

AGREEMENT

IT IS HEREBY AGREED, by and between the State of South Dakota, acting by and through its Department of Transportation, hereinafter referred to as "SDDOT" and the City of Rapid City, South Dakota, hereinafter referred to as the "CITY."

WHEREAS, SDDOT desires to purchase the highway right of way in compliance with federal aid requirements on the highway project identified as NH 2016(17)64, PCN 6875, Pennington County, South Dakota, and further described as: US16B from US16 to SD79 in Rapid City; and

WHEREAS, SDDOT is responsible to assure right of way acquisition is accomplished pursuant to federal aid requirements in order to receive federal participation in right of way costs and to not jeopardize the use of Federal funds in construction costs; and

WHEREAS, SDDOT has created the need to acquire right of way for the parcel(s) indicated in section 1 below as the result of SDDOT Project NH 2016(17)64;

NOW, THEREFORE, both parties mutually agree as follows:

1. The SDDOT will negotiate and acquire the following parcels in the name of the CITY and pursuant to provisions of the policies and procedures of the Right of Way Program, South Dakota Department of Transportation:

Parcel 5 – Lot H2 in Tract A of Meadow View Subdivision in the City of Rapid City, Pennington County, South Dakota;

Parcel 9 – Lot H2 in Lot 1 of Tract 1 of Par Subdivision in the City of Rapid City, Pennington County, South Dakota;

Parcel 11 – Lot H2 in Lot 2 of Tract 1 of Par Subdivision in the City of Rapid City, Pennington County, South Dakota;

Parcel 14 – Lot H2 in Lot 4 of Tract 1 of Par Subdivision in the City of Rapid City, Pennington County, South Dakota;

Parcel 15 – Lot H3 in Lot 4 of Tract 1 of Par Subdivision in the City of Rapid City, Pennington County, South Dakota;

Parcel 24 – Lot H2 in the unplatted portion of the S1/2 SE1/4 NW1/4 of Section 26, Township 1 North, Range 7 East of the BHM, Pennington County, South Dakota;

Parcel 25 – Lot H1 in the unplatted portion of the NE1/4 SW1/4 of Section 26, Township 1 North, Range 7 East of the BHM, Pennington County, South Dakota.

2. If negotiations are unsuccessful in securing the right of way, SDDOT will negotiate and acquire these parcels in the name of SDDOT and will handle any and all condemnation of any right of way and/or temporary easements. Upon completion of the acquisition of the right of way and construction of the project, these parcels will then be transferred to the CITY without requiring payment for said parcels.

3. The CITY agrees to transfer to SDDOT the following parcel, including the right to control of access along US Highway 16B, and CITY will not require payment for said parcel and control of access rights:

Parcel 12 – Lot H1 in Tartan Court of Par Subdivision in the City of Rapid City, Pennington County, South Dakota.

4. The CITY has designated the Mayor of City Rapid City as the authorized representative of the CITY and has empowered the Mayor of City Rapid City with the authority to approve agreements for right of way and easements on behalf of the CITY. A copy of the minutes of the CITY Commission authorizing the execution of this Agreement and designating the Mayor of City Rapid City as the authorized representatives for the CITY is attached hereto as **Exhibit A**.

The signing of this document by the Mayor of City of Rapid City, signifies that the CITY Commission has taken official action to enter into this Agreement.

City of Rapid City

State of South Dakota
Department of Transportation

By: _____

By: _____

Its: Mayor

Its: Program Manager, Right of Way Program

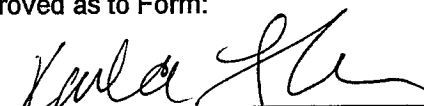
Date: _____

Date: _____

Attest:

Approved as to Form:


Finance Officer



Assistant Attorney General

(S.E.A.L)

