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October 13, 2003

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Jason Green, Esq.
City Attorney's Office
300 6th Street
Rapid City, SD 57701

Re: 5 Star Real Estate, Inc./Disk Drive Extension
Our File No. 03N249



Dear Jason:

As it concerns the replat of the 5 Star Subdivision property, I have recently obtained a Commitment for Title Insurance and in that Commitment for Title Insurance it references a blanket easement presently held by the City of Rapid City across portions of that property. I believe this easement was originally granted for reasons which are no longer applicable to the present replat, particularly as it concerns sewer lines and related matters. I would respectfully request that this matter be put before the City Council or the other appropriate entity for purposes for releasing this easement.

If you should have any questions, please contact me.

Sincerely yours,

A handwritten signature in black ink, appearing to be "John K. Nooney".

John K. Nooney

JKN/krh

Prepared by:
John K. Nooney
Thomas Nooney Braun Solay & Bernard, LLP
P.O. Box 8108
Rapid City, SD 57709-8108
(605) 348-7516

RELEASE OF RIGHT OF WAY

City of Rapid City, a municipal corporation, of 300 Sixth Street, Rapid City, South Dakota does hereby release and relinquish any and all rights which it has in and to the Right of Way (hereinafter referred to as "Right of Way") granted to the City of Rapid City, for that real property described below and which was dated March 14, 1969, and recorded on April 1, 1969 in Miscellaneous Book 98, Page 634 in the Office of the Register of Deeds, Pennington County, South Dakota and that affects the following described real property:

Tract C, Tract D and Lot 4B of Parcel 4, all in the Southeast Quarter of the Northwest Quarter of Section 25, Township 2 North, Range 7 East, Black Hills Meridian, Pennington County, South Dakota 10 feet on each side of the sewer line as shown on the Plans labeled "Sanitary Sewer District 15 Extension M" on file in the Auditor's office.

and does hereby release and relinquish any and all rights which it has in that Right of Way referenced above which was dated March 14, 1969 and recorded on April 1, 1969 in the Pennington County Register of Deeds office in Miscellaneous Book 98, Page 634 and that affects the real property described as:

Lots 1 and 2 of 5 Star Subdivision in the City of Rapid City, Pennington County, South Dakota as shown on a plat filed in Plat Book 31, Page 134.

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October 23, 2003

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Jason Green, Esq.
City Attorney's Office
300 6th Street
Rapid City, SD 57701



Re: 5 Star Real Estate, Inc./Disk Drive Extension
Our File No. 03N249

Dear Jason:

To follow up our recent telephone conversation I am sending to you a proposed Quit Claim Deed from the City of Rapid City to RWM, LLC and NMCK , LLC, the respective LLCs owned by Rod and Norm McKie as it concerns Lots 1 and 2 of the 5 Star Subdivision. I would appreciate it if you would place this Quit Claim Deed, Release of Easement, the Petition to Vacate and the pending Replat, all of which deal with the property described in the deed of the aforementioned property on the Legal and Finance calendar consistent our recent conversations. I understand that it is anticipated all of these matters will move simultaneously through the respective committees with a final hearing before the Rapid City Council on Monday, December 1st.

If you or anyone else in the City have any questions concerning these matters, please feel free to contact me.

Sincerely yours,

A handwritten signature in black ink, appearing to read "John K. Nooney".

John K. Nooney

JKN/alm
Enclosure
cc: Jerry Foster, FMG
Norm McKie
Rod McKie

Prepared by John K. Nooney,
Thomas Nooney Braun Soly & Bernard, LLP,
PO Box 8108, Rapid City, SD 57709
(605/348-7516)

QUIT CLAIM DEED

City of Rapid City, Grantor, of 300 Sixth Street, Rapid City, Pennington County, State of South Dakota, for and in consideration of One Dollar (\$1.00), conveys and quit claims to RWM, LLC and NMCK, LLC, South Dakota Limited Liability Companies, as tenants in common, Grantees, of P.O. Box 8108, Rapid City, South Dakota, all of their interest in the following described real estate in the County of Pennington in the State of South Dakota:

Lots 1 and 2 of 5 Star Subdivision in the City of Rapid City, Pennington County,
South Dakota as shown on the plat filed in Plat Book 31, Page 134.

Dated this _____ day of _____, 2003.

CITY OF RAPID CITY

By: _____
Jim Shaw
Its: Mayor

ATTEST:

Jim Preston, Finance Officer
(SEAL)

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

On the _____ day of _____, 2003, before me, the undersigned officer, personally appeared Jim Shaw and Jim Preston, known to me or satisfactorily proven to be the Mayor and Finance Officer of the City of Rapid City whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

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

(SEAL)

Notary Public - South Dakota
My commission expires _____