



CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-2724

Growth Management Department

300 Sixth Street

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Growth Management Department
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MEMORANDUM

TO: Rapid City Council

FROM: Renee Catron-Blair, Urban Planner II

DATE: January 18, 2004

RE: Authorization for Mayor and Finance Officer to sign a waiver of right to protest a future assessment for street improvements.

Legal Description: Commencing at the southwesterly corner of Lot B of Block 16 of Trailwood Village, common to the northeasterly corner of the intersection of the right-of-ways of SD State Highway 44, and Covington Street, and the Point of Beginning; thence, first course N40°25'09"E, along the easterly edge of the right-of-way of said Covington Street, a distance of 140.36 feet, to a point of curve; thence, second course: northerly, along the easterly edge of said Covington Street, curving to the left on a curve with a radius of 600.00 feet, a delta angle of 8°34'58", an arc length of 89.88 feet, a chord bearing of N36°07'40"E, and chord distance of 89.79 feet, to a point on the easterly edge of the right-of-way of said Covington Street; thence, third course: S51°11'35"E, a distance of 461.43 feet, to a point on the easterly boundary of said Lot B of Block 16, common to a point on the westerly boundary of Lot B of Lot 2 of Ridgeview Place Subdivision; thence, fourth course: S38°38'57"W, along the easterly boundary of said Lot B of Block 16, common to the westerly boundary of said Lot B of Block 2 of Ridgeview Place Subdivision, a distance of 67.21 feet, to a point on the easterly boundary of said Lot B of Block 16, common to the southwesterly corner of said Lot B of Block 2 of Ridgeview Place Subdivision, and common to the northwesterly corner of Lot A of Block 2 of Ridgeview Place Subdivision; thence, fifth course: S38°53'52"W, along the easterly boundary of said Lot B of Block 16, common to the westerly boundary of said Lot A of Block 2 of Ridgeview Place Subdivision, a distance of 162.79 feet, to the southeasterly corner of said Lot B of Block 16, common to the southwesterly corner of said Lot A of Block 2 of Ridgeview Place Subdivision, and common to a point on the northerly edge of the right-of-way of SD State Highway 44; thence, sixth course: N51°11'35"W, along the southerly boundary of said Lot B of Block 16, common to the



EQUAL OPPORTUNITY EMPLOYER

northerly edge of the right-of-way of said SD State Highway 44, a distance of 461.12 feet, to the northeasterly corner of the intersection of the right-of-ways of said SD State Highway 44, and said Covington Street, and the Point of Beginning; said Parcel contains 105,545 square feet or 2.423 acres more or less.

A Variance to waive the requirement to install curb, gutter, and sidewalk along South Dakota Highway 44 as it abuts the subject property. A stipulation of approval of the Variance to the Subdivision Regulations requires that the applicant sign a waiver of right to protest a future assessment. The document also requires the signature of the Mayor and the Finance Officer.

Staff Recommendation: Authorize the Mayor and Finance Officer to sign the waiver of right to protest a future assessment for the installation of curb, gutter, and sidewalk along South Dakota Highway 44 as it abuts the subject property.

(File #04SV075)

PREPARED BY: City's Attorney Office
300 Sixth Street
Rapid City, SD 57701
(605) 394-4140

JPL
1/10/05

**AGREEMENT WAIVING RIGHT TO PROTEST
(SDCL 9-45-26; 9-47-13; 9-48-18; 9-48-42)**

THIS AGREEMENT IS MADE and entered into this 17th day of January, 2005, by and for LICH ENTERPRISES, INC., hereinafter called "Developer," and the City of Rapid City, a municipal corporation of the State of South Dakota, hereinafter called the "City."

