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STATE OF SOUTH DAKOTA) **PERMANENT RETAINING WALL**
) ss **MAINTENANCE EASEMENT**
) **AND**

COUNTY OF LAWRENCE) **PERMANENT ACCESS EASEMENT**

For and in consideration of the sum of One Dollar (\$1.00) and other valuable considerations, the receipt and sufficiency of which is hereby acknowledged, Meghan Clemens of 462 Williams Street, Deadwood, SD 57732 (Grantor) hereby grants and conveys unto the City of Deadwood, a South Dakota municipality of 102 Sherman Street, Deadwood, SD 57732, (Grantee) a Permanent Maintenance Easement and Permanent Access Easement as shown on the attached Exhibits, subject to the conditions hereinafter set forth.

The property subject to this Permanent Maintenance Easement and Permanent Access Easement is legally described as:

Part of Lots 7 and 9, all of Lot 8, Block L, in the City of Deadwood, described as follows:
Beginning at the Northeast Corner of said tract for corner number 1 from which U.S. locating monument number 1 bears South 14 degrees 14 minutes East 1,380.2; thence North 64 degrees 16 minutes West 127.3 feet to corner number 2; thence south 42 degrees West 54 feet to corner number 3; thence 565 degrees 20 minutes East 121 feet, more or less, to corner number 4 on the West side of Williams Street; thence along the West side of Williams Street North 24 degrees 34 minutes East 54 ½ of the place of beginning.

AND

A tract of land described as follows, to-wit; commencing at corner number 1 of the tract being a point on the Westerly side of Williams Street, North 15 degrees 30 minutes East 117 feet from corner number 3 of M.C. #71 in the City of Deadwood; thence North 63 degrees West 206 feet to corner number 2; thence South 58 degrees 20 minutes East 206 feet to corner number 3; thence North 26 degrees 30 minutes East 17 feet to corner number 1 and the place of beginning, constituting a portion of Lot 9 in Block L, in the City of Deadwood, according to P.L. Rogers Map of City of Deadwood.

AND

Lot known as Towns T number 210 in Block M in Deadwood, South Dakota, and described as follows: Beginning at the Northwest corner of the Lot on South side of City Creek Street from which corner number 2 of M.C. 71 bears South 33 degrees 30 minutes East 141.5 feet, distant and running thence as follows: South 79 degrees 30 minutes East 10 feet; thence South 18 degrees 30 minutes West 119 feet; thence South 42 degrees West 123.2 feet; thence North 51

degrees 30 minutes West 102 feet; thence North 16 degrees 45 minutes East 66.5 feet; thence South 77 degrees East 138.58 feet; thence North 18 degrees 30 minutes East 118.5 feet to all in Lawrence County, South Dakota.

These easements shall include the right to construct, install, maintain, repair, remove and replace the retaining wall upon said property as shown on the Exhibits, attached hereto. These easements shall include the right to enter upon the afore-described real property and otherwise to do those things reasonably necessary to effectuate their purpose.

These easements will not interfere with Grantor's ingress and egress to her property via the existing entrance to the property.

Grantor and its successors and assigns agree not to build, create, construct, or permit to be built, created, or constructed any obstruction, building, or other structures upon, over, or under the land herein described that would interfere with the drainage easement or Grantee's rights hereunder.

Grantee shall bear all cost associated with the construction, care, maintenance and repair of the easement and agrees to perform all work in a workmanlike manner. Any damage caused to Grantor's property will be restored to its original condition at Grantee's expense.

Dated this _____ day of _____, 2022.

GRANTOR
LANDOWNER

Meghan Clemens

STATE OF SOUTH DAKOTA)
)ss
COUNTY OF _____)

On this, the ____ day of _____, 2022, before me, the undersigned officer, personally appeared Meghan Clemens, who acknowledged that she is the owner of above referenced property, and executed the foregoing instrument for the purposes therein.

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

(SEAL)

Notary Public
My commission expires: _____

Dated this _____ day of _____, 2022.

GRANTOR
CITY OF DEADWOOD:

By: _____

David R. Ruth Jr.

Its: Mayor

STATE OF SOUTH DAKOTA)
SS)
COUNTY OF LAWRENCE)

On this _____ day of _____, in the year _____, before me personally appeared David R. Ruth Jr., Mayor, City of Deadwood to be the person who is described in, and who executed the within instrument and acknowledge to me that he executed the same.

ATTEST

Jessica McKeown
Finance Officer