

Prepared by John K. Nooney, Thomas Nooney
 Braun Soley & Bernard, LLP, PO Box 8108,
 Rapid City, SD 57709 (605/348-7516) for
 RWM, LLC and NCM, LLC, 1301 Omaha
 Street, Rapid City, SD 57701 (605/341-9999)

Book: 121
 Page: 1283
 R03-21816.0 Page: 001 of 004
 08/20/2003 01:50p 16.00
 Pennington County, South Dakota
 Donna M. Mayer Miso Real Est

TEMPORARY PUBLIC ACCESS EASEMENT — HOWARD STREET

RWM, LLC, a South Dakota limited liability company, and NCM, LLC, a South Dakota limited liability company, (hereinafter collectively referred to as "Grantor") is the owner in fee simple title of a parcel of land described as:

Lots 1 and 2 of Five Star Subdivision and Dedicated Public Right-of-Way shown as Disk Drive formerly described as Lots A & B of Lot 1, Lots 1 through 8, and Private Road; all of Lot M-1 of the South Half of the Northwest Quarter, and Tract 4-B of Parcel 4, and a portion of Lot A (Howard Street/I-90 Right-of-Way), located in the Northwest Quarter of Section 25, Township 2 North, Range 7 East, Black Hills Meridian, Rapid City, Pennington County, South Dakota.

"Real Property"

In consideration of the approval of Grantor's Plat of the Real Property, Grantor hereby grants to the City of Rapid City ("Grantee") and all individuals and entities who utilize Howard Street to the extent it is contained within the vacated portion of Lot A and is a part of the Real Property, a Temporary Access Easement over and across the vacated portion of Lot A of the Real Property until such time as the Disk Drive Extension is substantially completed so as to be accepted by the Grantee as a part of the Grantee's street and roadway system. During the term of this Easement, Grantor or its successors and assigns shall be entitled to utilize and access the Easement, as necessary, related to the development of the Real Property.

During the term of this Easement, Grantee or its insurers or indemnitors shall indemnify and hold Grantor harmless from any claim or cause of action brought against Grantor as it concerns any claims by third parties against Grantor which arise as a result of the use of Howard Street over the Real Property, including but not limited to any claim for design, maintenance or liability arising out of or related to Howard Street.

Grantee shall maintain and repair Howard Street during the term of this Easement consistent with applicable City standards relative to maintenance.

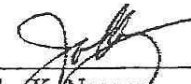
Book: 121
Page: 1284
R03-21815.0 Page: 002 of 004
08/20/2003 01:50p 16.00
Pennington County, South Dakota
Donna M. Mayer - Misc Real Est

Grantee shall abandon and vacate Howard Street upon the substantial completion and acceptance of Disk Drive as more fully set forth herein.

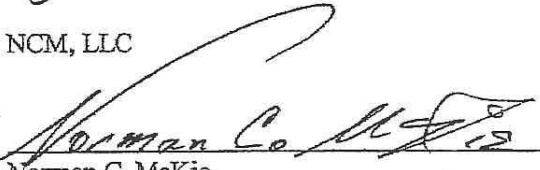
Transfer Fee Exempt Pursuant to SDCL 43-4-22(2).

Dated this 4th day of August, 2003.

RWM, LLC

By: 
Its: John K. Nooney
Manager

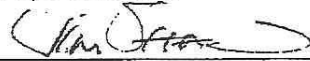
NCM, LLC

By: 
Its: Norman C. McKie
Manager

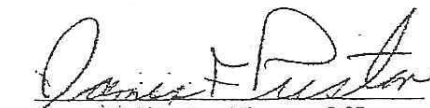
Dated this 5th day of August, 2003.

CITY:

CITY OF RAPID CITY, A MUNICIPAL CORPORATION


By: 
Its: Jim Shaw
Mayor

ATTEST:


James F. Preston, Finance Officer
(SEAL)



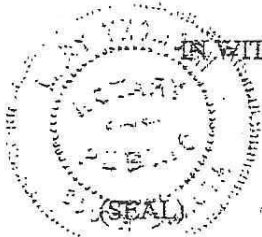
APPROVED AS TO FORM
CITY ATTORNEY'S OFFICE

 8-5-03
Attorney Date

Book: 121
Page: 1285
R03-21816.0 Page: 003 of 004
08/20/2003 01:50p 16.00
Pennington County, South Dakota
Donna M. Mayer Misc Real Est

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

On this day, AUGUST 4TH, 2003, before me, the undersigned officer, personally appeared John K. Nooney, who acknowledged himself to be a Manager of RWM, LLC, a South Dakota limited liability company, and that he, as such Manager, being authorized to do so, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as Manager.

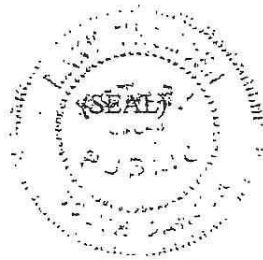


IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Maury Johnson
Notary Public, South Dakota
My Commission Expires: 5-16-05

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

On this day, AUGUST 4TH, 2003, before me, the undersigned officer, personally appeared Norman C. McKie, who acknowledged himself to be the Manager of NCM, LLC, a South Dakota limited liability company, and that he, as such Manager, being authorized to do so, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as Manager.



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

Maury Johnson
Notary Public, South Dakota
My Commission Expires: 5-16-05

Book: 121
Page: 1285
R03-21316.0 Page: 004 of 004
08/20/2003 01:50p 15.00
Pennington County, South Dakota
Dennis M. Mayer Misc Real Est



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

On this day, August 4, 2003, before me, the undersigned officer, personally appeared Jim Shaw and James F. Preston, who acknowledged themselves to be Mayor and Finance Officer of the City of Rapid City, a municipal corporation, and that they, as such Mayor and Finance Officer, being authorized to do so, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by themselves as Mayor and Finance Officer.

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

Dennis M. Mayer
Notary Public, South Dakota
My Commission Expires: 9-3-08

