

**AMENDMENT NO. 2 TO
AGREEMENT NO. 713313
BETWEEN THE
SOUTH DAKOTA DEPARTMENT OF TRANSPORTATION
AND
CITY OF RAPID CITY**

WHEREAS, on December 18, 2006, the State of South Dakota, acting by and through its Department of Transportation, hereinafter referred to as "STATE", and the City of Rapid City, South Dakota, hereinafter referred to as "CITY", entered into a Funding Agreement for Letting and Construction of Project EM 1648(1), PCN 00UR and CITY Sanitary Sewer & Water Projects SSW 04-1397 and SSW 06-1497 located on East Anamosa Street from 1200 Feet East of North LaCrosse Street to East North Street, hereinafter referred to as "**AGREEMENT**", which Agreement, was signed by representatives of each party and assigned agreement number 713313 by the STATE;

WHEREAS said AGREEMENT was amended by Amendment #1, dated August 17, 2007

WHEREAS, STATE and CITY wish to further amend the original AGREEMENT to include right-of-way as part of the eligible project costs;

NOW, THEREFORE, STATE and CITY agree as follows:

WHEREAS #4 on Page 1 shall be amended to read as follows:

WHEREAS, PROJECT costs are estimated to be \$7,067,000 and will include preliminary engineering, right-of-way, construction, and construction engineering.

CITY and STATE agree that, except as amended, all other provisions of the original **AGREEMENT** shall remain in full force and effect.

This Amendment is binding upon the signatories hereto not as individuals, but solely in their capacities as officials of their respective organizations and acknowledges proper action of STATE and CITY to enter into same.

City of Rapid City

State of South Dakota
Department of Transportation

By: _____

By: _____

Its: Mayor

Its: Secretary

Date: _____

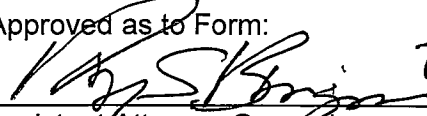
Date: _____

Attest:

Local Transportation Programs

City Auditor/Clerk

[Corporate Seal]

Approved as to Form:
 7/29/08

Assistant Attorney General