

AGREEMENT

IT IS HEREBY AGREED between the State of South Dakota, Department of Transportation, hereinafter referred to as "SDDOT" and the City of Rapid City, Rapid City, South Dakota, hereinafter referred to as the "CITY".

WHEREAS, the CITY desires to purchase the highway right of way in compliance with federal aid requirements on PH 1771(13), PCN 00LM, Pennington County, described as: Intersection of Sheridan Lake Road and West Main in Rapid City.

AND, WHEREAS, the SDDOT is responsible to assure right of way acquisition is accomplished pursuant to federal aid requirements in order to receive federal participation in right of way costs and to not jeopardize the use of Federal funds in construction costs:

NOW, THEREFORE, it is agreed as follows:

1. The SDDOT will secure any needed Federal Highway Administration approval.
2. The SDDOT will furnish the necessary Certificates of Title for the project.
3. The SDDOT will prepare acquisition documents, including relocation assistance papers.
4. The SDDOT will contact the owners of the property involved to secure donations, if any, on forms provided by the SDDOT.
5. If unsuccessful in securing the donations, the SDDOT will appraise the property needed pursuant to provisions of the policies and procedures of the Right of Way Program, South Dakota Department of Transportation.
6. The SDDOT will review the appraisals.
7. The SDDOT will negotiate and acquire the following parcels in the name of the CITY and pursuant to provisions of the policies and procedures of the Right of Way Program, South Dakota Department of Transportation:

Parcel 1 – Lot PE1 in Lot A in Block 21 of Providence Addition to the City of Rapid City;

Parcel 2 – Lot PE1 in Lot 15 in Block 22 of Providence Addition to the City of Rapid City;

Parcel A1 – Vacated East 25 feet of Sheridan Lake Road adjacent to Lot 15 to the City of Rapid City

8. All relocation assistance will be handled by the SDDOT.
9. If negotiations are unsuccessful in securing the right of way, the CITY will handle any and all condemnation of any right of way and/or temporary easements. Upon request by the CITY and approval of the Attorney General, the SDDOT will provide guidance to the CITY in condemnation.
10. The SDDOT will furnish the CITY a copy of all signed acquisition documents and the SDDOT will be responsible for filing and recording all documents.
11. The CITY has designated the Mayor as the authorized representative of the CITY and has empowered him the authority to approve agreements for right of way and easements on behalf of the CITY.

The signing of this document signifies that the governmental agencies have taken official action to enter into this agreement.

DATED THIS _____ DAY OF _____, 2007.

APPROVED AS TO FORM:

SOUTH DAKOTA DEPARTMENT OF
TRANSPORTATION

Assistant Attorney General

Joel Gengler, Program Manager

CITY OF RAPID CITY

ATTEST:

Mayor

Finance Officer

Parcel 1

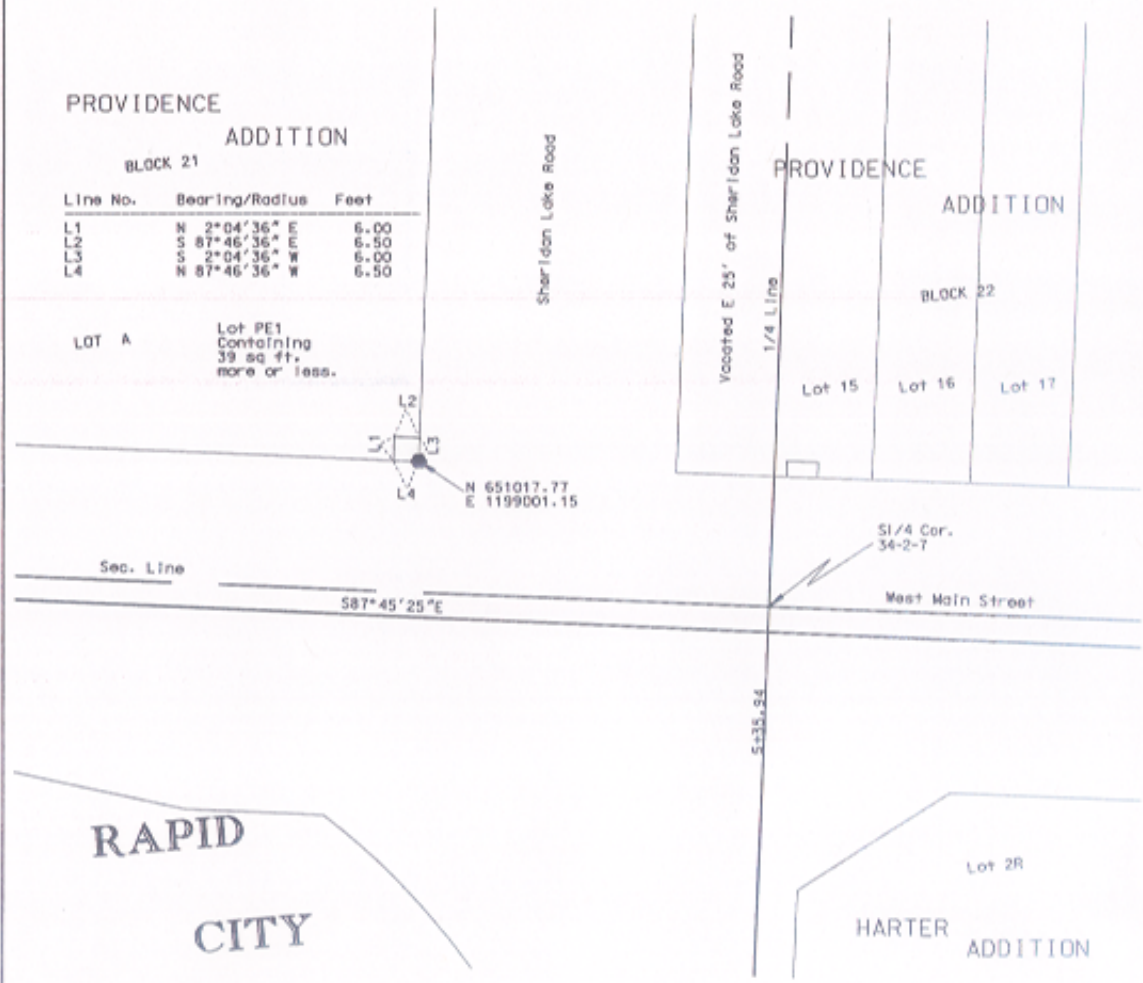
PLAT OF LOT PE1

Showing a permanent easement to be acquired for traffic along in Lot A in Block 21 of Providence Addition to the City of Rapid City for construction of Project PH 1771(13)

PENNINGTON COUNTY, SOUTH DAKOTA

Scale: 1 inch = 30 feet

LEGEND
 ● = found corner
 ○ = set corner
 ■ = reset found corner
 All monumentation will be set upon project completion



PROVIDENCE
 ADDITION
 BLOCK 21

Line No.	Bearing/Radius	Feet
L1	N 2°04'36" E	6.00
L2	S 87°46'36" E	6.50
L3	S 2°04'36" W	6.00
L4	N 87°46'36" W	6.50

LOT A Lot PE1
 Containing
 39 sq. ft.
 more or less.

PROVIDENCE
 ADDITION
 BLOCK 22

Lot 15 Lot 16 Lot 17

RAPID
 CITY

HARTER
 ADDITION
 Lot 2R

Note: The coordinates, distances and areas shown on this plat are based on the South Dakota State Plane coordinate System - South Zone NAD 83/86 SF = 0.99978376

Rev. 05-09-07 G.G.

Drawn By Gene Gaffre Date 12-29-06
 Checked By M. Jordan Date 04-09-07

SURVEYOR'S CERTIFICATE

I, MICHAEL A. JORDAN, Registered Land Surveyor, in and for the State of South Dakota, do hereby certify that as ordered by the South Dakota State Transportation Commission, the parcel of land as shown on this plat has been surveyed at my direction and under my control, and such parcel of land shall be hereafter known by the lot number designated herein. The location and dimensions of the parcel are shown on this plat.

In witness whereof, I have set my hand and seal this _____ day of _____ A.D., 20____.

Registered Land Surveyor
 Registration No. 5353

OFFICE OF REGISTER OF DEEDS

State of South Dakota
 County of _____ ss
 Filed for record the _____ day of _____ A.D., 20____ of _____ M., and recorded in Book of Plats _____ on Page _____ therein.

