

Prepared by:  
Quentin L. Riggins  
Gunderson, Palmer, Nelson & Ashmore, LLP  
P.O. Box 8045  
Rapid City, SD 57709-8045  
(605) 342-1078

## **EASEMENT AGREEMENT**

Worg Den, LLC, (Grantor) owner of the building located at 667 Main Street, Deadwood, South Dakota, which is described as follows:

Lot A of Block 18 of the City of Deadwood, Lawrence County, South Dakota,  
also known as 667 Main Street  
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, an easement for the purpose of allowing Grantees to install and maintain 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 utilize structural engineering recommendations in the installation and 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 additional five (5) year periods, 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 Grantor 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 Grantor for any sums of money which they may have to pay for any person by reason of such personal injury or property damage.

Grantor agrees to allow Grantees the right to inspect the "Tootsie" sign for damages upon giving Grantor 48 hours' notice of intent to inspect the sign.

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

Dated this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Worg Den, LLC  
By: Nick Bennett  
Its: Owner

STATE OF SOUTH DAKOTA        )  
                                                          )SS  
COUNTY OF LAWRENCE         )

On this \_\_\_\_ day of \_\_\_\_\_, 2024, before me, the undersigned officer, personally appeared Nick Bennett, owner of Worg Den, LLC, 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)

\_\_\_\_\_  
Notary Public – South Dakota  
My commission expires:

Dated this 6th day of May, 2024.

CITY OF DEADWOOD

By: \_\_\_\_\_  
Dave Ruth Jr  
Its: Mayor

STATE OF SOUTH DAKOTA            )  
                                                  )SS  
COUNTY OF LAWRENCE            )

On this 6<sup>th</sup> day of May, in the year 2024, 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

Dated this 24th day of April, 2024.

DEADWOOD HISTORIC PRESERVATION COMMISSION

By: \_\_\_\_\_  
Beverly Beebe Posey  
Its: Chairman

STATE OF SOUTH DAKOTA            )  
                                                  )SS  
COUNTY OF LAWRENCE            )

On this 24<sup>th</sup> day of April, in the year 2024, before me personally appeared Beverly Beebe Posey, Chairman, Deadwood Historic Preservation Commission to be the person who is described in, and who executed the within instrument and acknowledge to me that they executed the same.

ATTEST

\_\_\_\_\_  
Jessica McKeown  
Finance Officer