

Prepared by and recorded at the request of:  
Todd Hubbard  
South Dakota Science and Technology Authority  
630 East Summit Street  
Lead, SD 57754  
605.722.5022

## **Easement Agreement**

South Dakota Science and Technology Authority, a body corporate and politic, having an address of 11457 630 East Summit Street, Lead, South Dakota 57754 ("Authority") hereby conveys to the City of Lead, South Dakota, a municipal corporation organized under the laws of the State of South Dakota ("City") without warranty of any kind, and for no monetary consideration, a non-exclusive easement under and across portions of Tract A of the Yates Subdivision of the City of Lead, Lawrence County, South Dakota, as recorded in Plat document #2005-8217, to construct, repair, maintain, service, expand, replace and use the easement area for the installation of a waterline ("Easement"). The Easement shall be 20' wide and is designated as "Waterline Easement" as generally shown on Exhibit A, attached hereto and incorporated herein by this reference.

City hereby waives, releases and discharges Authority and its directors, officers, employees and representatives and its and their successors and assigns, and agrees to defend, indemnify and hold them harmless from any cost, damage, loss liability, contribution, or obligation (including consequential damages, fines, penalties, court costs, disposal fees, and attorney's fees) for injury to persons and the environment, including environmental liability proximately caused by an act or omission of City, its employees, agents, and representatives in connection with the Easement or any improvements placed thereon by City.

The benefits and burdens of this Easement shall run with the land and bind and inure to the benefit of both parties and their respective successors and assigns.

DATED and agreed to this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

South Dakota Science and Technology Authority

By: \_\_\_\_\_  
Casey Peterson, Chairman of the Board

CITY OF LEAD

By: \_\_\_\_\_

Dustin Heupel

Its Mayor

ATTEST:

By: \_\_\_\_\_

Robin Lucero, City Administrator

STATE OF SOUTH DAKOTA        )  
                                      )SS  
COUNTY OF \_\_\_\_\_                )

On this, the \_\_\_\_\_ day of \_\_\_\_\_, 2026, before me, the undersigned officer, personally appeared Casey Peterson, known to me to be the Chairman of the Board of the South Dakota Science and Technology Authority, a body corporate and politic, and known to me to be the person who executed the within instrument and on oath stated that he was authorized to do so on behalf of said corporation.

IN WITNESS WHEREOF, I have signed my name and affixed my official seal.

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Notary Public

My Commission Expires: \_\_\_\_\_

(SEAL)

STATE OF SOUTH DAKOTA        )

COUNTY OF LAWRENCE )  
 )SS

On this the \_\_\_\_\_ day of \_\_\_\_\_, 2026, before me, the undersigned officer, personally appeared **Dustin Heupel and Robin Lucero**, who acknowledged themselves to be the Mayor and City Administrator, respectively, of the **City of Lead**, a municipal corporation, and that they, as such officers, being authorized so to do, executed the foregoing instrument for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

Notary Public  
My Commission Expires: \_\_\_\_\_

(SEAL)

