

# CITY OF RAPID CITY

## Engineering Division

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### MEMORANDUM

TO: MAYOR SHAW  
CITY COUNCIL

FROM: TED VORE   
ACTING PUBLIC WORKS DIRECTOR

SUBJECT: SANITARY SEWER EASEMENT

DATE: AUGUST 5, 2004

The City Council has approved a Resolution of Necessity for the Centre Street Sanitary Sewer project which will provide sanitary sewer to properties available for development and to those presently not served by sewer. This project is presently in design and has precipitated acquiring a 'permanent sewer easement' as part of the project. This sewer easement will allow the city to route the sewer in an area which will not require the removal and replacement of asphalt in Centre Street and on Creek Drive. This sewer easement will allow the city to provide services to all parties involved in the assessment, while at the same time reducing construction costs of the project.

The property granting the easement will not benefit from this sewer main project as this property has been on city sewer for many years. The costs of the easement will be assessed back to the properties benefiting from the sewer improvement.

Recommendation: Approve the Permanent Sewer Easement and authorize the issuance of a Treasurer's check in the amount of \$14,530.00.



EQUAL OPPORTUNITY EMPLOYER

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

JPL  
8-4-04

STATE OF SOUTH DAKOTA )  
  SS.  
COUNTY OF PENNINGTON )

PERMANENT SANITARY  
SEWER EASEMENT

FOR AND IN CONSIDERATION of the sum of Fourteen Thousand Five Hundred Thirty Dollars (\$14,530.00), and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, PAUL GEISLER, of 420 Cambell Street, Rapid City, South Dakota, 57702, Grantor, hereby grants to the CITY OF RAPID CITY, the Grantee, of Rapid City, Pennington County, South Dakota, a perpetual easement, subject to the conditions hereinafter set forth, as hereinafter described.

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

A strip of land approximately 20' wide (approximately 7,700 square feet) along the west property line of Lot Three (3) of Manor House Subdivision, Section Five (5), Township One North (T1N), Range Eight East (R8E) of the Black Hills Meridian, Pennington County, South Dakota, as shown on Exhibit "A", attached hereto and incorporated herein by reference.

Such easement shall include the right to construct, operate, maintain and repair utilities upon said property, specifically including a sanitary sewer main.

In addition to the Permanent Sanitary Sewer Easement, PAUL GEISLER will also grant to the CITY OF RAPID CITY a temporary construction easement located on the above-described property, as set forth in Exhibit "A", attached hereto and incorporated herein by reference. This Temporary Easement shall be effective from the date of the award of the contract for a period not to exceed one hundred sixty (160) working days. If the project is not constructed by December 31, 2006, a new temporary construction easement shall be obtained.

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

The property which is the subject of this easement shall be kept free of all obstructions including but not limited to buildings, walls, fences, hedges, trees, and shrubs.

The City of Rapid City will perform all work in a workmanlike manner and, as nearly as reasonably possible, return the surface of the ground to the same condition as existed before any excavation was made.

DATED this 27<sup>th</sup> day of August, 2004.

*Paul Geissler*  
Paul Geissler

State of South Dakota )  
  SS.  
County of Pennington )

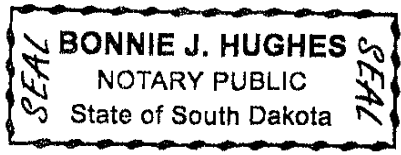
On this the 4<sup>th</sup> day of August, 2004, before me, the undersigned officer, personally appeared Paul Geissler, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained

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

*Bonnie J. Hughes*  
Notary Public, South Dakota

My Commission Expires: 6-18-2005

(SEAL)



CENTRE STREET

S87°54'50"E 388.21'

20.00'

20.00'

20' WIDE  
PERMANENT  
SANITARY SEWER  
EASEMENT  
0.11 AC +/-

20' WIDE  
TEMPORARY  
CONSTRUCTION  
EASEMENT  
0.09 AC +/-

LOT 3 OF  
MANOR HOUSE SUBD.  
LOCATED IN THE NW 1/4  
OF SECTION 5 T1N, R8E,  
BLACK HILLS MERIDIAL  
RAPID CITY, SD

OWNER: PAUL T. GEISSLER

S02°08'41"W 381.31'

S02°08'41"W 392.41'

N02°08'41"E 403.50'



N02°02'56"E 344.60'

22.86'

22.86'

