

AGREEMENT FOR VOLUNTARY RIGHT OF WAY DONATION

PROJECT NO: P1474(09) PCN: COOK COUNTY/CITY: RAPID CITY PARCEL NO: F14

This Agreement is made and entered into by and between the County/City of RAPID CITY acting by and through its County/City Commission, hereinafter referred to as "COUNTY/CITY," and BIKINI PROPERTIES, LLC, whose postal address is 2600 WASHBURN WAY #2500, hereinafter referred to as "DONOR"; KLAMATH FALLS, OR 97603-4357

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

Perpetual Easement: _____

Temporary Easement: CONSTRUCTION EASEMENT LOCATED IN LOT A, BLK 7, FRIGEL'S ADDITION, RAPID CITY IN THE NW 1/4, SE 1/4, SEC 31, T2N, R8E, BLACK HILLS MERIDIAN, RAPID CITY, PENNINGTON COUNTY, SOUTH DAKOTA AS SHOWN IN EXHIBIT A.

NOW, THEREFORE, DONOR and COUNTY/CITY hereby agree as follows:
(ONE THOUSAND DOLLARS (\$1,000.00))

1. DONOR does hereby voluntarily grant and donate to COUNTY/CITY, for and in consideration of ~~one dollar (\$1.00)~~ and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged by DONOR, the above described easements as shown on the plans for construction of the above cited Project.

Stipulations of conditional donation: _____

2. DONOR understands DONOR'S right to have an appraisal prepared and DONOR'S right to receive just compensation for the above described perpetual and/or temporary easement in accordance with the Uniform Relocation Assessment and Real Property Acquisition Act of 1970, as amended.

3. DONOR shall not erect fences, structures, or obstacles within the perpetual easement.

4. DONOR grants permission to COUNTY/CITY or COUNTY'S/CITY'S agent to enter upon above described easement upon approval of this Agreement.

5. The perpetual easement shall be in effect until the highway is abandoned by the proper action of the COUNTY/CITY Commission and the temporary easement shall be in effect until one (1) year after construction of the Project is completed.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on this _____ day of _____ in the year _____.

Legal Name of Donor

County/City of _____

By: _____

By: _____

Name: _____

Its: County Commission Chairperson/
City Mayor

Title: _____

Attest:

(Corporate Seal)

County Auditor/City Finance Officer

[County/City Seal]

DONOR ACKNOWLEDGMENT

STATE OF _____)
)ss
COUNTY OF _____)

On this the _____ day of _____ in the year of _____, before me, _____, a Notary Public, within and for said County and State, personally appeared _____, who acknowledged himself/herself to be the _____ of _____, a limited liability company, and that he/she, as such _____, being authorized so to do, executed the foregoing instrument for the purposes therein stated, by signing the name of the limited liability company by himself/herself as _____.

In witness whereof I hereunto set my hand and official seal.

Notary Public

[Notary Seal]

My Commission Expires: _____

RECORD OF CALLS/VISITS AND DISCUSSION RECORD
TO ACCOMPANY DONATION FORM LG-ROW-1

PROJECT NO: P1474(05) PCN: 0022 COUNTY/CITY: RAPID CITY
LANDOWNER: BIKINI PROPERTIES, LLC

NAME OF NEGOTIATOR: TODD PECKOSH
TITLE: PROJECT MANAGER

The following document(s) was/were shown and/or explained to the Landowner:

Construction Right of Way Right of Way Other
Plan Sheet Document(s) Brochures

Call/Visit Number: 1
Time: 2:23 AM/PM Date: 2/28/2011
Visit Location: PHONE
List people present during meeting: SARA COHEN, DEAN ~~STEWART~~ GISVOLD

Notes of the Discussion: DEAN WAS REFERRED BY TODD STEWART REGARDING PREVIOUS E-MAILS. SARA WILL EMAIL COPIES OF FORMS TO TODD S COHEN. BIKINI PROP WILL CONTACT TODD PECKOSH WITH FURTHER QUESTIONS REGARDING NEGOTIATIONS.

Call/Visit Number: 2
Time: 12:39 AM/PM Date: 3/2/11
Visit Location: EMAIL
List people present during meeting: EMAIL RECEIVED FROM DEAN GISVOLD REPRESENTING THE OWNER, REQUESTING PAYMENT OF \$1000.00 FOR DONATING THE EASEMENT.

Notes of the Discussion: _____

Call/Visit Number: 3
Time: MAIL AM/PM Date: 3/8/11
Visit Location: _____
List people present during meeting: LETTER/EMAIL SENT TO OWNER.

Notes of the Discussion: FORMS REVISED TO SHOW \$1000.00 RATHER THAN \$1.00 IN THE FIRST PAGE OF THE TRIPLICATE FORM.