APPROVED AS TO FORM
CITY ATTORNEY'S OFFICE

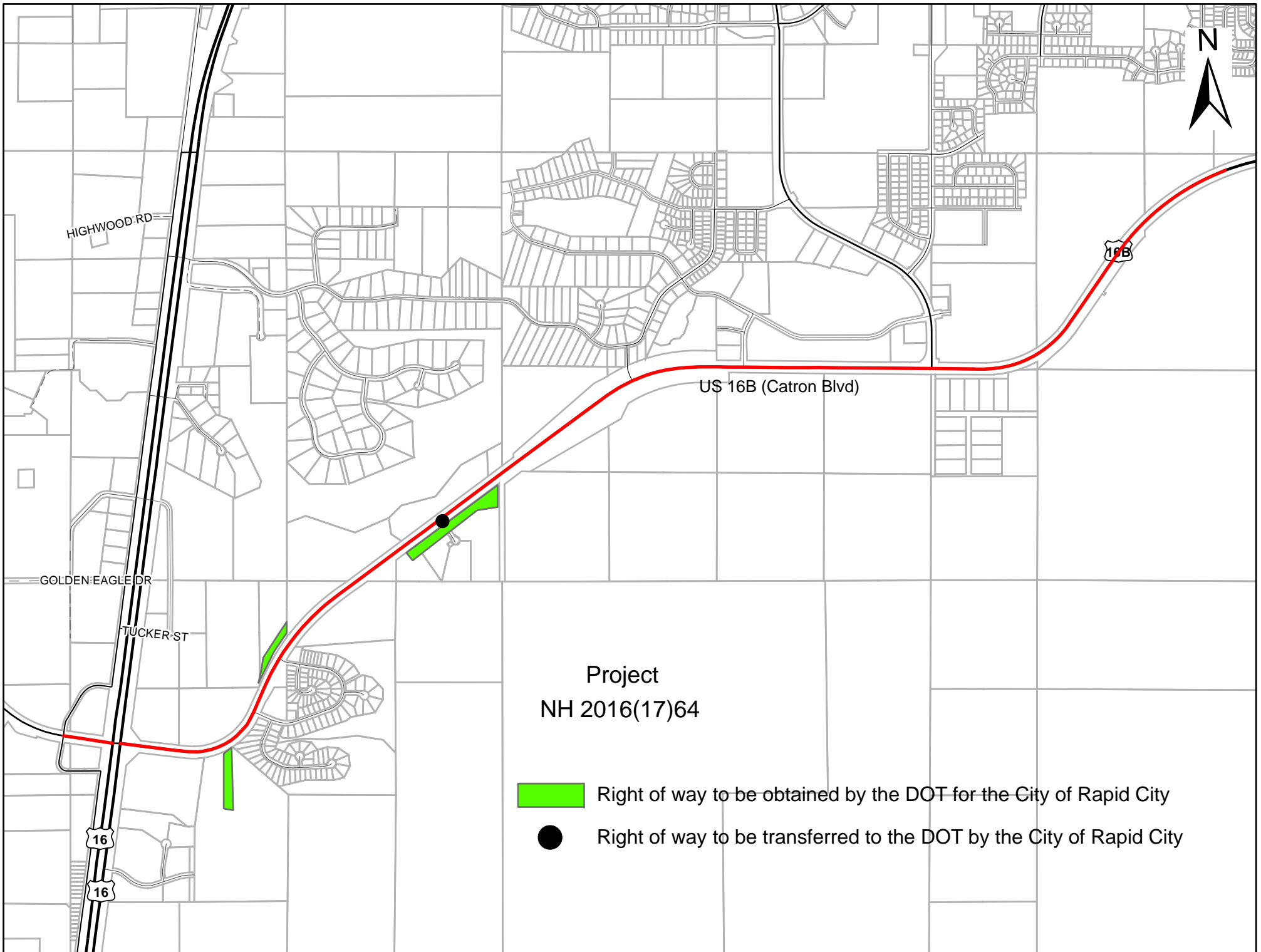


Attorney

1-20-09

Date

Legal: KLE



Parcel 12

PLAT OF LOT HI

Showing a parcel of land to be acquired for highway purposes in
Tartan Court of Par Subdivision in the City of Rapid City
for construction of Project NH 2016(17)64

PENNINGTON COUNTY, SOUTH DAKOTA

Scale: 1 Inch = 300 feet

LEGEND

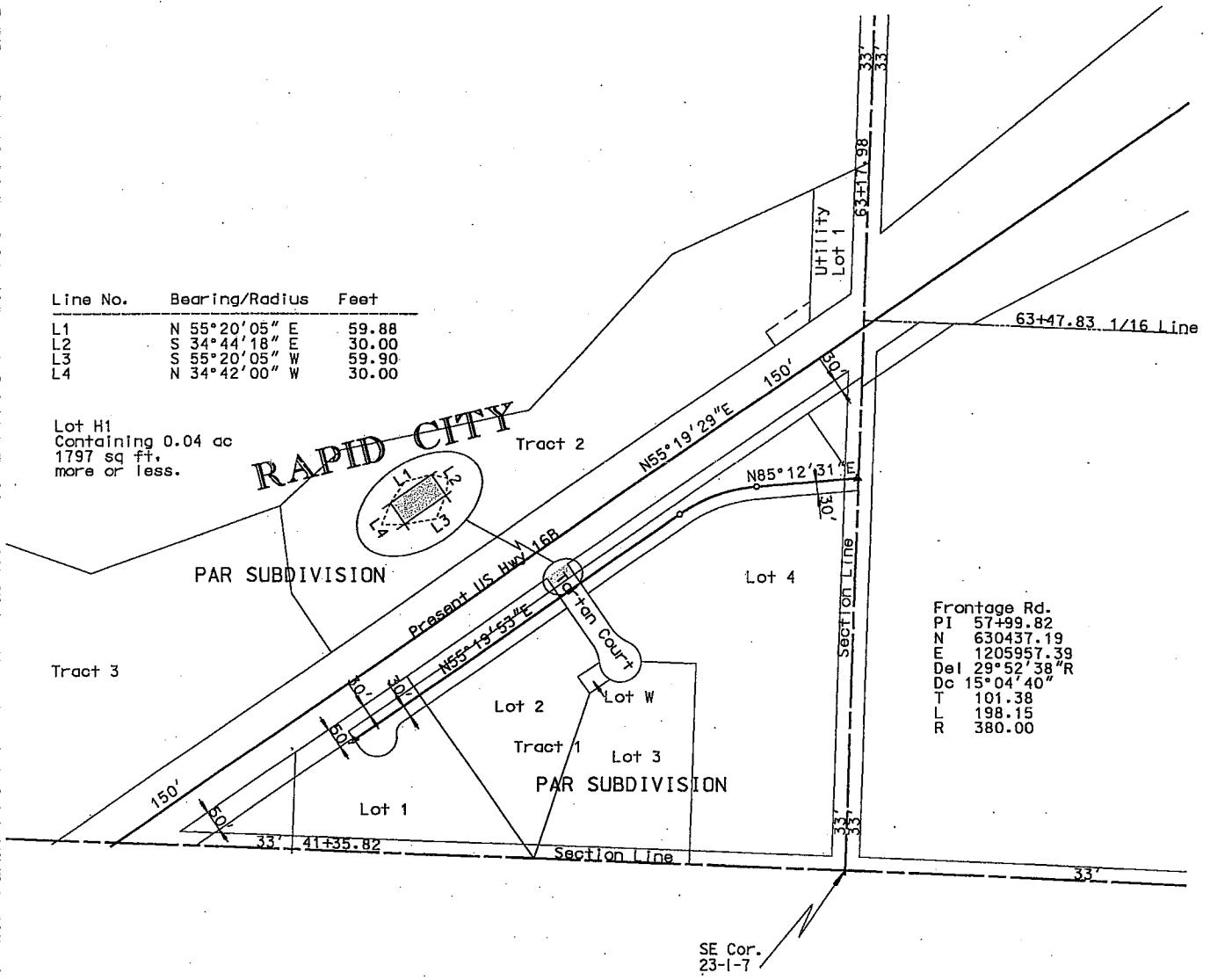
- = found corner
 - = set corner
 - = reset found corner
- All monumentation will be set upon project completion



Line No.	Bearing/Radius	Feet
L1	N 55°20'05" E	59.88
L2	S 34°44'18" E	30.00
L3	S 55°20'05" W	59.90
L4	N 34°42'00" W	30.00

Lot H1
Containing 0.04 ac
1797 sq ft,
more or less.

