

Memorandum #08-141

To: Doug Russell, City Manager
From: Joe Morrow, Building Official
Subject: Utility Easement, Dedication Lots 4,5,6,7, Block 25, Todd's Subdivision
Date: July 21, 2008

To manage utility placement the Department of Public Works has prepared the attached document for a utility easement adjacent to an alley on the east 7.5 feet of Lots 4, 5, 6 and the east 7.5 feet of lot 7 except the south 12 feet: Block 25, Todd's Subdivision as shown on "Exhibit A". This easement establishes a place for utilities on city owned property in an area that needs the additional space for utilities. The area is a landscaped strip in a city parking lot west of the Post Office and the Press and Dakotan Printing Office. The utility with the immediate need for the space is MidAmerican Energy.

It is recommended that the City of Yankton dedicate a utility, access and drainage easement on the east 7.5 feet of lots 4, 5, 6 and the east 7.5 feet of lot 7 except the south 12 feet, Block 25, Todd's Subdivision, City of Yankton South Dakota.

Respectfully submitted,

Joe Morrow
Building Official

Recommendation: It is recommended that the City of Yankton dedicate a utility, access and drainage easement on the east 7.5 feet of lots 4, 5, 6 and the east 7.5 feet of lot 7 except the south 12 feet, Block 25, Todd's Subdivision, City of Yankton South Dakota as described in the attached document and exhibit.

_____ I concur with the recommendation.

_____ I do not concur with the recommendation.

Doug Russell
City Manager

Cc: Kevin Kuhl
Director of Public Works

Prepared by:
Joe Morrow
City of Yankton
416 Walnut Street
Yankton, SD 57078
(605) 668-5251

PERMANENT EASEMENT
FOR
UTILITY PURPOSES

THIS EASEMENT made this _____ day of _____ 2008, by the City of Yankton, South Dakota, a Municipal Corporation,

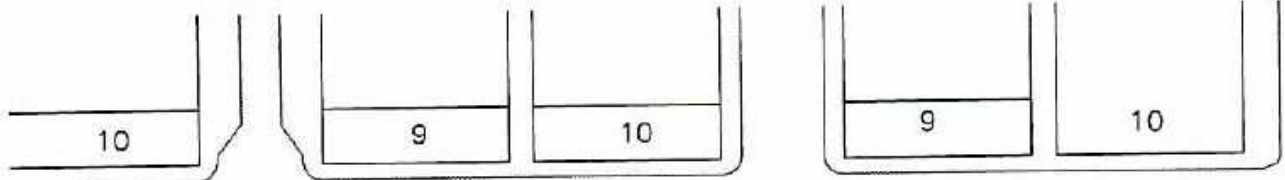
WHEREAS, the City in its municipal capacity is desirous of allowing utility improvements upon its own property.

NOW THEREFORE, the City hereby establishes a permanent easement for utility improvements, over and through the following legally described real estate within the City of Yankton, County of Yankton, State of South Dakota:

The east 7.5 feet of Lots 4, 5, 6 and the east 7.5 feet of lot 7 except the south 12 feet: Block 25, Todd's Subdivision, Yankton, South Dakota, (see attached Exhibit –A-)

THE City, its heirs, successors, or its assigns shall not interfere with or disturb the construction work, ground surface, or utility within the easement area without prior written approval of the City of Yankton.

THE City, its heirs, successors, or its assigns agrees that the construction or placement of any structure, trailer, building, fence or other above or below ground stationary object within the easement area is strictly prohibited without the prior written approval of the City. Additionally, the City shall have the right to remove from the easement area, at its own cost any trees, plants, undergrowth, buildings, trailers, fences or other structures that may interfere with the construction, operation, inspection and/or maintenance of said utility line and facilities as determined by the City with no obligation to replace.



