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 SSST, LLC regarding the installation of fire sprinkler protection dated October 27, 2010 in regard to the following property:

Commencing at the northwesterly corner of Lot 3 of Block 3 of Plum Creek Subdivision, common to the southwesterly corner of Fieldstone Drive right-of-way, and the point of beginning;

Thence, first course: S24°46'42"E, along the westerly boundary of said Lot 3, a distance 59.75 feet;

Thence, second course: S58°43'01"W, a distance 131.94 feet;

Thence third course: southeasterly, curving to the left, on a curve with a radius of 134.00 feet, a delta angle of 01°58'02", a length of 4.60 feet, a chord bearing of S32°15'57"E, and chord distance of 4.60 feet;

Thence, fourth course: S56°44'59"W, a distance of 52.00 feet; Thence, fifth course: S56°50'47"W, a distance of 133.87 feet; Thence, sixth course: S38°04'13"E, a distance of 70.85 feet; Thence, seventh course: S15°32'37"W, a distance of 191.10 feet; Thence, eighth course: S00°06'48"W, a distance of 800.03 feet; Thence, ninth course: N89°53'12"W, a distance of 110.00 feet; Thence, tenth course: S00°06'48"W, a distance of 1.15 feet; Thence, eleventh course: N89°53'12"W, a distance of 52.00 feet; Thence, twelfth course: N00°06'48"E, a distance of 23.98 feet; Thence, thirteenth course: N89°53'12"W, a distance of 90.00 feet; Thence, fourteenth course: N45°26'31"W, a distance of 51.07 feet; Thence, fifteenth course: N44°33'29"E, a distance of 37.79 feet; Thence, sixteenth course: N00°06'48"E, a distance of 32.01 feet; Thence, seventeenth course: N51°19'22"W, a distance of 225.90 feet; Thence, eighteenth course: N11°51'25"E, a distance of 72.79 feet; Thence, nineteenth course: N00°00'22"E, a distance of 279.93 feet; Thence, twentieth course: N19°33'30"E, a distance of 153.36 feet; Thence, twenty-first course: N34°10'56"E, a distance of 142.46 feet;

Thence, twenty-second course: N20°06'13"E, a distance of 84.35 feet;

Thence, twenty-third course: N01°41'11"E, a distance of 207.65 feet;

Thence, twenty-fourth course: N11°26'54"E, a distance of 92.64 feet;

Thence, twenty-fifth course: N32°11'51"E, a distance of 29.60 feet, to a corner on the southern boundary of Drainage Lot 10f Elks Crossing;

Thence, twenty-sixth course: N32°11'51"E, along the southern boundary of said Drainage Lot 1, a distance of 69.98 feet;

Thence, twenty-seventh course: N51°17'37"E, along the southern boundary of said Drainage Lot 1, a distance of 98.89 feet;

Thence, twenty-eighth course: N69°56'22"E, along the southern boundary of said Drainage Lot 1, a distance of 100.33 feet;

Thence, twenty-ninth course: S89°53'12"E, along the southern boundary of said Drainage Lot 1, a distance of 165.61 feet;

Thence, thirtieth course: S00°01'51"W, along the southern boundary of said Drainage Lot 1, a distance of 110.17 feet;

Thence, thirty-first course: S89°56'25"E, along the southern boundary of said Drainage Lot 1, a distance of 98.23 feet, to the northwesterly corner of said Fieldstone Drive right-of-way;

Thence, thirty-second course: S00°03'35"W, along the westerly edge of said Fieldstone Drive right-of-way, a distance of 52.00 feet, the northwesterly corner of said Lot 3, common to the southwesterly corner of said Fieldstone Drive right-of-way, and the point of beginning.

Said Parcel contains 527,520 square feet or 12.110 acres more or less;

and recorded with the Pennington County Register of Deeds on November 9, 2010, in Book 203, Page 9837.

Dated this \_\_\_\_\_day of December, 2010.

CITY OF RAPID CITY

Alan Hanks, Mayor

ATTEST:

Finance Officer

(SEAL)

State of South Dakota ) ss. County of Pennington )

On this the \_\_\_\_\_ day of \_\_\_\_\_, 2010, before me, the undersigned officer, personally appeared Alan Hanks and Pauline Sumption, 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 Release of Agreement 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)