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

WEN
4-21-11

STATE OF SOUTH DAKOTA)
)ss.
COUNTY OF PENNINGTON)

PERMANENT UTILITY EASEMENT

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, the 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 Lot B of Lot Four (4) and the South Half (S½) of vacated private lane located North and adjacent to said lot located in the Northeast Quarter of the Southwest Quarter (NE¼SW¼), Section Eight (8), Township One North (T1N), Range Seven East (R7E) of the Black Hills Meridian, Pennington County, South Dakota, as more fully described on Exhibit "B", attached hereto and incorporated herein by reference.

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 therefore, together with the right to cut, trim, or remove from said

right of way any brush, trees, stumps, or roots where necessary to secure a clearance from the conductors of at least ten (10) feet on each side of the center line of said right of way.

The foregoing easement is granted upon the express condition that Black Hills Power, Inc. will assume liability for any and all injuries or damage caused by the Grantee's failure to use due care in its exercise of the rights granted.

DATED this _____ day of _____, 2011.

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 _____, 2011, 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 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:

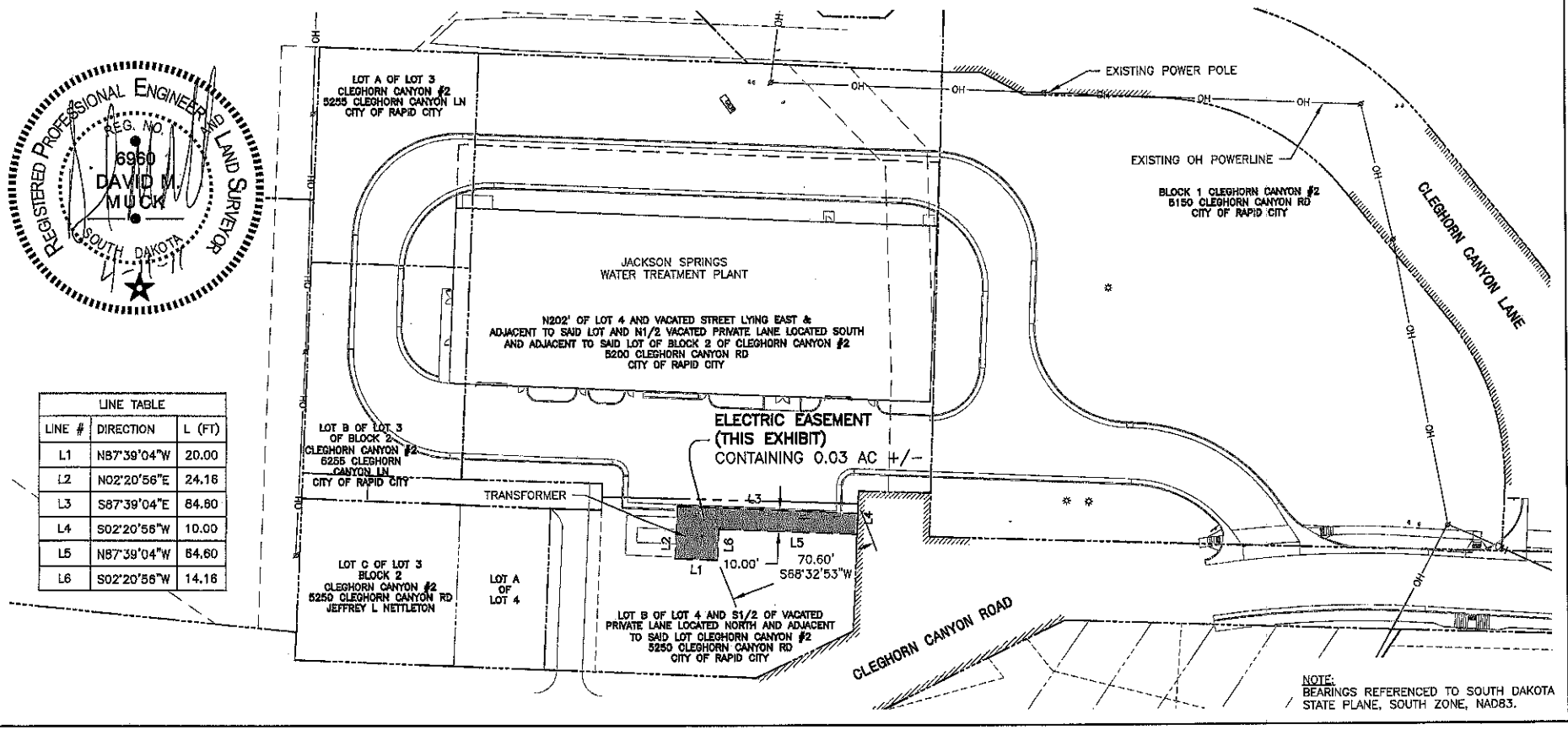
(SEAL)

ELECTRIC EASEMENT

TO BE DEDICATED ACROSS LOT B OF LOT 4 AND S1/2 OF VACATED PRIVATE LANE LOCATED NORTH AND ADJACENT TO SAID LOT LOCATED IN THE NE1/4 OF THE SW1/4, SECTION 8, T1N, R7E, BHM, RAPID CITY, PENNINGTON COUNTY, SOUTH DAKOTA

LEGEND

- FOUND MONUMENT
- ELECTRIC EASEMENT
- PROPERTY LINE
- EXISTING EASEMENT
- STREET RIGHT-OF-WAY



REGISTERED PROFESSIONAL ENGINEER AND LAND SURVEYOR
REG. NO. 6960
DAVID M. MUCK
SOUTH DAKOTA

LINE TABLE		
LINE #	DIRECTION	L (FT)
L1	N87°39'04"W	20.00
L2	N02°20'56"E	24.16
L3	S87°39'04"E	84.80
L4	S02°20'56"W	10.00
L5	N87°39'04"W	84.60
L6	S02°20'56"W	14.16

NOTE:
BEARINGS REFERENCED TO SOUTH DAKOTA STATE PLANE, SOUTH ZONE, NAD83.

PROJECT NO. J09-128
FIGURE NO. 1 OF 1

EXHIBIT B

Ferber Engineering Company, Inc.

04-8-11 P:\09-128\AutoCAD\Easements\ELECTRIC EASEMENT2.dwg

PW042611-13