

**RESOLUTION OF NECESSITY FOR THE ACQUISITION OF PUBLIC
RIGHT OF WAY EASEMENT, WATER MAIN EASEMENT, UTILITY
EASEMENT, MAJOR DRAINAGE EASEMENT, AND
TEMPORARY EASEMENTS FOR ANAMOSA STREET THROUGH
THE EXERCISE OF EMINENT DOMAIN**

WHEREAS, the City of Rapid City has determined it is necessary to extend Anamosa Street from its current terminus east of Lacrosse to East North Street in order to facilitate public travel; and

WHEREAS, the City of Rapid City has determined that the acquisition of a right of way easement, water main easement, utility easement, major drainage easement and temporary construction easements for public use are necessary before the extension of Anamosa Street can occur; and

WHEREAS, the City of Rapid City has attempted to negotiate acquisition of the right of way and other easements and has been unable to secure said real property under agreeable arrangements; and

WHEREAS, the City of Rapid City is authorized to appropriate or damage private property for public purposes under the payment of just compensation as set forth in various provisions of state law including but not limited to SDCL §§ 9-12-1(2), 9-27-1;

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the Common Council of the City of Rapid City finds it necessary to take for the public purpose of constructing a City street along with other necessary appurtenant facilities the following described real property:

A portion of Tract A and the East Half (E½) of vacated Cherry Avenue of the Northeast Quarter of Section Thirty-one (31), Township Two North (T2N), Range Eight East (R8E) of the Black Hills Meridian, Rapid City, Pennington County, South Dakota, to be designated Lot H1, containing 38,799 square feet more or less, as shown on Exhibit "A", attached hereto and incorporated herein by reference;

A forty foot (40') wide water main easement over, under and across Tract A, in the Northeast Quarter of Section Thirty-one (31), Township Two North (T2N), Range Eight East (R8E) of the Black Hills Meridian, Rapid City, Pennington County, South Dakota, as shown on Exhibit "B", attached hereto and incorporated herein by reference;

An eight foot (8') wide utility easement over, under and across Tract A and the East Half (E½) of vacated Cherry Avenue in the Northeast Quarter (NE¼) of Section Thirty-one (31), Township Two North (T2N), Range Eight East (R8E) of the Black Hills Meridian, Rapid City, Pennington County, South Dakota, as shown on Exhibit "C", attached hereto and incorporated herein by reference;

A forty foot (40') wide major drainage easement over, under and across Tract A, in the Northeast Quarter (NE¼) of Section Thirty-one (31), Township Two North (T2N), Range Eight East (R8E) of the Black Hills Meridian, Rapid City, Pennington County, South Dakota, as shown on Exhibit "D", attached hereto and incorporated herein by reference; and

A temporary construction easement over, under and across Tract A and the East Half (E½) of vacated Cherry Avenue, in the Northeast Quarter (NE¼) of Section Thirty-one (31), Township Two North (T2N), Range Eight East (R8E) of the Black Hills Meridian, Rapid City, Pennington County, South Dakota, as shown on Exhibit "E", attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the City of Rapid City hereby authorizes and directs the City Attorney to undertake legal proceedings to implement this Resolution of Necessity and to determine just compensation to be paid.

Dated this _____ day of _____, 2009.

CITY OF RAPID CITY

Mayor

ATTEST:

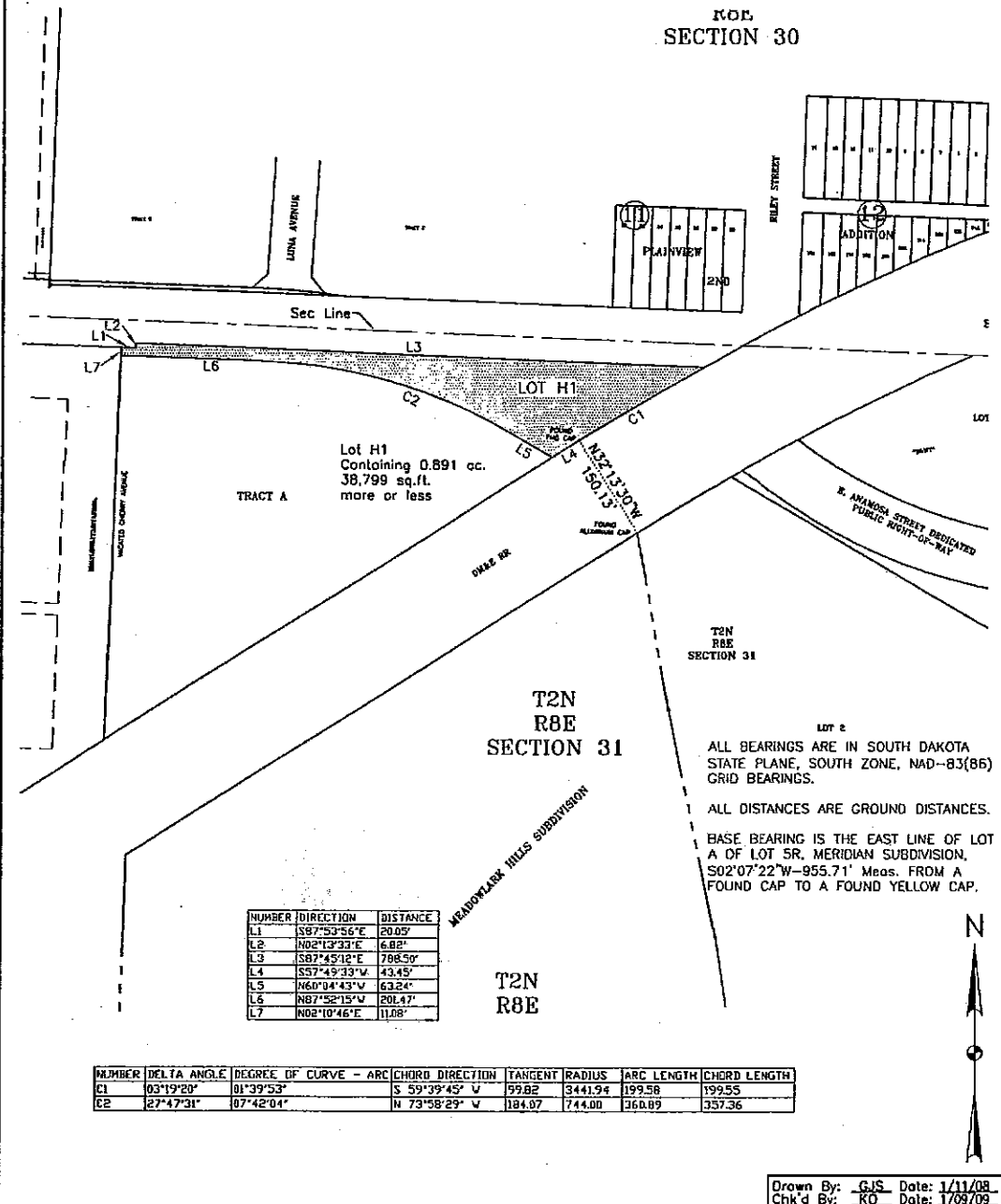
Finance Officer

(SEAL)

EXHIBIT A PLAT OF LOT H1

Showing a tract of land to be acquired for highway purposes in
Tract A & East Half of Vacated Cherry Avenue of the NE1/4 of
Section 31, Township 2 North, Range 8 East of the BHM
for construction of Project No. ST04-1397 & EM 1648(1)
PENNINGTON COUNTY, SOUTH DAKOTA

SCALE: 1 INCH = 100 FEET



SURVEYOR'S STATEMENT

I, Kent A. Orvik, Registered Land Surveyor in and for the State of South Dakota, do hereby certify that, as ordered by the City of Rapid City the tract of land as shown on the plat has been surveyed by my direction and under my control, and such tract of land shall be hereafter known by the lot number designation 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., 200__.

