

Prepared By:
Pennington County Highway Dept.
3601 Cambell Street
Rapid City, SD 57701
(605) 394-2166



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November 14, 2023 3:11 PM

Audra Casteel
Pennington County, SD

TEMPORARY EASEMENT AGREEMENT

Project No. BRO 8052(76) PCN 08N2

Pennington County

Parcel No. 5241

Thunderhead Falls Road Bridge 317-313

PIN: 3608276001

This AGREEMENT for Temporary Easement rights entered into by the undersigned, hereinafter referred to as the GRANTOR, and the County of Pennington acting by and through its Highway Department, hereinafter referred to as the COUNTY of 3601 Cambell Street, Pennington County, South Dakota; Witnesseth:

WHEREAS, the COUNTY contemplates the construction, operation and maintenance of highway facilities on the above described project as provided for by law; and

WHEREAS, a portion of the Temporary Easement necessary for the proper completion of such highway facilities, as designated on plans at the Highway Department, is located over and across the real property hereinafter described as:

Lot 2 Revised Fort Meade Placer MS 244, Section 8, Township 1 North, Range 6 East of the Black Hills Meridian, Pennington County, South Dakota.

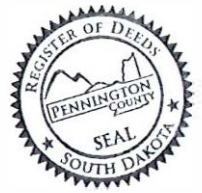
NOW THEREFORE, it is expressly agreed and understood by the parties, The GRANTOR grants permission to the COUNTY or COUNTY'S agent to enter upon above described easement and to use the designated Temporary Easement area for cutslope, fillslope or drainage purposes. The Temporary Easement area is estimated to be 0.08 acres.

It is further agreed and understood by the GRANTOR that any additional Temporary Easement necessary for the proper completion of the construction may be used. The additional area will be measured and paid for separately at the same rate previously applied. It is agreed and understood that all areas used will be graded as smooth as practicable and left in a neat and workmanlike manner.

This temporary easement will be warrantied for and terminate one year after the highway construction project has been completed.

The following mutually agreed upon special conditions are made a binding part of this AGREEMENT:

Reimbursement of lost income for guest house rental during Sturgis Rally of \$2100. Purchasing and planting of 4 Pagoda Dogwood by Rembolt Lawn Services for \$911.75 per quote. Installation of sod after project completion in disturbed bypass road area. Install 40' privacy fence (Noise Wall Panel) along temp. easement. Sprinkler removal will be coordinated with the contractor and landowner, and will be repaired/replaced before final sod is placed at project completion. Prior to final project approval, Pennington County along with landowner, will conduct a final walkthrough inspection for landowner's concerns to be addressed and added to the contractor's punchlist.



Dated this 13th day of November, 2023.

Linda Starbuck
Linda Starbuck, GRANTOR

ACKNOWLEDGEMENT

STATE OF SOUTH DAKOTA)
)ss
COUNTY OF PENNINGTON)

On this the 13th day of November, in the year of 2023, before me, Kailey M. Selby, a Notary Public within and for said County and State, personally appeared Linda Starbuck, known to me or satisfactorily proven to be the persons described in and who executed the foregoing instrument and acknowledged to me that he executed the same for the purposes therein stated.

Kailey M. Selby
Notary Public

My commission expires: 9/9/26

(Notary Seal)



AGREEMENT FOR RIGHT OF WAY ACQUISITION BY ESTABLISHED PAYMENT

PROJECT NO: BRO 8052 (76) PCN: 08N2 COUNTY/~~CITY~~: PENNINGTON PARCEL NO: 36082760001

This Agreement is made and entered into by and between the County/~~City~~ of PENNINGTON, acting by and through its County/~~City~~ Commission, hereinafter referred to as "COUNTY/CITY," and LINDA STARBUCK, whose postal address is 23038 THUNDERHEAD FALLS ROAD, RAPID CITY, SD 55702, hereinafter referred to as "GRANTOR";

WHEREAS, COUNTY/~~CITY~~ needs the following easements for construction, operation, and maintenance of a highway:

~~Perpetual Easement:~~ _____

Temporary Easement: LOT 2 REVISED FORT MENDE PLACER MS 244, SECTION 8, TOWNSHIP 1 NORTH, RANGE 6 EAST OF THE BLACK HILLS MERIDIAN, PENNINGTON COUNTY, SOUTH DAKOTA