RAPID CITY



Frontage Rd.
 PI 57+99.82
 N 630437.19
 E 1205957.39
 Del 29°52'38" R
 Dc 15°04'40"
 T 101.38
 L 198.15
 R 380.00

Note: The coordinates and/or distances shown on this plat are based on the South Dakota State Plane coordinate System - South Zone NAD 83/86 SF = 0.99976672

Drawn By Gene Geffra Date 12-12-05
 Checked By M. Jordan Date 01-06-06

SURVEYOR'S CERTIFICATE

I, MICHAEL A. JORDAN, Registered Land Surveyor, in and for the State of South Dakota, do hereby certify that as ordered by the South Dakota State Transportation Commission the parcel of land as shown on this plat has been surveyed at my direction and under my control, and such parcel of land shall be hereafter known by the lot number designated herein. The location and dimensions of the parcel are shown on this plat.

In witness whereof, I have set my hand and seal this _____ day of _____ A.D., 20____.

Registered Land Surveyor
Registration No. 5353

OFFICE OF REGISTER OF DEEDS

State of South Dakota
 County of _____ ss
 Filed for record the _____ day of _____, A.D., 20____ at _____ M., and recorded in Books of Plats _____ on Page _____ therein.

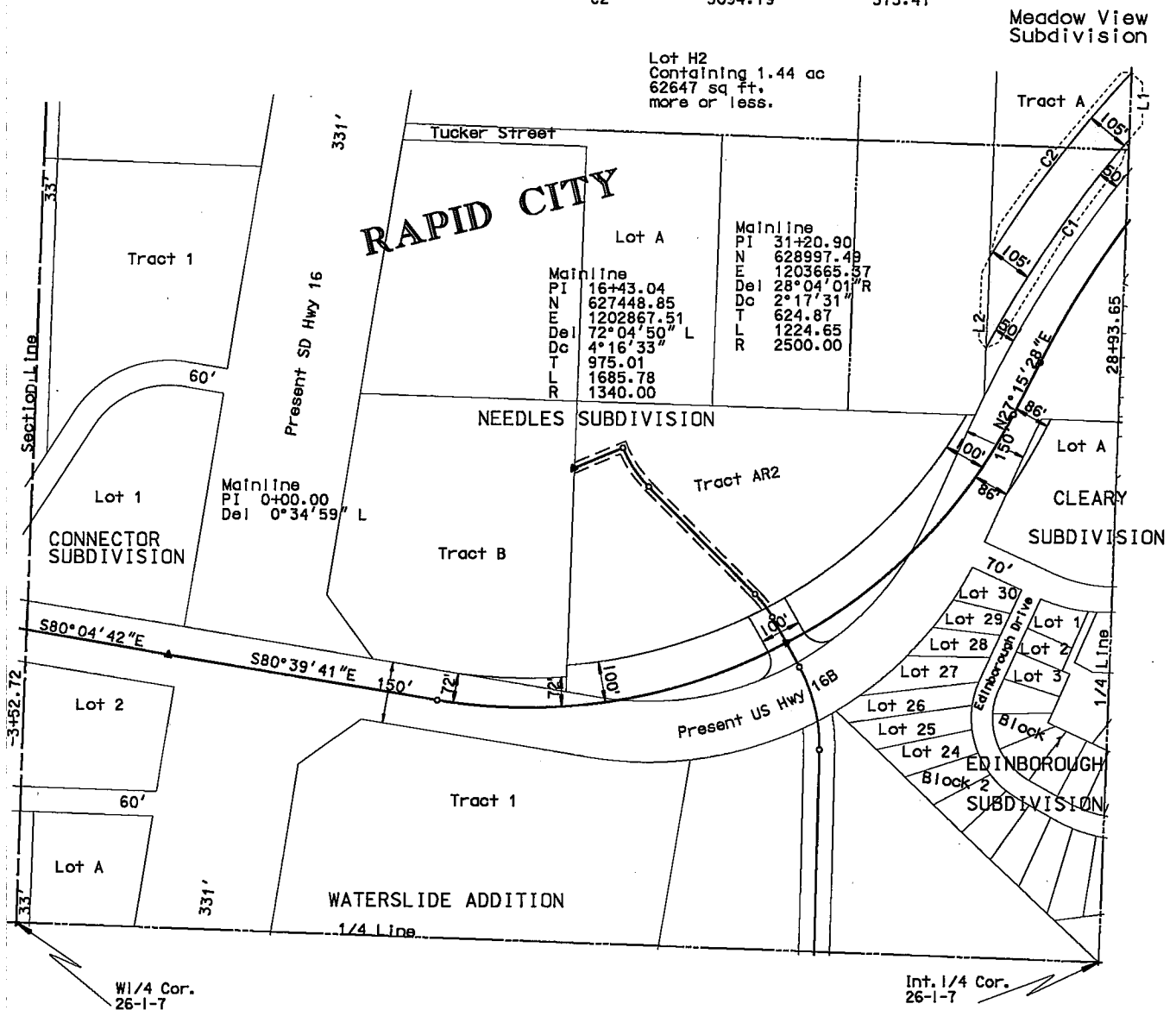
Parcel 5

PLAT OF LOT H2

Showing a parcel of land to be acquired for highway purposes in
 Tract A of Meadow View Subdivision in the City of Rapid City
 for construction of Project NH 2016(17)64
 PENNINGTON COUNTY, SOUTH DAKOTA
 Scale: 1 Inch = 300 feet

LEGEND
 ● = found corner
 ○ = set corner
 ■ = reset found corner
 All monumentation will be set upon project completion

Line No.	Bearing/Radius	Feet
L1	S 1°53'08" W	164.85
C1	-2989.79	622.79
L2	N 2°08'01" E	223.31
C2	3094.79	573.41



Note: The coordinates and/or distances shown on this plat are based on the South Dakota State Plane coordinate System - South Zone NAD 83/86 SF = 0.99976672

Rev. 11-05-08 G.G.

