

PREPARED BY: City Attorney's Office
300 Sixth Street
Rapid City, SD 57701
(605) 394-4140
DM
7-11-06

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, FREELAND MEADOWS, LLC, of P.O. Box 8181, Rapid City, South Dakota, 57709, Grantors, hereby grant to the CITY OF RAPID CITY, a South Dakota municipality, 300 Sixth Street, Rapid City, South Dakota, 57701, the Grantee, a perpetual utility easement, subject to the conditions hereinafter set forth, as hereinafter described.

The property which is the subject of this permanent utility easement is legally described as:

NE ¼ of the NW ¼ of Section 19, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, as shown on Exhibit "A," which has been attached hereto and incorporated herein by this reference.

Such easement shall include the right to enter upon the easement property to construct, install, operate, inspect, maintain, and repair a lift station, water mains and sanitary sewer lines along with all related appurtenant facilities upon said property. The City shall perform all work in a workmanlike manner and shall leave the property in as good condition as existed prior to entry thereon.

The area which is the subject of this easement shall be kept free of all obstacles, including fences, shrubs, walls, or other items which obstruct the visibility or usefulness of the easement.

This easement shall include the right to enter upon the above described real property and otherwise to do those things reasonably necessary to effectuate its purpose.

At such time as the easement area is no longer needed by the City for purposes of operating a lift station the City shall have two years to reclaim the site and return the easement area to its original state or a mutually agreed upon condition. Upon the City abandoning the lift station and completing reclamation of the site, the easement area shall revert back to the Grantors or their successors in interest.

DATED this 12th day of July, 2006.

FREELAND MEADOWS, LLC

By: Boyce Kennedy

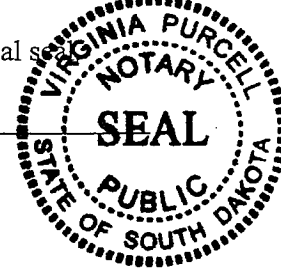
Its: managing member

State of South Dakota)
 SS.
County of Pennington)

On this the 12th day of July, 2006, before me, the undersigned officer, personally appeared Boyce Kennedy, who acknowledged himself to be the Managing Member of FREELAND MEADOWS, LLC, and that as such, being duly authorized to do so, executed the foregoing instrument for the purposes therein contained.

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

Virginia Purcell
Notary Public, South Dakota



My Commission Expires: July 27th, 2011

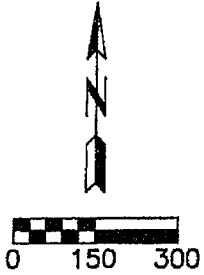
(SEAL)

