

AGREEMENT

WHEREAS Walgar Development Corp., Walter J. Linderman and Gary Rasmussen hereafter collectively referred to as "Walgar" entered into an agreement with the City of Rapid City hereafter referred to as the "City" on December 26, 1995 regarding the following described property:

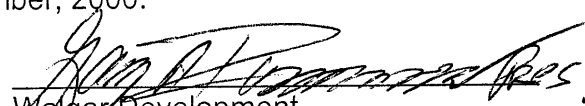
Lot 2 of Block 26 of Robbinsdale Addition No. 10 located in the NE¼NE¼SE¼ and in the SE¼NE¼SE¼, Section 13, Township 1 North, Range 7 East of the Black Hills Meridian, Rapid City, Pennington County, South Dakota; and

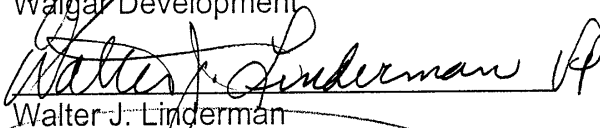
WHEREAS, all the parties to the agreement agree that it is in their best interest to rescind the above referenced agreement; and

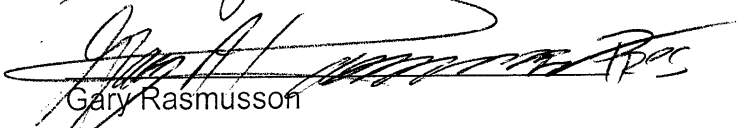
NOW THEREFORE, the Parties agree to the following terms and conditions:

- (1) Walgar and the City of Rapid City hereby rescind the December 26, 1995 Agreement in its entirety.
- (2) In consideration for this agreement, Walgar agrees to waive any objections to the revised assessment roll for Parkview Drive and Minnesota Street Project #ST95-560.
- (3) Walgar agrees that the City has complied with and provided Walgar with all the notifications required under South Dakota law for this assessment project, and Walgar consents to this assessed project.

Dated this 27th day of December, 2000.

  
Walgar Development

  
Walter J. Linderman

  
Gary Rasmusson

CITY OF RAPID CITY

\_\_\_\_\_  
Mayor Jim Shaw

ATTEST:

\_\_\_\_\_  
Finance Officer

(SEAL)

**AGREEMENT**

WHEREAS Walgar Development Corp., Walter J. Linderman, and Gary Rasmusson have ownership interest in various parcels of property which are the subject of a Resolution of Necessity for Parkview Drive and Minnesota Street Infrastructure Improvements, Project No. ST95-560; and

WHEREAS Walgar Development Corp. has asked to plat a portion of the subject property as Lot 2 of Block 26 of Robbinsdale Addition No. 10 located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$  and in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 13, Township 1 North, Range 7 East of the Black Hills Meridian, Rapid City, Pennington County, South Dakota; and

WHEREAS Walgar Development Corp. would, normally, be required to post surety for subdivision improvements, which improvements, in this case, are included within the project described in the Resolution of Necessity.

NOW, THEREFORE, in consideration of the approval by the City of Rapid City of the above-described plat and the acceptance of this Agreement as surety for the construction of the required subdivision improvements, Walgar Development Corp., for itself, its successors and assigns, specifically recognizes and agrees that the City of Rapid City may, pursuant to law, levy a special assessment against the above-described property for the cost of construction of required subdivision improvements pursuant to the Resolution of Necessity, in such amount as the City may reasonably determine.

Dated this 26<sup>th</sup> day of December, 1995.

WALGAR DEVELOPMENT CORP.

By: [Signature]

Walter J. Linderman  
Walter J. Linderman

[Signature]  
Gary Rasmusson

City of Rapid City  
City of Rapid City  
I, \_\_\_\_\_, duly appointed and qualified  
City of Rapid City  
I hereby certify that the  
copy of a) )

Agreement

12-27-95

Ass. Finance Officer of the City of  
Rapid City, South Dakota