Drawn By Gene Gaffre Date 12-12-05
 Checked By M. Jordan Date 01-06-06

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State of South Dakota
 County of _____ ss
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6875

Register of Deeds

by

Deputy

-006p4

Parcel 9

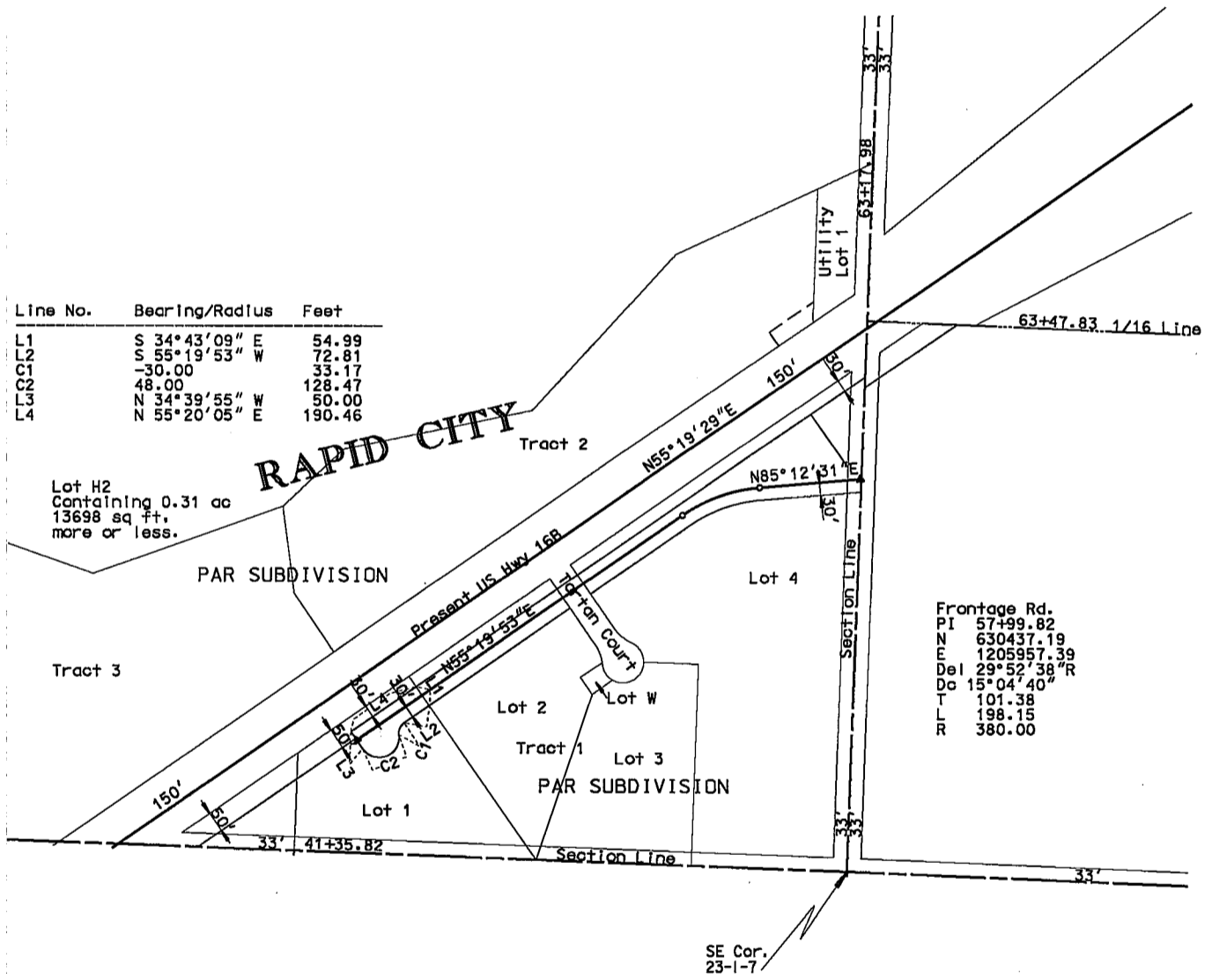
PLAT OF LOT H2

Showing a parcel of land to be acquired for highway purposes in
Lot 1 of Tract 1 of Par Subdivision in the City of Rapid City
for construction of Project NH 2016(17)64
PENNINGTON COUNTY, SOUTH DAKOTA
Scale: 1 Inch = 300 feet

LEGEND
● = found corner
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■ = reset found corner
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Line No.	Bearing/Radius	Feet
L1	S 34°43'09" E	54.99
L2	S 55°19'53" W	72.81
C1	-30.00	33.17
C2	48.00	128.47
L3	N 34°39'55" W	50.00
L4	N 55°20'05" E	190.46



Frontage Rd.
 PI 57+99.82
 N 630437.19
 E 1205957.39
 Del 29°52'38" R
 Dc 15°04'40"
 T 101.38
 L 198.15
 R 380.00

Notes: The coordinates and/or distances shown on this plat are based on the South Dakota State Plane coordinate System - South Zone NAD 83/86 SF = 0.99976672