EXISTING 5' TELEPHONE UTILITY EASEMENT  
S58°52'40"E 444.90'  
CHICAGO, MILWAUKEE AND ST PAUL  
RAILROAD 100' R.O.W

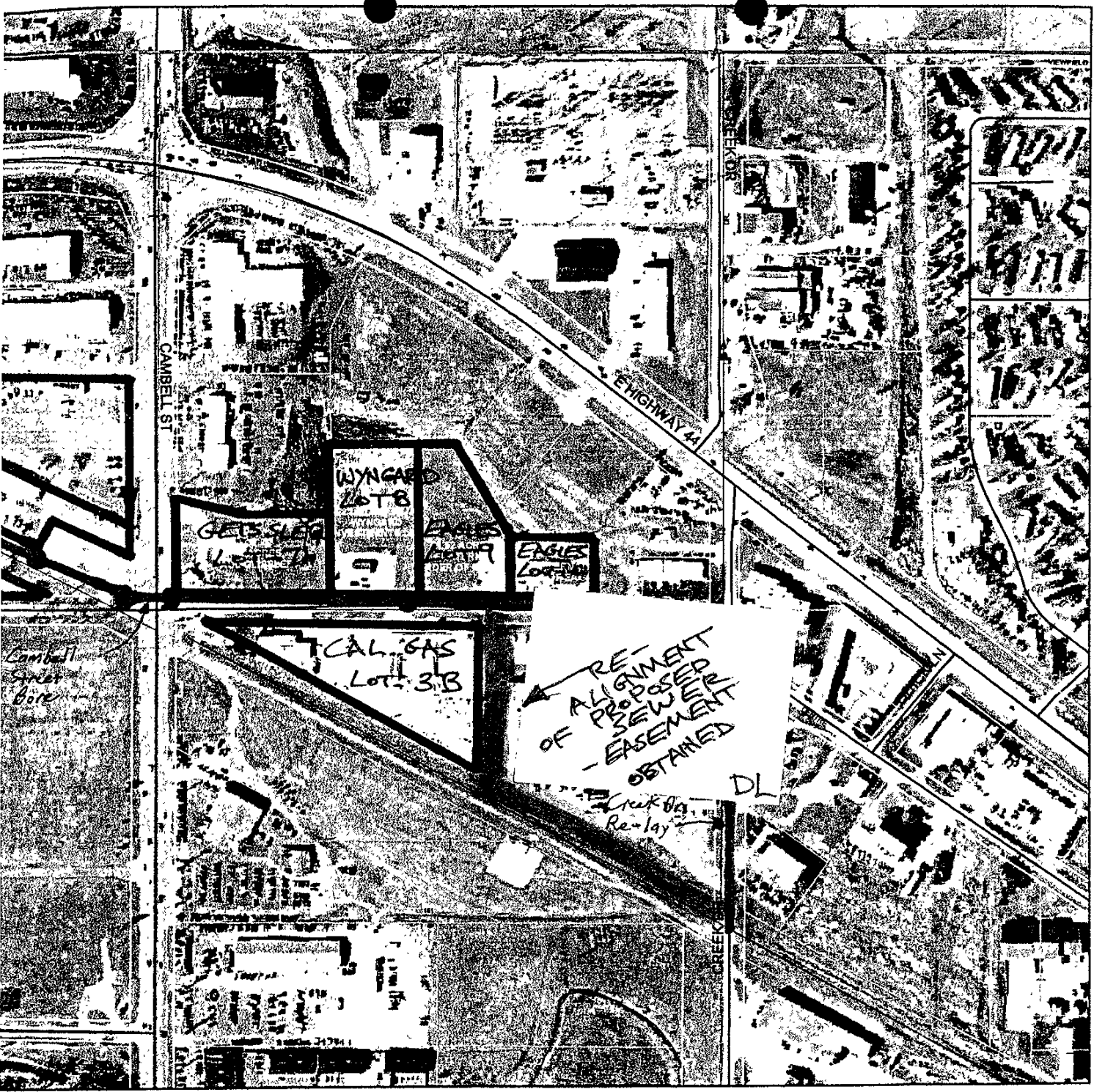
S02°02'56"W 252.65'

08-04-04 J:\EPDATA\04-112\EXHIBIT-EXHIBITS\04-112\EXHIBIT-MANORHOUSE.dwg



EXHIBIT A

PROJECT NO.  
JO4-112  
FIGURE NO.  
1 OF 1



Centre Street Sanitary Sewer Extension  
SS00-940