WHEREAS the Developer has submitted a proposed subdivision plat; and

WHEREAS it is the intended purpose of the Developer to obtain final approval for this subdivision plat; and

WHEREAS the City of Rapid City's subdivision regulations require installation of curb, gutter, and sidewalk which in this instance would require the Developer to install curb, gutter, and sidewalk along South Dakota Highway 44 as it abuts the property described as commencing at the southwesterly corner of Lot B of Block 16 of Trailwood Village, common to the northeasterly corner of the intersection of the right-of-ways of SD State Highway 44, and Covington Street, and the Point of Beginning; thence, first course N40°25'09"E, along the easterly edge of the right-of-way of said Covington Street, a distance of 140.36 feet, to a point of curve; thence, second course: northerly, along the easterly edge of said Covington Street, curving to the left on a curve with a radius of 600.00 feet, a delta angle of 8°34'58", an arc length of 89.88 feet, a chord bearing of N36°07'40"E, and chord distance of 89.79 feet, to a point on the easterly edge of the right-of-way of said Covington Street; thence, third course: S51°11'35"E, a distance of 461.43 feet, to a point on the easterly boundary of said Lot B of Block 16, common to a point on the westerly boundary of Lot B of Lot 2 of Ridgeview Place Subdivision; thence, fourth course: S38°38'57"W, along the easterly boundary of said Lot B of Block 16, common to the westerly boundary of said Lot B of Block 2 of Ridgeview Place Subdivision, a distance of 67.21 feet, to a point on the easterly boundary of said Lot B of Block 16, common to the southwesterly corner of said Lot B of Block 2 of Ridgeview Place Subdivision, and common to the northwesterly corner of Lot A of Block 2 of Ridgeview Place Subdivision; thence, fifth course: S38°53'52"W, along the easterly boundary of said Lot B of Block 16, common to the westerly boundary of said Lot A of Block 2 of Ridgeview Place Subdivision, a distance of 162.79 feet, to the southeasterly corner of said Lot B of Block 16, common to the southwesterly corner

of said Lot A of Block 2 of Ridgeview Place Subdivision, and common to a point on the northerly edge of the right-of-way of SD State Highway 44; thence, sixth course: N51°11'35"W, along the southerly boundary of said Lot B of Block 16, common to the northerly edge of the right-of-way of said SD State Highway 44, a distance of 461.12 feet, to the northeasterly corner of the intersection of the right-of-ways of said SD State Highway 44, and said Covington Street, and the Point of Beginning; said Parcel contains 105,545 square feet or 2.423 acres more or less; and

WHEREAS it is the intent and purpose of both the Developer and the City to enter into an agreement whereby the Developer will consent to a future assessed project for the installation of curb, gutter, and sidewalk along along South Dakota Highway 44 as it abuts the property described as commencing at the southwesterly corner of Lot B of Block 16 of Trailwood Village, common to the northeasterly corner of the intersection of the right-of-ways of SD State Highway 44, and Covington Street, and the Point of Beginning; thence, first course N40°25'09"E, along the easterly edge of the right-of-way of said Covington Street, a distance of 140.36 feet, to a point of curve; thence, second course: northerly, along the easterly edge of said Covington Street, curving to the left on a curve with a radius of 600.00 feet, a delta angle of 8°34'58", an arc length of 89.88 feet, a chord bearing of N36°07'40"E, and chord distance of 89.79 feet, to a point on the easterly edge of the right-of-way of said Covington Street; thence, third course: S51°11'35"E, a distance of 461.43 feet, to a point on the easterly boundary of said Lot B of Block 16, common to a point on the westerly boundary of Lot B of Lot 2 of Ridgeview Place Subdivision; thence, fourth course: S38°38'57"W, along the easterly boundary of said Lot B of Block 16, common to the westerly boundary of said Lot B of Block 2 of Ridgeview Place Subdivision, a distance of 67.21 feet, to a point on the easterly boundary of said Lot B of Block 16, common to the southwesterly corner of said Lot B of Block 2 of Ridgeview Place Subdivision, and common to the northwesterly corner of Lot A of Block 2 of Ridgeview Place Subdivision; thence, fifth course: S38°53'52"W, along the easterly boundary of said Lot B of Block 16, common to the westerly boundary of said Lot A of Block 2 of Ridgeview Place Subdivision, a distance of 162.79 feet, to the southeasterly corner of said Lot B of Block 16, common to the southwesterly corner of said Lot A of Block 2 of Ridgeview Place Subdivision, and common to a point on the northerly edge of the right-of-way of SD State Highway 44; thence, sixth course: N51°11'35"W, along the southerly boundary of said Lot B of Block 16, common to the northerly edge of the right-of-way of said SD State Highway 44, a distance of 461.12 feet, to the northeasterly corner of the intersection of the right-of-ways of said SD State Highway 44, and said Covington Street, and the Point of Beginning; said Parcel contains 105,545 square feet or 2.423 acres more or less, as required by Rapid City Subdivision Regulations;

