

AGREEMENT FOR VOLUNTARY RIGHT OF WAY DONATION

PROJECT NO: BRO 8052(56) CITY: Rapid City PARCEL NO: 1 & 1A
 This agreement made and entered into this day of , 20 06
 by and between Rapid City acting by and through the RC Common Council,
 hereinafter referred to as CITY, and
Jackson R. M. Ovitt, whose postal address is 1325 Creek Drive,
Rapid City, SD 57703, hereinafter referred to as DONOR.

WHEREAS, CITY needs the following Right of Way and easements for
 construction, operation and maintenance of a highway:

Right of Way: Lot H1 of Lot 2 in the NW ¼ SW ¼ of Section 5, T1N,
 R8E, BHM. Approximately 4191 square feet more or less
 as shown on Plat of Lot H1.

Permanent Easement: Lot PE1 of Lot 2 in the NW ¼ SW ¼ of Section 5, T1N,
 R8E, BHM. Approximately 8375 square feet more or less
 as shown on Plat of Lot PE1.

Temporary Easement: Parcel 1 in Lot 2 located in the NW ¼ SW ¼ of Section
 5, T1N, R8E, BHM. Approximately 1539 square feet more
 or less as shown on Exhibit A.

NOW THEREFORE, DONOR understands his/her right to have an appraisal prepared
 and his/her right to receive just compensation for the above described Right
 of Way and/or temporary easement in accordance with Title III Public Law 91-
 646. DONOR does hereby voluntarily donate to CITY the above-described
 property and easements as shown on the plats and plans for construction of the
 above cited PROJECT.

Stipulations of conditional donation: 3 wire smooth fence from bridge
Abutment along ROW to Sta. 2+75 & address drainage south of property by
Repairing berm.

DONOR agrees that the erection of fences, structures or obstacles within
 the permanent easement will not be permitted.

DONOR grants permission to CITY or CITY'S agent to enter upon above
 described easement upon approval of this AGREEMENT.

The permanent easement shall be in effect until the highway is abandoned
 by proper action of the Rapid City Common Council and the temporary easement
 shall be in effect until construction of the project is completed.

IN WITNESS WHEREOF, the parties hereto have caused this AGREEMENT to be
 executed.

Attest: _____
 City Finance Officer

By: [Signature] Donor

By: _____
 Mayor

By: _____
 Donor

STATE OF South Dakota

COUNTY OF Pennington

On this 31st day of March in the year of 2006, before
 me, Sandra J. Feickert, a Notary Public within and for said
 County and State, personally appeared Jackson R. M. Ovitt

known to me to be the person(s) described
 in and who executed the foregoing instrument and acknowledged to me that
he executed the same for the purpose therein stated.

My Commission Expires: 12-08-2009

[Signature] SANDRA J. FEICKERT
 NOTARY PUBLIC
 State of South Dakota

Prepared By:

CETEC Engineering Services, Inc.
1830 West Fulton Street
P.O. Box 9014
Rapid City, SD 57709-9014
Telephone: (605) 341-7800

QUIT CLAIM DEED

JACKSON M. R. OVITT, of 1325 Creek Drive, Rapid City, South Dakota, 57703, Grantor, for and inconsideration of One Dollar (\$1.00) and other good and valuable consideration, convey and quit claim to the CITY OF RAPID CITY, a municipal corporation, of 300 Sixth Street, Rapid City, South Dakota, 57701, all interest in the following described real estate in the County of Pennington in the State of South Dakota:

**Lot H1 of Lot 2 in the NW ¼ SW ¼ of Section 5, T1N, R8E, BHM.
Approximately 4191 square feet more or less as shown on Plat of
Lot H1.**

EXEMPT FROM TRANSFER FEE: SDCL Section 43-4-22(2)

Dated this _____ day of _____, 2006.

GRANTOR:

Jackson ^{MM} Ovitt

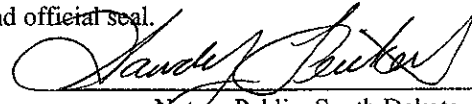
By: 

Date: 3/30/06

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

On this the 31st day of March, 2006, before me, the undersigned Notary Public, personally appeared Jackson R.M. Ovitt, 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 Jackson R.M. Ovitt as Grantor.

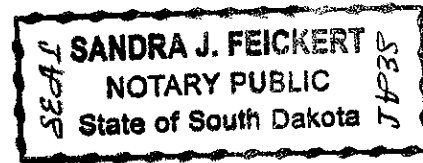
IN WITNESS WHEREOF I hereunto set my hand and official seal.



