

## **PERMANENT WATER MAIN AND SEWER MAIN EASEMENT AGREEMENT**

This Agreement for permanent water main and sewer main easement is entered into between the STATE OF SOUTH DAKOTA, ACTING THROUGH ITS DEPARTMENT OF TRANSPORTATION, hereinafter referred to as the STATE, post address 700 East Broadway Avenue, Pierre, South Dakota 57501, and the CITY OF RAPID CITY, hereinafter referred to as the CITY, post address 300 6th St., Rapid City, South Dakota 57701-2724.

WHEREAS, the CITY contemplates the construction, operation and maintenance of certain sewer and water line facilities, and;

WHEREAS, a portion of the permanent easement necessary for the proper completion of such facilities, is located over and across certain real property owned by STATE;

NOW, THEREFORE, it is expressly agreed and understood by the parties hereto that:

1. The STATE grants to the CITY, on the occasion of full execution of this agreement, a permanent easement for the construction and maintenance of a twelve inch water main and a fifteen inch sewer main along the south property boundary of the DOT Rapid City Region complex, located at 2300 Eglin Street, Rapid City, South Dakota 57701, as shown on Attachment A to this Agreement, and legally described as follows:

The south thirty-five (35) feet of Lot X in the Southeast Quarter (SE $\frac{1}{4}$ ) of Section Twenty-nine (29), of Township Two (2) North, Range Eight (8,) East of the Black Hills Meridian, Pennington County, South Dakota.

2. This Agreement and grant of easement is subject to the condition that the water main and sewer main shall be constructed in a good and workmanlike manner, and all disturbed areas shall be restored insofar as is practical.
3. CITY agrees to indemnify and hold harmless the STATE from any and all claims, actions, suits, damages, liability or other proceedings that may arise out of the grant of this easement, the construction, operation, repair, or maintenance of the water line and sewer line, and CITY'S use of said easement.

## PW092507-10

*PENNINGTON* COUNTY, SOUTH DAKOTA

Scale: 1 inch = 200 feet

Lot "X" - SE<sup>4</sup>29-2:8  
Containing 25.16 acres,  
more or less.

