

Memorandum #09-89

To: Doug Russell, City Manager
From: Joe Morrow, Building Official
Subject: Utility Easement Dedication for a Public Sewer Main
Date: May 20, 2009

The Yankton Public School District 63-3 has requested permission to dedicate a utility easement for the purpose of extending and locating a public sewer main on private property. The extension of this sewer main is part of the School District's Administration and Bus Storage Facility that is to be located at 2410 West City Limits Road.

Attached is a notarized utility easement from the Yankton School District, Resolution 09-24 and Exhibit -A- detailing the location and manner in which the easement will be dedicated and maintained.

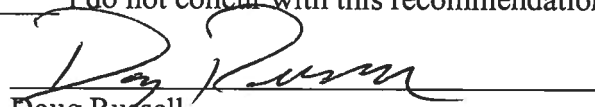
Recommendation: It is recommended that the City Commission approve Resolution #09-24, for the dedication of a 25 foot utility easement by the Yankton Public School District 63-3

Respectfully,


Joe Morrow
Building Official

I concur with this recommendation

I do not concur with this recommendation


Doug Russell
City Manager

Cc: Dave Mingo
Kyle Goodmanson

PERMANENT UTILITY EASEMENT

THIS EASEMENT made this 19 day of May, 2009, by and between the City of Yankton, South Dakota, a Municipal Corporation, hereinafter called the "City," and the Yankton School District 63-3 their heirs, executors, administrators, successors and assigns, hereinafter called the "Owner,"

WHEREAS the City in its municipal capacity is desirous of acquiring a permanent utility easement and access upon land belonging to the Owner, and the Owner is desirous of cooperating with the City in the dedication of said easement.

NOW THEREFORE, the Owner hereby grants to the City a permanent utility easement. The easement is over and through the following legally described real estate:

The West 25 feet of Lot 2 except Lots A through F in the W2, SW4, Fox Run Industrial Park (See Exhibit -A-)

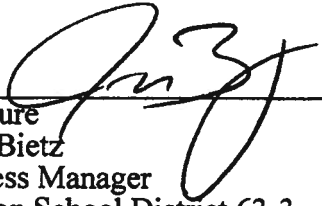
THE OWNER, its heirs, successors, or assigns shall not interfere with or disturb the improvements within the easement area without prior written approval of the City of Yankton. Additionally, the owner shall not plant any vegetation other than grass in the easement area without prior written approval of the City of Yankton.

THE OWNER 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 at its discretion to remove from the easement area, at its own cost any trees, plants or undergrowth that may interfere with the function of the easement with no obligation to replace.

THE OWNER grants permission to the City to enter upon the above described property to commence construction and inspection together with all rights of ingress and egress necessary for the full and complete use and occupation of the permanent easement hereby granted.

IN WITNESS WHEREOF the Owner has executed this Easement this 19 day of May 2009.

OWNERS: Yankton Public School District 63-3




Signature
Jason Bietz
Business Manager
Yankton School District 63-3

STATE OF South Dakota)
)SS
COUNTY OF)
Yankton

On the 19 day of May, 2009, before me, the undersigned officer, personally appeared Jason Bietz, known to me to be the person described in and being authorized so to do, executed the foregoing instrument for the purpose therein contained and acknowledged to me that they executed the same.