Notary Public, South Dakota

My Commission Expires: 12-08-2009

(SEAL)

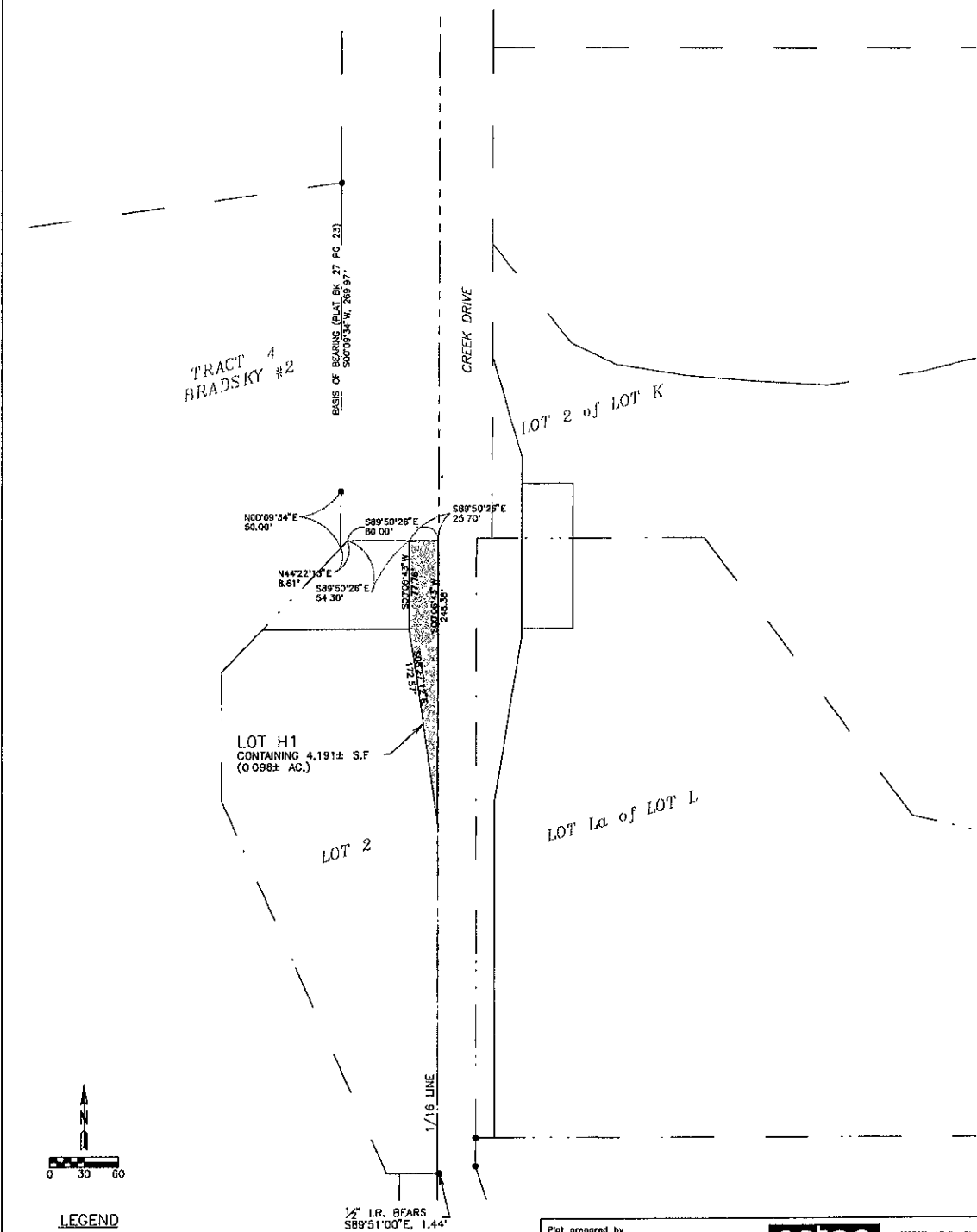


PARCEL 1

PLAT OF LOT H1 OF LOT 2
 SHOWING A PARCEL OF LAND TO BE ACQUIRED FOR HIGHWAY AND UTILITY PURPOSES IN
 LOT 2 OF NW1/4 SW1/4 SECTION 5, T1N, R8E, B.H.M.
 FOR CONSTRUCTION OF PROJECT BRO 8052(56)
 RAPID CITY, PENNINGTON COUNTY, SOUTH DAKOTA

SCALE: 1 INCH = 60 FEET

PAGE 1 OF 1

**LEGEND**

- FOUND SURVEY MONUMENT
- (R) INDICATES DIMENSION PREVIOUSLY RECORDED
- (M) INDICATES DIMENSION MEASURED THIS SURVEY

Plat prepared by

Drawn By RF Date X
 Checked By KP Date X



1828 West Fulton Street
 Rapid City, SD 57102
 Phone: (605) 541-7800
 www.cetecsurveying.com

SURVEYOR'S CERTIFICATE

I, Keith S. Peterson, Registered Land Surveyor, in and for the State of South Dakota, do hereby certify that as ordered by the South Dakota State Transportation Commission the tract of land as shown on this plat has been surveyed at my direction and under my control and such tract of land shall be hereafter known by the lot number designated herein. The location and dimensions of the tract are shown on this plat.