EXHIBIT "A"
PERMANENT SEWER EASEMENT
LOCATED IN

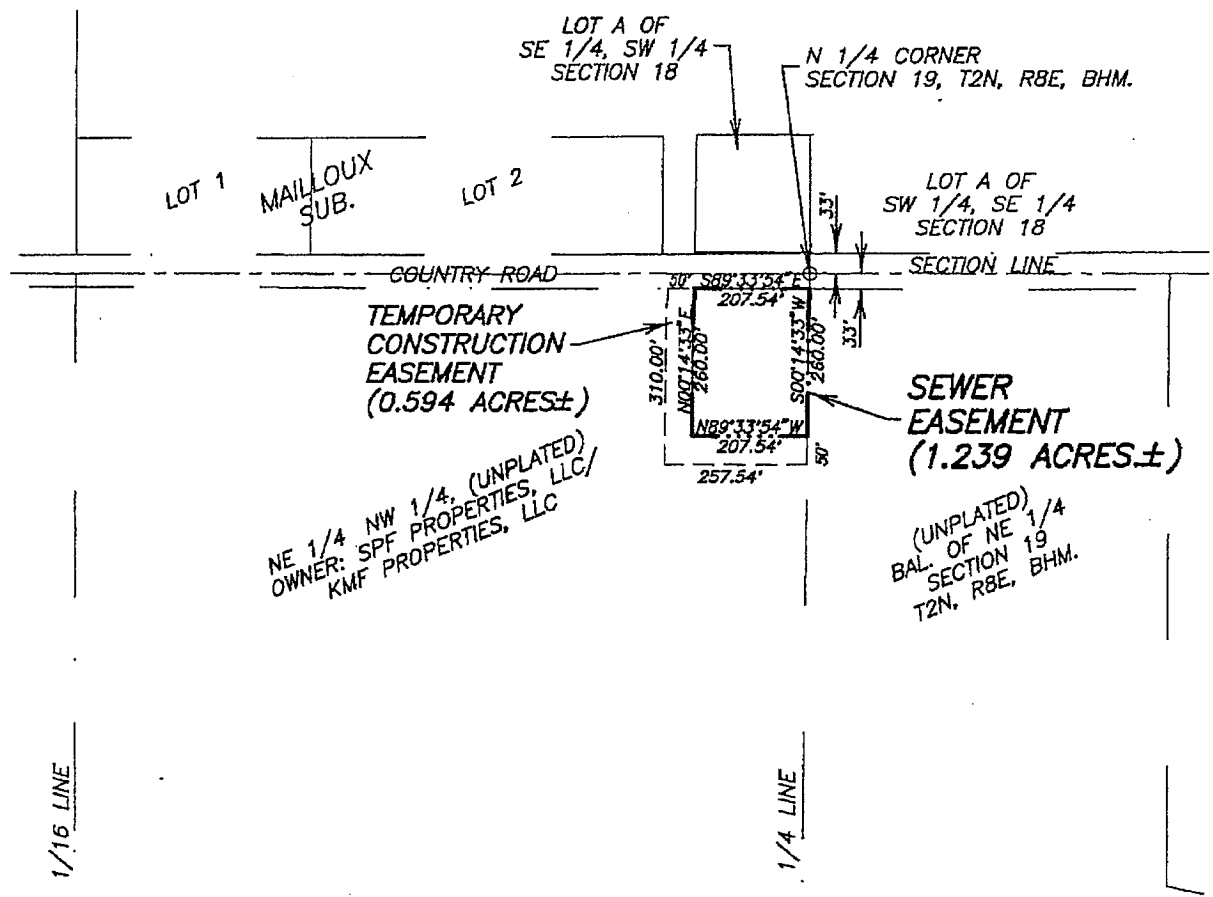
PW050906-09



NE 1/4 NW 1/4, SECTION 19, T2N, R8E, BHM.
 PENNINGTON COUNTY, SOUTH DAKOTA



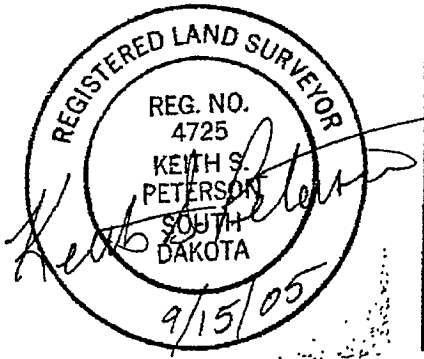
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 Page: 9454
 R06-13084.0 Page: 003 of 003
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 Pennington County, South Dakota
 Donna M. Mayer Misc Real Est



NE 1/4 NW 1/4, (UNPLATED)
 OWNER: SPF PROPERTIES, LLC/
 KMF PROPERTIES, LLC

(UNPLATED)
 BAL. OF NE 1/4
 SECTION 19
 T2N, R8E, BHM.

LEGAL DESCRIPTION OF PERMANENT SEWER EASEMENT
 FROM THE NORTH 1/4 CORNER OF SECTION 19, T2N, R8E, B.H.M., ON THE 1/4 LINE S 0°14'33" W 33.00 FEET TO THE POINT OF BEGINNING, THENCE S 0°14'33" W 260.00 FEET, THENCE N 89°33'54" W 207.54 FEET, THENCE N 0°14'33" E 260.00 FEET, THENCE S 89°33'54" E 207.54 FEET TO THE POINT OF BEGINNING. SAID EASEMENT CONTAINS 1.239 ACRES, MORE OR LESS.



Surveyed on 08/05/05 by Keith S. Peterson, Registered Land Surveyor, South Dakota.