

## SERVICE TERRITORY SALES AGREEMENT

### BETWEEN

CITY OF ELK POINT AND UNION COUNTY ELECTRIC COOPERATIVE,  
INC.

This AGREEMENT ("Agreement") is made and entered into by the City of Elk Point, located at 106 W. Pleasant Street, Elk Point, South Dakota ("Elk Point"), and Union County Electric Cooperative, Inc. with principal place of business at 122 W. Main Street, Elk Point, South Dakota (Union County Coop") (collectively, the "Parties").

#### RECITALS:

WHEREAS, pursuant to SDCL 49-34A-42 et seq., the Parties have electric service territory line defined and depicted in our "contract in the matter of establishment of an assigned service area" dated January 28, 1976, on file with the South Dakota Public Utilities Commission,

NOW THEREFORE, the City of Elk Point in Union County, South Dakota, a municipality in good standing with the State of South Dakota and Union County Electric Cooperative, Inc. agree that Union County Coop will sell certain service territories to Elk Point as follows:

- A. The City of Elk Point will receive the following parcels of real property:
1. Lot 17, Block 9, Country Club Estates, City of Elk Point, Union County, South Dakota, according to the recorded plat thereof.
  2. Hoffman Tracts 3 of Lot M in the Southwest Quarter of the Northwest Quarter of the Southeast Quarter, Section 19, Township 91 North, Range 49, West of the 5<sup>th</sup> P.M., City of Elk Point, Union County, according to the recorded plat thereof.
  3. Hotei Tract 1, City of Elk Point, Union County, South Dakota
  4. The West 96 feet of the North 55 feet of Hotei Tract 2, City of Elk Point, Union County, South Dakota
  5. Lot 48, Block 4, Country Club Estates, City of Elk Point, Union County, South Dakota, according to the recorded plat thereof.

Union County Electric Cooperative, Inc. shall receive the sum of \$6,996.86

- B. The Parties agree that the change in service territory boundary lines will transfer territory from Union County Coop to Elk Point.
- C. The Parties agree to jointly submit these agreed upon changes to the South Dakota Public Utilities Commission for its approval, and such approval is needed before this Agreement becomes effective.
- D. Except as specifically set forth herein, this Agreement does not modify or limit the legal rights of any party.
- E. The parties acknowledge that this Agreement is subject to the jurisdiction of the Public Utilities Commission of the State of South Dakota.
- F. This Agreement will become effective upon approval by the South Dakota Public Utilities Commission.

IN WITNESS WHEREFORE: This Agreement is executed and made effective between Union County Coop and Elk Point.

City of Elk Point  
By: Derek Tuttle  
City Administrator  
City of Elk Point

Union County Electric Cooperative, Inc.  
By: Matt Klein  
General Manager

Attest: [Signature]  
Date: 12/30/2022

Attest: [Signature]  
Date: 12/30/22

City of Elk Point  
By: Deborah McCreary  
Mayor  
City of Elk Point

Attest: Deborah K McCreary  
Date: 12/30/2022