In witness whereof, I have set my hand and seal this _____ day of _____ A.D., 20____

Registered Land Surveyor
 Registration No. 4725

OFFICE OF REGISTER OF DEEDS

State of South Dakota
 County of Pennington ss

Filed for record the _____ day of _____, A.D., 20____, at _____, and recorded in Books of Plats _____ on Page _____ therein.

Register of Deeds

by

Deputy

H100

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.

PERMANENT 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 here by a acknowledged, **Jackson R. M. Ovitt, of 1325 Creek Drive, Rapid City, South Dakota, 57703**, Grantor, hereby grants to the CITY OF RAPID CITY, a municipal corporation, the Grantee, of 300 Sixth Street, Rapid City, South Dakota, 57701, a permanent easement for drainage purposes in, on , over, under, and across the following described property:

**Lot PE1 of Lot 2 in the NW ¼ SW ¼ of Section 5, T1N, R8E,
 BHM. Approximately 8375 square feet more or less as shown
 on Plat of Lot PE1.**

This easement shall include the right to construct, operate, maintain, inspect, and repair drainage structures upon said property.

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.

This easement grants to all public authorities the right to enter upon the aforescribed real property and otherwise to do those things reasonably necessary to effectuate its purpose.

Dated this _____ day of _____, 2006.

GRANTOR:

Jackson R. M. Ovitt

By: Date: 3/30/06

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

On this the 31st day of March, 2006, before me, the undersigned Notary Public, personally appeared Jackson R. M. Oviatt, 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 Jackson R. M. Oviatt as Grantor.

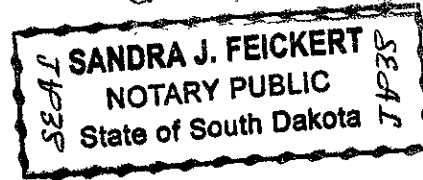
IN WITNESS WHEREOF I hereunto set my hand and official seal.

Sandra J. Feickert

Notary Public, South Dakota

My Commission Expires: 12-08-2009

(SEAL)