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, it is hereby agreed as follows:

1. This agreement pertains to, and includes those properties which are designated and identified as follows:

Commencing at the southwesterly corner of Lot B of Block 16 of Trailwood Village, common to the northeasterly corner of the intersection of the right-of-ways of SD State Highway 44, and Covington Street, and the Point of Beginning; thence, first course N40°25'09"E, along the easterly edge of the right-of-way of said Covington Street, a distance of 140.36 feet, to a point of curve; thence, second course: northerly, along the easterly edge of said Covington Street, curving to the left on a curve with a radius of 600.00 feet, a delta angle of 8°34'58", an arc length of 89.88 feet, a chord bearing of N36°07'40"E, and chord distance of 89.79 feet, to a point on the easterly edge of the right-of-way of said Covington Street; thence, third course: S51°11'35"E, a distance of 461.43 feet, to a point on the easterly boundary of said Lot B of Block 16, common to a point on the westerly boundary of Lot B of Lot 2 of Ridgeview Place Subdivision; thence, fourth course: S38°38'57"W, along the easterly boundary of said Lot B of Block 16, common to the westerly boundary of said Lot B of Block 2 of Ridgeview Place Subdivision, a distance of 67.21 feet, to a point on the easterly boundary of said Lot B of Block 16, common to the southwesterly corner of said Lot B of Block 2 of Ridgeview Place Subdivision, and common to the northwesterly corner of Lot A of Block 2 of Ridgeview Place Subdivision; thence, fifth course: S38°53'52"W, along the easterly boundary of said Lot B of Block 16, common to the westerly boundary of said Lot A of Block 2 of Ridgeview Place Subdivision, a distance of 162.79 feet, to the southeasterly corner of said Lot B of Block 16, common to the southwesterly corner of said Lot A of Block 2 of Ridgeview Place Subdivision, and common to a point on the northerly edge of the right-of-way of SD State Highway 44; thence, sixth course: N51°11'35"W, along the southerly boundary of said Lot B of Block 16, common to the northerly edge of the right-of-way of said SD State Highway 44, a distance of 461.12 feet, to the northeasterly corner of the intersection of the right-of-ways of said SD State Highway 44, and said Covington Street, and the Point of Beginning; said Parcel contains 105,545 square feet or 2.423 acres more or less.

2. This agreement specifically references the installation of curb, gutter, and sidewalk along South Dakota Highway 44 as it abuts the property described as commencing at the southwesterly corner of Lot B of Block 16 of Trailwood Village, common to the northeasterly corner of the intersection of the right-of-ways of SD State Highway 44, and Covington Street, and the Point of Beginning; thence, first course N40°25'09"E, along the easterly edge of the right-of-way of said Covington Street, a distance of 140.36 feet, to a point of curve; thence, second course: northerly, along the easterly edge of said Covington Street, curving to the left on a curve with a radius of 600.00 feet, a delta angle of 8°34'58", an arc length of 89.88 feet, a chord bearing of N36°07'40"E, and chord distance of 89.79 feet, to a point on the easterly edge of the right-of-

way of said Covington Street; thence, third course: S51°11'35"E, a distance of 461.43 feet, to a point on the easterly boundary of said Lot B of Block 16, common to a point on the westerly boundary of Lot B of Lot 2 of Ridgeview Place Subdivision; thence, fourth course: S38°38'57"W, along the easterly boundary of said Lot B of Block 16, common to the westerly boundary of said Lot B of Block 2 of Ridgeview Place Subdivision, a distance of 67.21 feet, to a point on the easterly boundary of said Lot B of Block 16, common to the southwesterly corner of said Lot B of Block 2 of Ridgeview Place Subdivision, and common to the northwesterly corner of Lot A of Block 2 of Ridgeview Place Subdivision; thence, fifth course: S38°53'52"W, along the easterly boundary of said Lot B of Block 16, common to the westerly boundary of said Lot A of Block 2 of Ridgeview Place Subdivision, a distance of 162.79 feet, to the southeasterly corner of said Lot B of Block 16, common to the southwesterly corner of said Lot A of Block 2 of Ridgeview Place Subdivision, and common to a point on the northerly edge of the right-of-way of SD State Highway 44; thence, sixth course: N51°11'35"W, along the southerly boundary of said Lot B of Block 16, common to the northerly edge of the right-of-way of said SD State Highway 44, a distance of 461.12 feet, to the northeasterly corner of the intersection of the right-of-ways of said SD State Highway 44, and said Covington Street, and the Point of Beginning; said Parcel contains 105,545 square feet or 2.423 acres more or less.

