300 Sixth Street Rapid City, SD 57701 (605) 394-4140 STATE OF SOUTH DAKOTA) SS. RELEASE OF AGREEMENT COUNTY OF PENNINGTON THE CITY OF RAPID CITY, a municipal corporation, located at 300 Sixth Street, Rapid City, South Dakota, hereby agrees to cancel and release the Covenant Agreement between the City of Rapid City and Midland Rushmore, LLC regarding the construction of off-site improvements at the intersection of LaCrosse and Rapp Streets dated June 18, 2007, on land legally described as: Formerly Lot BR of Lot 2 of the SE¼SW¼ of Section 29; Lot C of Lot 2 of the SE1/4SW1/4 of Section 29; Tract C of the SW1/4 of Section 29; Lot 1 of the SW1/4SE1/4 Section 29; Lot A of Lots 1 and 2 of the SE1/4SW1/4 of Section 29; Lot 1R of Lots 1 and 2 of the SE1/4SW1/4 of Section 29; unplatted portions of the SW¼ of Section 29; Lot H-1, located in the S½N½SE¼ of Section 30; Lot H-10, a portion of Lots H-1 and H-4, located in the NW1/4SW1/4 Section 29; Lot H-11, a portion of Lot H-2, located in the NW1/4SW1/4 Section 29; Lots 1 and 2 of Bedco Subdivision. located in the SE1/4 of Section 30; part of Lot M of the NW1/4SE1/4 of Section 30; part of Lot K-4 of Marshall Heights Tract, located in the SW1/4 of Section 30; part of Lots 1 and 2 of Block 2 of Rapps Addition and the South Half of the vacated alley adjacent to Rapp's Addition, located in the NW¹/₄SE¹/₄ of Section 30; and the unplatted portions of the SE¹/₄ of Section

PREPARED BY:

171, Page 7112.

City's Attorney Office

Dated this _____day of April, 2009.

CITY OF RAPID CITY

Alan Hanks, Mayor

30; and Tract C in the NE¼NW¼ and the NW¼NE¼ of Section 32; all located in Township 2 North, Range 8 East, of the Black Hills Meridian, the City of Rapid City, Pennington County, South Dakota; and recorded with the Pennington County Register of Deeds on July 24, 2007, in Book

ATTEST:	
Finance Officer	
(SEAL)	
State of South Dakota) ss.	
County of Pennington)	
On this the day of, 2009, before me, the undersigned officer, personally appeared Alan Hanks and James F. Preston, 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 Agreement Consenting to Assessed Project 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.	
My Commission Expires:	Notary Public, South Dakota
(SEAL)	