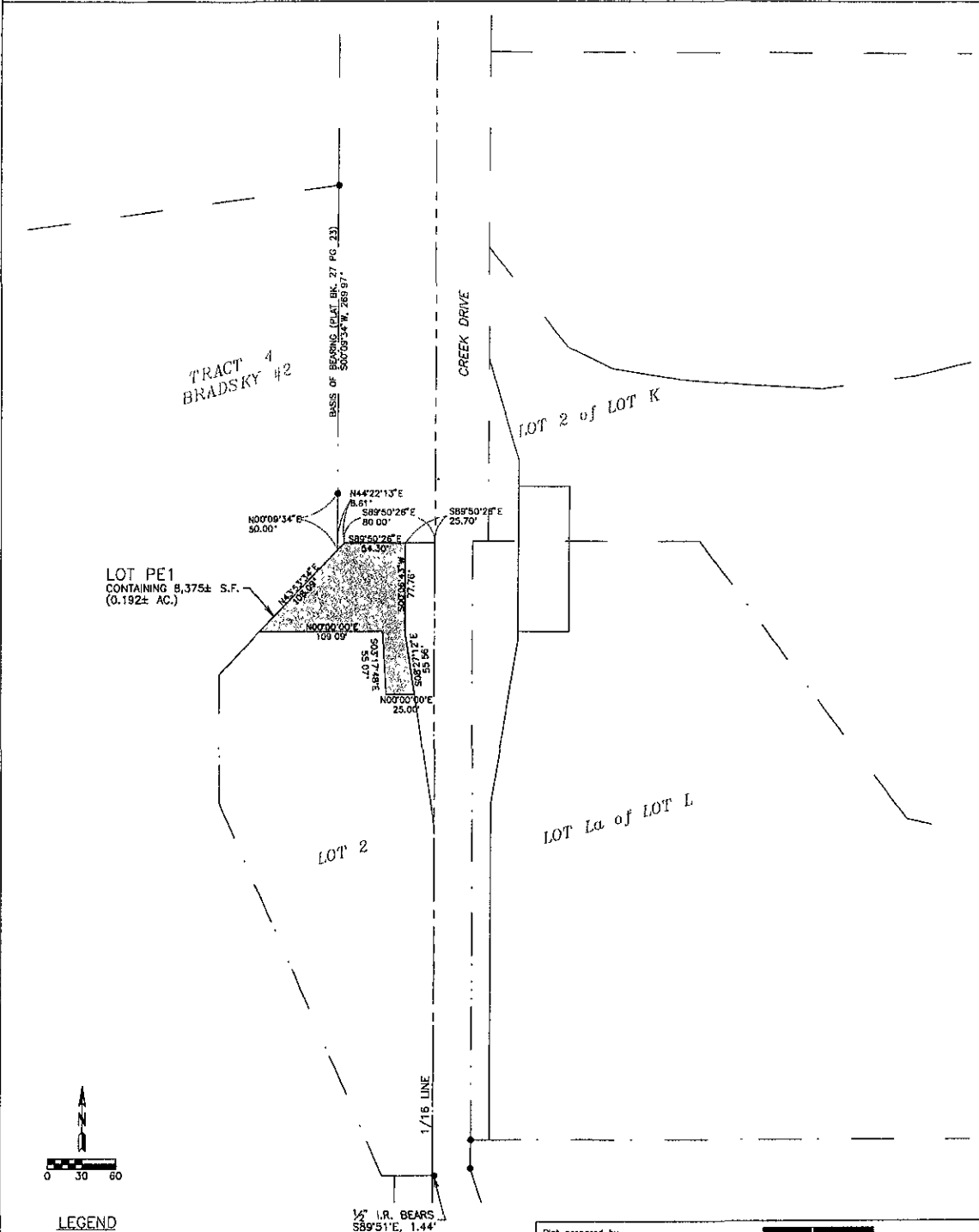


PARCEL 1A

PLAT OF LOT PE1 OF LOT 2
 SHOWING A PARCEL OF LAND TO BE ACQUIRED FOR DRAINAGE PURPOSES IN
 LOT 2 OF NW1/4 SW1/4 SECTION 5, T1N, R8E, B.H.M
 FOR CONSTRUCTION OF PROJECT BRO 8052(56)
 RAPID CITY, PENNINGTON COUNTY, SOUTH DAKOTA

SCALE: 1 INCH = 60 FEET

PAGE 1 OF 1



LEGEND

- FOUND SURVEY MONUMENT
- (R) INDICATES DIMENSION PREVIOUSLY RECORDED
- (M) INDICATES DIMENSION MEASURED THIS SURVEY

Plat prepared by

Drawn By RF Date X
 Checked By KP Date X



1820 West Fulton Street
 Rapid City, SD 57102
 Phone (605) 341-7000
 www.cetecsurveying.com

SURVEYOR'S CERTIFICATE

I, Keith S. Peterson, Registered Land Surveyor, in and for the State of South Dakota, do hereby certify that as ordered by the South Dakota State Transportation Commission the tract of land as shown on this plat has been surveyed at my direction and under my control and such tract of land shall be hereafter known by the lot number designated herein. The location and dimensions of the tract are shown on this plat.

In witness whereof, I have set my hand and seal this _____ day of _____ A.D., 20____

Registered Land Surveyor
 Registration No. 4725

OFFICE OF REGISTER OF DEEDS

State of South Dakota
 County of Pennington ss

Filed for record the _____ day of _____ A.D., 20____, at _____, and recorded in Books of Plats _____ on Page _____ therein

Register of Deeds

by

Deputy

H100

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.

TEMPORARY CONSTRUCTION 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 here by a acknowledged, **Jackson R. M. Ovitt, of 1325 Creek Drive, Rapid City, South Dakota, 57703**, Grantor, hereby grants to the CITY OF RAPID CITY, 300 Sixth Street, Rapid City, South Dakota, 57701, its agents, employees, and contractor, temporary construction easements over and across the following described real property:

**Parcel 1 in Lot 2 located in the NW ¼ SW ¼ of Section 5,
 T1N, R8E, BHM. Approximately 1539 square feet more or less
 as shown on Exhibit A.**

This easement shall include the right to enter upon the easement property for the purpose of constructing the project entitled, "Creek Drive Structure Replacement, BRO 8052(56) PCN H100".

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 Temporary Easement shall be effective from the date of signing to December 31, 2007.

Dated this _____ day of _____, 2006.

GRANTOR:

Jackson R. M. Ovitt

By: Date: 3/30/06

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

On this the 31st day of March, 2006, before me, the undersigned Notary Public, personally appeared Jackson R.M. Ovitt, 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 Jackson R.M. Ovitt as Grantor.

IN WITNESS WHEREOF I hereunto set my hand and official seal

My Commission Expires: 12-18-2009

(SEAL)

nd official seal.