4TH STREET

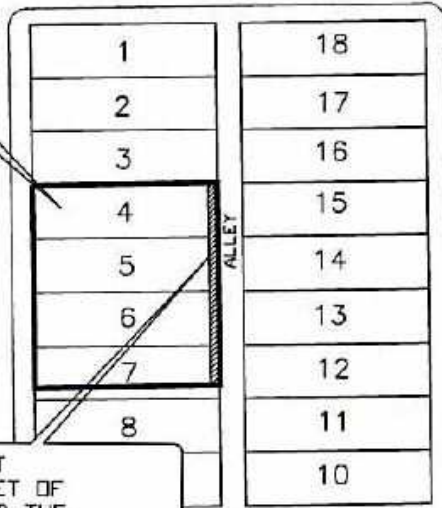


NORTH

SCALE
1"=80'-0"

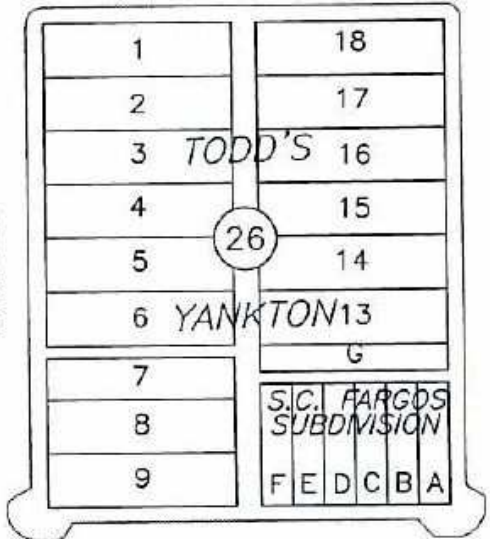
CITY OWNED
PARKING
LOT

CEDAR STREET



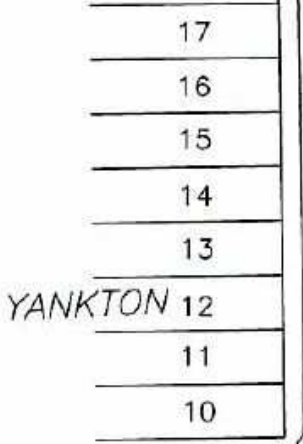
ALLEY

WALNUT STREET

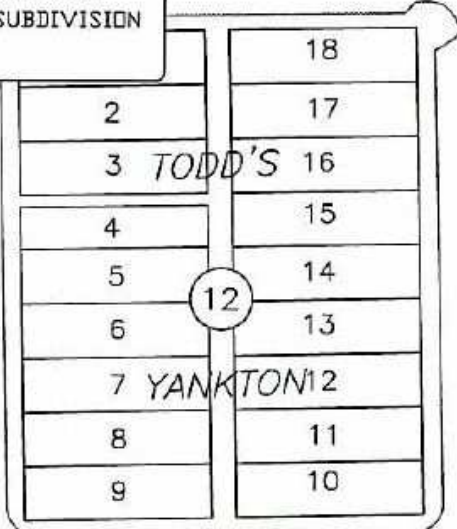


UTILITY EASEMENT
THE EAST 7.5 FEET OF
LOTS 4, 5, 6, AND THE
EAST 7.5 FEET OF LOT 7
EXCEPT THE SOUTH 12 FEET
BLOCK 25, TODD'S SUBDIVISION
CITY OF YANKTON

3RD STREET

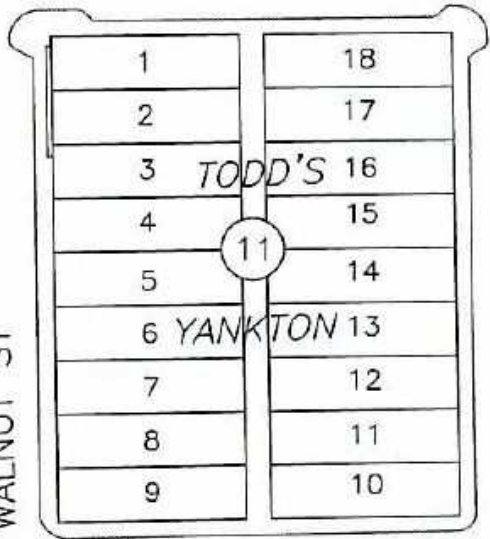


CEDAR STREET



12

WALNUT ST



11

EXHIBIT -A-