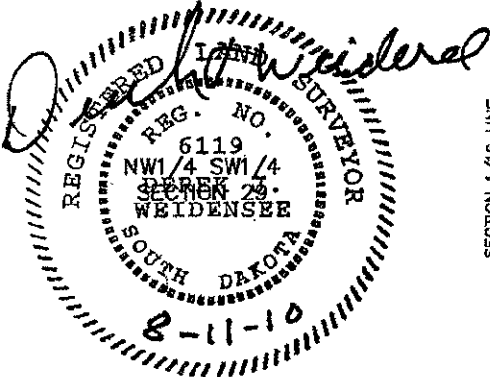
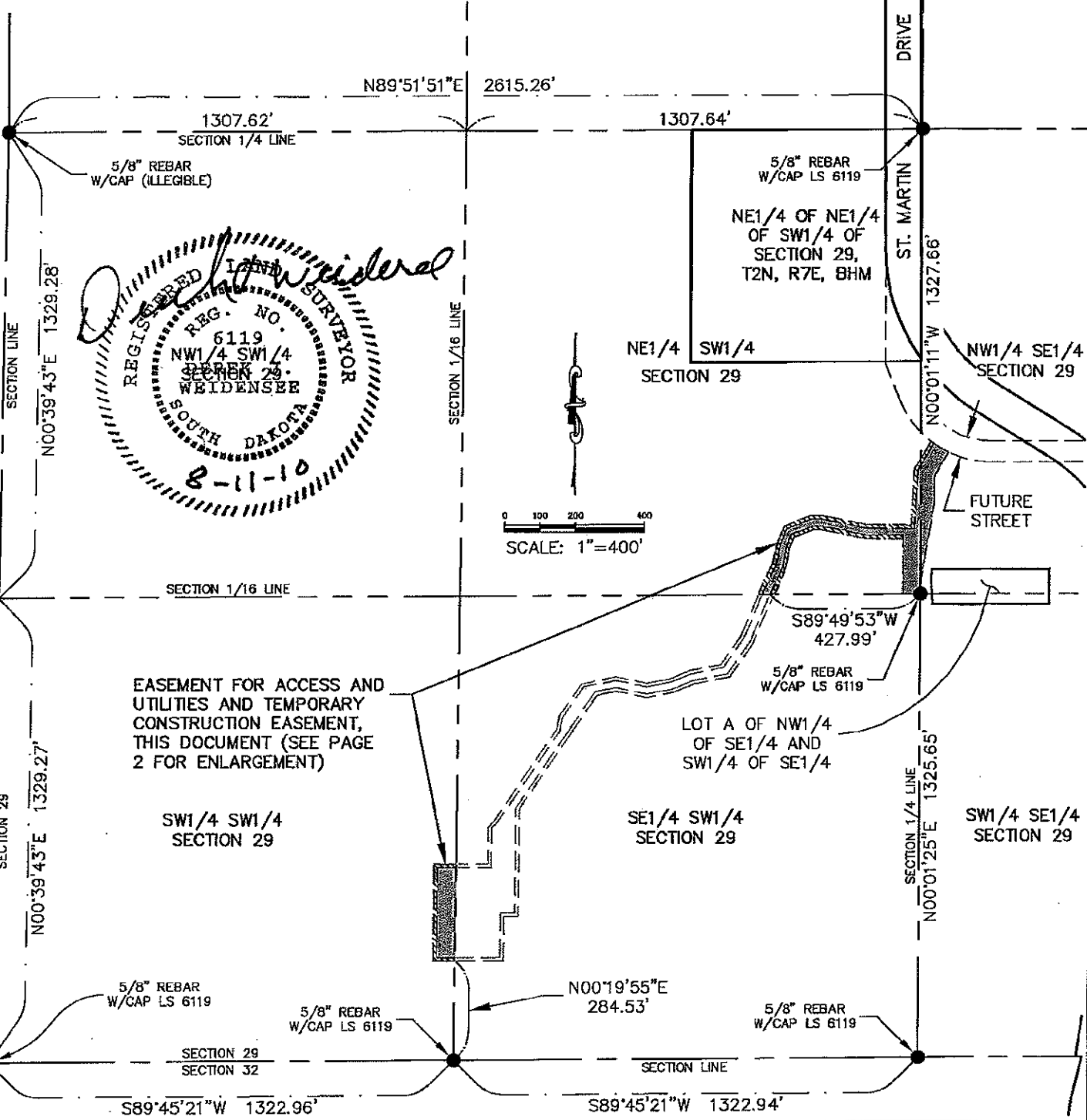
Notary Public, South Dakota
My commission expires _____

"EXHIBIT A"
PAGE 1

SW1/4 NW1/4
SECTION 29

SE1/4 NW1/4
SECTION 29

SE1/4 NE1/4
SECTION 29



EASEMENT FOR ACCESS AND UTILITIES AND TEMPORARY CONSTRUCTION EASEMENT, THIS DOCUMENT (SEE PAGE 2 FOR ENLARGEMENT)

