

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

NEW
9-21-14

PERMANENT UTILITY 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 **MIDCONTINENT COMMUNICATIONS**, a South Dakota corporation, 1624 Concourse Court, Rapid City, South Dakota, 57703, the Grantee, a ten foot (10') permanent utility easement on, over, and across the following described real property:

Tract Six (6) of Rapid City Greenway Tracts located in the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Nine (9), Township One North (T1N), Range Seven East (R7E) of the Black Hills Meridian, Pennington County, South Dakota, as shown on Exhibit "A", attached hereto and incorporated herein by reference.

This easement grants to the Grantee the right to construct, operate, maintain, alter, remove, upgrade, enhance, and replace any underground communication facilities consisting of coax or fiber optic lines and associated equipment, and all necessary attachments and appurtenances, with the right of ingress and egress therefore, together with the right to cut, trim, or remove any brush, trees, stumps, or roots where necessary within said easement, to secure a clearance from

the conductors. This easement shall run with the land, shall be perpetual, and shall be binding upon and inure to the benefit of the parties and their respective successors and assigns.

There is an existing twenty inch (20”) water transmission main within the proposed easement area. Grantor grants the rights herein contained upon the conditions that Grantee agrees to protect the water transmission main from damage during any and all construction or other use of the easement area and to be financially responsible for any repairs, relocation or maintenance needs that arise out of or are caused by Grantee’s use of the easement area. Grantee’s use of the easement area for the purposes set out herein shall constitute its acceptance of these conditions.

DATED this ____ day of _____, 2014.

CITY OF RAPID CITY

By _____
Sam Kooiker, Mayor

ATTEST:

Finance Officer

(seal)

State of South Dakota)
 ss.
County of Pennington)

On this the ____ day of _____, 2014, before me, the undersigned officer, personally appeared Sam Kooiker and Pauline Sumption, who acknowledged themselves to be the Mayor and Finance Officer, respectively, of the City of Rapid City, a municipal corporation, and that they, as such Mayor and Finance Officer, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the City of Rapid City by themselves as Mayor and Finance Officer.

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

(seal)

Notary Public, South Dakota
My Commission Expires: _____