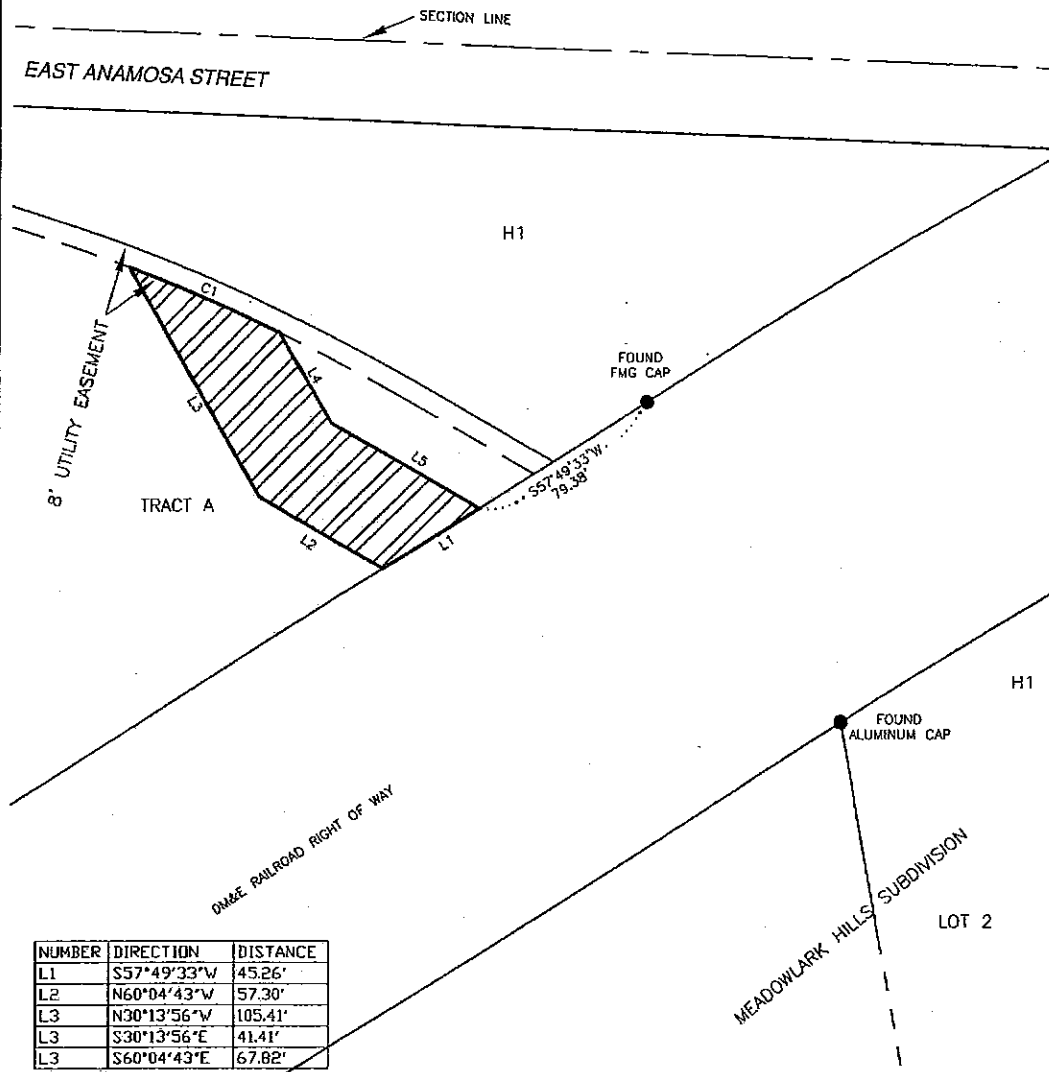
Registered Land Surveyor
Registration No. 5436

OFFICE OF REGISTER OF DEEDS

State of South Dakota
County of _____ ss
Filed for record the _____ day of _____ A.D., 200__, at _____ M., and recorded in Book of Plots _____
on Page _____ therein.

Register of Deeds by Deputy

EXHIBIT B
40' WIDE WATER MAIN EASEMENT
 LOCATED IN TRACT A, IN THE NE1/4 OF SECTION 31,
 TOWNSHIP 2 NORTH, RANGE 8 EAST OF THE BLACK HILLS MERIDIAN
 RAPID CITY, PENNINGTON COUNTY, SOUTH DAKOTA

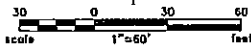


NUMBER	DIRECTION	DISTANCE
L1	S57°49'33"W	45.26'
L2	N60°04'43"W	57.30'
L3	N30°13'56"W	105.41'
L3	S30°13'56"E	41.41'
L3	S60°04'43"E	67.82'

NUMBER	DELTA ANGLE	DEGREE OF CURVE - ARC	CHORD DIRECTION	TANGENT	RADIUS	ARC LENGTH	CHORD LENGTH
C1	05°11'30"	07°47'05"	N 67°06'07" W	33.37	736.00	66.69	66.67



I, Kent A. Orvik, Professional Land Surveyor, S.D. No. 5436, do hereby certify that the survey plat shown hereon was made by me, or under my direction, from notes made in the field, and the same is true and correct to the best of my knowledge and belief.



