

**AMENDMENT NUMBER 1  
TO  
AGREEMENT NUMBER 6874  
FINANCIAL AND ROAD TRANSFER AGREEMENT  
BETWEEN  
STATE OF SOUTH DAKOTA AND CITY OF RAPID CITY**

**RECITALS:**

- A. On August 29, 1989, the State of South Dakota, Department of Transportation, hereinafter referred to as "STATE," and the City of Rapid City, South Dakota, hereinafter referred to as "CITY," entered into a financial and road swap agreement, which agreement, hereinafter referred to as "AGREEMENT," was signed by representatives of each party and assigned agreement number 6874 by the STATE.
- B. The original total estimated cost of **PROJECT 6B**, the reconstruction of East North Street from Cambell Street to East Boulevard and East Boulevard from East North Street to St. Joseph Street, (SEGMENT 6), a distance of 1.682 miles, was originally Three Million, Three Hundred Seventy-nine Dollars (\$3,379,000). Based on the original agreed scope of work, STATE has updated the current cost estimate to Twelve Million Dollars (\$12,000,000).
- C. STATE and CITY wish to amend the AGREEMENT.

**NOW, THEREFORE, THE PARTIES AGREE THAT PARAGRAPH A.8. OF THE AGREEMENT WILL BE AMENDED READ AS FOLLOWS:**

To fulfill the STATE'S obligation of this AGREEMENT, the STATE will transfer Six Million Dollars (\$6,000,000) of federal dollars into the CITY'S federal aid urban systems fund for CITY'S use. These funds will be transferred to CITY once this amendment is fully executed. Expenditure of these funds will be based on the CITY adhering to the requirements of the federal surface transportation program (STP) for those projects that will utilize these funds.

Except as specifically modified by this amendment, all the terms and conditions of the original AGREEMENT referred to above shall remain in full force and effect.

CITY has designated its Mayor as the authorized representative of the CITY and has empowered the Mayor with the authority to sign this AGREEMENT on behalf of the CITY. A copy of the minutes or resolution of CITY'S Commission authorizing the execution of this AGREEMENT by the Mayor as the authorized representative for the CITY is attached hereto as Exhibit M.

This Amendment is binding upon the signatories hereto not as individuals, but solely in their capacities as officials of their respective organizations and acknowledges proper action of the STATE and CITY to enter into the same.

City of Rapid City, South Dakota

State of South Dakota  
Department of Transportation

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

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

Its: Mayor

Its: Secretary

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

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

Attest:

Division of Planning and Engineering

\_\_\_\_\_  
City Auditor/Finance Officer

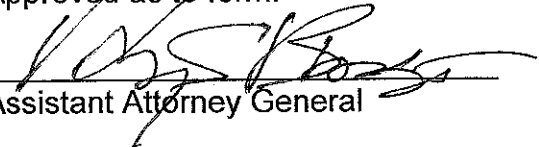
By: \_\_\_\_\_

Its: Director

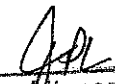
Date: \_\_\_\_\_

(City Seal)

Approved as to form:

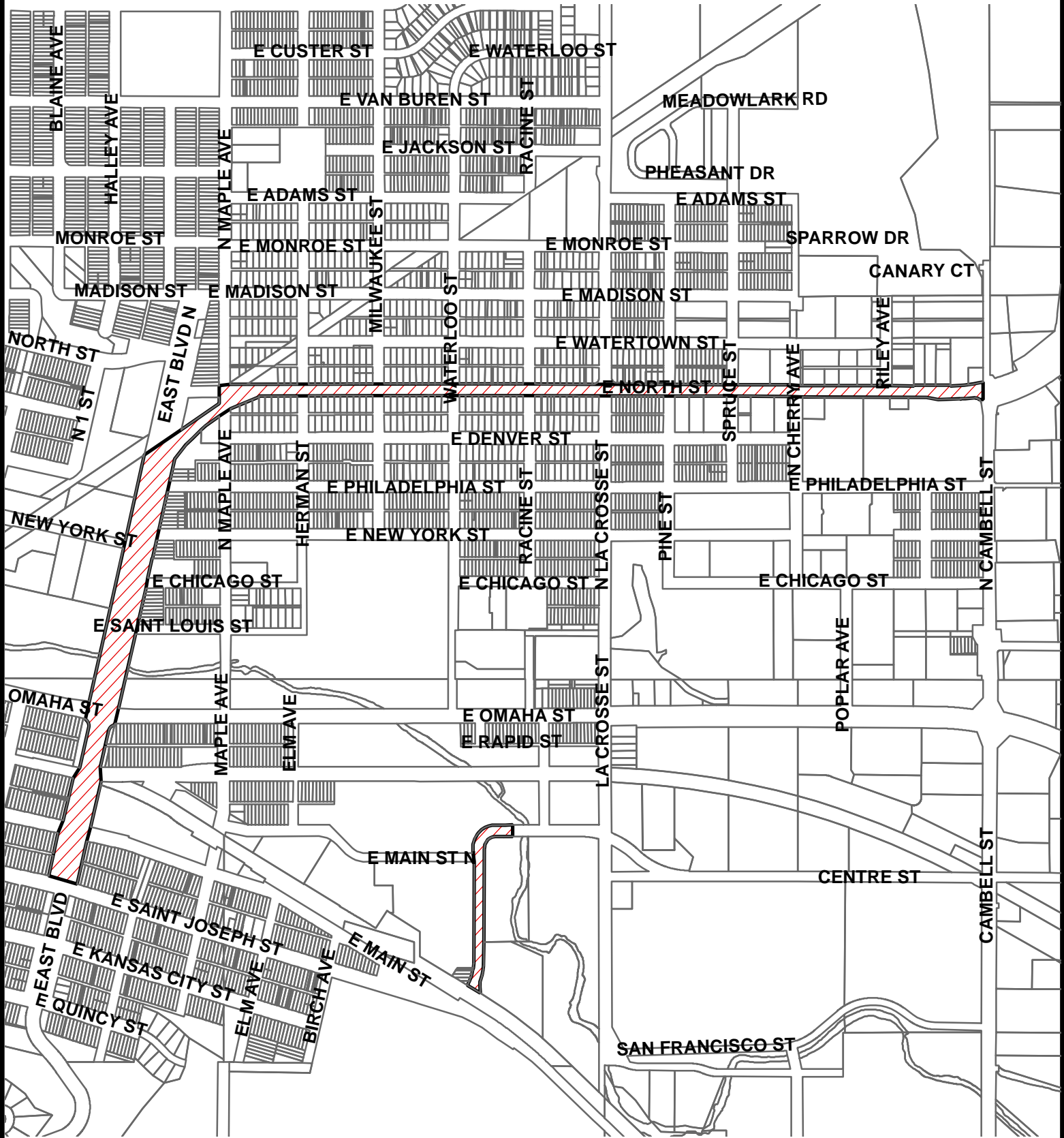
  
Assistant Attorney General

APPROVED AS TO FORM  
CITY ATTORNEY'S OFFICE

 \_\_\_\_\_  
Attorney

11-4-09  
Date

# EXHIBIT "A"



## EAST BLVD. & E. NORTH ST. RECONSTRUCITON

CIP # 50142-1511 P 1774(3) PCN OIFN Item #13