


# CITY OF RAPID CITY

DEPARTMENT OF PARKS AND RECREATION  
125 WATERLOO STREET  
RAPID CITY, SOUTH DAKOTA 57701

Jerry W. Cole  
Director  
(605) 394-5225

To: Allison Marsland, Asst. City Attorney

From: Jerry W. Cole, Director   
Department of Parks and Recreation

Jeri Taton  
Administrative  
Assistant  
(605) 394-5225

Subject: Rapid City Bike Trail Project EM 8052(59) PCN 010E

Date: November 17, 2011

Lon Van Deusen  
Parks & Cemetery  
Manager  
(605) 394-4175

Attached is an Amendment from SD DOT re: the Greenway Project. The Amendment proposes that \$136,000 in Transportation Enhancement Funds be moved to the Greenway Project. The Enhancement Funds were approved for the bike path extension along San Francisco Street which is now included in the Greenway Project.

Doug Lowe  
Recreation Manager  
(605) 394-6161

Both of these projects have been previously approved by the City Council.

If you have any questions, please contact me.



## Department of Transportation

Division of Finance & Management

Office of Local Transportation Programs

700 East Broadway Avenue

Pierre, South Dakota 57501-2586

OFFICE: 605/773-3574

FAX: 605/773-4870

November 9, 2011

Jerry W. Cole, CPRP  
Director, Rapid City Parks and Recreation  
125 Waterloo Street  
Rapid City, SD 57701

RE: Rapid City Bike Trail project EM 8052(59) PCN 010E

Dear Mr. Cole:

Enclosed are three copies of an amendment adding the \$136,000 in Transportation Enhancement funds to the Rapid City Greenway project. Please have all three copies signed and returned to me for SDDOT signatures. I will return one original signed copy for your records. Please note that the city commission minutes authorizing the mayor to sign the amendment must be included with the signed amendment.

If you have any questions, please feel free to call me at (605)773-6253.

Sincerely,

A handwritten signature in black ink, appearing to read "Paula Huizenga", is written over a large, stylized flourish that extends to the right.

Paula Huizenga  
Grant Program Engineer

Enclosure

AMENDMENT NUMBER 2 TO AGREEMENT NUMBER 713770 PW112911-14

BACKGROUND:

1. On January 7, 2009, the State of South Dakota, acting by and through its Department of Transportation, referred to in this Amendment as "STATE," and the City of Rapid City, South Dakota, referred to in this Amendment as "CITY," entered into an agreement for a greenway pedestrian and bike path extension, High Priority project number EM 8052(59) PCN 010E, which agreement, referred to in this Amendment as the "AGREEMENT," was signed by representatives of each party and assigned agreement number 713770 by STATE; and,
2. Having previously amended the AGREEMENT, STATE and CITY now wish to further amend the AGREEMENT.

STATE AND CITY MUTUALLY AGREE AS FOLLOWS:

1. The second "Whereas" paragraph on Page 1 is revised to read as follows:

**WHEREAS**, PROJECT costs are estimated to be Two Million, Twenty Thousand Dollars (\$2,020,000), STATE will use High Priority Funds (**HPP Funds**), in the amount of One Million, Eight Hundred Twelve Thousand, Two Hundred Seventy-eight Dollars and Ten Cents (\$1,812,278.10) and Transportation Enhancement Funds (TE Funds) in the amount of One Hundred Thirty-six Thousand Dollars (\$136,000) for eligible PROJECT costs. Eligible PROJECT costs will include preliminary engineering, materials, right-of-way, construction, and construction engineering.

2. Paragraph A. 2 of the AGREEMENT is revised to read as follows:

A. STATE will:

2. Reimburse CITY 81.95% for eligible PROJECT costs with HPP Funds up to a maximum of One Million, Eight Hundred Twelve Thousand, Two Hundred Seventy-eight Dollars and Ten Cents (\$1,812,278.10) and with TE Funds up to a maximum of One Hundred Thirty-six Thousand Dollars (\$136,000). The CITY will pay the remaining 18.05% and any amount exceeding the maximum amount of HPP and TE funds.
3. STATE and CITY agree, except as amended, all other terms and provisions of the original AGREEMENT, along with any prior amendments, will remain in full force and effect.
4. The CITY has designated its Mayor as the CITY'S authorized representative and has empowered the Mayor with the authority to sign this Agreement on behalf of the CITY. A copy of the CITY'S Commission minutes or resolution authorizing the execution of this Agreement by the Mayor as the authorized representative for the CITY is attached to this Amendment as Exhibit 2.

This Amendment is binding upon signatories 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 the same.

City of Rapid City, South Dakota

State of South Dakota  
Department of Transportation  
Local Transportation Programs

By: \_\_\_\_\_

By: \_\_\_\_\_

Its: Mayor

Its: Secretary

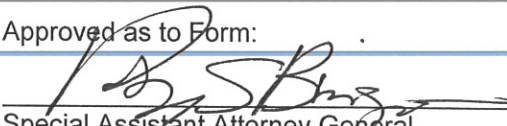
Date: \_\_\_\_\_

Date: \_\_\_\_\_

Attest:

Approved as to Form:

\_\_\_\_\_  
City Auditor/Clerk

  
\_\_\_\_\_  
Special Assistant Attorney General

[City Seal]

AGREEMENT NUMBER \_\_\_\_\_

**FUNDING AGREEMENT BETWEEN SOUTH DAKOTA DEPARTMENT OF  
TRANSPORTATION AND THE CITY OF RAPID CITY FOR DESIGN, LETTING, AND  
CONSTRUCTION OF PROJECT  
EM 8052(59), RAPID CITY, PCN 010E**

**WHEREAS**, 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," desire that project EM 8052(59), PCN 010E, greenway pedestrian and bike path extension in Rapid City, be constructed in Federal Fiscal Year (FFY) 2009 and shall be hereinafter referred to as "PROJECT";

**WHEREAS**, PROJECT costs are estimated to be Two Million, Eighty Thousand Dollars (\$2,080,000). High Priority Project Funds (**HPP Funds**), in the amount of One Million, Seven Hundred Thousand Dollars (\$1,700,000) shall be used for eligible PROJECT costs. Eligible PROJECT costs shall include preliminary engineering, materials, right-of-way acquisition, construction, and construction engineering;

**NOW, THEREFORE, CITY and STATE** agree to the following:

A. STATE will

1. Provide technical assistance for PROJECT and review plans and specifications.
2. Reimburse City 81.95% for eligible PROJECT costs with HPP Funds, up to a maximum of One Million, Seven Hundred Thousand Dollars (\$1,700,000). The remaining 18.05% and any amount exceeding the maximum amount of HPP Funds shall be paid by the CITY.

B. CITY will

1. Arrange for all needed right-of-way and utility adjustments as part of PROJECT and certify that all right-of-way and utility adjustments or agreements are in place prior to advertisement and letting.
2. Provide ongoing maintenance of PROJECT upon completion of construction.
3. Obtain all necessary PROJECT environmental clearances and permits from the various agencies as listed in Appendix A.
4. If any part of PROJECT affects the Federal Emergency Management Agency's (FEMA) flood plain insurance maps, be responsible for all map revisions and obtaining FEMA approval, or a Conditional Letter of Map Revision (CLOMR).
5. Submit documentation to STATE verifying that PROJECT approval has been obtained from the various agencies prior to receiving STATE approval of PROJECT.
6. Prepare PROJECT plans, specifications, and estimates for STATE review and approval. The PROJECT cannot be advertised for bids until written approval is received from STATE.