

STATE OF SOUTH DAKOTA
DEPARTMENT OF TRANSPORTATION
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 the "SDDOT," and the City of Rapid City, South Dakota hereinafter referred to as the "CITY";

WHEREAS, the SDDOT desires to purchase the highway right of way in compliance with federal aid requirements on the highway project identified as P 0044(129)42, PCN 00X9, Pennington County, and further described as: SD44 (Jackson Boulevard) from Rapid Creek to Mountain View Road in Rapid City; and

WHEREAS, the 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, the 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 P 0044(129)42;

NOW, THEREFORE, both parties mutually agree as follows:

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

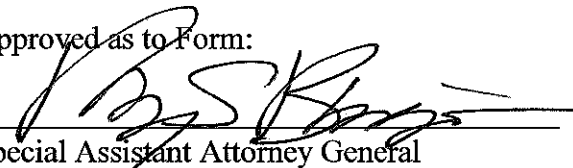
Parcel 8 – Lot H2 in Lot 1 of Lot C of Rapid River Subdivision in the City of Rapid City, Pennington County, South Dakota;

2. If negotiations are unsuccessful in securing the right of way, the SDDOT will negotiate and acquire these parcels in the name of the SDDOT and will handle any and all condemnation of any right of way and temporary easements. Upon completion of the construction and approval of the South Dakota Transportation Commission, will then transfer these parcels to the CITY.

- 3. **Authority to Sign Right of Way and Easement Documents:** The CITY has designated its Mayor as the CITY'S authorized representative and has empowered its Mayor with the authority to negotiate and approve of acquisition of right of way for the purpose of road and bridge construction in CITY'S jurisdiction. A copy of the CITY'S Commission minutes or resolution authorizing said authority is attached hereto as **Exhibit A**.

- 4. **Authority to Sign Agreement with SDDOT:** The CITY has designated the Mayor as the CITY'S authorized representative and has empowered the Mayor with the authority to approve this Agreement on behalf of the CITY. A copy of the CITY'S Commission minutes or resolution authorizing the execution of this Agreement and designating the Mayor as the CITY'S authorized representative is attached hereto as **Exhibit A**.

The signing of this Agreement signifies the governmental agencies have taken all necessary official action to enter into this Agreement.

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| City of Rapid City, South Dakota | 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: |
| _____ |  |
| City Auditor/Clerk | Special Assistant Attorney General |

(CITY SEAL)