

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

WEN
12-23-11

STATE OF SOUTH DAKOTA)
)ss. 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, 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:

Tract 17 of Rapid City Greenway Tracts, (formerly a portion of Lot B in SW¹/₄ of SW¹/₄ of Section 35; Block 1, Block 2, Block 3, Block 8, Block 9, Block 10, Block 12, Block 13, Block 14, Block 16 and Block 17 all in Gateway Addition; Block 2 of North Riverside Addition; an unplatted portion of S¹/₂ of SW¹/₄ of Section 35; an unplatted portion of SW¹/₄ of SE¹/₄ of Section 35; an unplatted portion of E¹/₂ of NW¹/₄ of SE¹/₄ of Section 35; vacated portions of West St. Louis, Reitt, Cross, Canal and Oshkosh Streets; and vacated alley R.O.W.'s), all located in SE¹/₄ of SE¹/₄ of Section 34 and in S¹/₂ of SW¹/₄ and in W¹/₂ of SE¹/₄ of Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, as shown on Exhibit "A", 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: _____
Sam Kooiker, 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 Sam Kooiker 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 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

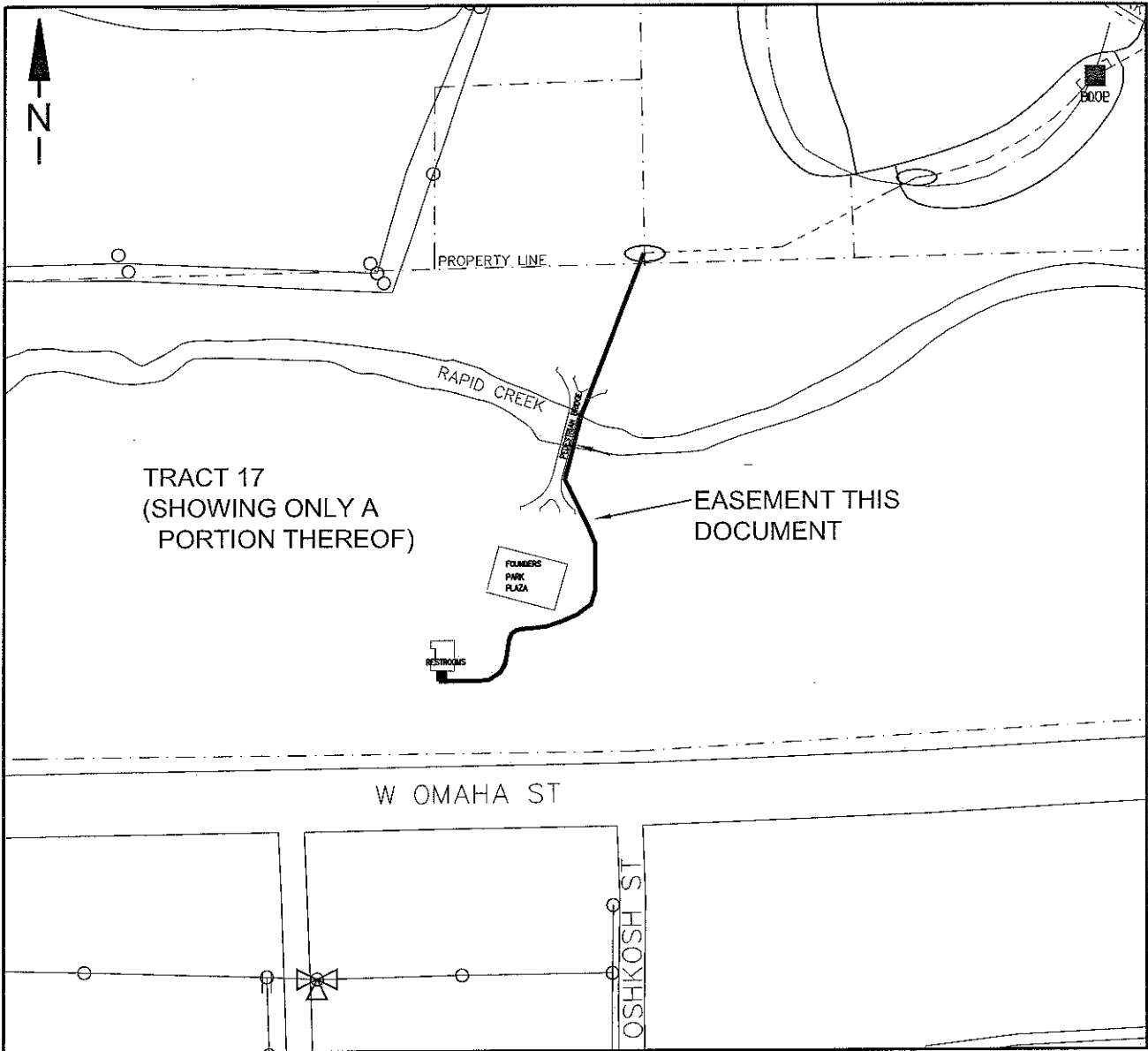
My Commission Expires:

(SEAL)

EXHIBIT "A"

The real estate referred to is specifically described as follows:

Tract 17 of Rapid City Greenway Tracts, (formerly a portion of Lot B in SW1/4 of SW1/4 of Section 35; Block 1, Block 2, Block 3, Block 8, Block 9, Block 10, Block 12, Block 13, Block 14, Block 16 and Block 17 all in Gateway Addition; Block 2 of North Riverside Addition; an unplatted portion of S1/2 of SW1/4 of Section 35; an unplatted portion of SW1/4 of SE1/4 of Section 35; an unplatted portion of E1/2 of NW1/4 of SE1/4 of Section 35; vacated portions of West St Louis, Reitt, Cross, Canal and Oshkosh Streets; and vacated alley R.O.W.'s), all located in SE1/4 of SE1/4 of Section 34 and in S1/2 of SW1/4 and in W1/2 of SE1/4 of Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota.



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