WHEREAS, GRANTOR understands GRANTOR'S right to have an appraisal prepared and GRANTOR'S right to receive just compensation for the above described perpetual and/or temporary easement in accordance with the Uniform Relocation Assessment and Real Property Acquisition Act of 1970, as amended; and,

WHEREAS, GRANTOR hereby waives any right to such appraisal;

NOW, THEREFORE, the parties agree the total payment for all property interest acquired by the COUNTY/~~CITY~~ for the easements described above as shown on the plans for construction of the above cited PROJECT, is as follows:

Perpetual Easement:

_____ acres/sq. ft. at \$ _____ acres/sq. ft. at \$ _____

Temporary Easement:

0.08 acres/sq. ft. at \$ 100.00 up to 1 acres/sq. ft. at \$ 100.00

Plant Trees/shrubs/Rental Reimbursement
Total = \$ 3011.75
TOTAL = 3111.75

Special Conditions: Will have private contractor plant her new trees, want sprinklers reinstalled before landscape work done (sod installed), PRIVACY FENCE, REIMBURSEMENT FOR RENTAL HOME, PROJECT REVIEW AFTER COMPLETION.

1. GRANTOR shall not erect fences, structures, or obstacles within the perpetual easement.
2. GRANTOR grants permission to COUNTY/~~CITY~~ or COUNTY'S/~~CITY'S~~ agent to enter upon above described easement upon approval of this Agreement.
3. The perpetual easement shall be in effect until the highway is abandoned by proper action of the COUNTY/~~CITY~~ Commission and the temporary easement shall be in effect until one (1) year after construction of the project is completed.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on this 15th day of November in the year of 2023.

Grantor(s)

City/County of PENNINGTON

By: [Signature]
Name: Linda Starbuck

By: [Signature]
Its: JOSEPH MILLER
~~City Commission~~ Chairperson/
City Mayor COUNTY HIGHWAY
SUPERINTENDENT

By: _____
Name: _____

Attest:
[Signature]
County Auditor/~~City Finance Officer~~
Cindy Mohler
(County/~~City~~ Seal)



[Grantor Acknowledgment Form to Follow]

GRANTOR ACKNOWLEDGMENT

State of South Dakota)
)SS
County of Pennington)

On this the 13th day of November in the year of 2023,
before me, Kailey M Selby, a Notary Public within and for said
County and State, personally appeared Linda Starbuck
known to me to be the person(s) described in and
who executed the foregoing instrument and acknowledged to me that he/she/they
executed the same for the purposes herein stated.

Kailey M Selby

Notary Public

My Commission Expires: 9/9/24

(Notary Seal)



RECORD OF CALLS/VISITS AND DISCUSSION RECORD
TO ACCOMPANY ESTABLISHED PAYMENT FORM LG-ROW-2

PROJECT NO: BRO 8052(76) PCN: 08N2 COUNTY/CITY: PENNINGTON
LANDOWNER: LINDA STARBUCK
NAME OF NEGOTIATOR: JOSH LIETZ
TITLE: PROJECT MANAGER

The following document(s) was/were shown and/or explained to the Landowner:
Construction Right of Way Right of Way Other
Plan Sheet Document(s) Brochures

Call/Visit Number: 1
Time: 1:24 AM / PM Date: 03/04/2023
Visit Location: PHONE CALL TO HWY DEPART.
List people present during meeting: LINDA STARBUCK, JOSH LIETZ

Notes of the Discussion: LINDA CALLED IN WITH CONCERNS & QUESTIONS. TOPICS WERE BYPASS LOCATION, DESIGN, CONSTRUCTION TIMELINE, IMPACTS TO RESIDENTS/RENTAL HOMES/LANDSCAPING AND RALLY WEEK, TEMP. EASEMENT NEGOTIATIONS & ADJOINING NEIGHBORS. LINDA WILL CALL BACK TO SCHEDULE A DAY TO MEET.