IN WITNESS whereof, I hereunto set my hand and official seal

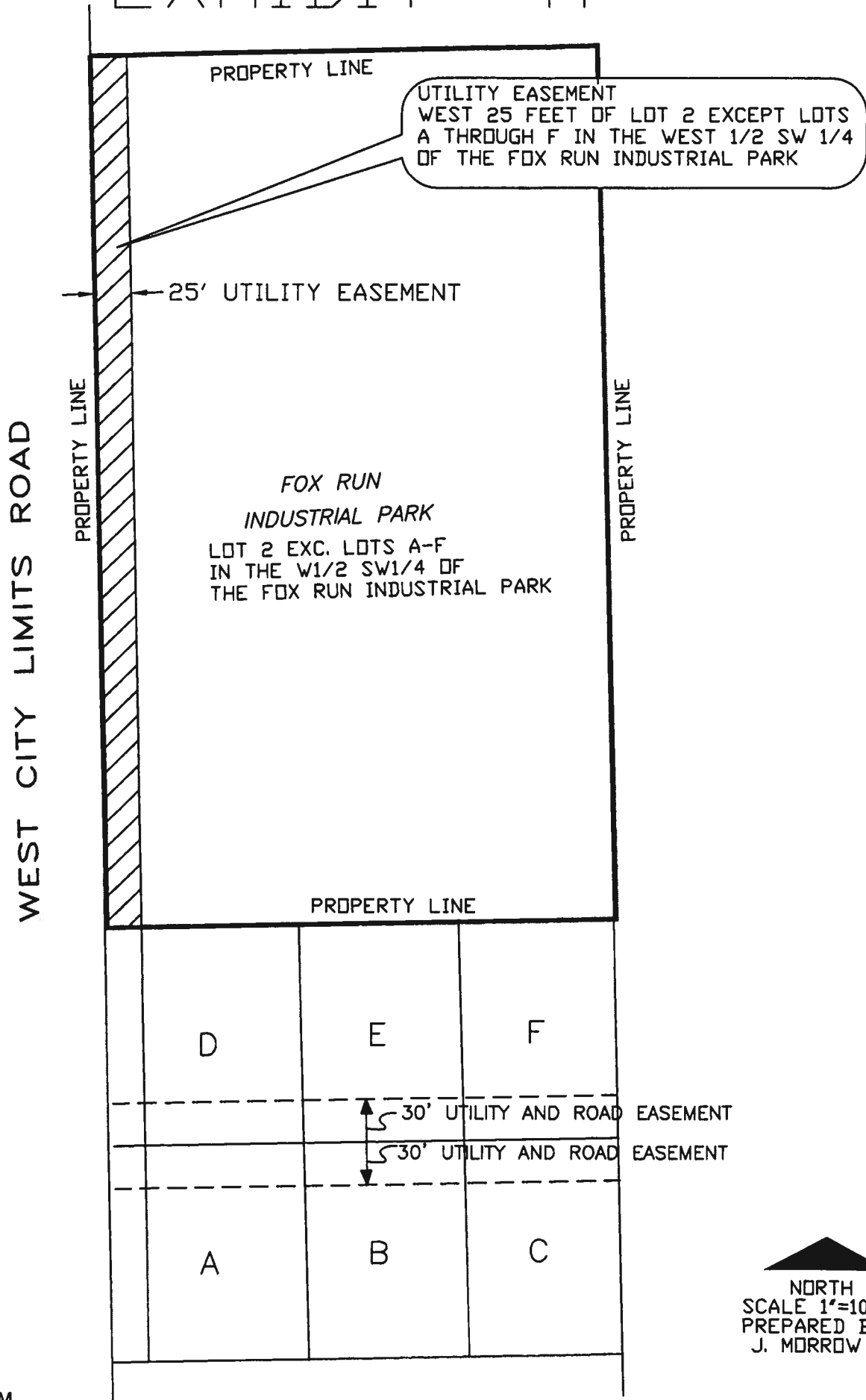
My commission expires. July 1, 2011



NOTARY PUBLIC
Denise L. Wubben

Prepared by:
Joe Morrow
City of Yankton

EXHIBIT -A-



NORTH
SCALE 1"=100'
PREPARED BY
J. MORROW

RESOLUTION 09-24

Dedication of 25 foot Utility Easement

THIS EASEMENT made this ____ day of _____, 2009, by and between the City of Yankton, South Dakota, a Municipal Corporation, hereinafter called the "City," and the Yankton School District 63-3 their heirs, executors, administrators, successors and assigns, hereinafter called the "Owner,"

WHEREAS the City in its municipal capacity is desirous of acquiring a permanent utility easement and access upon land belonging to the Owner, and the Owner is desirous of cooperating with the City in the dedication of said easement.

NOW THEREFORE, the Owner hereby grants to the City a permanent utility easement. The easement is over and through the following legally described real estate:

The West 25 feet of Lot 2 except Lots A through F in the W2, SW4, Fox Run Industrial Park (See Exhibit -A-)

THE OWNER, its heirs, successors, or assigns shall not interfere with or disturb the improvements within the easement area without prior written approval of the City of Yankton. Additionally, the owner shall not plant any vegetation other than grass in the easement area without prior written approval of the City of Yankton.

THE OWNER 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 at its discretion to remove from the easement area, at its own cost any trees, plants or undergrowth that may interfere with the function of the easement with no obligation to replace.

THE OWNER grants permission to the City to enter upon the above described property to commence construction and inspection together with all rights of ingress and egress necessary for the full and complete use and occupation of the permanent easement hereby granted.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the City of Yankton, South Dakota hereby approves the dedication of the utility easement as described in the manner shown on the attached "Exhibit A."

Adopted:

Daniel Specht, Mayor

ATTEST:

Al Viereck, Finance Officer