

**AGREEMENT BETWEEN THE CITY OF RAPID CITY AND ZANDSTRA
CONSTRUCTION INC. AND/OR ZCO INC. FOR THE COMPLETION OF
SUBDIVISION IMPROVEMENTS.**

This agreement is made and entered into by and between the City of Rapid City, herein after referred to as the "City," and Zandstra Construction Inc. and/or ZCO, Inc. herein after referred to as the "Developer."

WHEREAS, the Developer is seeking approval of a final plat for property legally described as:

Lot A of the NE1/4 and a portion of the NW1/4 of the NE1/4 of Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota.

WHEREAS, the Developer has submitted a subdivision bond to secure the completion of the subdivision improvements as required by the City's subdivision regulations; and

WHEREAS, the City is requesting that the Developer provide a date by which the required improvements will be completed, or if they are not, the City can draw on the bond; and

WHEREAS, the Developer is willing to provide a final date for completion of the improvements so that the City will accept the bond which is a requirement for approval of the final plat.


NOW THEREFORE, the parties agree as follows:

1. This agreement pertains to subdivision bond #104759648 issued by Travelers Casualty and Surety Company of America.
2. The Developer agrees to complete the required subdivision improvements secured by the above bond by July 15, 2008.
3. If the required improvements are not completed by July 15, 2008, the parties agree that the City has the option, if it so chooses, to draw on the above described bond and complete the improvements. The City will notify the Developer prior to drawing on the bond and will provide the Developer with a reasonable amount of time to complete the remaining improvements.
4. In exchange for the Developer's agreement to the terms contained in paragraph 1, 2 and 3 of this document, the City agrees to accept the bond submitted by the Developer.
5. The parties' rights and obligations under this Agreement shall be governed by, and construed in accordance with, the laws of the State of South Dakota. Any dispute

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

On this 2nd day of November, 2006, before me, the undersigned officer, personally appeared Steve Zandstra, who acknowledged himself to be the president of Zandstra Const. Inc./ZCO Inc. and that as such, being duly authorized to do so, executed the foregoing instrument for the purposes herein contained.

