



CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-2724

Growth Management Department

300 Sixth Street

Vicki Fisher, Urban Planner III
Growth Management Department
city web: www.rcgov.org

Phone: 605-394-4120
Fax: 605-394-6636
e-mail: vicki.fisher@rcgov.org

MEMORANDUM

TO: Legal and Finance Committee

FROM: Vicki L. Fisher, Urban Planner III

DATE: May 3, 2005

RE: Authorization for Mayor and Finance Officer to sign drainage easements

Legal Description: Property described by metes and bounds beginning at the southwesterly corner of Tract H of Wesleyan Christian Center, thence with a curve turning to the right with a radius of 333.35 feet, with an arc length of 162.41 feet, with a chord bearing of S00°31'20"W, with a chord length of 160.81 feet, thence S70°21'18"E a distance of 53.52 feet; thence with a curve turning to the left with a radius of 170.00 feet, with an arc length of 111.14 feet, with a chord bearing of S89°03'38"E, with a chord length of 109.18 feet, thence N72°10'08"E a distance of 256.15 feet; thence N27°11'28"E a distance of 14.11 feet; thence N17°49'27"W a distance of 299.71 feet, thence with a curve turning to the left with a radius of 150.00 feet, with an arc length of 39.09 feet, with a chord bearing of N25°17'27"W, with a chord length of 38.98 feet, thence N57°03'08"E a distance of 52.02 feet; thence N72°10'27"E a distance of 106.15 feet; thence N37°50'06"W a distance of 288.93 feet; thence N17°25'37"W a distance of 272.77 feet; thence S72°11'49"W a distance of 374.64 feet; thence S27°54'22"E a distance of 156.63 feet; thence N72°42'29"E a distance of 96.05 feet; thence S17°26'50"E a distance of 160.91 feet; thence S37°51'20"E a distance of 289.96 feet; thence S17°48'48"E a distance of 117.76 feet, thence S76°34'02"W a distance of 263.53 feet; which is the point of beginning, having an area of 251,473.00 square feet, 5.773 acres all lying in the NW1/4 of SW1/4, Section 26 and the NE1/4 of SE1/4 of Section 27 and the SE1/4 of NE1/4 of Section 27, T2N, R7E, B.H.M. Rapid City, Pennington County, South Dakota; to be known as Lots 1A, 1B, 2A, 2B, 3A, 3B, 4A, 4B, 5A, 5B, 6A, 6B, 7A, 7B, 8A, 8B, 9A, 9B, 10A, 10B, 11A, 11B, 12A, 12B, 13 and Outlot A of Block 1; and Lots 1A, 1B, 2A, 2B, 3A, 3B, 4A, 4B and Outlot B of Block 2; and dedicated Right-of-Way of



EQUAL OPPORTUNITY EMPLOYER

Fountain Springs Park Subdivision located in the NW1/4 of SW1/4, Section 26 and the NE1/4 of SE1/4 of Section 27 and the SE1/4 of NE1/4 of Section 27, T2N, R7E, B.H.M. Rapid City, Pennington County, South Dakota

A Preliminary Plat was approved by the City Council on April 4, 2005 to subdivide the above legally property into 32 townhome lots and two larger residential lots. A stipulation of approval requires that drainage easements be recorded at the Register of Deed's Office to accommodate drainage flows from an adjacent apartment complex to the Wesleyan Boulevard right-of-way. The drainage easements also require the signature of the Mayor and the Finance Officer.

Staff Recommendation: Authorize the Mayor and Finance Officer to sign the drainage easements.

(File #05PL042-Fountain Springs Park)

Prepared By:

CETEC Engineering Services, Inc.
1830 West Fulton Street
P.O. Box 9014
Rapid City, SD 57709-9014

Telephone: (605) 341-7800

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

DRAINAGE EASEMENT

Generations Care, LLC

Generations Care, LLC, Grantor, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, receipt of which is hereby acknowledged, hereby grants, conveys, bargains and warrants unto City of Rapid City, SD, Grantee, permanent drainage easement over and across the following described real property:

Tract B of Wesleyan Christian Center, Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota. The location of said easement is shown in Exhibit A attached hereto and by this reference made a part thereof.

