

AGREEMENT

Agreement made this _____ day of _____, 2002, by and between Charles R. Sims and Margaret A. Sims, husband and wife, ("Owners"), and the City of Rapid City, ("City").

WHEREAS, City desires to construct a drainage channel within the permanent drainage easement on a portion of Owners' property; and

WHEREAS, the Owners are willing to convey to the City a permanent drainage easement in which to complete the improvements; and

WHEREAS, the parties intend this agreement to formalize their relationship;

NOW, THEREFORE, it is agreed by and between the parties as follows:

I. PROPERTY

Owners are the owners of certain real property legally described as:

The Northwest Quarter of the Northeast Quarter (NW¹/₄NE¹/₄) of Section Six (6), Township One North (T1N), Range Eight East (R8E) of the Black Hills Meridian, Rapid City, Pennington County, South Dakota, as shown on Exhibit "A", attached hereto and incorporated herein by reference.

II. AGREEMENT

The parties agree as follows:

1. The City shall be responsible for constructing a portion of the Knollwood detention project which will consist of excavation, embankment, installation of forty-eight inch (48") reinforced concrete pipe, site reclamation/revegetation, and site stabilization in accordance with the City of Rapid City's construction criteria.
2. Owners shall convey to the City a permanent drainage easement and a temporary construction easement as required to encompass all the improvements shown on the plans. The City has prepared the easement documents, which are attached hereto and incorporated herein by reference.

3. The City will pay Three Thousand Six Hundred Eighty Dollars (\$3,680.00) to the Owners for the permanent drainage easement. Payment shall be made within thirty (30) days after the City of Rapid City has approved the agreement for payment and all easement documents have been signed and filed with the Pennington County Register of Deeds.

OWNERS:

Charles R. Sims

Margaret A. Sims

CITY OF RAPID CITY

By: _____
Jerry Munson, Mayor

ATTEST:

Finance Officer

(SEAL)

State of South Dakota)
) SS.
County of Pennington)

ACKNOWLEDGMENT

On this the _____ day of _____, 2002, before me, the undersigned officer, personally appeared Charles R. Sims and Margaret A. Sims, husband and wife, known to me or satisfactorily proven to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

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

Notary Public

My Commission Expires:

(SEAL)

State of South Dakota)
) SS. ACKNOWLEDGMENT
County of Pennington)

On this the _____ day of _____, 2002, before me, the undersigned officer, personally appeared Jerry Munson 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 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

My Commission Expires:

(SEAL)

Prepared By: CITY ATTORNEY'S OFFICE