

PREPARED BY: City's Attorney 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 Midland Rushmore, LLC regarding payment of the proportionate share of lift station upgrade costs dated June 18, 2007 in regard to the following lots:

Proposed Legal

Lot 1 and Drainage Lot of Block 1, Tracts A, B, C, D, and E of Block 2, Lots 1 through 9 of Block 3, Tracts G and J, Eglin Street (formerly part Farnwood Avenue), Luna Avenue Extension, areas dedicated for public right-of-way purposes, easements, vacation of easements, vacation of a portion of Century Road right-of-way, vacation of a portion of the eastern 33' section line highway of Section 30, vacation of a portion of the western 33' section line highway of Section 29, vacation of a portion of the northern 33' section line highway of Section 32; vacation of a portion of the southern 33' section line highway of Section 29 and vacation of a 66' public access easement recorded in Highway Plat Book 1, Page 31;

Existing Legal

Formerly Lot BR of Lot 2 of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 29; Lot C of Lot 2 of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 29; Tract C of the SW $\frac{1}{4}$ of Section 29; Lot 1 of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 29; Lot A of Lots 1 and 2 of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 29; Lot 1R of Lots 1 and 2 of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 29; unplatted portions of the SW $\frac{1}{4}$ of Section 29; Lot H-1, located in the S $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 30; Lot H-10, a portion of Lots H-1 and H-4, located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 29; Lot H-11, a portion of Lot H-2, located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 29; Lots 1 and 2 of Bedco Subdivision, located in the SE $\frac{1}{4}$ of Section 30; part of Lot M of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 30; part of Lot K-4 of Marshall Heights Tract, located in the SW $\frac{1}{4}$ of Section 30; part of Lots 1 and 2 of Block 2 of Rapps Addition and the South Half of the vacated alley adjacent to Rapp's Addition, located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 30; and the unplatted portions of the SE $\frac{1}{4}$ of Section 30; and Tract C in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32; all located in Township 2 North, Range 8 East, of the Black Hills Meridian,

the City of Rapid City, Pennington County, South Dakota; and recorded with the Pennington County Register of Deeds on July 24, 2007, in Book 171, Page 7100.

Dated this ____ day of April, 2009.

CITY OF RAPID CITY

Alan Hanks, Mayor

ATTEST:

Finance Officer

(SEAL)

State of South Dakota)
 ss.
County of Pennington)

On this the ____ day of _____, 2009, before me, the undersigned officer, personally appeared Alan Hanks 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)