This easement shall include the right to construct, operate, maintain and repair drainage pipe and/or structure upon said property. The easement area shall be kept free of structures, fences and other obstructions inconsistent with its use for drainage.

Dated this 2 day of May, 2005.

GRANTOR:

Generations Care, LLC

By: Franklin O. Simpson
Its: Vice managing member

Date: May 2 2005

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

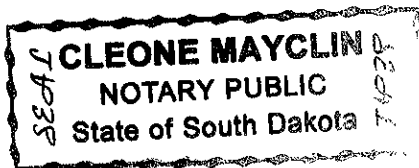
On this the 2nd day of May, 2005, before me, the undersigned Notary Public, personally appeared Franklin O. Simpson, Grantor, representing himself, and that as such Grantor, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of Franklin O. Simpson as Grantor.

IN WITNESS WHEREOF I hereunto set my hand and official seal.

Cleone Mayclin
Notary Public, South Dakota

My Commission Expires: 7/18/09

(SEAL)



GRANTEE

City of Rapid City, SD

Jim Shaw, Mayor

ATTEST:

Finance Officer

(SEAL)

On this the _____ day of _____, 2005, before me, the undersigned officer, personally appeared Jim Shaw and James F. Preston, 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 Drainage Easement 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.

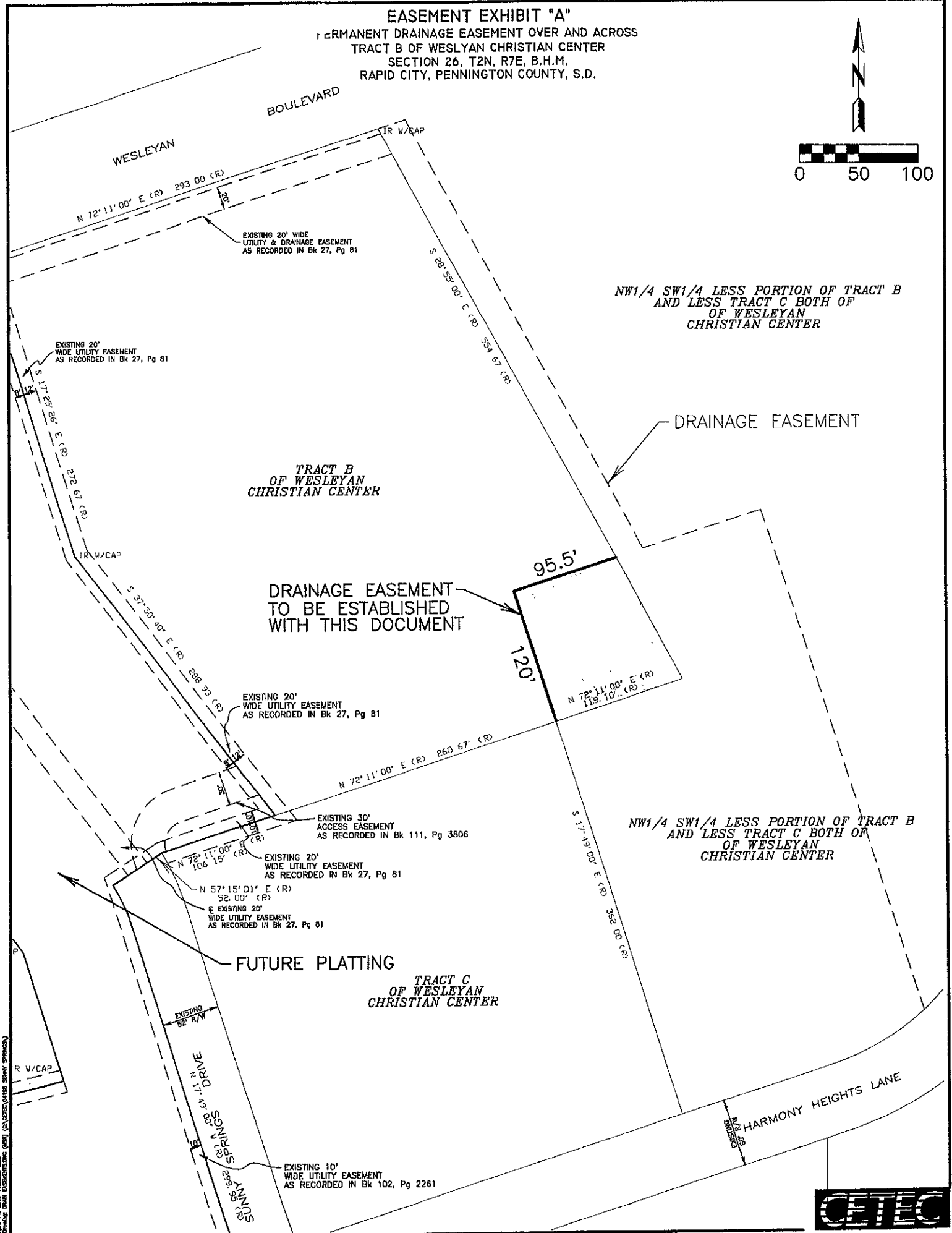
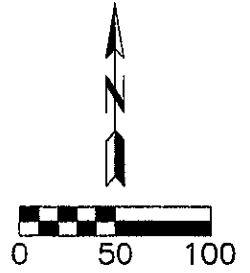
Notary Public, South Dakota