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

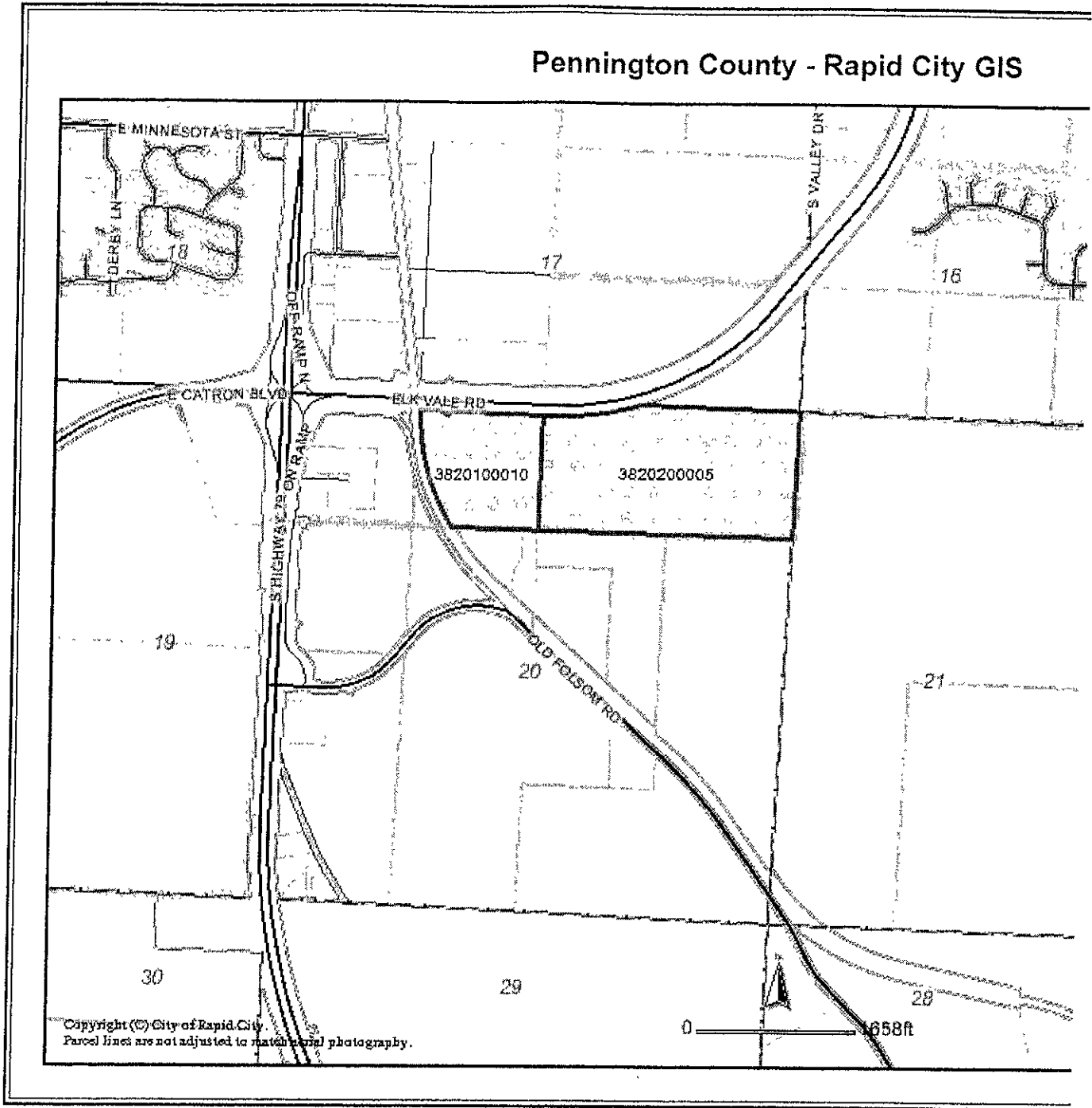


Notary Public, State of South Dakota
My Commission Expires: 10/28/09

[SEAL]



Pennington County - Rapid City GIS



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Rapid City Growth
Management Department

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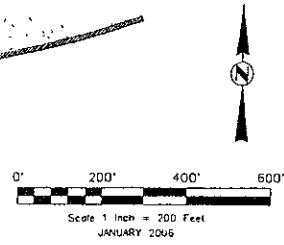
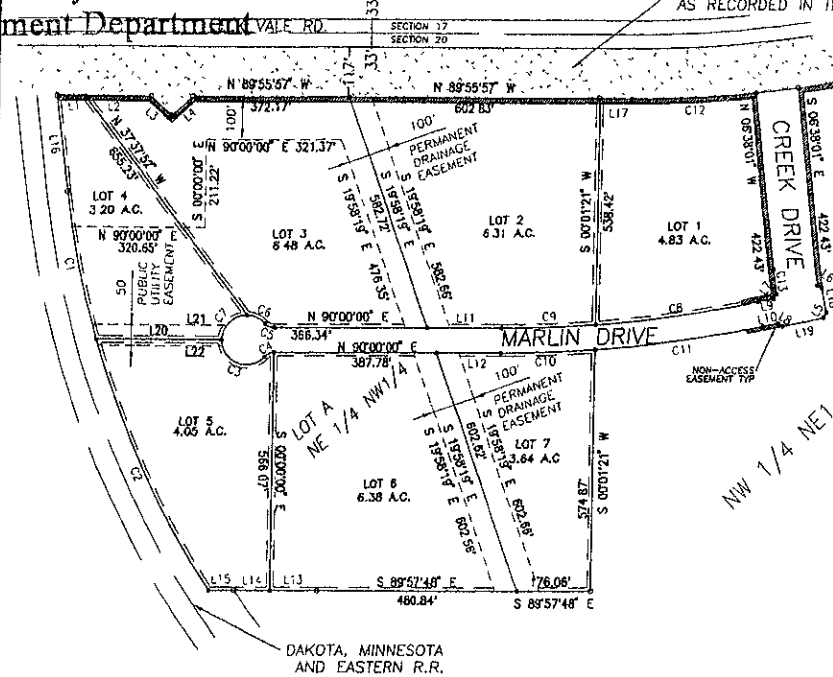
PLAT OF LOTS 1 THRU 7 OF MARLIN INDUSTRIAL PARK

AND DEDICATED PUBLIC RIGHT OF WAY LOCATED IN LOT A OF THE NE1/4NW1/4 AND A PORTION OF THE NW1/4NE1/4 OF SECTION 20, T1N, R8E, B.H.M., RAPID CITY, PENNINGTON COUNTY, SOUTH DAKOTA

JAN 13 2006

Rapid City Growth Management Department

CONTROLLED EASEMENT PER D.O.T. AS RECORDED IN THE BOOK OF PLATS HWY 9 PAGE 46



LEGEND: Denotes set 5/8" rebar with survey cap marked 'ARLETH 3977', Denotes Found Survey Monument

NOTES: MINOR DRAINAGE AND UTILITY EASEMENTS ARE HEREBY ESTABLISHED 5' WIDE ON THE INTERIOR SIDE OF ALL LOT LINES AND RIGHT-OF-WAY (EXCEPT WHERE MAJOR DRAINAGE EASEMENTS ARE LOCATED). TOTAL PLATTED AREA 38 TO ACRES, LOTS 34.89 ACRES, DEDICATED PUBLIC RIGHT-OF-WAY 3.21 ACRES.