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PLAT OF LOT H2

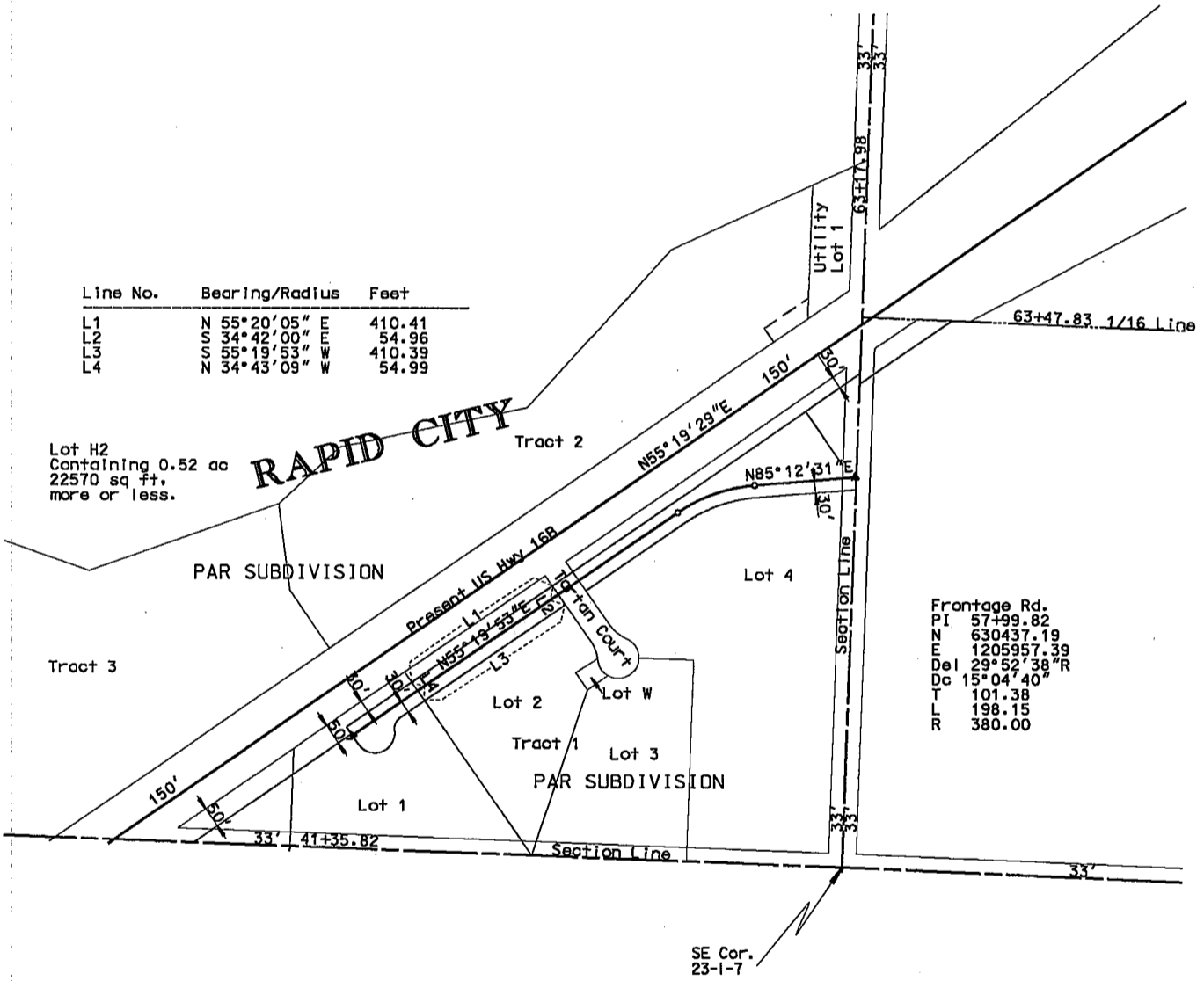
Showing a parcel of land to be acquired for highway purposes in
 Lot 2 of Tract 1 of Par Subdivision in the City of Rapid City
 for construction of Project NH 2016(17)64
 PENNINGTON COUNTY, SOUTH DAKOTA
 Scale: 1 Inch = 300 feet

LEGEND
 ● = found corner
 ○ = set corner
 ■ = reset found corner
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Line No.	Bearing/Radius	Feet
L1	N 55° 20' 05" E	410.41
L2	S 34° 42' 00" E	54.96
L3	S 55° 19' 53" W	410.39
L4	N 34° 43' 09" W	54.99

Lot H2
 Containing 0.52 ac
 22570 sq ft.
 more or less.



Frontage Rd.
 PI 57+99.82
 N 630437.19
 E 1205957.39
 Del 29° 52' 38" R
 Dc 15° 04' 40"
 T 101.38
 L 198.15
 R 380.00

Notes: The coordinates and/or distances shown on this plat are based on the South Dakota State Plane coordinate System - South Zone NAD 83/86 SF = 0.99976672

Drawn By Gene Gaffre Date 12-12-05
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 County of _____ ss
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Register of Deeds

by

Deputy

Parcel 14

PLAT OF LOT H2

Showing a parcel of land to be acquired for highway purposes in
Lot 4 of Tract 1 of Par Subdivision in the City of Rapid City
for construction of Project NH 2016(17)64

