

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

WEN  
 1-11-13

### 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 hereby acknowledged, the CITY OF RAPID CITY, a municipal corporation, of 300 Sixth Street, Rapid City, South Dakota, 57701, Grantor, hereby grants to BLACK HILLS POWER, INC., a South Dakota corporation, 625 Ninth Street, P.O. Box 1400, Rapid City, South Dakota, 57709, the Grantee, a permanent utility easement in, on, over, under, and across the following described real property:

A portion of Tract 7 of Rapid City Greenway Tracts located in the South Half of the Southwest Quarter (S $\frac{1}{2}$ SW $\frac{1}{4}$ ) of Section Three (3) and in the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$ ) of Section Four (4) and in the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$ ) of Section Nine (9) and in the North Half of the Northwest Quarter (N $\frac{1}{2}$ NW $\frac{1}{4}$ ) of Section Ten, Township One North (T1N), Range Seven East (R7E) of the Black Hills Meridian, Rapid City, Pennington County, South Dakota, as shown on Exhibit "A", attached hereto and incorporated herein by reference; and

A portion of Tract 8 of Rapid City Greenway Tracts located in the Southwest Quarter (SW $\frac{1}{4}$ ) of Section Three (3) and in the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ ) of Section Four (4) and in the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$ ) of Section Ten (10), Township One North (T1N), Range Seven East (R7E) of the Black Hills Meridian, Rapid City, Pennington County, South Dakota, as shown on Exhibit "B", attached hereto and incorporated herein by reference.

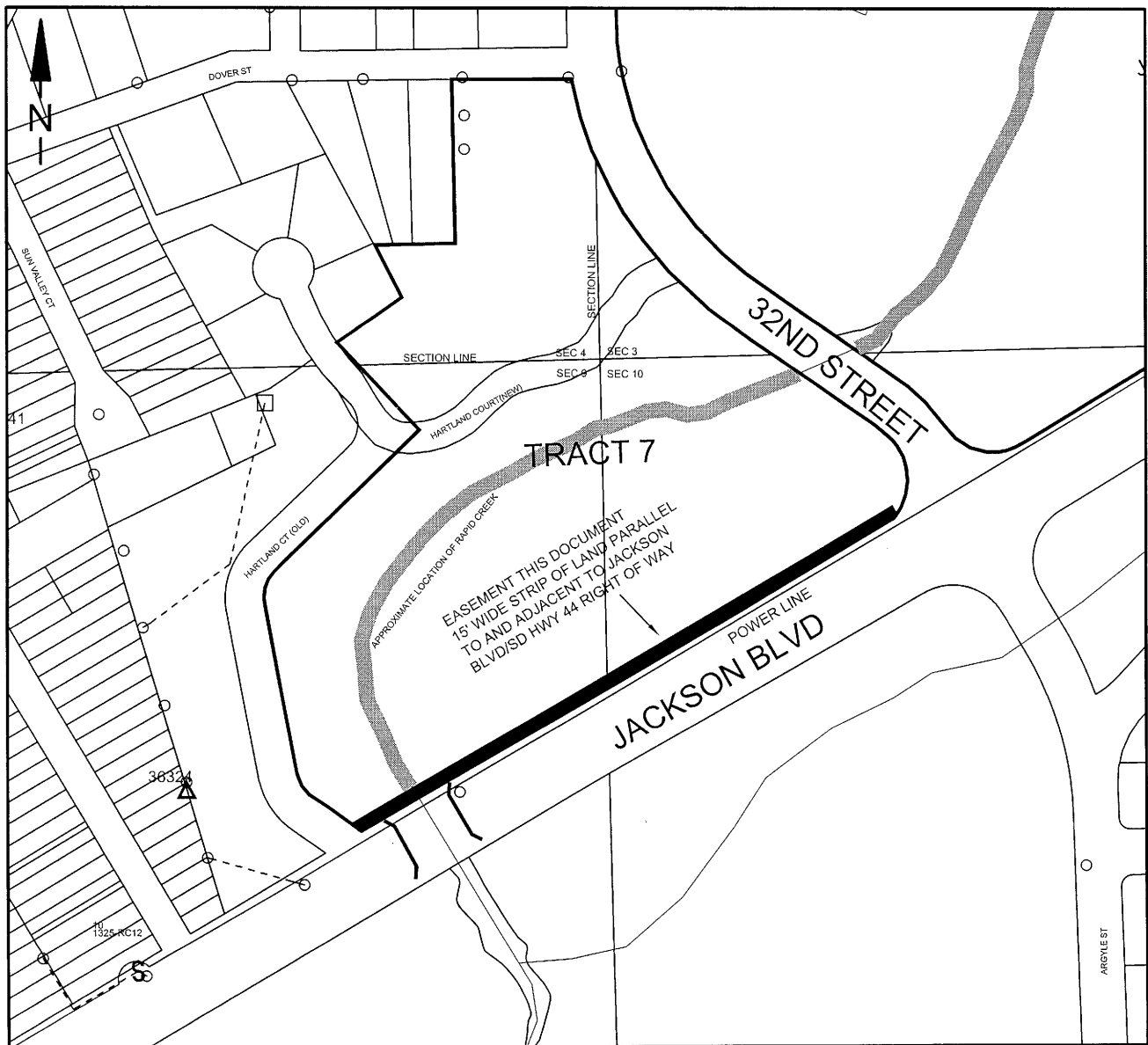
Grantor operates and maintains an electrical power system in the public right-of-way adjacent to the easement area. This easement grants to the Grantee the right to ingress and egress to the property for the purpose of cutting, trimming, or removing from said easement area any brush, trees, stumps, or roots where necessary to secure clearance of at least ten (10) feet from the electrical power system.