3. The Developer acknowledges the City has the power to make assessments for local improvements on property adjoining or benefited thereby, to collect same in the manner provided by law, and to fix, determine and collect penalties for nonpayment of any special assessments. The Developer agrees that if at any time in the future the City determines it is necessary or desirable to install curb, gutter, and sidewalk along South Dakota Highway 44 as it abuts the property described as commencing at the southwesterly corner of Lot B of Block 16 of Trailwood Village, common to the northeasterly corner of the intersection of the right-of-ways of SD State Highway 44, and Covington Street, and the Point of Beginning; thence, first course N40°25'09"E, along the easterly edge of the right-of-way of said Covington Street, a distance of 140.36 feet, to a point of curve; thence, second course: northerly, along the easterly edge of said Covington Street, curving to the left on a curve with a radius of 600.00 feet, a delta angle of 8°34'58", an arc length of 89.88 feet, a chord bearing of N36°07'40"E, and chord distance of 89.79 feet, to a point on the easterly edge of the right-of-way of said Covington Street; thence, third course: S51°11'35"E, a distance of 461.43 feet, to a point on the easterly boundary of said Lot B of Block 16, common to a point on the westerly boundary of Lot B of Lot 2 of Ridgeview Place Subdivision; thence, fourth course: S38°38'57"W, along the easterly boundary of said Lot B of Block 16, common to the westerly boundary of said Lot B of Block 2 of Ridgeview Place Subdivision, a distance of 67.21 feet, to a point on the easterly boundary of said Lot B of Block 16, common to the southwesterly corner of said Lot B of Block 2 of Ridgeview Place Subdivision, and common to the northwesterly corner of Lot A of Block 2 of Ridgeview Place Subdivision; thence, fifth course: S38°53'52"W, along the easterly boundary of said Lot B of Block 16, common to the westerly boundary of said Lot A of Block 2 of Ridgeview Place Subdivision, a distance of 162.79 feet, to the southeasterly corner of said Lot B of Block 16, common to the southwesterly corner of said Lot A of Block 2 of Ridgeview Place Subdivision,