00LM

Register of Deeds

by

Deputy

004p

Parcel 2

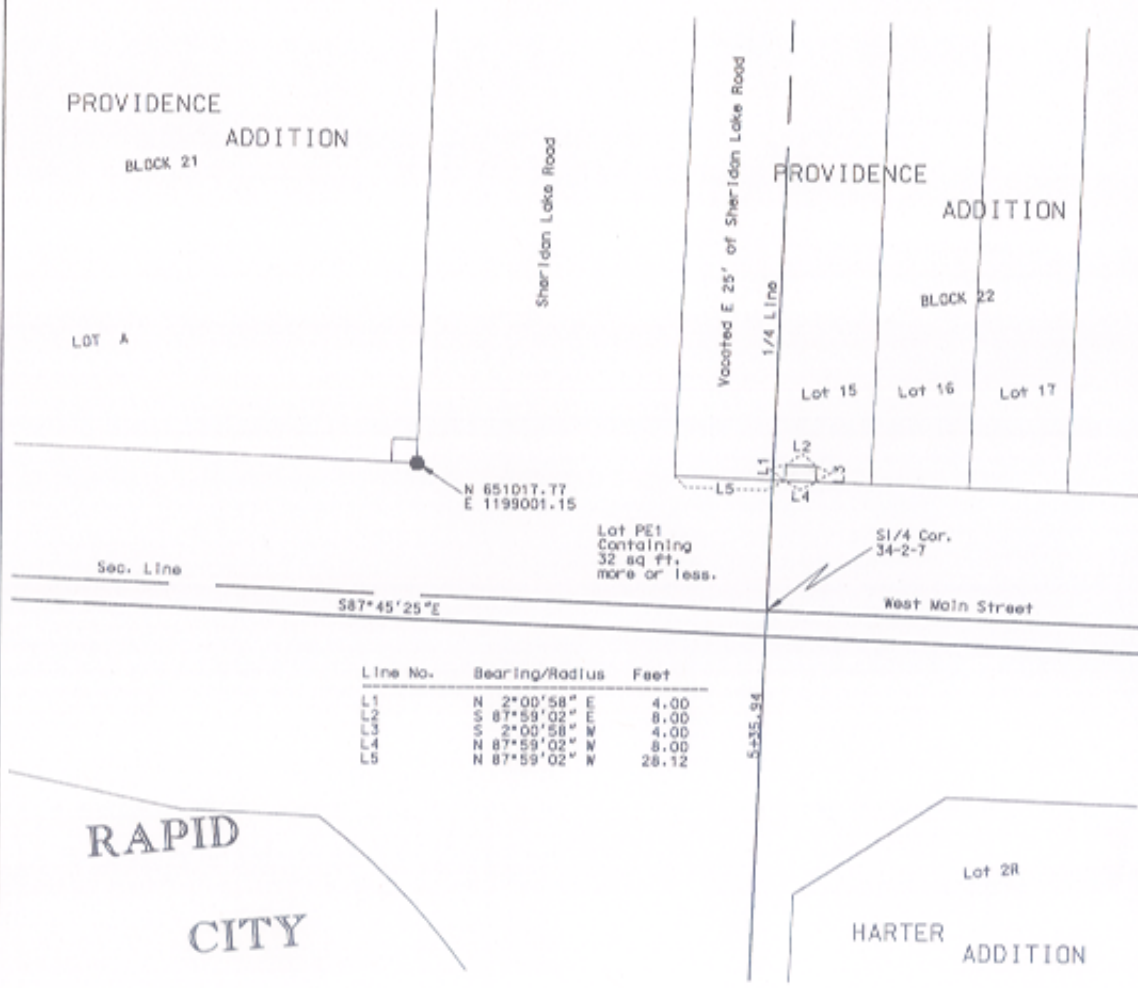
PLAT OF LOT PE1

Showing a permanent easement to be acquired for traffic signal in
Lot 15 in Block 22 of Providence Addition
to the City of Rapid City
for construction of Project PH 1771(13)

PENNINGTON COUNTY, SOUTH DAKOTA

Scale: 1 inch = 30 feet

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Notes: The coordinates, distances and areas shown on this plat are based on the South Dakota State Plane coordinate system - South Zone NAD 83/86 SR = 0.9999376

Rev. 05-09-07 G.G.

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Checked By M. Jordan Date 04-09-07

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Registered Land Surveyor
Registration No. 3253

OFFICE OF REGISTER OF DEEDS

State of South Dakota
County of _____ ss
Filed for record the _____ day of _____ A.D. 20____ at _____ M. and recorded in Book of Plats _____ on Page _____ thereof.

00LM _____ Register of Deeds by _____ Deputy 004pl

Sec. 34 - T2N - R7E

Providence Addition

Realty Income Corporation
 Lot A in Block 21 of Providence
 Addition to the City of Rapid City
 Parcel 1
 39 sq. ft.
 Permanent Easement

BLOCK 21

LOT A

Rush More Pizza, Inc
 Vacated East 25 feet of Sheridan Lake Road adjacent to Lot 15
 in Block 22 of Providence Addition to
 City of Rapid City
 Parcel A1

