

PREPARED BY: City's Attorney Office
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 By-Pass Development, LLC dated December 3, 2007 on the West ½ of the NE ¼, less I-90 Heartland Business Park, less right of way, all located in Section 28, T2N, R8E, BHM, and Lots 1-5, 6a, 6b and 7-9 of Block 1 of Heartland Business park, all located in Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota and recorded with the Pennington County Register of Deeds on December 11, 2007, in Book 175, Page 6782.

Dated this ____ day of April, 2009.

CITY OF RAPID CITY

Alan Hanks, Mayor

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.

Notary Public, South Dakota

My Commission Expires:

(SEAL)