Sandra J. Feickert

Notary Public, South Dakota

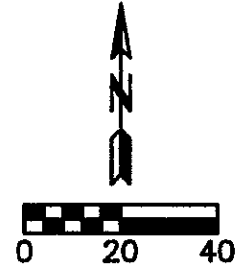
SANDRA J. FEICKERT
NOTARY PUBLIC
State of South Dakota

TEMPORARY EASEMENT EXHIBIT "A"

PARCEL 1

IN LOT 2 LOCATED IN THE NW 1/4 SW1/4 OF
SECTION 5, T1N, R8E, BHM.
RAPID CITY, PENNINGTON COUNTY, SD

APPROXIMATELY 1539 SQUARE FEET MORE OR LESS



4+51.8
73.7' L

3+96
70.4' L

3+59.7
37.5' L

2+64.5
25.5' L

LOT 2

CREEK DRIVE

PT Sta = 4+02.70

PRC Sta = 3+35.29

PC Sta = 2+74.67

LOT

March 30, 2006 3:10:07 p.m.
Drawing: PARCEL 1.DWG (RM) (C:\CETEC\04150-1241\PLATS\)

CETEC

AGREEMENT FOR VOLUNTARY RIGHT OF WAY DONATION

PROJECT NO: BRO 8052(56) CITY: Rapid City PARCEL NO: 1 & 1A

This agreement made and entered into this day of , 2006
by and between Rapid City acting by and through the RC Common Council,
hereinafter referred to as CITY, and

Dale R. Sassman, whose postal address is 1325 Creek Drive,
Rapid City, SD 57703, hereinafter referred to as DONOR.

WHEREAS, CITY needs the following Right of Way and easements for
construction, operation and maintenance of a highway:

Right of Way: Lot H1 of Lot 2 in the NW ¼ SW ¼ of Section 5, T1N,
R8E, BHM. Approximately 4191 square feet more or less
as shown on Plat of Lot H1.

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Temporary Easement: Parcel 1 in Lot 2 located in the NW ¼ SW ¼ of Section
5, T1N, R8E, BHM. Approximately 1539 square feet more
or less as shown on Exhibit A.

NOW THEREFORE, DONOR understands his/her right to have an appraisal prepared
and his/her right to receive just compensation for the above described Right
of Way and/or temporary easement in accordance with Title III Public Law 91-
646. DONOR does hereby voluntarily donate to CITY the above-described
property and easements as shown on the plats and plans for construction of the
above cited PROJECT.

Stipulations of conditional donation: 3 wire smooth fence from bridge
Abutment along ROW to Sta 2+75 L & address Drainage south of property by
Repairing berm.

DONOR agrees that the erection of fences, structures or obstacles within
the permanent easement will not be permitted.

DONOR grants permission to CITY or CITY'S agent to enter upon above
described easement upon approval of this AGREEMENT.

The permanent easement shall be in effect until the highway is abandoned
by proper action of the Rapid City Common Council and the temporary easement
shall be in effect until construction of the project is completed.

IN WITNESS WHEREOF, the parties hereto have caused this AGREEMENT to be
executed.

Attest: _____
City Finance Officer

By: Dale R. Sassman
Donor

By: _____
Mayor

By: _____
Donor

STATE OF South Dakota

COUNTY OF Pennington

On this 3/5th day of March in the year of 2006, before
me, Sandra J. Feickert, a Notary Public within and for said
County and State, personally appeared Dale R. Sassman

known to me to be the person(s) described
in and who executed the foregoing instrument and acknowledged to me that
he executed the same for the purpose therein stated.

My Commission Expires: 12-08-2009

Sandra J. Feickert
NOTARY PUBLIC
State of South Dakota

Prepared By:

CETEC Engineering Services, Inc
1830 West Fulton Street
P.O. Box 9014
Rapid City, SD 57709-9014
Telephone: (605) 341-7800

QUIT CLAIM DEED

DALE R. SASSMAN, of 1325 Creek Drive, Rapid City, South Dakota, 57703. Grantor, for and inconsideration of One Dollar (\$1.00) and other good and valuable consideration, convey and quit claim to the CITY OF RAPID CITY, a municipal corporation, of 300 Sixth Street, Rapid City, South Dakota, 57701, all interest in the following described real estate in the County of Pennington in the State of South Dakota:

**Lot H1 of Lot 2 in the NW ¼ SW ¼ of Section 5, T1N, R8E, BHM.
Approximately 4191 square feet more or less as shown on Plat of
Lot H1.**

EXEMPT FROM TRANSFER FEE: SDCL Section 43-4-22(2)

Dated this _____ day of _____, 2006.