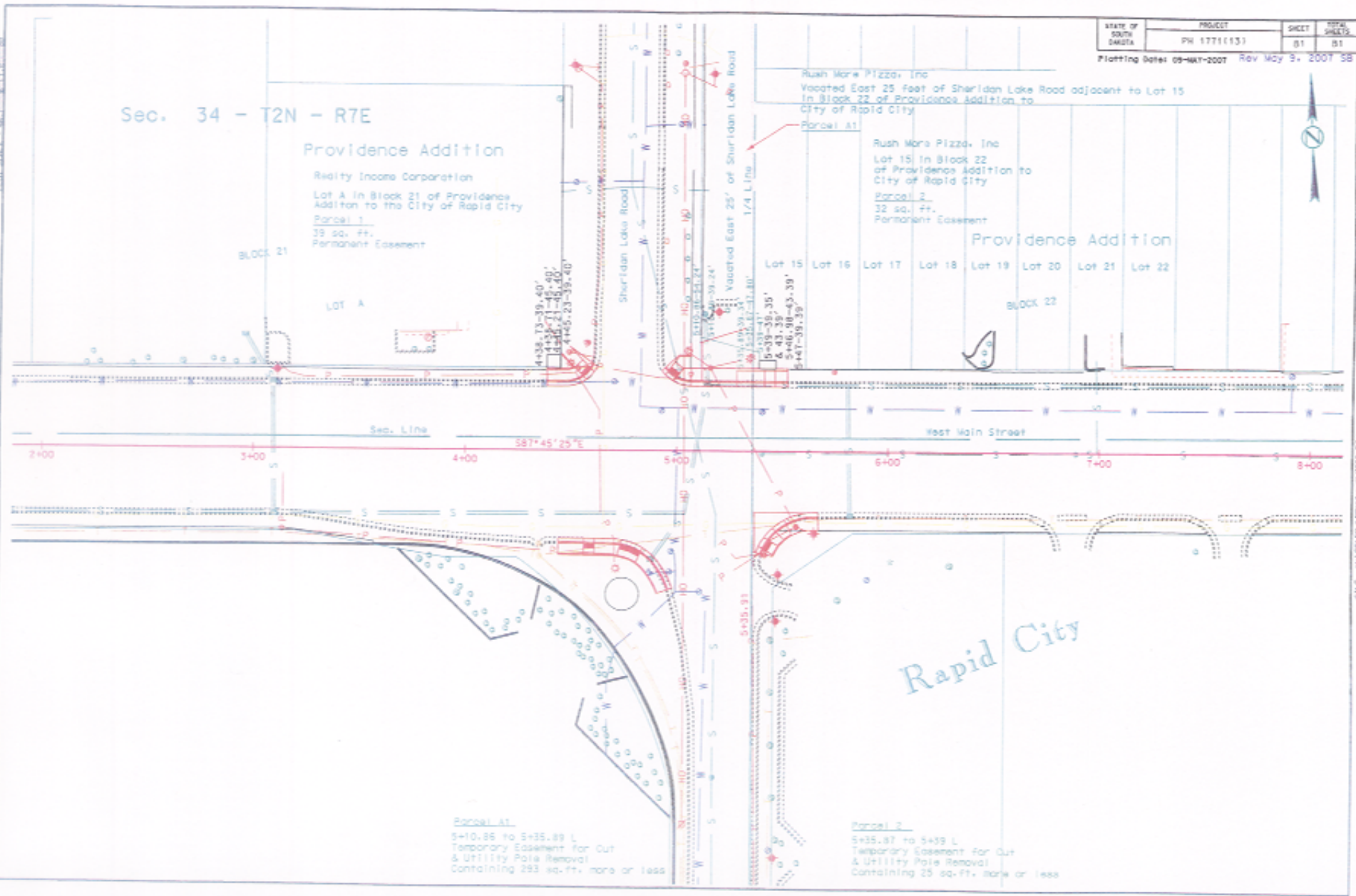
Rush More Pizza, Inc
 Lot 15 in Block 22
 of Providence Addition to
 City of Rapid City
 Parcel 2
 32 sq. ft.
 Permanent Easement

Providence Addition

Lot 15 Lot 16 Lot 17 Lot 18 Lot 19 Lot 20 Lot 21 Lot 22

BLOCK 22

STATE OF SOUTH DAKOTA	PROJECT PW 1771(13)	SHEET B1	TOTAL SHEETS B1
Plotting Date: 09-MAY-2007		Rev May 9, 2007 '08	



Parcel A1
 5+10.85 to 5+35.89 L
 Temporary Easement for Cut
 & Utility Pole Removal
 Containing 293 sq. ft. more or less

Parcel 2
 5+35.87 to 5+39 L
 Temporary Easement for Cut
 & Utility Pole Removal
 Containing 25 sq. ft. more or less

Rapid City

D:\01-2706.E-08-1-311.DWG

PLOT NAME - 1

FILE - 01-2706.E-08-1-311.DWG