PENNINGTON COUNTY, SOUTH DAKOTA

Scale: 1 Inch = 300 feet

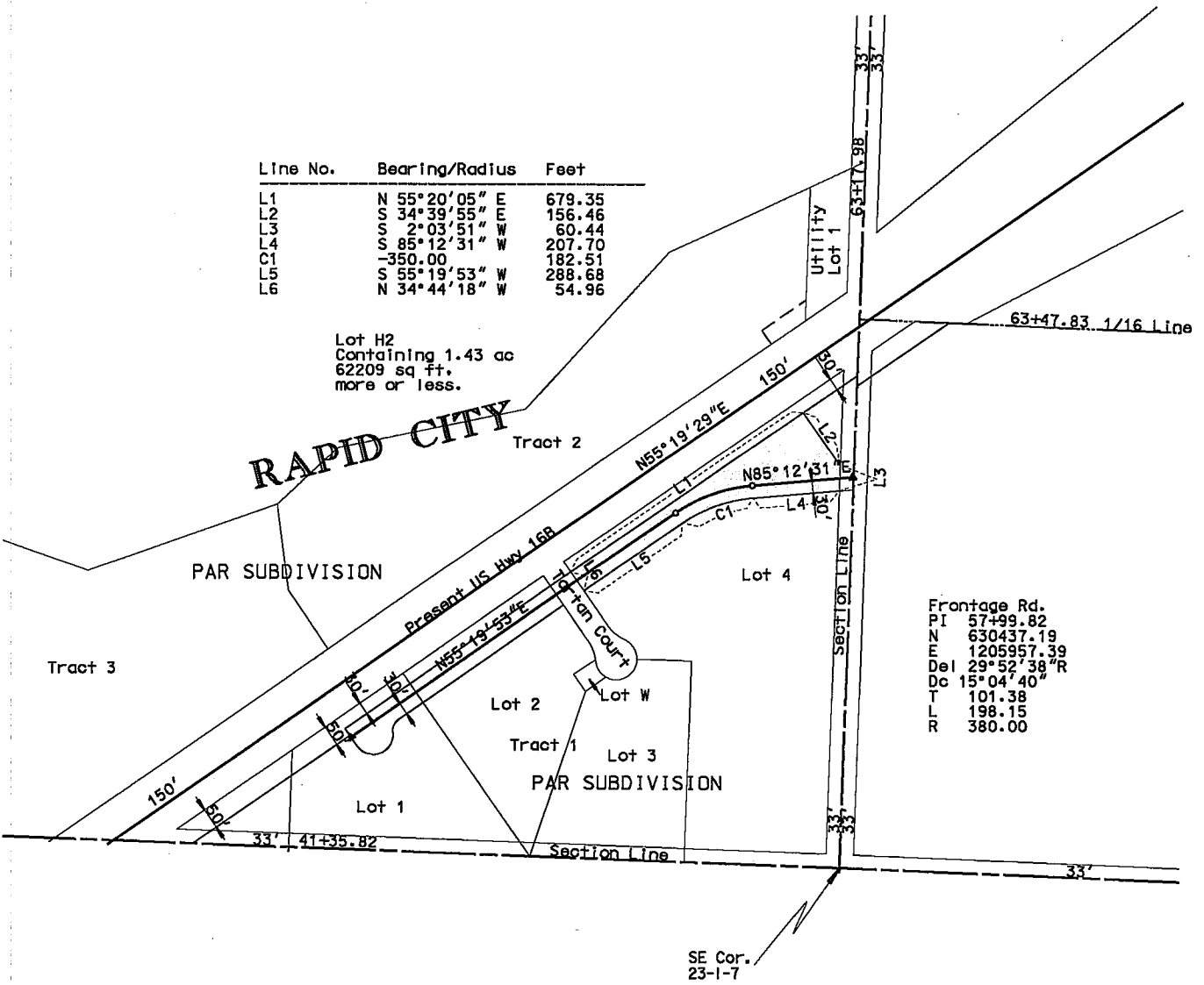
LEGEND

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 - = set corner
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Line No.	Bearing/Radius	Feet
L1	N 55° 20' 05" E	679.35
L2	S 34° 39' 55" W	156.46
L3	S 2° 03' 51" W	60.44
L4	S 85° 12' 31" W	207.70
C1	-350.00	182.51
L5	S 55° 19' 53" W	288.68
L6	N 34° 44' 18" W	54.96

Lot H2
Containing 1.43 ac
62209 sq. ft.
more or less.



Frontage Rd.
 PI 57+99.82
 N 630437.19
 E 1205957.39
 Del 29° 52' 38" R
 Dc 15° 04' 40"
 T 101.38
 L 198.15
 R 380.00

Notes: The coordinates and/or distances shown on this plat are based on the South Dakota State Plane coordinate System - South Zone NAD 83/86 SF = 0.99976672

