Black Hills Power

GRADE AGREEMENT

This Agreement made the _____ day of _____, 20___ between **Black Hills Power**, hereinafter called the Utility, and the **City of Rapid City**, hereinafter called the Developer, witnesseth:

The Utility will locate its equipment, and facilities in the areas requested and designated by the Developer on the land being developed by Developer as shown on the Map or Plat of **Jackson Springs Water Treatment Plant** which Map or Plat is hereby attached to and made a part of this Agreement. The Developer shall furnish to the Utility the final elevations and grades, which final elevations and grades shall be accurate to ± 6 inches (final elevations and grades, are interpreted to mean, all work necessary prior to acceptance by homeowner). In addition, the Developer shall advise the Utility prior to commencing any excavations or grades after Utility facilities have been constructed, Developer will pay at its sole expense all costs or raising, lowering, relocating, or otherwise rearranging, repairing, or changing such facilities when in the opinion of the Utility such work is necessary to provide required clearances, stability and protection of structures or underground facilities in accordance with an applicable building or construction codes, and policies of the Utility. In the event that the Developer or any independent contractor of the Developer has not complied with the terms and conditions of this Agreement, and if damage to any existing Utility facilities occurs, the Developer shall pay all damages and loss suffered by the Utility in repairing, relocating, or replacing such facilities, including a reasonable attorney's fee.

The Developer will establish a sufficient number of lot corners when requested by Utility in order that the Utility facilities may be placed in its proper location with respect to easement, street, or alley lines, and other utilities.

In witness whereof the aforesaid parties have hereunto by their authorized representatives set their hands and seals on the day and year first above written.

Witness or Attest:

_____

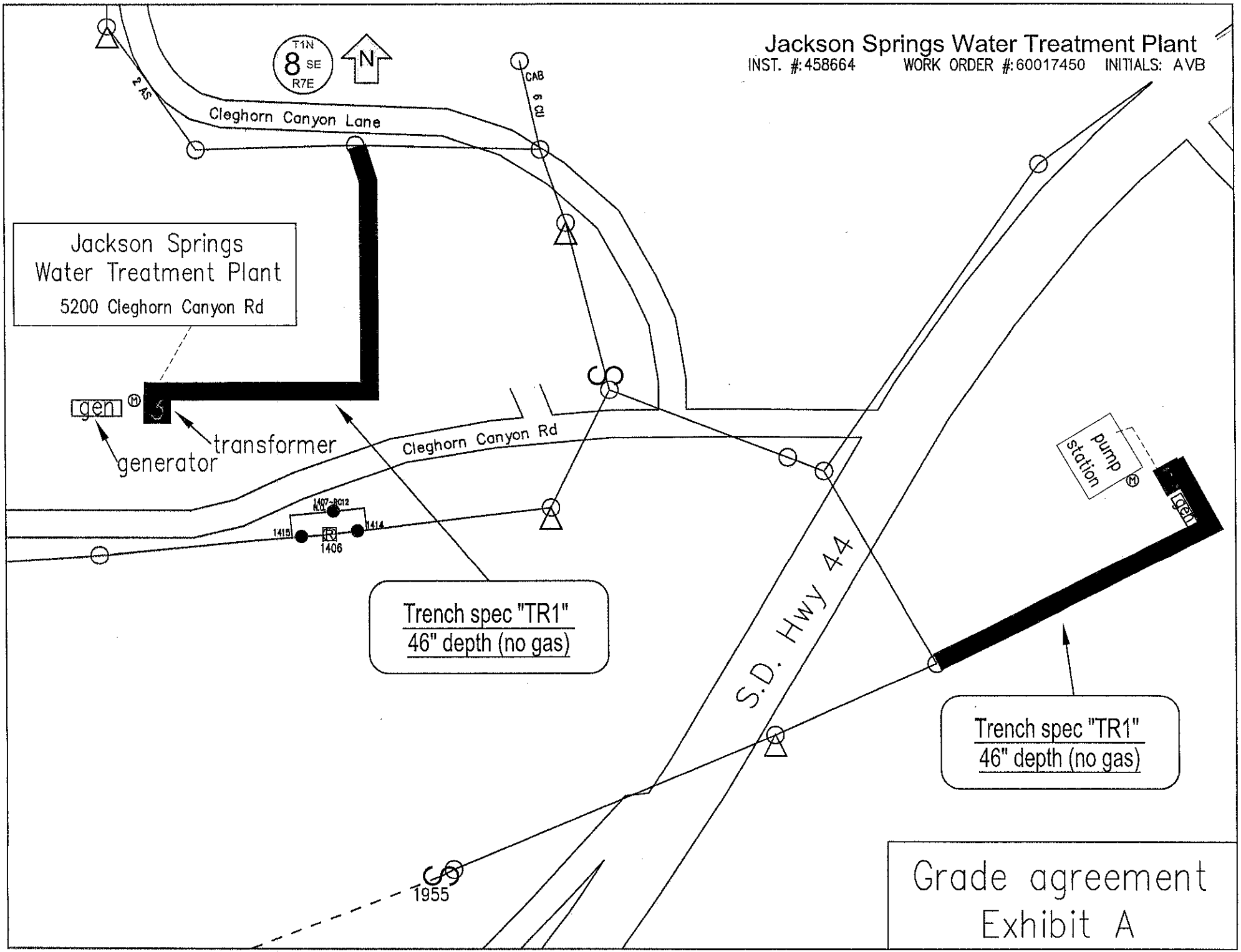
Black Hills Power

By: Alan Van Bochove

Developer

_____

By:_____


Jackson Springs Water Treatment Plant
INST. #:458664 WORK ORDER #:60017450 INITIALS: AVB
T1N
8 SE
R7E
N
Cleghorn Canyon Lane
Jackson Springs
Water Treatment Plant
5200 Cleghorn Canyon Rd
gen
transformer
generator
Cleghorn Canyon Rd
pump station
gen
S.D. HWY 44
Trench spec "TR1"
46" depth (no gas)
Trench spec "TR1"
46" depth (no gas)
1955
Grade agreement
Exhibit A

PW042611-14