GRANTOR:

Dale R. Sassman

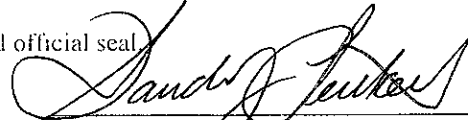
By: Dale R. Sassman

Date: 3.29.06

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

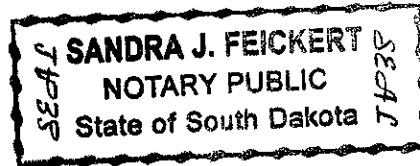
On this the 29th day of March, 2006, before me, the undersigned Notary Public, personally appeared Dale R. Sassman, Grantor, representing himself, and that as such Grantor, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of Dale R. Sassman as Grantor

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


Notary Public, South Dakota

My Commission Expires. 12-08-2009

(SEAL)

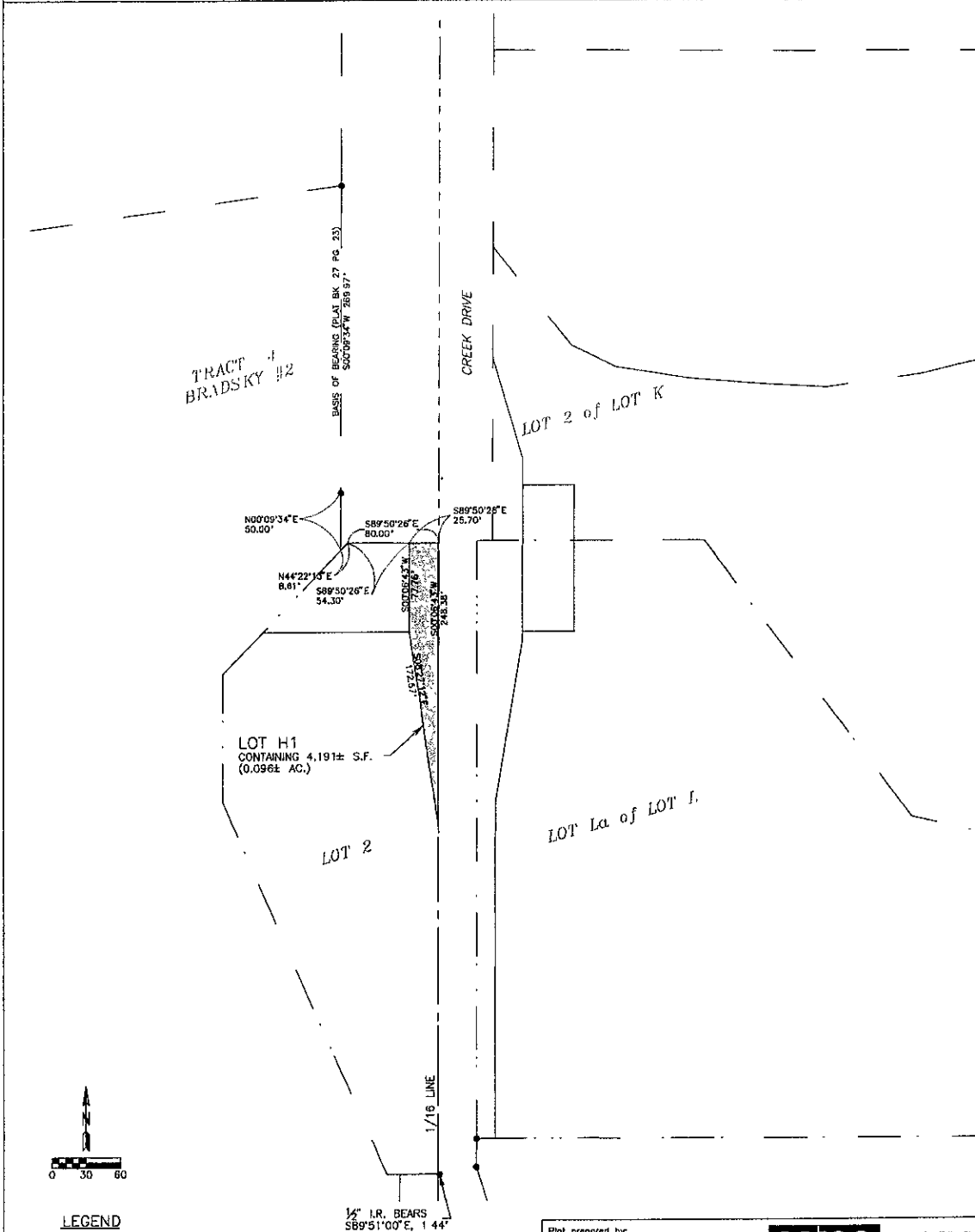


PARCEL 1

PLAT OF LOT H1 OF LOT 2
 SHOWING A PARCEL OF LAND TO BE ACQUIRED FOR HIGHWAY AND UTILITY PURPOSES IN
 LOT 2 OF NW1/4 SW1/4 SECTION 5, T1N, R8E, B.H.M
 FOR CONSTRUCTION OF PROJECT BRO 8052(56)
 RAPID CITY, PENNINGTON COUNTY, SOUTH DAKOTA