Kent A. Orvik, Professional Land Surveyor
 S.D. No. 5436

Date _____

ALL BEARINGS ARE IN SOUTH DAKOTA STATE PLANE, SOUTH ZONE, NAD-83(86) GRID BEARINGS.

ALL DISTANCES ARE GROUND DISTANCES.

BASE BEARING IS THE EAST LINE OF LOT 4 OF LOT 5R, MERIDIAN SUBDIVISION, S02°07'22"W-955.71' Meas. FROM A FOUND CAP TO A FOUND YELLOW CAP.

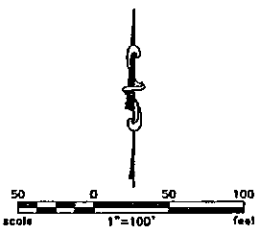
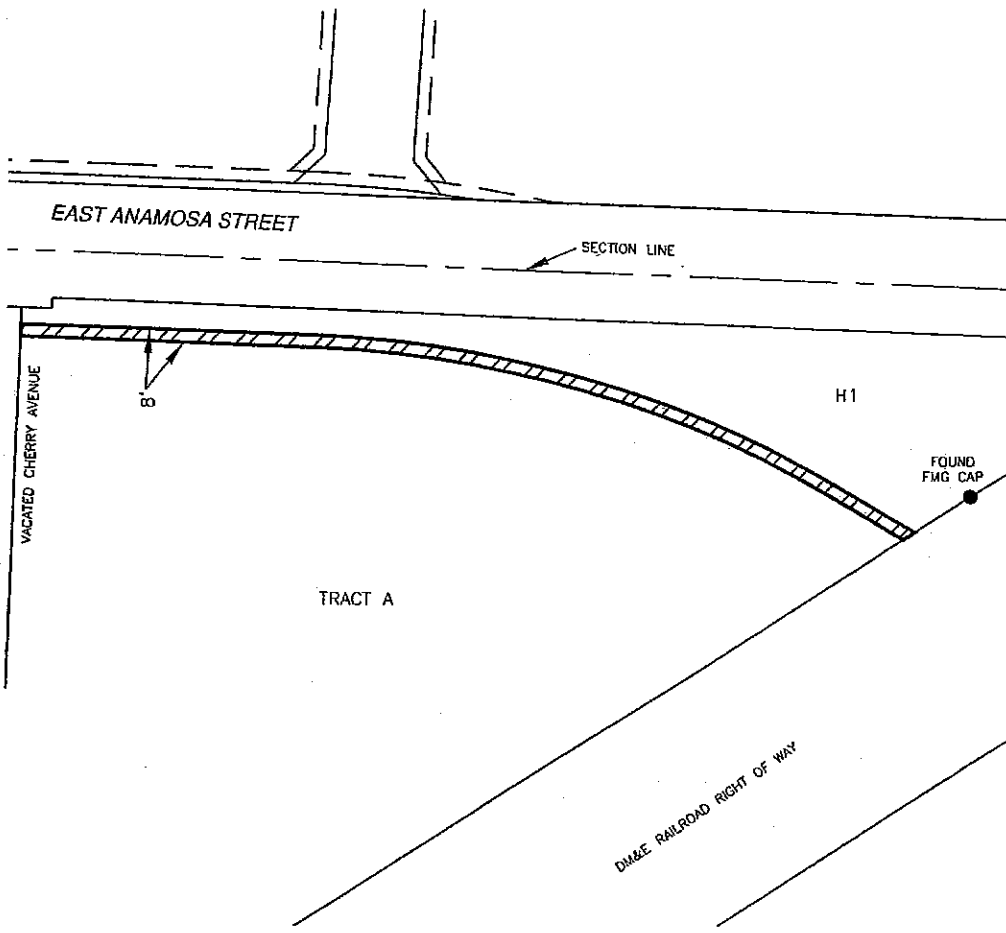
PREPARED BY:
 KADRMAS, LEE & JACKSON, INC.
 330 KNOLLWOOD DRIVE
 RAPID CITY, SD 57701-6611
 (605) 721-5553

Kadmas
Lee &
Jackson
 Engineers Surveyors
 Planners

EXHIBIT C

8' WIDE UTILITY EASEMENT

LOCATED IN TRACT A & EAST HALF OF VACATED CHERRY AVENUE IN THE NE1/4 OF SECTION 31, TOWNSHIP 2 NORTH, RANGE 8 EAST OF THE BLACK HILLS MERIDIAN RAPID CITY, PENNINGTON COUNTY, SOUTH DAKOTA



