



Doc #: 2013-04091  
Date: 08/08/2013 16:34:00  
Sheree L. Green  
Register of Deeds  
Lawrence Co. - Fee \$30.00

Prepared by:  
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Rapid City, SD 57709-8045  
(605) 342-1078

### EASEMENT AGREEMENT

James Barber, owner of the building located at 669 Main Street, Deadwood, South Dakota, which is described as follows:

Lot Two (2) and Lot C, Block 18, Original Town, City of Deadwood, according to the P.L. Rogers map thereof

Subject to easements of record.

hereby grants and conveys to the City of Deadwood and Deadwood Historic Preservation Commission, whose address is 102 Sherman Street, Deadwood, South Dakota 57732, Grantees, and easement for the purpose of allowing Grantees to repair and re-install the historic Spot Liquor Store "Tootsie" neon lighted sign on the roof of the building or structure at the above-described location. In consideration for the grant of this easement, the Grantees agree to repair any damage to the existing roof caused by the current placement of the "Tootsie" sign.

Further, Grantees shall be responsible for and pay all costs incurred in connection with installing the sign and all utility and electricity payments incurred in connection with the sign. Grantees will also compensate Grantor for any damages to the roof caused by removal of the sign in the event the sign must be removed and repaired in the future.

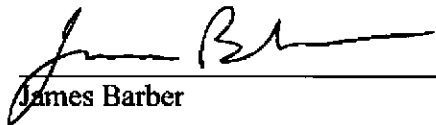
The term of this easement shall be for a period of ten (10) years, with such time period to be renewed automatically for an additional one (1) year, unless either of the parties gives the other written notice of non-renewal at least sixty (60) days prior to the termination of the original term of this lease or any renewal of the same.

Grantees agree to hold James Barber harmless from any and all liability for personal injury or property damage to any person or property incurred as a result of Grantees' installation

and maintenance of the sign on the roof of the above-described structure. Further, Grantees agree to indemnify James Barber for any sums of money which they may have to pay for any person by reason of such personal injury or property damage.

This easement shall be binding upon the transferees, heirs, personal representatives and assigns of James Barber. Grantees may not assign this easement or any rights or obligations that they have under this easement without the prior express written consent of James Barber.

Dated this 24 day of July, 2013.

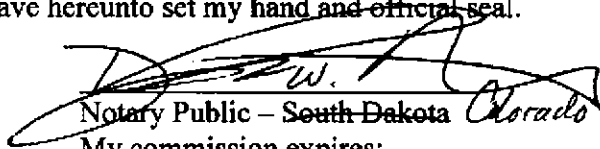
  
James Barber

STATE OF ~~SOUTH DAKOTA~~ )  
COLORADO )SS  
COUNTY OF ~~LAWRENCE~~ )  
El Paso

On this 24 day of JULY, 2013, before me, the undersigned officer, personally appeared James Barber, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument, and acknowledged that, he executed the same in the capacity and for the purposes therein contained.

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

(SEAL)  
DARLENE W. HATCHER  
NOTARY PUBLIC  
STATE OF COLORADO

  
Notary Public - ~~South Dakota~~ Colorado  
My commission expires:

My Commission Expires 12/09/2015  
Dated this \_\_\_ day of July, 2013.

CITY OF DEADWOOD

By:   
Charles Turbiville  
Its: Mayor

STATE OF SOUTH DAKOTA )  
 )SS  
COUNTY OF LAWRENCE )

On this 6<sup>th</sup> day of August, 2013, before me, the undersigned officer, personally appeared Charles Turbiville, known to me or satisfactorily proven to be the Mayor of the City of Deadwood, whose name is subscribed to the foregoing instrument, and acknowledged that, being so authorized, he executed the same in the capacity and for the purposes therein contained.

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

(SEAL)



Del J. Stubb

Notary Public – South Dakota / Lawrence Co Treasurer

My commission expires:

**MY COMMISSION EXPIRES  
JANUARY 1, 2017**

DEADWOOD HISTORIC PRESERVATION COMMISSION

By: Willis A. Steinlicht  
Willis A. Steinlicht  
Its: Chairman

STATE OF SOUTH DAKOTA )  
 )SS  
COUNTY OF LAWRENCE )

On this 8<sup>th</sup> day of August, 2013, before me, the undersigned officer, personally appeared Willis A. Steinlicht, known to me or satisfactorily proven to be the Chairman of Deadwood Historic Preservation Commission, whose name is subscribed to the foregoing instrument, and acknowledged that, being so authorized, he executed the same in the capacity and for the purposes therein contained.

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



John M. Mau

Notary Public – South Dakota

My commission expires:

**My Commission Expires:  
02/17/2017**