Call/Visit Number: 2
Time: 2:00 AM / PM Date: 05/02/2023
Visit Location: 3661 CAMPBELL STREET, RAPID CITY, SD (DC HWY CONFERENCE ROOM)
List people present during meeting: LINDA STARBUCK, SHAWN MAYFIELD, KAITLY SELBY, JOSH LIETZ

Notes of the Discussion: SUBJECTS FROM DESIGN TO CONSTRUCTION. REVIEWED LINDA'S LIST OF CONCERNS: IRRIGATION, FENCING, SHRUBS, SPRUCE TREES, RALLY WEEK, SLOPE ROCK AND FINAL ELEVATIONS. LINDA WANTS STUMPS GROUND 16" BELOW GRADE. SURVEY STAKING TO OCCUR IN CONJUNCTION WITH NEIGHBORS. TBD.

Call/Visit Number: 3
Time: 10:00 AM / PM Date: 07/05/2023
Visit Location: THUNDERHEAD FALLS BRIDGE 217-313 (ALL LANDOWNERS PROPERTY)
List people present during meeting: SHAWN MAYFIELD, ERIC RADKE, JOSH LIETZ, AUDRY KUHNHAUSER, GARY, LINDA STARBUCKS, ERIC & STEFANIE ENGELSTAD, HARVIN STROM

Notes of the Discussion: WALKED & REVIEW ALTERNATE BYPASS SURVEY STAKING WITH ALL. REVIEWED: ADJUSTED BYPASS STAKING, IRRIGATION SYSTEM IMPACTS, SHRUBS & BOX ELDER TREES TO BE REMOVED, IMPACTED FENCE SECTIONS, STUMPS GROUND DOWN, PRIVACY FENCE, LERCH FIELD CONCERN (SEE 07/05 PDF)

Call/Visit Number: 4
Time: 1:15 AM / PM Date: 8/2/23
Visit Location: Linda's house
List people present during meeting: Linda Starbuck & Eric Radke

Notes of the Discussion: Discussed quote for sprinkler repair, trees to be planted, sod or hydroseed, time frame for construction, rental impact from Rally, wondered if payment was taxable, sprinkler re-install & grass planted, stumps to be ground up

Note: Please indicate in the Notes of Discussion, any agreement made as part of the acquisition by established payment, such as an additional approach, a load of gravel, etc.

RECORD OF CALLS/VISITS AND DISCUSSION RECORD
TO ACCOMPANY ESTABLISHED PAYMENT FORM LG-ROW-2

PROJECT NO: BRO 8052 (76) PCN: 08NA COUNTY/CITY: Pennington
LANDOWNER: Linda Starbuck
NAME OF NEGOTIATOR: Eric Radke
TITLE: Project Manager

The following document(s) was/were shown and/or explained to the Landowner:

Construction Right of Way Right of Way Other
Plan Sheet Document(s) Brochures

Call/Visit Number: 5
Time: 1:00 AM / (PM) Date: 8/10/23
Visit Location: Phone call to Linda
List people present during meeting: Linda Starbuck, Eric Radke

Notes of the Discussion: Spoke about quote approval, concerns from last meeting, said planted as preference, bushes will be ground out, Rally income impact to make quote for that, trees planted by private contractor, check payment from PC as taxable income.

Call/Visit Number: 26
Time: 1:30 AM / (PM) Date: 8/10/23
Visit Location: Phone call to Linda
List people present during meeting: Linda Starbuck, Eric Radke

Notes of the Discussion: Linda changed her mind about her private contractor installing sprinkles, now wants work completed by bridge contractor in place. Told her she would still need trees planted by private contractor, will not be in plan set. She was OK with that. Will get a new quote.
Email

Call/Visit Number: 37
Time: 4:00 AM / (PM) Date: 10/30/23
Visit Location: Email
List people present during meeting: Eric Radke

Notes of the Discussion: Emailed about getting temporary easement signed & to set up a meeting.

Call/Visit Number: 4
Time: 10:00 AM / (AM) Date: 11/13/23
Visit Location: Linda Starbuck's home
List people present during meeting: Eric Radke, Railey Selby, Linda Starbuck

Notes of the Discussion: Met to sign temporary easement documents

Note: Please indicate in the Notes of Discussion, any agreement made as part of the acquisition by established payment, such as an additional approach, a load of gravel, etc.