

AGREEMENT

No. PW071304-08

This Agreement is made and entered into by and between the **CITY OF RAPID CITY**, a municipal corporation, herein after called the "City," and **OUR REDEEMER LUTHERAN CHURCH**, of 910 Wood Ave., Rapid City, South Dakota, 57701, herein after called "Church," subject to the following terms and conditions:

Recitals

WHEREAS, the Church is the owner of real property located at 910 Wood Ave. within the City of Rapid City; and

WHEREAS, the Church requests the removal of the curb and gutter along Wood Avenue to allow them to construct additional public parking in front of the church, at their own expense; and

WHEREAS, the City is in favor of allowing the removal of the curb and gutter so that the church can provide additional public parking in the public right of way.

NOW THEREFORE:

1. The City agrees to allow removal of the curb and gutter along the portion of Wood Ave fronting the property owned by the Church.
2. The Church agrees to pay all costs for the design and construction of the parking area.
3. Drainage adjacent to the parking and drainage from the parking itself shall not have an adverse effect on the property of the church or adjacent properties. All drainage flow paths shall be maintained as they presently exist.
4. The Church shall be responsible for all future repairs and/or maintenance of the parking area and agrees to reimburse the City for any City funds expended for maintenance or repair.
5. The Church is responsible for snow removal and any other seasonal maintenance and agrees to reimburse the City for any City funds expended for snow removal or seasonal repairs.
5. The parking area in the right of way shall be free for use by the public at any time, the Church shall not have exclusive rights to the parking for any reason.
6. The construction of the parking shall conform to the City's Street Criteria Manual.

CITY OF RAPID CITY

Jim Shaw, Mayor

ATTEST:

James F. Preston, Finance Officer

(SEAL)

State of South Dakota,)
) ss.
County of Pennington.)

ON THIS DAY, _____, 2004, before me, the undersigned officer, personally appeared Jim Shaw and James F. Preston, who acknowledged themselves to be the Mayor and Finance Officer, respectively, of the **CITY OF RAPID CITY**, a municipal corporation, and that they, as such Mayor and Finance Officer, being authorized to do so, executed the foregoing instrument for the purposes therein contained, by signing the name of the **CITY OF RAPID CITY** by themselves as Mayor and Finance Officer.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public

OUR REDEEMER LUTHERAN CHURCH

By: _____
Its: _____

My Commission Expires:
(SEAL)

State of South Dakota,)
) ss.
County of Pennington.)

ON THIS DAY, _____, 2004, before me, the undersigned officer, personally appeared _____ who acknowledged himself to be the _____ of **OUR REDEEMER LUTHERAN CHURCH**, and that he, as such, being authorized so to do, executed the foregoing for the purposes therein contained by signing the name of **OUR REDEEMER LUTHERAN CHURCH** by himself as _____.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public

My Commission Expires:

(SEAL)

Prepared By: CITY ATTORNEY'S OFFICE