



1. Partnership hereby covenants and agrees to consent to an assessed project to install a conforming water service line in the future.
2. Partnership hereby covenants and agrees to hold the City harmless from all claims related to the non-standard service line.
3. It is understood by Partnership that the City's primary consideration for the granting of the exception to the City's Standard Specifications on the above described property is Partnership's covenant and promise to complete the Agreement conditions outlined in paragraphs 1 and 2 above.
4. The parties agree that the terms of this agreement shall be governed by the laws of the State of South Dakota. In the event of any conflict of laws, the law of the State of South Dakota shall be controlling without regard to the principles of conflict of laws. Any legal action arising out of or relating to this agreement shall brought only in the Circuit Court for the State of South Dakota, Seventh Judicial Circuit located in Rapid City, Pennington County, South Dakota.
5. The City may undertake any legal or equitable action available to enforce the provisions of this agreement in addition to any remedy provided herein. In the event the City is required to undertake any action to enforce the terms of this agreement or its subdivision regulations in connection with this agreement, the undersigned, heirs, assigns, or successors in interest agree the City may recover from the owner of said property its reasonable expenses, including attorney's fees incurred with respect to such action.
6. All of the terms and conditions herein set forth shall extend to and be binding upon the heirs, assigns, or successors in interest of Partnership, and be considered as a covenant running with the above-described property. Furthermore, it is agreed that, in accepting title to the above-described property any grantee, heir, assign, or successor in interest to the undersigned expressly agrees to be bound by the terms of this Agreement recorded with the Pennington County Register of Deeds' Office pursuant to provisions of South Dakota statutes.
7. If any section(s), or provisions of this application is declared invalid for any reason whatsoever by any competent court, such invalidity shall not affect any other section(s) or provision of this application if they can be given effect without the invalid section(s) or provisions.