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S.D. No. 5436

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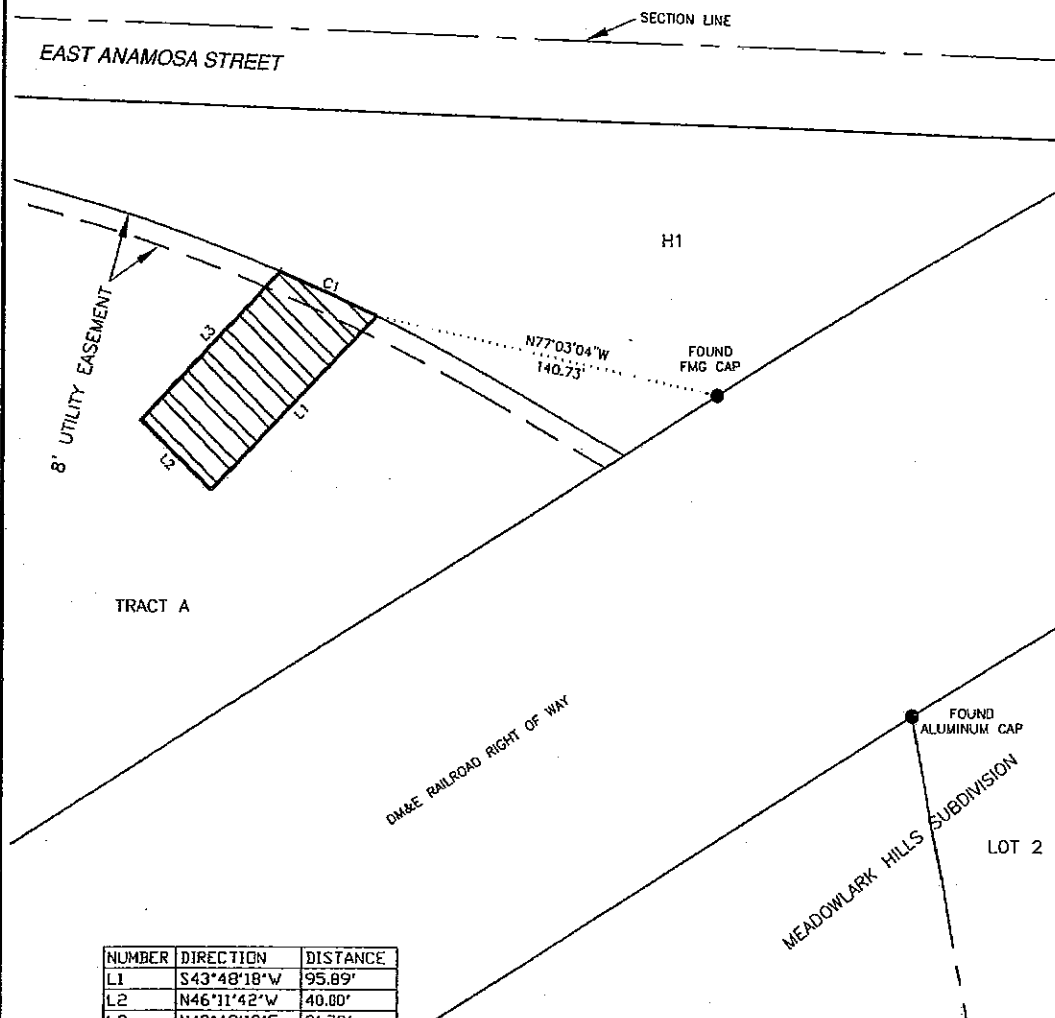
BASE BEARING IS THE EAST LINE OF LOT A OF LOT 5R, MERIDIAN SUBDIVISION, S02°07'22"W-955.71' Meas. FROM A FOUND CAP TO A FOUND YELLOW CAP.

