

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

STATE OF SOUTH DAKOTA        )  
                                          ) SS.        RELEASE OF AGREEMENT  
COUNTY OF PENNINGTON        )

THE CITY OF RAPID CITY, a municipal corporation, located at 300 Sixth Street, Rapid City, South Dakota, hereby agrees to cancel and release the Covenant Agreement Between the City of Rapid City and By Pass Development dated January 16, 2006, on the West ½ of the NE ¼, less I-90 Heartland Business Park, Less right of way, all located in Section 28, T2N, R8E, BHM and Lots 1-9 of I-90 Heartland Business Park, all located in Section 28, T2N, R8E, BHM, Rapid City, Pennington County, State of South Dakota and recorded with the Pennington County Register of Deeds on February 10, 2006, in Book 154, Page 3602.

Dated this \_\_\_\_\_ day of April, 2007.

CITY OF RAPID CITY

\_\_\_\_\_  
Jim Shaw, Mayor

ATTEST:

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

(SEAL)

State of South Dakota        )  
                                          ) SS.  
County of Pennington        )

On this the \_\_\_\_\_ day of April, 2007, 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 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.

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Notary Public, South Dakota

My Commission Expires:

(SEAL)