

Prepared by:
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605-342-1078

TEMPORARY CONSTRUCTION EASEMENT

THIS **EASEMENT** is made and entered into this 15th day of January 2023, by and between City of Deadwood, a South Dakota municipality, which address is 102 Sherman Street, Deadwood, South Dakota, 57732, "**GRANTEE**," and JIM WAISANEN, hereinafter referred to as "**GRANTOR**."

Grantor, in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, hereby grants, bargains, sells and conveys to Grantee, its lessees, licensees, successors and assigns, the right, privilege and temporary easement, to enter upon the lands of Grantor to survey, construct, operate and maintain, repair, alter, inspect, remove, upgrade, enhance and replace a gabion basket bulkhead retaining wall adjacent Whitewood Creek with an engineered concrete block retaining wall. Together with the reconstruction of the retaining wall the grantee shall restore that certain piece of real estate hereinafter described, inclusive of concrete, grass, gravel or asphalt surfacing, irrigation systems, or all areas disturbed as a result of the reconstruction. This easement shall be temporary.

The real estate above referred to is specifically described and/or depicted as follows:

Lot Number 38, in Block 75, according to Peter L. Rogers Official Map of the City of Deadwood; said property also described as Lot 38, Block 4, Cleveland Addition, City of Deadwood, Lawrence County, South Dakota

Subject to any easements, reservation, rights of way and restrictions of record in the Office of Lawrence County Register of Deeds, Deadwood, South Dakota.

This grant shall include the right of ingress and egress over adjacent lands of Grantor as necessary to access the easement; and the right to use so much of the adjoining premises of Grantor during surveying, construction, maintenance, repair, removal, or replacement of said retaining wall reconstruction. In exercising its rights of ingress or egress Grantee shall, whenever practicable, use existing roads or lanes and shall repair any damage caused by its use thereof.

It is the intention of the parties hereto that Grantor is hereby conveying the uses herein specified without divesting himself, his heirs or assigns, of the right to use and enjoy the above-described premises: PROVIDED, however, such use shall not, in the judgment of said Grantee, interfere with or endanger the construction, safety,

IN WITNESS WHEREOF, this instrument has been executed as of the day and year first written above.

GRANTEE
CITY OF DEADWOOD:

By: _____
David R. Ruth Jr

Its: Mayor

ACKNOWLEDGEMENT

STATE OF SOUTH DAKOTA
SS.
COUNTY OF LAWRENCE

On this _____ day of _____, 2023, before me personally appeared David R. Ruth Jr., Mayor, City of Deadwood, to be the persons who are described in, and who executed the within instrument and acknowledge to me that they executed the same.

ATTEST



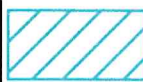
Jessica McKeown
Finance Officer

6/10

EXHIBIT 'A' TEMPORARY CONSTRUCTION EASEMENT

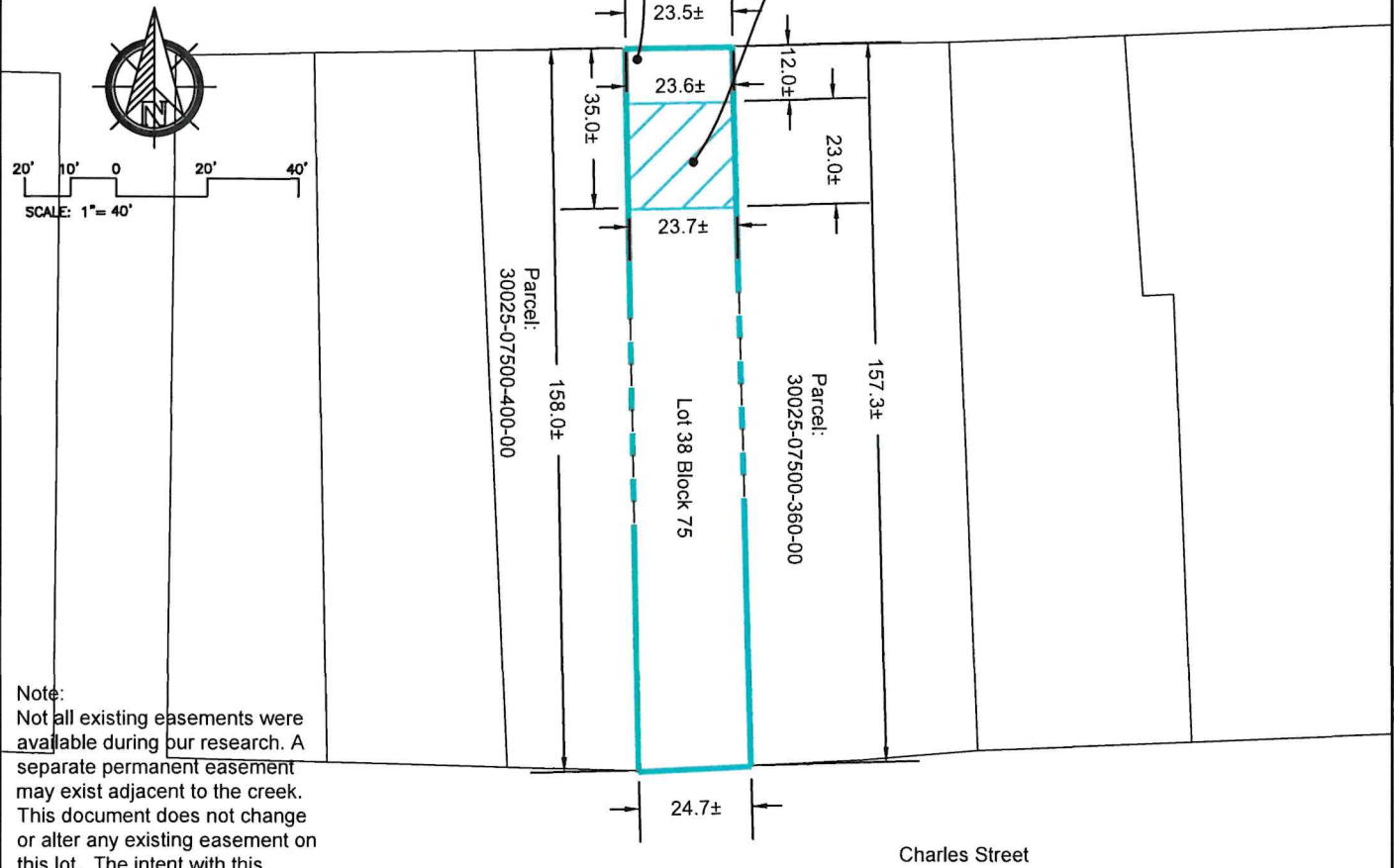
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LEGEND

-  Parcel Line
-  Easement Line
-  Easement Hatch

Existing 12.00' Permanent Easement
Approximate area: 282 SF
Reference Document #: 2001-3508

Proposed 35.0' Temporary Construction Easement
Approximate area: 543 SF



Note:
Not all existing easements were available during our research. A separate permanent easement may exist adjacent to the creek. This document does not change or alter any existing easement on this lot. The intent with this document is to allow the awarded Contractor temporary access through this lot during the construction phase of this project.

DATE: 11/29/2021

PREPARED BY:

TDG

TOWEY DESIGN GROUP, INC.

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