Call/Visit Number: 4
Time: _____ AM/PM Date: _____
Visit Location: _____
List people present during meeting: _____

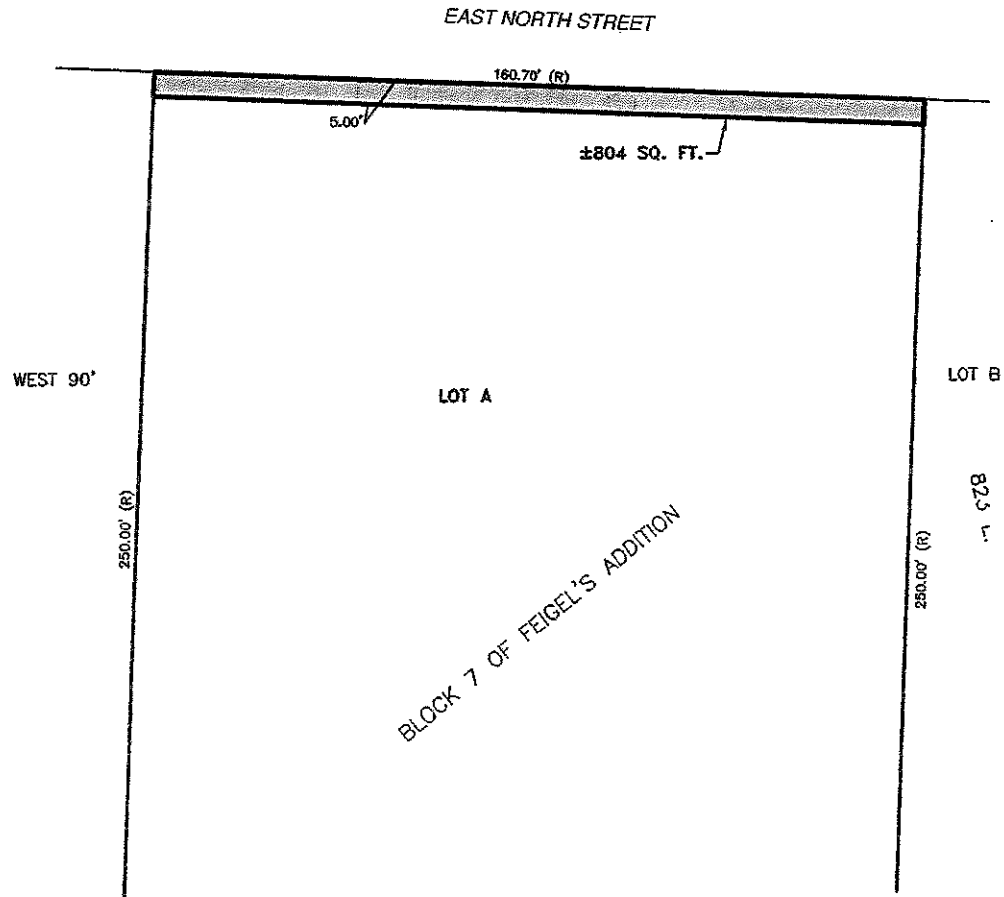
Notes of the Discussion: _____

Note: Please indicate in the Notes of Discussion, any agreement made as part of the donation, such as an additional approach, a load of gravel, etc.

EXHIBIT A

5' WIDE TEMPORARY CONSTRUCTION EASEMENT

LOCATED IN LOT A OF BLOCK 7 OF FEIGEL'S ADDITION TO THE CITY OF RAPID CITY IN THE NW1/4 OF THE SE1/4 OF SECTION 31, TOWNSHIP 2 NORTH, RANGE 8 EAST OF THE BLACK HILLS MERIDIAN RAPID CITY, PENNINGTON COUNTY, SOUTH DAKOTA

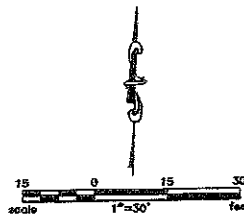
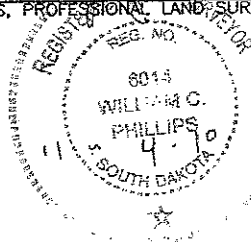


(R) RECORD DIMENSION PER PLAT BOOK 14, PAGE 198.

 TEMPORARY CONSTRUCTION EASEMENT

I, WILLIAM C. PHILLIPS, PROFESSIONAL LAND SURVEYOR, S.D. NO. 6014, DO HEREBY CERTIFY THAT THE EASEMENT LOCATION SHOWN HEREON WAS MADE BY ME, OR UNDER MY DIRECTION, FROM NOTES MADE IN THE FIELD AND RECORD DOCUMENTS, THE SAME IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

William C. Phillips
WILLIAM C. PHILLIPS, PROFESSIONAL LAND SURVEYOR



PREPARED BY:
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Kadmas
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Jackson
Engineers Surveyors Planners

LAYOUT FILE-T