

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

JA
 5-19-11

STATE OF SOUTH DAKOTA)
)ss. PERMANENT UTILITY EASEMENT
 COUNTY OF PENNINGTON)

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 Sixty (60) foot wide strip centered on the power line, as built, across that portion of the Northeast Quarter (NE¼) and the East Half of the Northwest Quarter (E½NW¼) lying southeast of the highway right of way in Section Nineteen (19), Township One North (T1N), Range Eight East (R8E) 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 an electrical power system consisting of buried cables or wires, surface terminals, surface markers, transformer pads or vaults, and an electrical power line with poles, wires, 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 from said

right of way any brush, trees, stumps, or roots where necessary to secure a clearance from the conductors of at least twenty-five (25) feet on each side of the center line of said right of way.

The foregoing easement is granted upon the express condition that Black Hills Power, Inc. will assume liability for any and all injuries or damage caused by the Grantee's failure to use due care in its exercise of the rights granted.

DATED this ____ day of _____, 2011.

CITY OF RAPID CITY

By: _____
Alan Hanks, Mayor

ATTEST:

Finance Officer

(SEAL)

State of South Dakota)
 ss.
County of Pennington)

On this the ____ day of _____, 2011, before me, the undersigned officer, personally appeared Alan Hanks 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 Agreement Consenting to Assessed Project 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.

Notary Public, South Dakota

My Commission Expires:

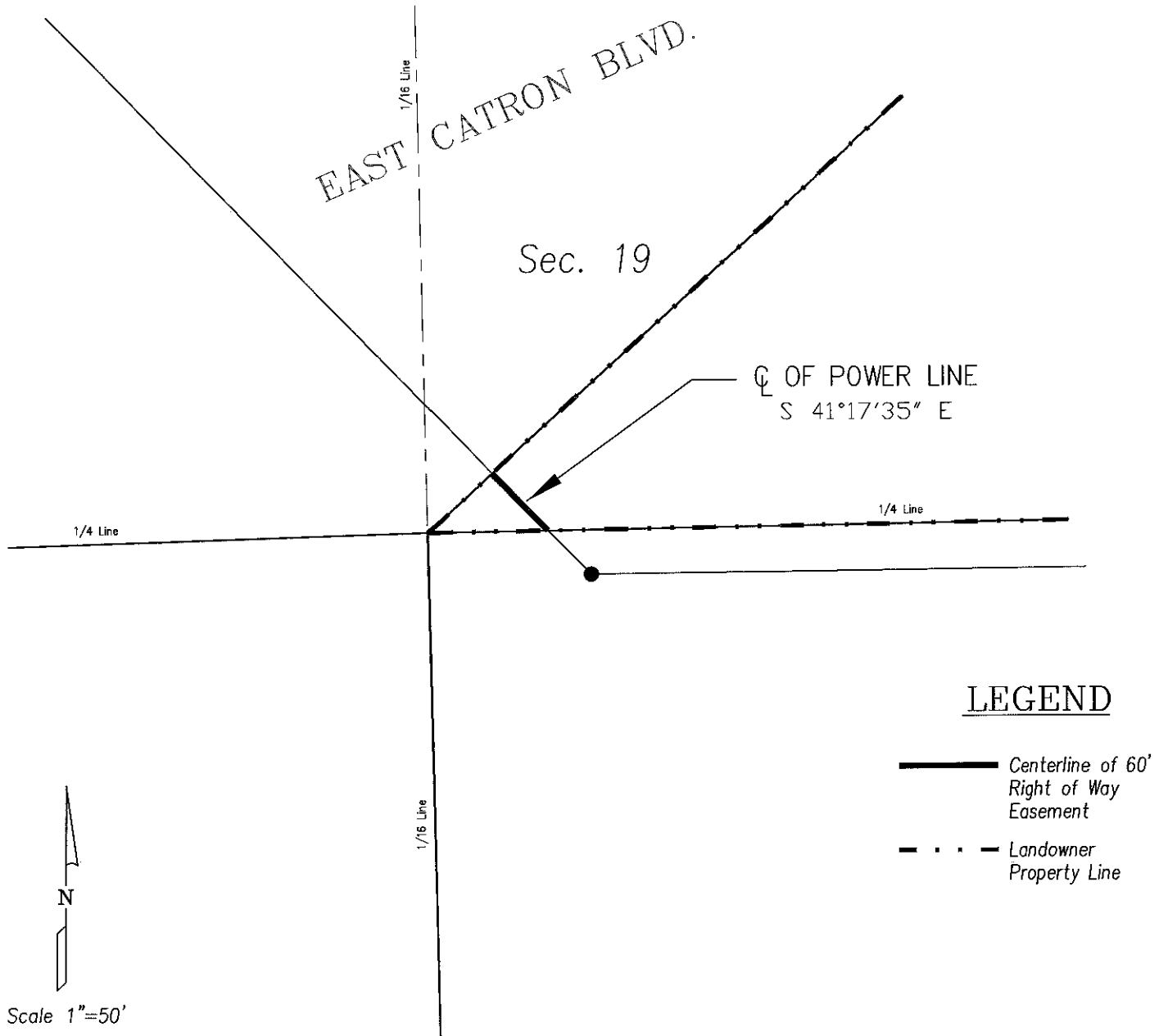
(SEAL)

**RIGHT OF WAY EASEMENT
BLACK HILLS POWER INC.**

PW053111-15

That portion of the Northeast One-Quarter and the
East Half of the Northwest Quarter (NE1/4 and E1/2 NW1/4)
lying Southeast of the highway right-of-way in
Section 19, Township 1 North, Range 8 East, B.H.M.
Pennington County, South Dakota

Owner (s): City of Rapid City



All distances herein are considered to be more or less.

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

Exhibit A

