

AGREEMENT FOR THE RE-CONSTRUCTION OF AN ALLEY BETWEEN THE
CITY OF RAPID CITY AND AC THORSTENSON FAMILY LTD
PARTNERSHIP

This Agreement is made the _____ day of _____, 2004 between the City of Rapid City herein after referred to as the 'City' and AC Thorstenson LTD Partnership of PO Box 967, Rapid City, South Dakota, 57709 herein after referred to as the 'Thorstenson Family'.

WHEREAS, the City owns the 20 foot alley which is public property located in Block 68 of the Original Town of Rapid City; and

WHEREAS, the Thorstenson Family owns real property located in the City of Rapid City, South Dakota legally described as: Block 68, Original Town of Rapid City, Lots 5, 6, 7, 8, 9, Part of Lots 10, 11, 12, 13, and 14 which lies east of the Railroad Right-of-Way

NOW THEREFORE:

1. At no cost to the Thorstenson Family, the City agrees to re-construct the public alley, that lies in and adjacent to the north and south sides as shown on Exhibit A, which has been attached hereto and incorporated herein by this reference.
2. The City agrees to construct the Dakota, Minnesota and Eastern Railroad Right-of-Way which is adjacent to Lots 10-14 of the Thorstenson Family property previously described and as shown on Exhibit B, which has been attached hereto and incorporated herein by this reference.
3. The Thorstenson Family agrees to pay 100% of the cost of the actual construction of the Dakota, Minnesota and Eastern Railroad Right-of-Way based on the unit prices bid by the successful bidder, for the bid items specified on Exhibit C, which has been attached hereto and incorporated herein by this reference.

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OF TRANSPORTATION.

4. This agreement is contingent upon the City being able to obtain permission to work on the adjacent private property's in order to cause the proper drainage in the alley Right-of-Way.
5. This agreement is also contingent to the Thorstenson Family providing the City of Rapid City a copy of a 'Hold Harmless' agreement between the Thorstenson Family and the Dakota, Minnesota and Eastern Railroad prior to the City awarding a construction contract.
6. This contract contains the entire agreement between the parties and will be construed under the laws of the State of South Dakota and the venue of any cause of action arising out of the agreement will be the City of Rapid City.

THORSTENSON FAMILY LTD PARTNERSHIP

Janet Ronneberg - Thorstenson Family Ltd Partnership

CITY OF RAPID CITY

Jim Shaw - Mayor

ATTEST:

Finance Officer