ANY MAJOR DRAINAGE EASEMENT SHOWN HEREON SHALL BE KEPT FREE OF ALL OBSTRUCTIONS INCLUDING BUT NOT LIMITED TO BUILDINGS WALLS, FENCES, HERDS, TREES, AND SHRUBS. THESE EASEMENTS GRANT TO ALL PUBLIC AUTHORITIES THE RIGHT TO CONSTRUCT, OPERATE, MAINTAIN, INSPECT AND REPAIR SUCH IMPROVEMENTS AND STRUCTURES AS IT DEEMS EXPEDIENT TO FACILITATE DRAINAGE FROM ANY SOURCE.

NON-ACCESS EASEMENTS ARE HEREBY ESTABLISHED ALONG THE FIRST SEVENTY FIVE FEET OF CORNER LOTS OR AS INDICATED HEREON.

ACREAGE SHOWN ON LOTS INCLUDE EASEMENTS.

Table with columns: LINE, BEARING, DISTANCE, CURVE, RADIUS, ARC LENGTH, CHORD LENGTH, CHORD BEARING. Contains detailed survey data for all lot boundaries.

OWNER'S CERTIFICATE: DENNIS ZANDSTRA REAL ESTATE HOLDINGS DO HEREBY CERTIFY THAT I AM THE OWNER OF THE TRACT OF LAND SHOWN AND DESCRIBED HEREON...

IN WITNESS I HERETO SET OUR HAND AND SEAL. OWNER: STEVE ZANDSTRA

ON THIS 13th DAY OF JANUARY 2006 BEFORE ME, A NOTARY PUBLIC PERSONALLY APPEARED STEVE ZANDSTRA, KNOWN TO ME TO BE THE PERSON DESCRIBED IN THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE SIGNED THE SAME.

NOTARY PUBLIC: MY COMMISSION EXPIRES

CERTIFICATE OF GROWTH MANAGEMENT DIRECTOR: I, GROWTH MANAGEMENT DIRECTOR OF THE CITY OF RAPID CITY, HAVE REVIEWED THIS PLAT AND HAVE FOUND IT TO CONFORM TO THE SUBDIVISION REQUIREMENTS OF CHAPTER 16 OR 035 OF THE RAPID CITY MUNICIPAL CODE AND ON SUCH I HAVE APPROVED THIS PLAT AS FINAL PLAT.

GROWTH MANAGEMENT OF THE CITY OF RAPID CITY

CERTIFICATE OF FINANCE OFFICER: I, FINANCE OFFICER OF THE CITY OF RAPID CITY DO HEREBY CERTIFY THAT ALL SPECIAL ASSESSMENTS WHICH ARE LIENS UPON THE WITHIN-DESCRIBED LANDS ARE FULLY PAID ACCORDING TO THE RECORDS OF MY OFFICE.

CERTIFICATE OF FINANCE OFFICER: I, FINANCE OFFICER OF THE CITY OF RAPID CITY DO HEREBY CERTIFY THAT THE GROWTH MANAGEMENT DIRECTOR OF THE CITY OF RAPID CITY HAVE APPROVED THIS FINAL PLAT AND SHOWN HEREON.

SURVEYOR'S CERTIFICATE: I, JOHN M. ARLETH REGISTERED LAND SURVEYOR R.L.S. 3977 IN THE STATE OF SOUTH DAKOTA DO HEREBY CERTIFY THAT BEING SO AUTHORIZED, THE SURVEY AND WITHIN PLAT OF THE LAND SHOWN AND DESCRIBED HEREON WERE MADE UNDER MY RESPONSIBLE DIRECTION AND SUPERVISION...

JOHN M. ARLETH R.L.S. NO. 3977

CERTIFICATE OF HIGHWAY OR STREET AUTHORITY: THE LOCATION OF THE PROPOSED PROPERTY LINES WITH RESPECT TO THE HIGHWAY OR STREET AS SHOWN HEREON IS APPROVED. ANY APPROACHES OR ACCESS TO THE HIGHWAY OR STREET WILL REQUIRE ADDITIONAL APPROVAL.

CERTIFICATE OF COUNTY TREASURER: I, TREASURER OF PENNINGTON COUNTY DO HEREBY CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON THE WITHIN-DESCRIBED LANDS ARE FULLY PAID ACCORDING TO THE RECORDS OF MY OFFICE.

CERTIFICATE OF DIRECTOR OF EQUALIZATION: I, DIRECTOR OF EQUALIZATION OF PENNINGTON COUNTY DO HEREBY CERTIFY THAT I HAVE RECEIVED IN MY OFFICE A COPY OF THE WITHIN-DESCRIBED PLAT.

CERTIFICATE OF REGISTER OF DEEDS: FILED THIS 13th DAY OF JANUARY 2006 AT 10:00 O'CLOCK AM AND BOOK 128 OF PLATS PAGE 46. PENNINGTON COUNTY REGISTER OF DEEDS.