EASEMENT FOR RESERVOIR AND WATER MAIN AND TEMPORARY CONSTRUCTION EASEMENT
LOCATED IN SW1/4 SW1/4 AND IN NE1/4 SW1/4 AND IN NW1/4 SE1/4 ALL OF SECTION 29, T2N, R7E, BHM
RAPID CITY, SOUTH DAKOTA

Surveyed By: DW/MK
Date: APRIL 2008
Drawn By: KJS
Checked By: DW
Location: SW1/4 & SE1/4 SEC. 29
T2N, R7E, BHM



F M G, Inc.
3700 Sturgis Road
Rapid City, SD 57702-0317
(605) 342-4108 FAX (605) 342-4222
www.fmgengineering.com

'EXHIBIT A'
PAGE 2

CHORD BEARING=S59°28'15"E
CHORD DISTANCE=50.00'
Δ=10'14'42"
R=280.00'
L=50.07'

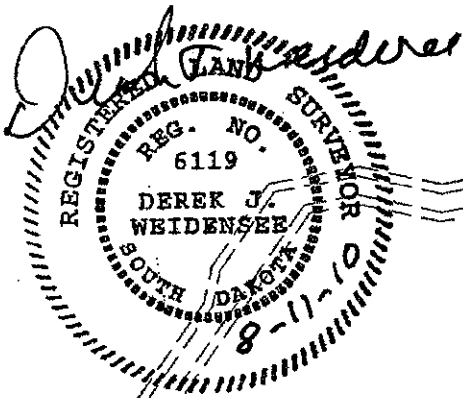
NW1/4 SW1/4
SECTION 29

NE1/4 SW1/4
SECTION 29

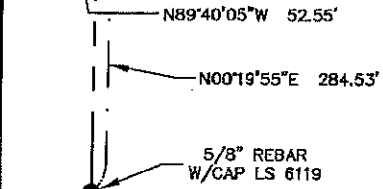
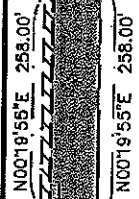
NW1/4 SE1/4
SECTION 29

SW1/4 SE1/4
SECTION 29

SE1/4 SW1/4
SECTION 29



SW1/4 SW1/4
SECTION 29



SECTION 29
SECTION 32

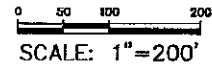
**EASEMENT FOR RESERVOIR AND WATER MAIN
AND TEMPORARY CONSTRUCTION EASEMENT**
LOCATED IN SW1/4 SW1/4 AND IN NE1/4 SW1/4 AND IN
NW1/4 SE1/4 ALL OF SECTION 29, T2N, R7E, BHM
RAPID CITY, SOUTH DAKOTA



Surveyed By: DW/AMJ
Date: APRIL 2008
Drawn By: KJS
Checked By: DW
Location:
SW1/4 & SE1/4 SEC. 29
T2N, R7E, BHM



F M G, Inc.
3700 Sturgle Road
Rapid City, SD 57702-0317
(605) 342-4105 FAX (605) 342-4222
www.fmgengineering.com

AUGUST 2010



-  DENOTES ACCESS AND UTILITY EASEMENT (THIS DOCUMENT)
-  DENOTES 10' WIDE TEMPORARY CONSTRUCTION EASEMENT (THIS DOCUMENT)

5/8" REBAR
W/CAP LS 6119

LOT A OF NW1/4
OF SE1/4 AND
SW1/4 OF SE1/4



FUTURE STREET

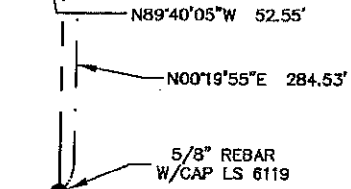
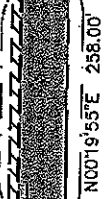
SECTION 1/16 LINE

SECTION 1/16 LINE

SECTION 1/4 LINE

NW1/4 SW1/4
SECTION 29

SW1/4 SW1/4
SECTION 29



SECTION 29
SECTION 32

**EASEMENT FOR RESERVOIR AND WATER MAIN
AND TEMPORARY CONSTRUCTION EASEMENT**
LOCATED IN SW1/4 SW1/4 AND IN NE1/4 SW1/4 AND IN
NW1/4 SE1/4 ALL OF SECTION 29, T2N, R7E, BHM
RAPID CITY, SOUTH DAKOTA

Surveyed By: DW/AMJ
Date: APRIL 2008
Drawn By: KJS
Checked By: DW
Location:
SW1/4 & SE1/4 SEC. 29
T2N, R7E, BHM



F M G, Inc.
3700 Sturgle Road
Rapid City, SD 57702-0317
(605) 342-4105 FAX (605) 342-4222
www.fmgengineering.com

AUGUST 2010