My Commission Expires: _____

(SEAL)

EASEMENT EXHIBIT "A"

PERMANENT DRAINAGE EASEMENT OVER AND ACROSS
TRACT B OF WESLEYAN CHRISTIAN CENTER
SECTION 26, T2N, R7E, B.H.M.
RAPID CITY, PENNINGTON COUNTY, S.D.



April 14, 2005 11:28:28 a.m.
Drawing Date: 04/14/2005
Drawing Title: EASEMENT EXHIBIT "A"



Prepared By:

CETEC Engineering Services, Inc.
1830 West Fulton Street
P.O. Box 9014
Rapid City, SD 57709-9014

Telephone: (605) 341-7800

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

DRAINAGE EASEMENT

Franklin O. Simpson

Franklin O. Simpson, Grantor, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, receipt of which is hereby acknowledged, hereby grants, conveys, bargains and warrants unto City of Rapid City, SD, Grantee, permanent drainage easement over and across the following described real property:

NW ¼ SW ¼ less portion of Tract B and less Tract C Both of Wesleyan Christian Center, Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota. The location of said easement is shown in Exhibit A attached hereto and by this reference made a part thereof.

This easement shall include the right to construct, operate, maintain and repair drainage pipe and/or structure upon said property. The easement area shall be kept free of structures, fences and other obstructions inconsistent with its use for drainage.

Dated this 2 day of May, 2005.

GRANTOR:

Franklin O. Simpson

By: Franklin O. Simpson
Its: owner

Date: May 2 2005

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

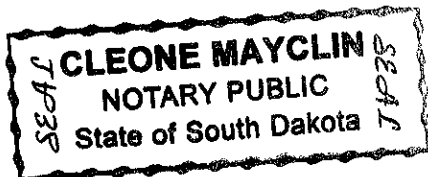
On this the 2nd day of May, 2005, before me, the undersigned Notary Public, personally appeared Franklin O. Simpson, Grantor, representing himself, and that as such Grantor, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of Franklin O. Simpson as Grantor.

IN WITNESS WHEREOF I hereunto set my hand and official seal.

Cleone Mayclin
Notary Public, South Dakota

My Commission Expires: 7/18/09

(SEAL)



GRANTEE

City of Rapid City, SD

Jim Shaw, Mayor

ATTEST:

Finance Officer

(SEAL)

On this the _____ day of _____, 2005, before me, the undersigned officer, personally appeared Jim Shaw and James F. Preston, 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 Drainage Easement 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.