PREPARED BY:
KADRMAS, LEE & JACKSON, INC.
330 KNOLLWOOD DRIVE
RAPID CITY, SD 57701-6611
(605) 721-5553

Kadmas
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Jackson
Engineers Surveyors
Planners

EXHIBIT D

40' WIDE MAJOR DRAINAGE EASEMENT
 LOCATED IN TRACT A, IN THE NE1/4 OF SECTION 31,
 TOWNSHIP 2 NORTH, RANGE 8 EAST OF THE BLACK HILLS MERIDIAN
 RAPID CITY, PENNINGTON COUNTY, SOUTH DAKOTA

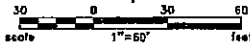


NUMBER	DIRECTION	DISTANCE
L1	S43°48'18"W	95.89'
L2	N46°11'42"W	40.00'
L3	N43°48'18"E	81.79'

NUMBER	DELTA ANGLE	DEGREE OF CURVE - ARC	CHORD DIRECTION	TANGENT	RADIUS	ARC LENGTH	CHORD LENGTH
C1	03°16'00"	07°42'04"	N 65°36'31" W	21.21	744.00	42.42	42.41



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Kent A. Orvik, Professional Land Surveyor
 S.D. No. 5436

1-13-09
 Date

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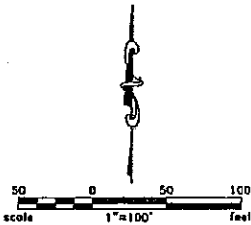
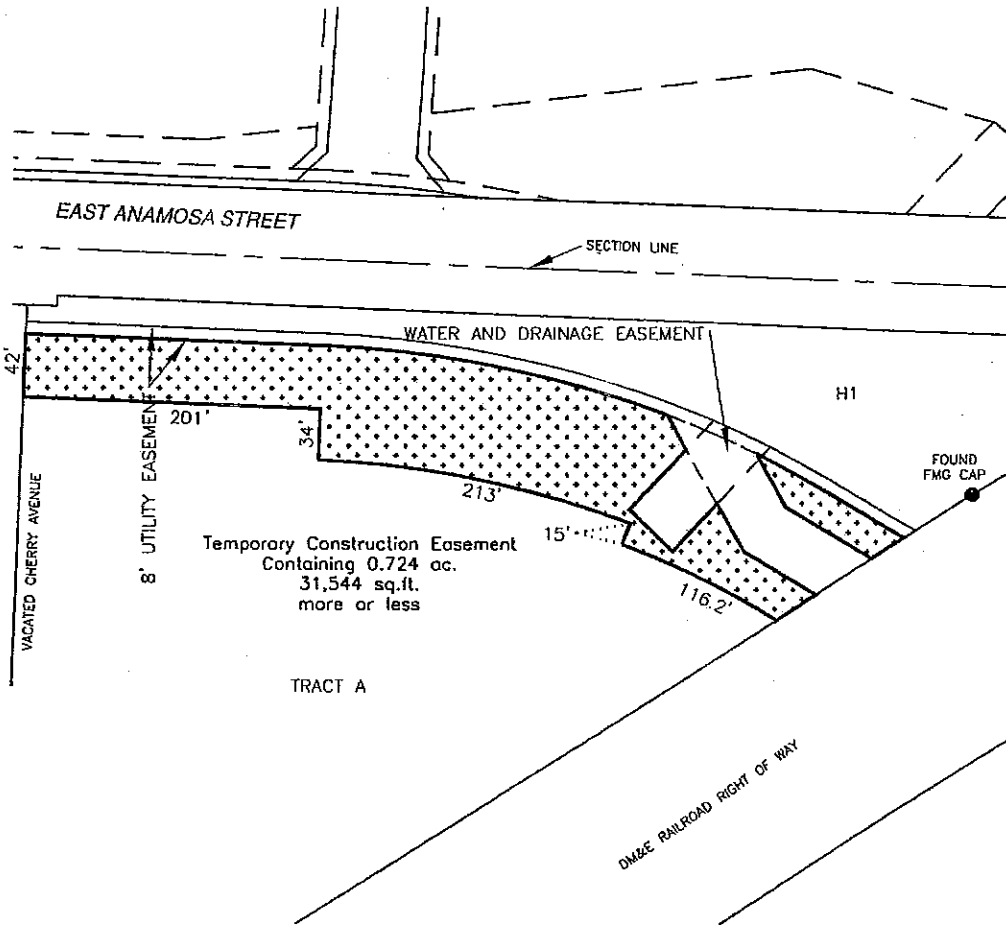
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 Planners

EXHIBIT E

TEMPORARY CONSTRUCTION EASEMENT
LOCATED IN TRACT A & EAST HALF OF VACATED CHERRY AVENUE, IN THE NE1/4 OF
SECTION 31, TOWNSHIP 2 NORTH, RANGE 8 EAST OF THE BLACK HILLS MERIDIAN
RAPID CITY, PENNINGTON COUNTY, SOUTH DAKOTA



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