

**AGREEMENT BETWEEN THE CITY OF RAPID CITY AND MG OIL COMPANY
REGARDING THE DONATION OF CERTAIN LAND FOR RIGHT OF WAY ALONG
UNIVERSAL DRIVE.**

This Agreement is entered into by and between the CITY OF RAPID CITY, a municipal corporation of the State of South Dakota, located at 300 Sixth Street, Rapid City, SD 57701, herein after referred to as the “City,” and MG OIL COMPANY, a South Dakota corporation, located at 1002 Main Street, Rapid City, SD 57701, herein after referred to as “MG Oil”

RECITALS

WHEREAS, the City is reconstructing Universal Drive adjacent to property generally located at 3290 Universal Drive which is owned by MG Oil; and

WHEREAS, the reconstruction of Universal Drive has been designated by the City as Universal Drive Project ST08-1701 (the “Project”); and

WHEREAS, the City needs a right of way corridor one hundred (100) feet wide (fifty (50) feet each side of the rebuilt roadway’s centerline) to complete the Project; and

WHEREAS, in order to accommodate the one hundred (100) foot right of way corridor along the proposed alignment of the rebuilt street, the City needs to acquire land currently owned by MG Oil; and

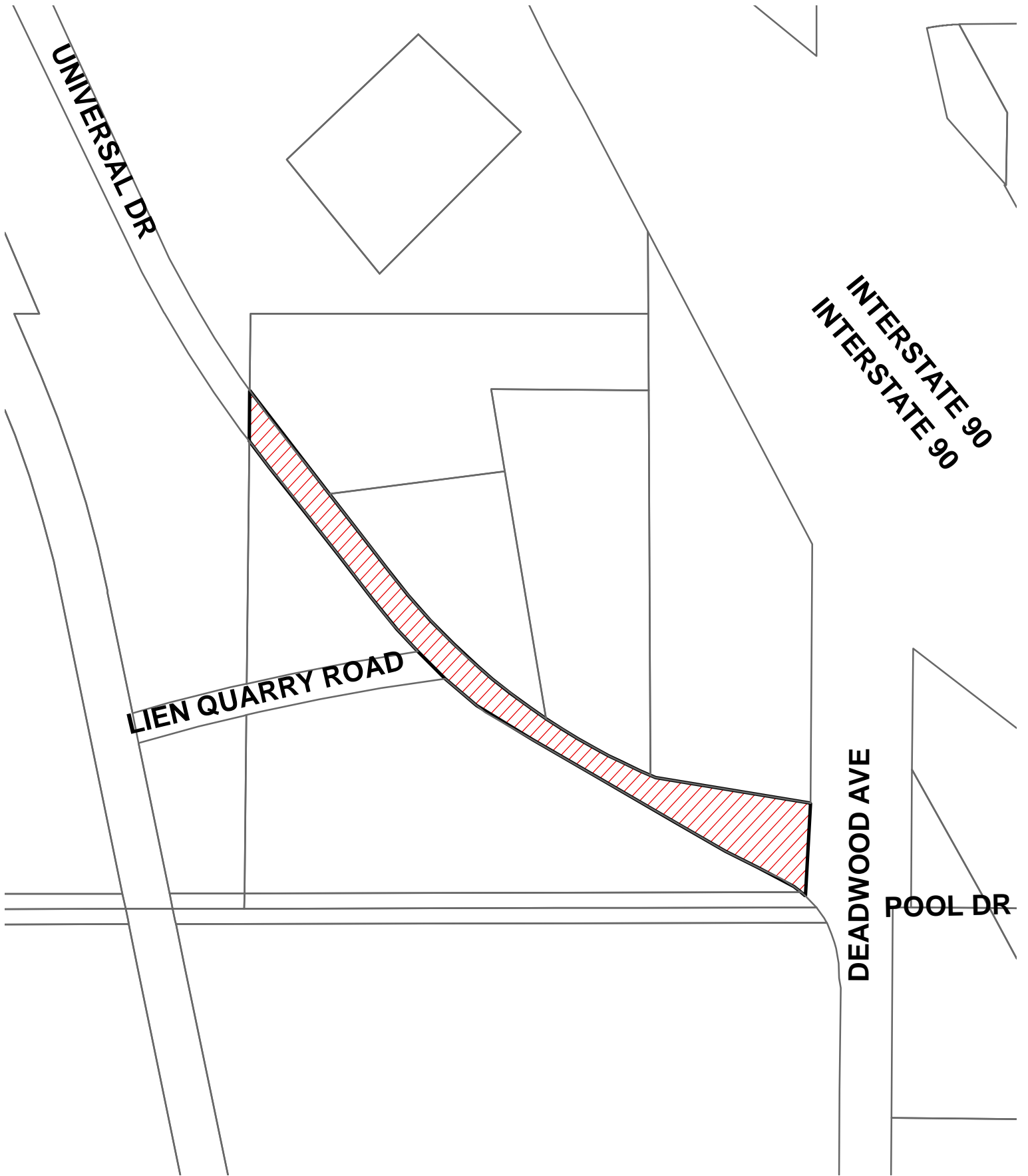
WHEREAS, MG Oil is willing to donate the necessary right of way to the City under certain terms and conditions.

NOW THEREFORE, the parties hereby agree as follows:

1. The City has prepared a plat of Lot H1, which shows a tract of land to be acquired for highway purposes and which is located in Tract B, revised of Lien Industrial Park No. 2. A copy of the plat showing Lot H1 has been attached hereto and is incorporated herein by this reference. MG Oil agrees to transfer title of Lot H1 to the City via a deed prepared by the City Attorney’s Office upon execution of this Agreement.

2. During construction of the Project, the City agrees to install two driveway approaches to the MG Oil property. The first driveway approach will be a permanent concrete approach, forty (40) feet in width at the property line, directly across from the current driveway for Pete Lien & Sons. The second approach will be a temporary asphalt one, 40 feet in width at the property line and directly across from Lien Quarry Road. The existing one hundred twenty (120) foot gravel approach will be removed. MG Oil agrees, at such time as it is able to take access to its property from a street to the north of its property (currently shown as a collector street shown on the Major Street Plan), it will remove the temporary access, including all asphalt surfacing and restore it to a condition identical to the adjacent roadway sections at its own expense.

EXHIBIT "A"



**UNIVERSAL DRIVE RECONSTRUCTION
PROJECT NO. ST08-1701 CIP NO. 50398**

