

Prepared by: Drew Heid
Black Hills Power, Inc.
1251 Otter Rd.
Sturgis SD, 57785
605-206-2967

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WR# _____

ELECTRIC EASEMENT-OH

THIS EASEMENT is made and entered into this _____ day of _____, 20__, by and between **The CITY OF DEADWOOD**, a municipal corporation, of Deadwood, South Dakota 57732, "**GRANTOR**", and **Black Hills Power Inc.** of 7001 Mt. Rushmore Rd. Rapid City SD, 57702, "**GRANTEE**".

Grantor, in consideration of the sum of Ten Dollars (\$10.00) 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 perpetual easement, to enter upon the lands of Grantor to survey, construct, operate and maintain, repair, alter, inspect, remove, upgrade, enhance and replace an electric power line with poles, wires, and associated equipment, and all necessary attachments and appurtenances, together with the power to extend to any communications company the right to use the right to use any pole placed pursuant to the provisions hereof, upon, and across that certain piece of real estate hereinafter described. The within grant shall include the right to trim and remove or control by other means any trees or vegetation along said lines where necessary to secure a clearance from conductors of at least 10 feet on either side of power line; the right to install and maintain anchors and guy wires when reasonably necessary which may lie outside of right of way. This easement shall run with the land.

The real estate above referred to is specifically described and/or depicted as follows: **SEE EXHIBIT "A"**

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 utility lines and related fixtures and devices as may be required to permit the operation of standard utility construction or repair machinery. 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, operation or maintenance of said lines, and provided further that no structure shall be constructed under or near the lines without written permission from Grantee.

The foregoing right is granted upon the express condition that Grantee will assume liability for all damage to the hereinbefore described property caused by its failure to use due care in the exercise of the right granted hereunder.

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

Grantor

ACKNOWLEDGEMENT CORPORATE

STATE OF _____ :
SS.
COUNTY OF _____ :

On this _____ day of _____, 20____, before me a Notary Public, duly commissioned and qualified in and for said county and state, personally came _____, the _____ of the **City of Deadwood**, and acknowledged the said instrument to be their free and voluntary act and deed and the free and voluntary act and deed of said company.

WITNESS my hand and official seal at _____, in said county and state, the date aforesaid.

Notary Public

My Commission Expires: _____
(SEAL)

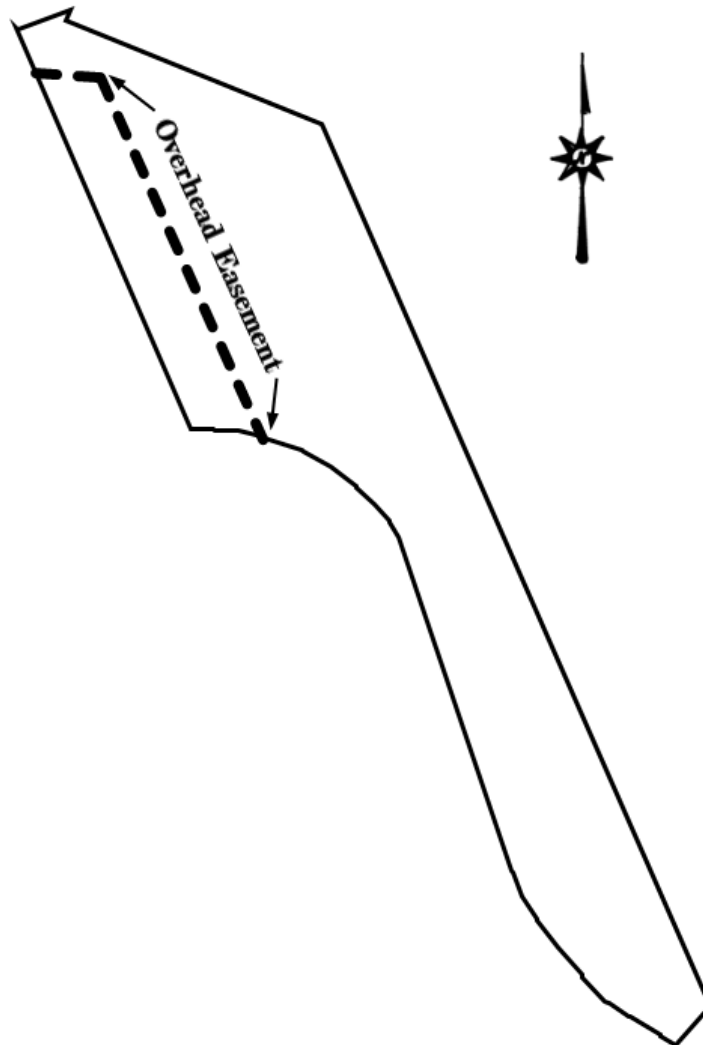
EXHIBIT "A"

The real estate referred to is specifically described as follows:

All that portion of the Grantor's real property or real property interest lying within Township 4, Range 3 East, Black Hills Meridian, in the County of Lawrence, State of South Dakota, and being specifically withing the parcels of land described:

The following described parcels of land as shown upon the official Map of the City of Deadwood by Peter L. Rogers, dated January 5, 1891

FLORA MCDONALD LODE OF MINERAL SURVEY 295



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