

This Document Prepared By:
Don E. Petersen, Esq.
MorganTheeler LLP
P.O. Box 1025, 1718 North Sanborn Blvd.
Mitchell, SD 57301
(605) 996-5588

RELEASE OF EASEMENT

RELEASE OF EASEMENT made this _____ day of _____, 2022, by the City of Mitchell, South Dakota, a South Dakota municipal corporation, of 612 North Main Street, Mitchell, South Dakota (hereinafter referred to as the “City”); WITNESSETH:

Jensen Capital & Development, LLC, a South Dakota limited liability company, is the owner of the following described real property, to-wit:

South Thirty Feet (S.30’) of Lot Nine (9) and North Fifty Feet (N.50’) of Lot Ten (10), Tract J, Wild Oak Golf Club Addition to the City of Mitchell, Davison County, South Dakota.

A five foot (5’) Utility Easement is located on the South side of Lot Nine (9) on the North side of Lot Ten (10) of the above described real property. Said real property is depicted on Exhibit A attached hereto and incorporated herein by reference.

By the execution of this Release of Easement, the City hereby releases in its entirety its Utility Easement on the South and North sides of the real property set forth above. This Release of Easement shall not affect other easements on the property, and any other easements which intersect with the Easement addressed herein shall remain in full force and effect.

This Release shall run with the land and shall be binding on and shall inure to the benefit of the parties hereto and their respective heirs, personal representatives, successors in interest and assigns.

[remainder of page intentionally left blank
to accommodate signature page]

Release of Easement
Page Two

Dated this ____ day of _____, 2022.

CITY OF MITCHELL, SOUTH DAKOTA

By _____
Robert B. Everson, Jr., Mayor

(SEAL)

ATTEST:

Michelle Bathke, City Finance Officer

STATE OF SOUTH DAKOTA
SS
COUNTY OF DAVISON

On this the ____ day of _____, 2022, before me, the undersigned officer, personally appeared Robert B. Everson, Jr. and Michelle Bathke, who acknowledged themselves to be the Mayor and City Finance Officer, respectively, of the City of Mitchell, South Dakota, a South Dakota municipal corporation, and that they as such Mayor and City Finance Officer being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the City of Mitchell, South Dakota, by themselves as Mayor and City Finance Officer, respectively.

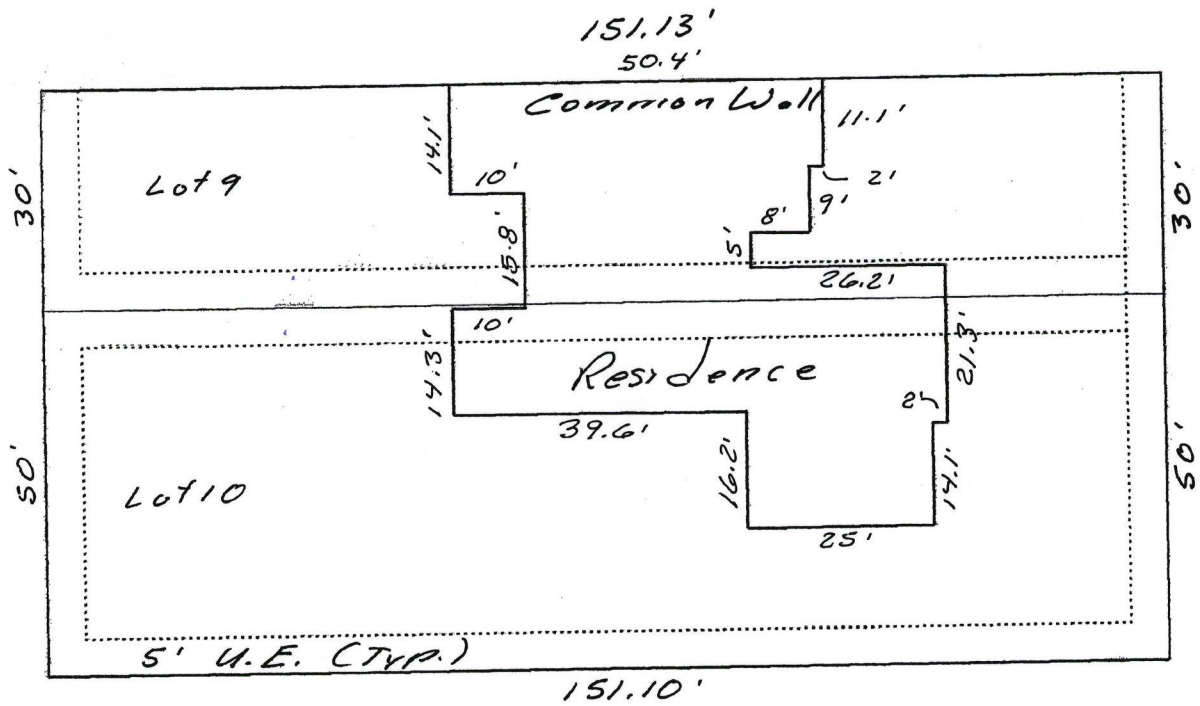
In Witness Whereof I hereunto set my hand and official seal.

My Commission Expires:

Notary Public

MORTGAGE INSPECTION

THE SOUTH 30 FEET OF LOT 9 AND THE NORTH 50 FEET OF LOT 10 IN TRACT J, WILD OAK GOLF CLUB ADDITON TO THE CITY OF MITCHELL, DAVISON COUNTY, SD.



Scale: 1" = 25'
 307 Homer Ct.
 Heiman



I THE UNDERSIGNED, A REGISTERED LAND SURVEYOR, IN AND FOR THE STATE OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT THE ABOVE MORTGAGE INSPECTION WAS PERFORMED BY ME. THIS IS A LOCATION OF IMPROVEMENTS AND A CURSORY CHECK FOR VIOLATIONS OR ENCROACHMENTS ONTO OR FROM THE SUBJECT PROPERTY BASED ON EXISTING BUT NOT CONFIRMED EVIDENCE. THIS DOES NOT CONSTITUTE A BOUNDARY SURVEY AND IS SUBJECT TO ANY INACCURACIES THAT A SUBSEQUENT BOUNDARY SURVEY MAY DISCLOSE. THE MEASUREMENTS SHOWN SHOULD NOT BE USED OR RELIED UPON FOR THE ESTABLISHMENT OF ANY FENCE, STRUCTURE OR OTHER IMPROVEMENT. NO WARRANTY OF ANY KIND IS EXTENDED THEREIN TO THE PRESENT OR FUTURE OWNER

DATED THIS 20TH. DAY OF FEBRUARY, 2022.

Thomas Lynn Week
 THOMAS LYNN WEEK
 REGISTERED LAND SURVEYOR
 REG. NO. 2912

