

PREPARED BY: City Attorney's Office
300 Sixth Street
Rapid City, SD 57701
(605) 394-4140

**AMENDMENT TO GROUND LEASE AGREEMENT BETWEEN
THE CITY OF RAPID CITY AND YOUTH AND FAMILY SERVICES
CONCERNING PROPERTY AT 120 EAST ADAMS STREET**

COME NOW, the CITY OF RAPID CITY, a South Dakota municipal corporation, located at 300 Sixth Street, Rapid City, South Dakota 57701 (“City”), and YOUTH AND FAMILY SERVICES, INC., a South Dakota domestic nonprofit corporation, with its principal place of business at 1920 Plaza Blvd., Rapid City, South Dakota 57702 (“YFS”), and agree as follows:

WHEREAS, on September 3, 2002, the parties entered into a Ground Lease concerning property located at 120 East Adams and legally described as follows:

Lot Three (3) of Block Twenty-One (21), Wise’s Addition to the City of Rapid City, Pennington County, South Dakota

(“the Property”); and

WHEREAS, pursuant to the Ground Lease, the City permitted YFS to occupy the Property for 20 years with the understanding that YFS would construct a building on the 120 East Adams property for YFS programs; and

WHEREAS, the Ground Lease provided for a term of 20 years with an annual rent payment of \$1, with an option for YFS to purchase the Property for \$1 at the end of the term; and

WHEREAS, in 2003 YFS constructed a building on the Property which, since that time, has provided social services to low-income and disadvantaged children and their families; and

WHEREAS, YFS has acquired three parcels directly west of the Property with the goal and intention to expand its building on the Property; and

WHEREAS, YFS now wishes to accelerate the purchase of the Property in order to unify the ownership of the four neighboring parcels so that it can expand the building at 120 East Adams onto the YFS parcels west of the Property; and

WHEREAS, the City agrees that acceleration of the purchase of the Property by YFS would be in the best interests of its citizens, many of whom utilize the services of YFS and will benefit from the expansion; and

WHEREAS, the parties desire to enter into this Amendment of Ground Lease to reduce their mutual agreements to writing.

NOW, THEREFORE, it is agreed that the Ground Lease entered into on September 3, 2002, is hereby amended as follows:

1. Section 2. **TERM** is hereby amended to read as follows:

The term of this Ground Lease shall commence on September 3, 2002 (the “Commencement Date”). The term of this Ground Lease (the “Term”) shall be twenty (20) years, commencing on the Commencement Date.

YFS has the option to purchase the Property for the purchase price of One Dollar (\$1.00) after thirteen (13) years of the Term have expired. If YFS desires to exercise its option to purchase, it shall provide written notice of the same and shall tender \$1.00 to City.

Within 180 days of receipt of this written notice, City shall execute a deed to transfer the Property to YFS.

Dated this ____ day of December, 2015.

CITY OF RAPID CITY:

Steve Allender, Mayor

ATTEST:

Finance Officer

(SEAL)

STATE OF SOUTH DAKOTA)
)ss.
COUNTY OF PENNINGTON)

On this the _____ day of December, 2015, before me, the undersigned officers, personally appeared Steve Allender and Pauline Sumption, 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 document 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.

(SEAL)

Notary Public, South Dakota
My Commission Expires: _____

Dated this ____ day of December, 2015.

YOUTH AND FAMILY SERVICES, INC.

By: _____
Its: _____

STATE OF SOUTH DAKOTA)
)ss.
COUNTY OF PENNINGTON)

On this the _____ day of December, 2015, before me the undersigned officer, personally appeared _____, who acknowledged her/himself to be the _____ of Youth and Family Services, Inc., a domestic nonprofit corporation of Rapid City, South Dakota, and that as such _____, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of Youth and Family Services, Inc., of Rapid City as _____.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

(SEAL)

Notary Public, South Dakota
My Commission Expires: _____