and common to a point on the northerly edge of the right-of-way of SD State Highway 44; thence, sixth course: N51°11'35"W, along the southerly boundary of said Lot B of Block 16, common to the northerly edge of the right-of-way of said SD State Highway 44, a distance of 461.12 feet, to the northeasterly corner of the intersection of the right-of-ways of said SD State Highway 44, and said Covington Street, and the Point of Beginning; said Parcel contains 105,545 square feet or 2.423 acres more or less, through an assessed project, Developer or his heirs, assigns, or successors in interest, waive any right to object to such an assessed project as allowed under state law in consideration for the final approval of the subdivision plat without the immediate installation of curb, gutter, and sidewalk along South Dakota Highway 44 as it abuts the property described as commencing at the southwesterly corner of Lot B of Block 16 of Trailwood Village, common to the northeasterly corner of the intersection of the right-of-ways of SD State Highway 44, and Covington Street, and the Point of Beginning; thence, first course N40°25'09"E, along the easterly edge of the right-of-way of said Covington Street, a distance of 140.36 feet, to a point of curve; thence, second course: northerly, along the easterly edge of said Covington Street, curving to the left on a curve with a radius of 600.00 feet, a delta angle of 8°34'58", an arc length of 89.88 feet, a chord bearing of N36°07'40"E, and chord distance of 89.79 feet, to a point on the easterly edge of the right-of-way of said Covington Street; thence, third course: S51°11'35"E, a distance of 461.43 feet, to a point on the easterly boundary of said Lot B of Block 16, common to a point on the westerly boundary of Lot B of Lot 2 of Ridgeview Place Subdivision; thence, fourth course: S38°38'57"W, along the easterly boundary of said Lot B of Block 16, common to the westerly boundary of said Lot B of Block 2 of Ridgeview Place Subdivision, a distance of 67.21 feet, to a point on the easterly boundary of said Lot B of Block 16, common to the southwesterly corner of said Lot B of Block 2 of Ridgeview Place Subdivision, and common to the northwesterly corner of Lot A of Block 2 of Ridgeview Place Subdivision; thence, fifth course: S38°53'52"W, along the easterly boundary of said Lot B of Block 16, common to the westerly boundary of said Lot A of Block 2 of Ridgeview Place Subdivision, a distance of 162.79 feet, to the southeasterly corner of said Lot B of Block 16, common to the southwesterly corner of said Lot A of Block 2 of Ridgeview Place Subdivision, and common to a point on the northerly edge of the right-of-way of SD State Highway 44; thence, sixth course: N51°11'35"W, along the southerly boundary of said Lot B of Block 16, common to the northerly edge of the right-of-way of said SD State Highway 44, a distance of 461.12 feet, to the northeasterly corner of the intersection of the right-of-ways of said SD State Highway 44, and said Covington Street, and the Point of Beginning; said Parcel contains 105,545 square feet or 2.423 acres more or less; abutting said property. It is understood by the Developer that the City of Rapid City's primary consideration for the granting of the approval for a subdivision plat on the herein described property and forbearance from requiring Developer to install curb, gutter, and sidewalk along South Dakota Highway 44 as it abuts the property described as commencing at the southwesterly corner of Lot B of Block 16 of Trailwood Village, common to the northeasterly corner of the intersection of the right-of-ways of SD State Highway 44, and Covington Street, and the Point of Beginning; thence, first course N40°25'09"E, along the easterly edge of the right-of-way of said Covington Street, a distance of 140.36 feet, to a point of curve; thence, second course: northerly, along the easterly edge of said Covington Street,

curving to the left on a curve with a radius of 600.00 feet, a delta angle of $8^{\circ}34'58''$, an arc length of 89.88 feet, a chord bearing of $N36^{\circ}07'40''E$, and chord distance of 89.79 feet, to a point on the easterly edge of the right-of-way of said Covington Street; thence, third course: $S51^{\circ}11'35''E$, a distance of 461.43 feet, to a point on the easterly boundary of said Lot B of Block 16, common to a point on the westerly boundary of Lot B of Lot 2 of Ridgeview Place Subdivision; thence, fourth course: $S38^{\circ}38'57''W$, along the easterly boundary of said Lot B of Block 16, common to the westerly boundary of said Lot B of Block 2 of Ridgeview Place Subdivision, a distance of 67.21 feet, to a point on the easterly boundary of said Lot B of Block 16, common to the southwesterly corner of said Lot B of Block 2 of Ridgeview Place Subdivision, and common to the northwesterly corner of Lot A of Block 2 of Ridgeview Place Subdivision; thence, fifth course: $S38^{\circ}53'52''W$, along the easterly boundary of said Lot B of Block 16, common to the westerly boundary of said Lot A of Block 2 of Ridgeview Place Subdivision, a distance of 162.79 feet, to the southeasterly corner of said Lot B of Block 16, common to the southwesterly corner of said Lot A of Block 2 of Ridgeview Place Subdivision, and common to a point on the northerly edge of the right-of-way of SD State Highway 44; thence, sixth course: $N51^{\circ}11'35''W$, along the southerly boundary of said Lot B of Block 16, common to the northerly edge of the right-of-way of said SD State Highway 44, a distance of 461.12 feet, to the northeasterly corner of the intersection of the right-of-ways of said SD State Highway 44, and said Covington Street, and the Point of Beginning; said Parcel contains 105,545 square feet or 2.423 acres more or less, is the Developer's covenant and promise to waive any right to object to the assessed project and her consent to the assessed project.