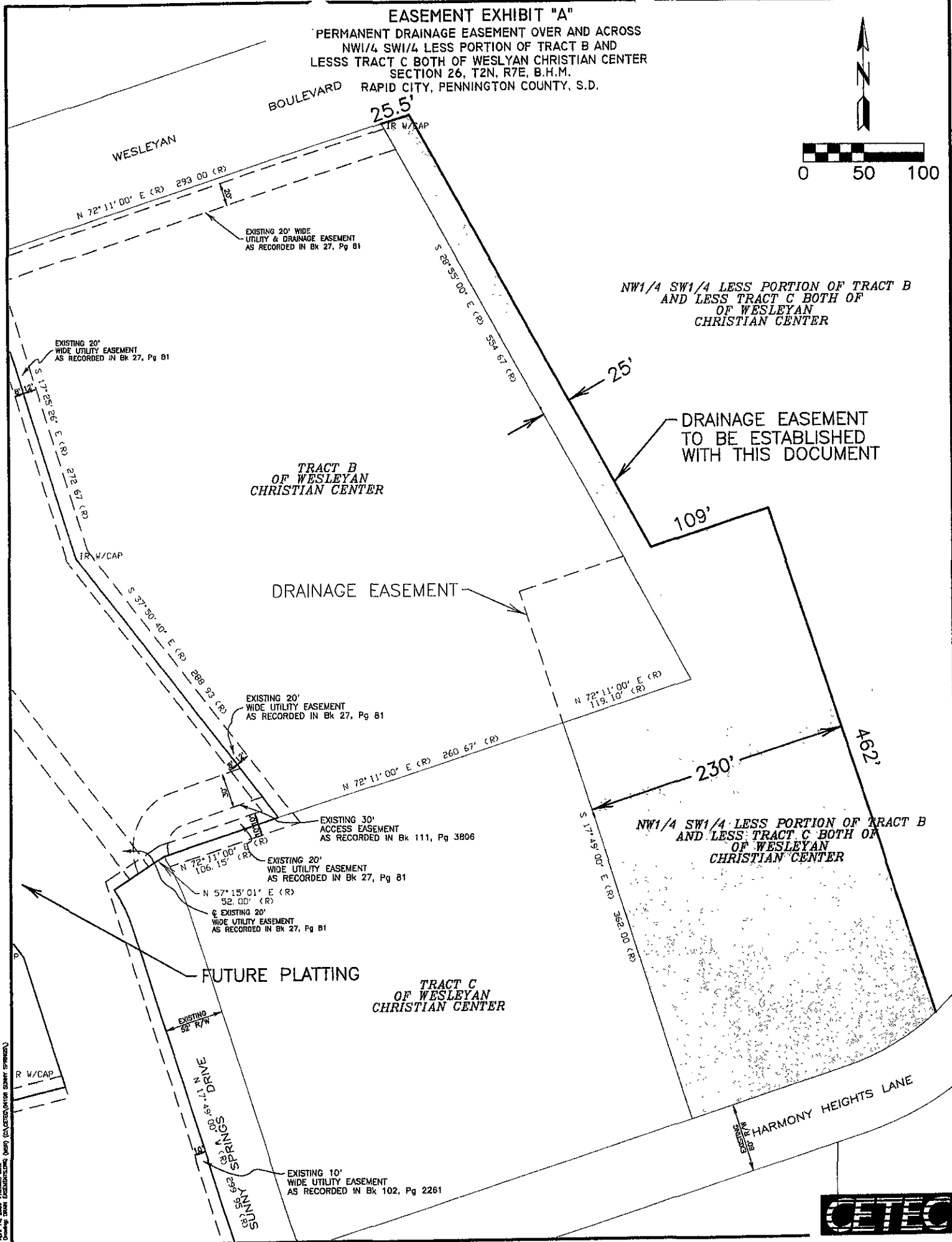
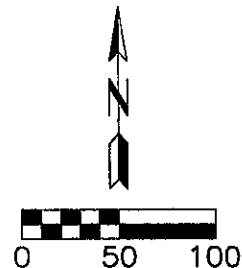
Notary Public, South Dakota

My Commission Expires: _____

(SEAL)

EASEMENT EXHIBIT "A"

PERMANENT DRAINAGE EASEMENT OVER AND ACROSS
NW1/4 SW1/4 LESS PORTION OF TRACT B AND
LESSS TRACT C BOTH OF WESLEYAN CHRISTIAN CENTER
SECTION 26, T2N, R7E, B.H.M.
RAPID CITY, PENNINGTON COUNTY, S.D.



April 14, 2005 11:28:29 a.m.
Drawing: 0001
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