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Deputy

Parcel 15

PLAT OF LOT H3

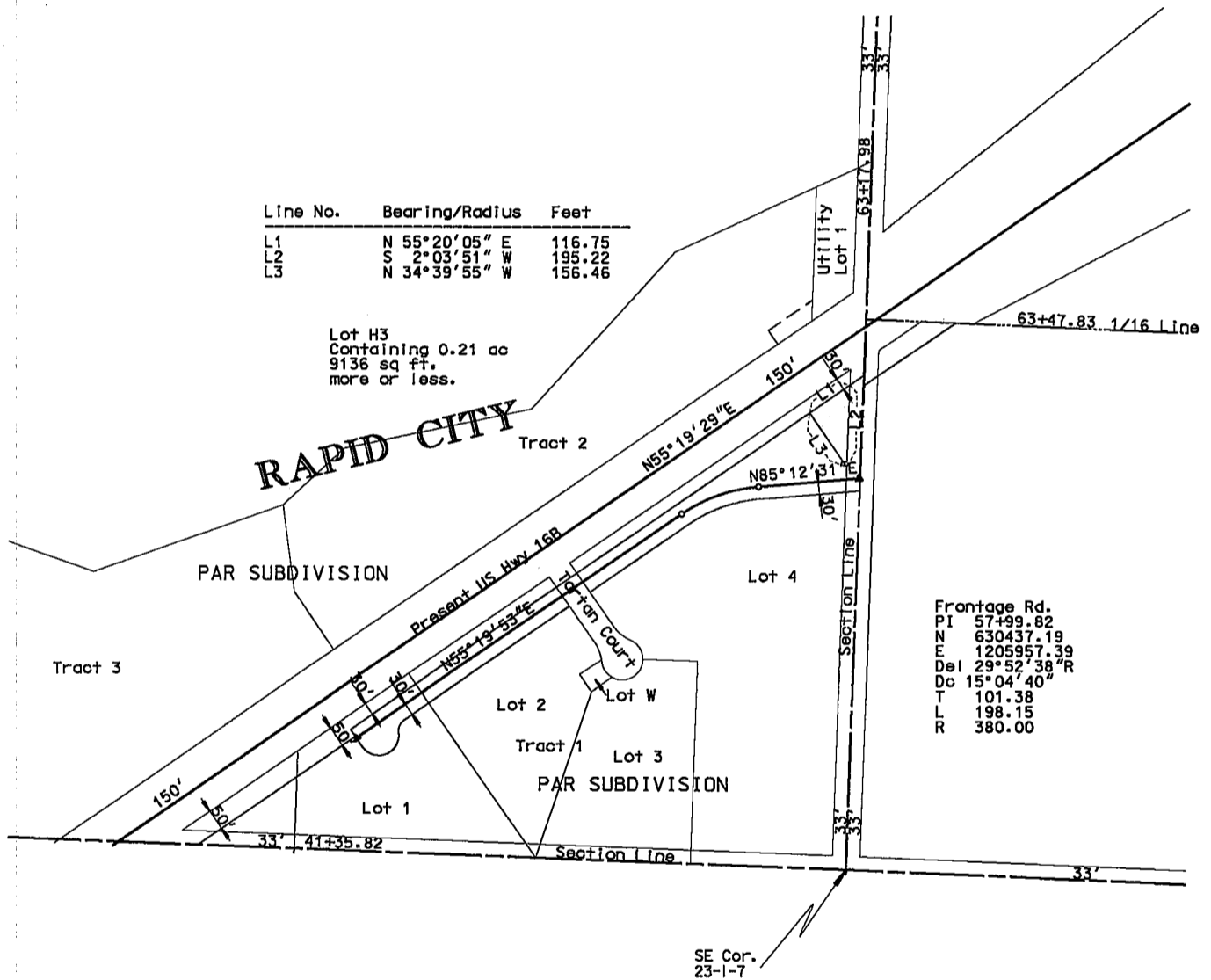
Showing a parcel of land to be acquired for highway purposes in
Lot 4 of Tract 1 of Par Subdivision in the City of Rapid City
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PENNINGTON COUNTY, SOUTH DAKOTA
Scale: 1 Inch = 300 feet

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Line No.	Bearing/Radius	Feet
L1	N 55°20'05" E	116.75
L2	S 2°03'51" W	195.22
L3	N 34°39'55" W	156.46

Lot H3
Containing 0.21 ac
9136 sq ft,
more or less.



Notes: The coordinates and/or distances shown on this plat are based on the South Dakota State Plane coordinate System - South Zone NAD 83/86 SF = 0.99976672

Drawn By Gene Goffre Date 12-12-05
Checked By M. Jordan Date 01-06-06

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Deputy

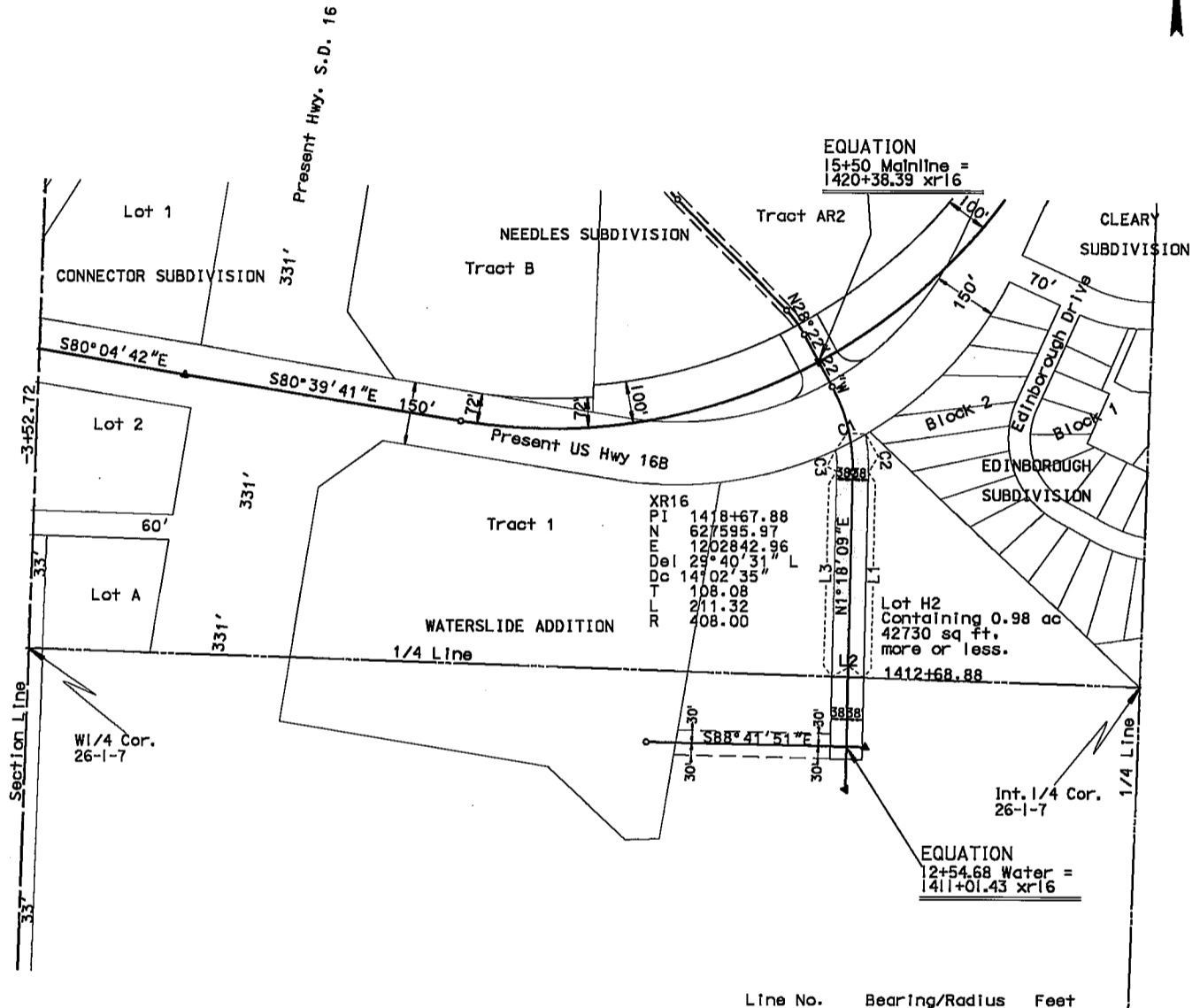
PLAT OF LOT H2

Showing a parcel of land to be acquired for highway purposes in the unplatted portion of the S1/2 SE1/4 NW1/4 of Section 26 - Township 1 North - Range 7 East of the BHM for construction of Project NH 2016(17)64