4. Developer further covenants and agrees for himself, his heirs, assigns, and successors in interest, that should he or any of his heirs, assigns, or successors in interest fail to abide by each and every covenant herein contained, the immediate installation of curb, gutter, and sidewalk along South Dakota Highway 44 as it abuts the property described as commencing at the southwesterly corner of Lot B of Block 16 of Trailwood Village, common to the northeasterly corner of the intersection of the right-of-ways of SD State Highway 44, and Covington Street, and the Point of Beginning; thence, first course $N40^{\circ}25'09''E$, along the easterly edge of the right-of-way of said Covington Street, a distance of 140.36 feet, to a point of curve; thence, second course: northerly, along the easterly edge of said Covington Street, curving to the left on a curve with a radius of 600.00 feet, a delta angle of $8^{\circ}34'58''$, an arc length of 89.88 feet, a chord bearing of $N36^{\circ}07'40''E$, and chord distance of 89.79 feet, to a point on the easterly edge of the right-of-way of said Covington Street; thence, third course: $S51^{\circ}11'35''E$, a distance of 461.43 feet, to a point on the easterly boundary of said Lot B of Block 16, common to a point on the westerly boundary of Lot B of Lot 2 of Ridgeview Place Subdivision; thence, fourth course: $S38^{\circ}38'57''W$, along the easterly boundary of said Lot B of Block 16, common to the westerly boundary of said Lot B of Block 2 of Ridgeview Place Subdivision, a distance of 67.21 feet, to a point on the easterly boundary of said Lot B of Block 16, common to the southwesterly corner of said Lot B of Block 2 of Ridgeview Place Subdivision, and common to the northwesterly corner of Lot A of Block 2 of Ridgeview Place Subdivision; thence, fifth course: $S38^{\circ}53'52''W$, along the easterly boundary of said Lot B of Block 16, common to the westerly boundary of said Lot A

of Block 2 of Ridgeview Place Subdivision, a distance of 162.79 feet, to the southeasterly corner of said Lot B of Block 16, common to the southwesterly corner of said Lot A of Block 2 of Ridgeview Place Subdivision, and common to a point on the northerly edge of the right-of-way of SD State Highway 44; thence, sixth course: N51°11'35"W, along the southerly boundary of said Lot B of Block 16, common to the northerly edge of the right-of-way of said SD State Highway 44, a distance of 461.12 feet, to the northeasterly corner of the intersection of the right-of-ways of said SD State Highway 44, and said Covington Street, and the Point of Beginning; said Parcel contains 105,545 square feet or 2.423 acres more or less, which is required in the City subdivision regulations will be required within 90 days of the objection in order to comply with the City of Rapid City's subdivision regulations. Should the weather prevent immediate construction of these subdivision improvements, the City Council may accept a surety bond in an amount equal to the estimated cost of installation of the improvements, whereby the improvements will be made and utilities installed without cost to the City in the event of default of the Developer.

5. All of the terms and conditions herein set forth shall extend to and be binding upon the heirs, assigns, or successors in interest of the Developer, and be considered as a covenant running with the above-described property. Furthermore, it is agreed that, in accepting title to the above-described property any grantee, heir, assign, or successor in interest to the undersigned expressly agrees to be bound by the terms of this agreement recorded with the Pennington County Register of Deeds' Office pursuant to the provisions of South Dakota statutes.

6. The City may undertake any legal or equitable action available to enforce the provisions of this agreement in addition to any remedy provided herein. In the event the City is required to undertake any action to enforce the terms of this agreement or its subdivision regulations in connection with this agreement, the undersigned, heirs, assigns or successors in interest agree the City may recover from the owner of said property its reasonable expenses, including attorney's fees incurred with respect to such action.

7. If any section(s), or provision of this application is declared invalid for any reason whatsoever by any competent court, such invalidity shall not affect any other section(s) or provision of this application if they can be given effect without the invalid section(s) or provisions.

8. This agreement shall be construed according to the laws of the State of South Dakota. No modification or amendment to this agreement shall be valid, unless evidenced by a writing signed by the parties hereto.

9. If the Developer is a corporation, it has the power to enter into this agreement and its officers signing for it have full power and authority to do so.

DATED this _____ day of _____, 2004.

CITY OF RAPID CITY


Jim Shaw, Mayor

ATTEST:

Finance Officer

(SEAL)

LICH ENTERPRISES, INC.

By:  _____

State of South Dakota)
 ss.
County of Pennington)

On this the _____ day of _____, 2005, 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 so to do, executed the foregoing Agreement Consenting to Assessed Project 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, South Dakota

My Commission Expires:

(SEAL)