# EXHIBIT "A"

The real estate referred to is specifically described as follows:

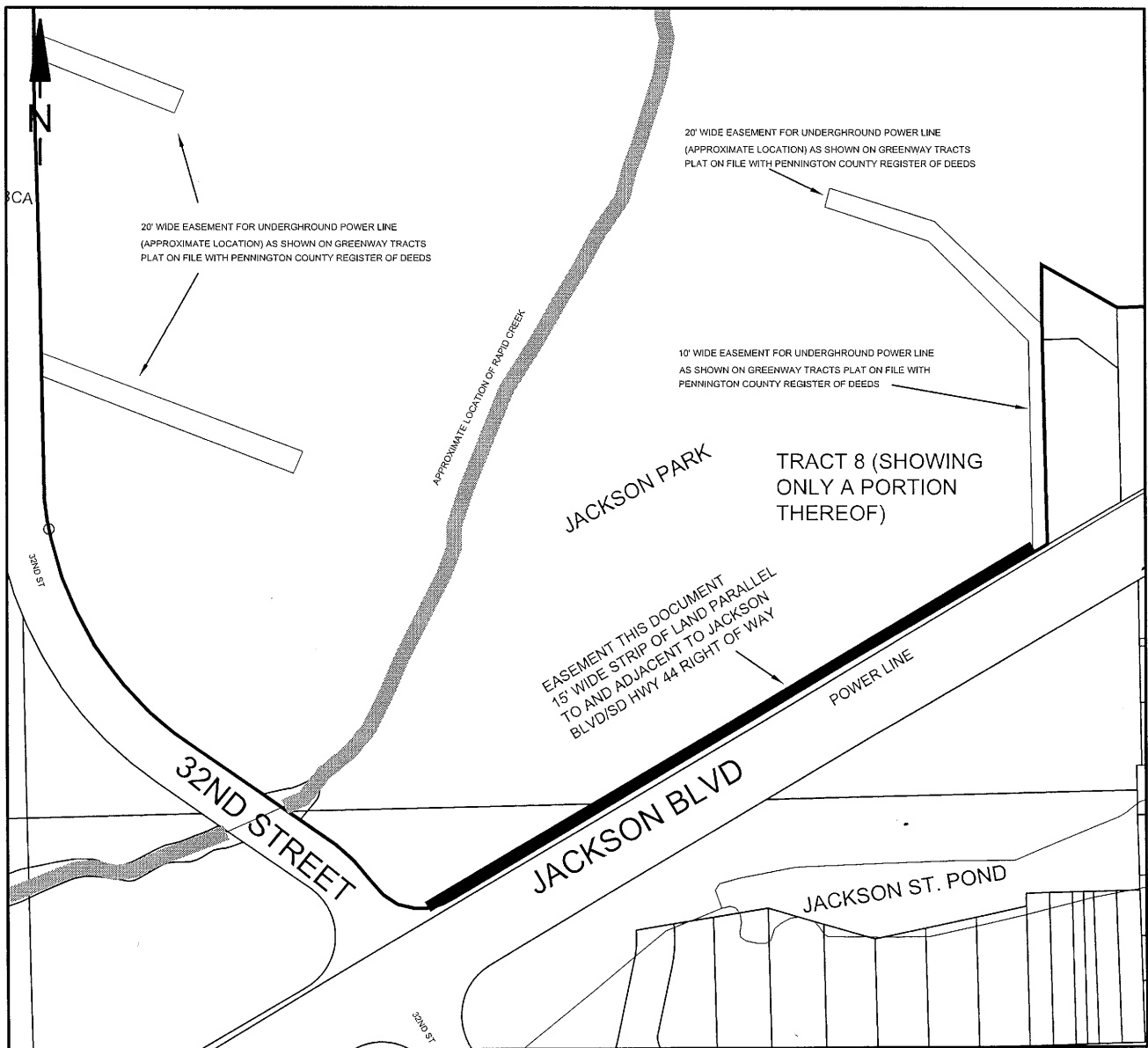
A 15' WIDE STRIP OF LAND ON TRACT 7 OF RAPID CITY GREENWAY TRACTS PARALLEL TO AND ADJACENT TO JACKSON BOULEVARD/ SOUTH DAKOTA HIGHWAY 44. (APPROXIMATELY 12,000 SQUARE FEET)



# EXHIBIT "B"

The real estate referred to is specifically described as follows:

A 15' WIDE STRIP OF LAND ON TRACT 8 OF RAPID CITY GREENWAY TRACTS PARALLEL TO AND ADJACENT TO JACKSON BOULEVARD/ SOUTH DAKOTA HIGHWAY 44. (APPROXIMATELY 13,800 SQUARE FEET)



NOTE: The centerline of the powerline as constructed is the centerline of the easement.