PENNINGTON COUNTY, SOUTH DAKOTA

Scale: 1 Inch = 300 feet

LEGEND
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Line No.	Bearing/Radius	Feet
C1	-893.51	80.43
C2	446.00	91.48
L1	S 1°18'09" W	491.29
L2	N 88°07'33" W	76.00
L3	N 1°18'09" E	490.53
C3	-370.00	51.98

Note: The coordinates, distances and areas shown on this plat are based on the South Dakota State Plane coordinate System - South Zone NAD 83/86 SF = 0.99976672

Rev. 11-05-08 G.G.

Drawn By Gene Gaffra Date 8-26-08
 Checked By M. Jordan Date 10-21-08

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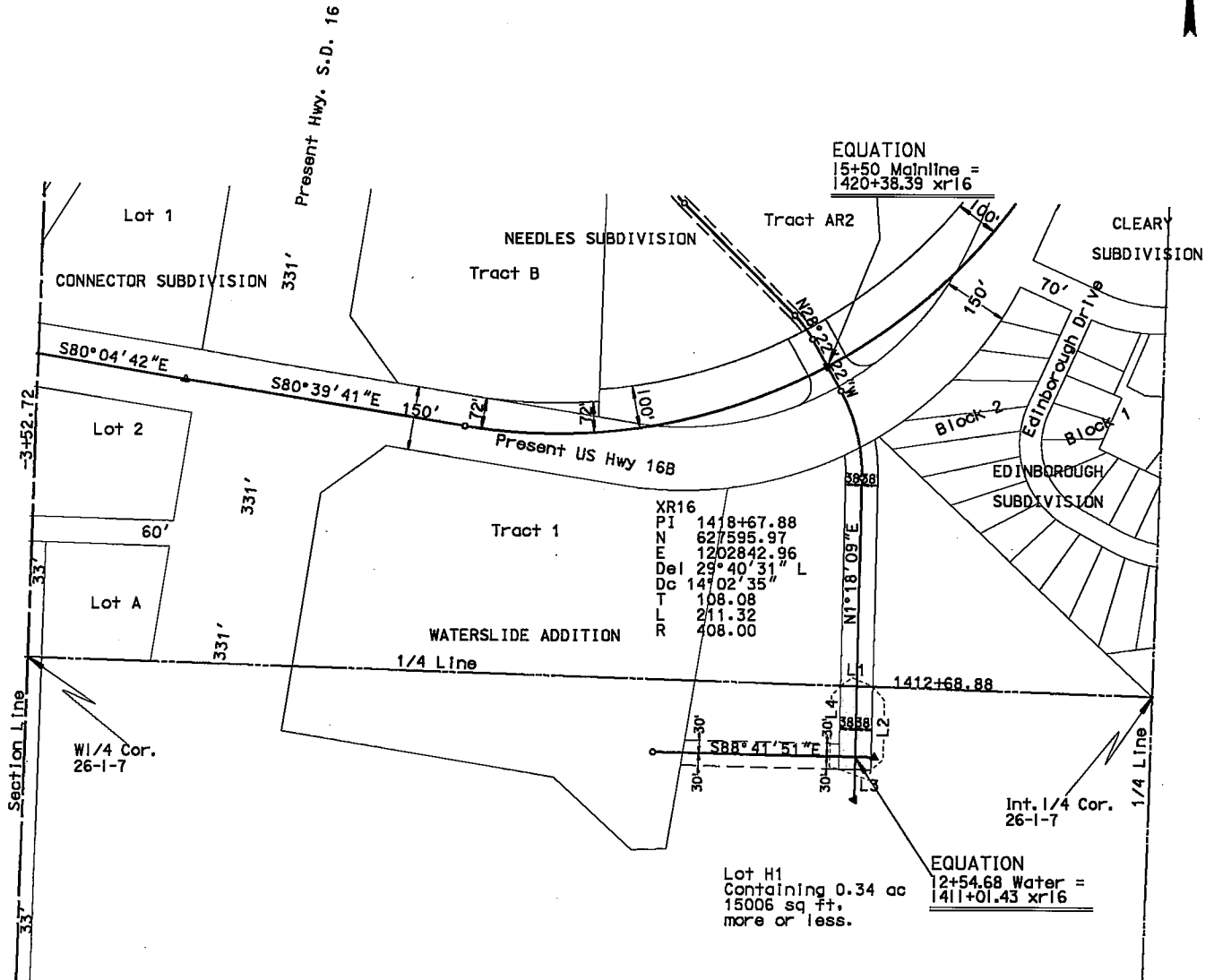
PLAT OF LOT H1

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PENNINGTON COUNTY, SOUTH DAKOTA

Scale: 1 inch = 300 feet

LEGEND
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Line No.	Bearing/Radius	Feet
L1	S 88°07'33" E	76.00
L2	S 1°18'09" W	197.07
L3	N 88°41'51" W	76.00
L4	N 1°18'09" E	197.83

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Rev. 11-05-08 G.G.

Drawn By Gene Gaffre Date 8-26-08
 Checked By M. Jordan Date 10-21-08

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