

**FIRST AMENDMENT  
TO  
SEWER SERVICE AGREEMENT  
BETWEEN  
BLACK HAWK SANITARY DISTRICT  
AND  
CITY OF RAPID CITY, SOUTH DAKOTA**

The parties to this Agreement are as follows:

- A. Black Hawk Sanitary District, a Sanitary District organized under the Statutes of the State of South Dakota, hereinafter referred to as "District" and
- B. The City of Rapid City, South Dakota, a municipal corporation, organized under the laws of the State of South Dakota, hereinafter referred to as "City".

WHEREAS, the City and the District entered into a Sewer Service Agreement on the 15<sup>th</sup> day of July, 2002 wherein the City allowed the District to use the wastewater collection and treatment system of the City under the terms and conditions as set forth in said Agreement, and

WHEREAS, Section Ten of the Agreement provided that it shall be in full force and effect for a period of twenty (20) years from the date of the execution of this agreement, and

WHEREAS, the parties desire to clarify the term of said Agreement, now therefore,

THE PARTIES AGREE AS FOLLOWS:

- 1. That Section Ten of the Sewer Service Agreement between Black Hawk Sanitary District and the City of Rapid City shall be amended in its entirety to read as follows:

**SECTION TEN  
TERM AND TERMINATION OF AGREEMENT**

The term of this Agreement shall commence as of the date that Black Hawk first discharges sanitary sewer wastewater into the City's system and shall terminate twenty (20) years thereafter. After said twenty (20) year

time period, either party may terminate this Agreement upon one (1) year's written notice served upon the other party by delivering the same to the Mayor of the City of Rapid City, or the President of the Board of Trustees of the District, or at any time upon mutual consent of both parties.

All of the other terms and conditions of the Sewer Service Agreement entered into between the parties on the 15<sup>th</sup> day of July, 2002, shall remain in full force and effect and binding upon both parties hereto.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

CITY OF RAPID CITY

BLACK HAWK SANITARY DISTRICT

BY: \_\_\_\_\_  
Jim Shaw  
Its: Mayor

BY: \_\_\_\_\_  
Dee Ann Miller  
Its: President,  
Board of Trustees

ATTEST:

\_\_\_\_\_  
Finance Officer