

## AMENDMENT NUMBER 1

WHEREAS, on February 3, 2009, the State of South Dakota, acting by and through its Department of Transportation, hereinafter referred to as "SDDOT," and the City of Rapid City, South Dakota, hereinafter referred to as the "CITY," entered into an agreement to purchase certain highway right of way, which agreement, hereinafter referred to as "AGREEMENT," was signed by representatives of each party; and,

WHEREAS, SDDOT desires to purchase the highway right of way in compliance with federal aid requirements on the highway project identified as NH 2016(17)64, PCN 6875, Pennington County, and further described as: US16B from US16 to SD79 in the City of Rapid City; and

WHEREAS, 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; and

WHEREAS, SDDOT has created the need to acquire right of way for the parcel(s) indicated in Section 1 below as the result of SDDOT Project NH 2016(17)64;

NOW, THEREFORE, both parties mutually agree as follows:

1. The following parcels shall be deleted from AGREEMENT:

Parcel 9 – Lot H2 in Lot 1 of Tract 1 of Par Subdivision in the City of Rapid City, Pennington County, South Dakota;

Parcel 11 – Lot H2 in Lot 2 of Tract 1 of Par Subdivision in the City of Rapid City, Pennington County, South Dakota;

Parcel 14 – Lot H2 in Lot 4 of Tract 1 of Par Subdivision in the City of Rapid City, Pennington County, South Dakota;

Parcel 24 – Lot H2 in the unplatted portion of the South Half of the Southeast Quarter of the Northwest Quarter of Section Twenty-six (S½ SE¼ NW¼ 26), Township One North (1N), Range Seven East (7E) of the Black Hills Meridian, Pennington County, South Dakota;

Parcel 25 – Lot H1 in the unplatted portion of the Northeast Quarter of the Southwest Quarter of Section Twenty-six (NE¼ SW¼ 26), Township One North (1N), Range Seven East (7E) of the Black Hills Meridian, Pennington County, South Dakota,

2. The SDDOT will negotiate and acquire the following parcels in the name of the CITY pursuant to provisions of the policies and procedures of the Right of Way Program, South Dakota Department of Transportation:

Parcel 5 – Lot H2 in Tract A of Meadow View Subdivision in the City of Rapid City;

Parcel 15 – Lot H3 in Lot 4 of Tract 1 of Par Subdivision in the City of Rapid City

- 3. The CITY has designated its Mayor as the CITY'S authorized representative and has empowered the Mayor with the authority to sign this Amendment on behalf of the CITY. A copy of the CITY'S Commission minutes or resolution authorizing the execution of this Amendment by the Mayor as the CITY'S authorized representatives is attached hereto as **Exhibit A**.

CITY and STATE agree, except as modified by this Amendment, all other terms of the original AGREEMENT shall remain in full force and effect.

City of Rapid City, South Dakota

State of South Dakota  
Department of Transportation

By: \_\_\_\_\_

By: \_\_\_\_\_

Its: Mayor

Its: Right of Way Program Manager

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Attest:

Approved as to Form:

\_\_\_\_\_  
City Auditor/Clerk

\_\_\_\_\_  
Assistant Attorney General

(CITY SEAL)

APPROVED AS TO FORM  
CITY ATTORNEY'S OFFICE

\_\_\_\_\_  
Attorney

\_\_\_\_\_  
Date

10-21-09