SCALE: 1 INCH = 60 FEET

PAGE 1 OF 1



SURVEYOR'S CERTIFICATE

I, Keith S. Peterson, Registered Land Surveyor, in and for the State of South Dakota, do hereby certify that as ordered by the South Dakota State Transportation Commission the tract of land as shown on this plat has been surveyed at my direction and under my control and such tract of land shall be hereafter known by the lot number designated herein. The location and dimensions of the tract are shown on this plat

In witness whereof, I have set my hand and seal this _____ day of _____ A.D., 20____

Registered Land Surveyor
 Registration No. 4725

OFFICE OF REGISTER OF DEEDS

State of South Dakota

County of Pennington ss

Filed for record the _____ day of _____, A.D., 20____, at _____, and recorded in Books of Plots _____ on Page _____ therein

Register of Deeds

by

Deputy

H100

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)

PERMANENT EASEMENT

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 here by a acknowledged, **Dale R Sassman, of 1325 Creek Drive, Rapid City, South Dakota, 57703**, Grantor, hereby grants to the CITY OF RAPID CITY, a municipal corporation, the Grantee, of 300 Sixth Street, Rapid City, South Dakota, 57701, a permanent easement for drainage purposes in, on, over, under, and across the following described property:

Lot PE1 of Lot 2 in the NW ¼ SW ¼ of Section 5, T1N, R8E, BHM. Approximately 8375 square feet more or less as shown on Plat of Lot PE1.

This easement shall include the right to construct, operate, maintain, inspect, and repair drainage structures upon said property.

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.

This easement grants to all public authorities the right to enter upon the aforescribed real property and otherwise to do those things reasonably necessary to effectuate its purpose.

Dated this _____ day of _____, 2006.

GRANTOR:

Dale R. Sassman

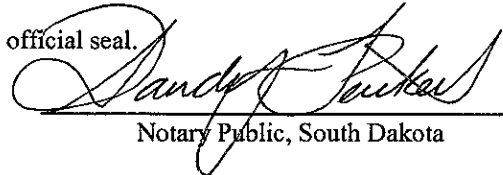
By: 

Date: 3-31-06

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

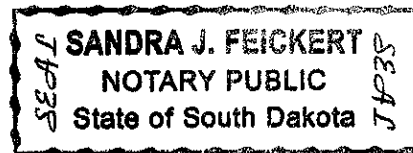
On this the 31st day of March, 2006, before me, the undersigned Notary Public, personally appeared Dale R. Sassman, Grantor, representing himself, and that as such Grantor, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of Dale R. Sassman as Grantor.

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


Notary Public, South Dakota

My Commission Expires: 12.08-2009

(SEAL)

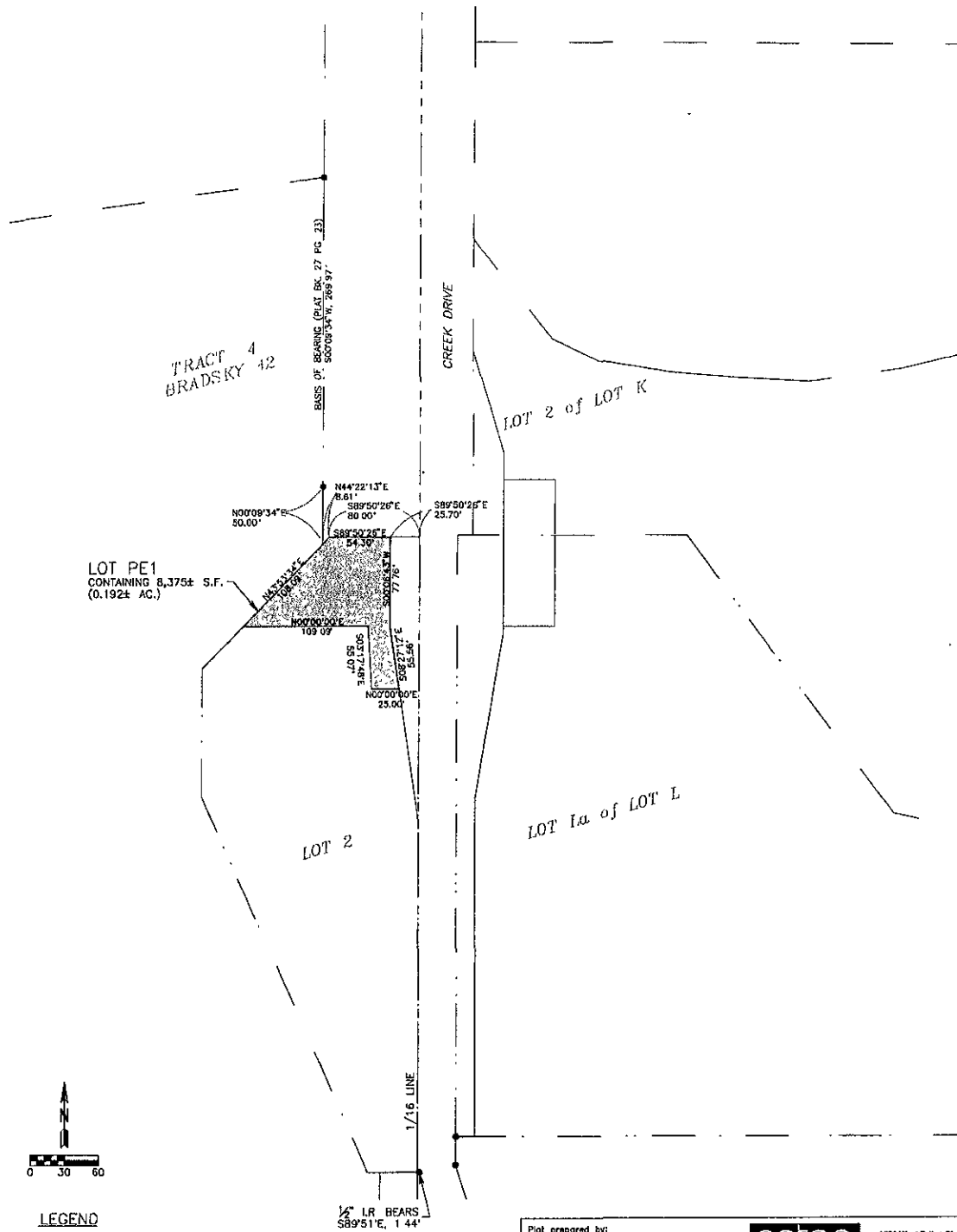


PARCEL 1A

PLAT OF LOT PE1 OF LOT 2
SHOWING A PARCEL OF LAND TO BE ACQUIRED FOR DRAINAGE PURPOSES IN
LOT 2 OF NW1/4 SW1/4 SECTION 5, T1N, R8E, B.H.M.
FOR CONSTRUCTION OF PROJECT BRO 8052(56)
RAPID CITY, PENNINGTON COUNTY, SOUTH DAKOTA

SCALE: 1 INCH = 60 FEET

PAGE 1 OF 1



LEGEND

- FOUND SURVEY MONUMENT
(R) INDICATES DIMENSION PREVIOUSLY RECORDED
(M) INDICATES DIMENSION MEASURED THIS SURVEY

Plot prepared by:

Drawn By RF Date X
Checked By KP Date X



1830 West Fulton Street
Rapid City, SD 57702
Phone: (605) 341-7800
www.ccmwrighthearing.com

SURVEYOR'S CERTIFICATE

I, Keith S. Peterson, Registered Land Surveyor, in and for the State of South Dakota, do hereby certify that as ordered by the South Dakota State Transportation Commission the tract of land as shown on this plat has been surveyed at my direction and under my control and such tract of land shall be hereafter known by the lot number designated herein. The location and dimensions of the tract are shown on this plat.

In witness whereof, I have set my hand and seal this _____ day of _____ A.D., 20_____

Registered Land Surveyor
Registration No 4725

OFFICE OF REGISTER OF DEEDS

State of South Dakota
County of Pennington ss

Filed for record the _____ day of _____, A.D. 20____, at _____, and recorded in Books of Plats _____ on Page _____ therein.

Register of Deeds

by

Deputy

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.

TEMPORARY CONSTRUCTION EASEMENT

COUNTY OF PENNINGTON)

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 T1N, R8E, BHM. Approximately 1539 square feet more or less
 as shown on Exhibit A.**

This easement shall include the right to enter upon the easement property for the purpose of constructing the project entitled, "Creek Drive Structure Replacement, BRO 8052(56) PCN H100".

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 Temporary Easement shall be effective from the date of signing to December 31, 2007.

Dated this _____ day of _____, 2006.

GRANTOR:

Dale R. Sassman

By: Date: 3-31-06

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

On this the 31st day of March, 2006, before me, the undersigned Notary Public, personally appeared Dale R. Sassman, 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 Dale R. Sassman as Grantor.

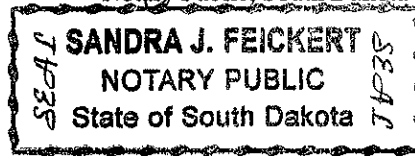
IN WITNESS WHEREOF I hereunto set my hand and official seal.



Notary Public, South Dakota

My Commission Expires: 12-08-2009

(SEAL)



TEMPORARY EASEMENT EXHIBIT "A"

PARCEL 1

IN LOT 2 LOCATED IN THE NW 1/4 SW1/4 OF
SECTION 5, T1N, R8E, B1M.

RAPID CITY, PENNINGTON COUNTY, SD

APPROXIMATELY 1539 SQUARE FEET MORE OR LESS

