

AGREEMENT FOR RIGHT OF WAY ACQUISITION BY ESTABLISHED PAYMENT

PROJECT NO: 1648(1)ST-04 PCN: 00UR COUNTY/CITY: RAPID CITY PARCEL NO: PE3, A-3
1397

This Agreement is made and entered into by and between the County/City of RAPID CITY, acting by and through its County/City Commission, hereinafter referred to as "COUNTY/CITY," and LACROSSE INVESTORS LLP, whose postal address is 7941 WAYZATA BLVD. MINNEAPOLIS, MN 55426, hereinafter referred to as "GRANTOR";

WHEREAS, COUNTY/CITY needs the following easements for construction, operation, and maintenance of a highway:

Perpetual Easement: A PERMANENT UTILITY EASEMENT AS SHOWN ON THE ATTACHED EXHIBIT "A" ACROSS TRACT 1 OF LACROSSE ESTATES PRD LOCATED IN THE NE 1/4 OF SEC 31, T2N, R5E, B1M, RAPID CITY, PENNINGTON COUNTY, SD

Temporary Easement: A TEMPORARY CONSTRUCTION EASEMENT AS SHOWN ON EXHIBIT "B" WHICH HAS BEEN ATTACHED HERETO ACROSS THE PROPERTY PREVIOUSLY DESCRIBED.

WHEREAS, GRANTOR understands GRANTOR'S right to have an appraisal prepared and GRANTOR'S right to receive just compensation for the above described perpetual and/or temporary easement in accordance with the Uniform Relocation Assessment and Real Property Acquisition Act of 1970, as amended; and,

WHEREAS, GRANTOR hereby waives any right to such appraisal;

NOW, THEREFORE, the parties agree the total payment for all property interest acquired by the COUNTY/CITY for the easements described above as shown on the plans for construction of the above cited PROJECT, is as follows:

Perpetual Easement:

0.119 acres/sq. ft. at \$ APPROX 3.50 acres/sq. ft. at \$ 18,175.50

Temporary Easement:

0.165 acres/sq. ft. at \$ 0 acres/sq. ft. at \$

Total = \$ 18,175.50

Special Conditions: SEE ATTACHED EXHIBIT "C"

1. GRANTOR shall not erect fences, structures, or obstacles within the perpetual easement.

2. GRANTOR grants permission to COUNTY/CITY or COUNTY'S/CITY'S agent to enter upon above described easement upon approval of this Agreement.

3. The perpetual easement shall be in effect until the highway is abandoned by proper action of the COUNTY/CITY Commission and the temporary easement shall be in effect until one (1) year after construction of the project is completed.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on this _____ day of _____ in the year of _____.

Grantor(s) _____ City/County of _____

By: Leo Martin

By: _____

Name: LEO W MARTIN

Its: County Commission Chairperson/
City Mayor

By: _____

Attest:

Name: _____

County Auditor/City Finance Officer

(County/City Seal)

[Grantor Acknowledgment Form to Follow]

GRANTOR ACKNOWLEDGMENT

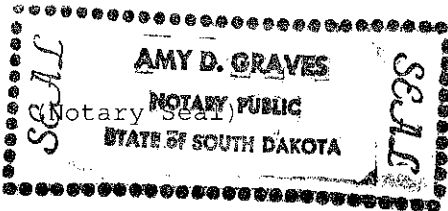
State of South Dakota)
)SS
County of Pennington

On this the 1st day of July in the year of 2010,
before me, Amy D. Graves a Notary Public within and for said
County and State, personally appeared Leon Martin
known to me to be the person(s) described in and
who executed the foregoing instrument and acknowledged to me that he/she/they
executed the same for the purposes herein stated.

Amy D. Graves

Notary Public

My Commission Expires: 1/30/12



RECORD OF CALLS/VISITS AND DISCUSSION RECORD
TO ACCOMPANY ESTABLISHED PAYMENT FORM LG-ROW-2

PROJECT NO: 148(1), ST04-1397 PCN: 00UR COUNTY/CITY: RAPID CITY
 LANDOWNER: LACROSSE INVESTORS LLP
 NAME OF NEGOTIATOR: ROD SENN, KADRMAS, LEE & JACKSON (KLJ)
 TITLE: CITY CONSULTANT

The following document(s) was/were shown and/or explained to the Landowner:
 Construction Right of Way Right of Way Other
 Plan Sheet Document(s) Brochures

Call/Visit Number: 1
 Time: 8:00 AM / PM Date: 9/30/08
 Visit Location: CSAC - CITY SCHOOL ADMIN BUILDING
 List people present during meeting: LEON MARTIN - LACROSSE ESTATES,
ROD SENN - KLJ, KLARE SCHROEDER - CITY

Notes of the Discussion: SEE ATTACHED MEMO

Call/Visit Number: 2
 Time: 2:00 AM / PM Date: 1/26/09
 Visit Location: CSAC
 List people present during meeting: LEON MARTIN - LACROSSE ESTATES,
ROD SENN - KLJ

Notes of the Discussion: SEE ATTACHED MEMO

Call/Visit Number: 3
 Time: 9:15 AM / PM Date: 2/5/09
 Visit Location: CSAC
 List people present during meeting: LEON MARTIN - LACROSSE ESTATES,
ROD SENN KLJ, KLARE SCHROEDER - CITY, DALE TECH - CITY

Notes of the Discussion: SEE ATTACHED MEMO

Call/Visit Number: 4
 Time: 1:00 AM / PM Date: 2/29/09
 Visit Location: CSAC
 List people present during meeting: LEON MARTIN - LACROSSE ESTATES,
ROD SENN - KLJ, KLARE SCHROEDER - CITY, ROBERT ELLIS - CITY

Notes of the Discussion: SEE ATTACHED MEMO

Note: Please indicate in the Notes of Discussion, any agreement made as part of the acquisition by established payment, such as an additional approach, a load of gravel, etc.

RECORD OF CALLS/VISITS AND DISCUSSION RECORD
TO ACCOMPANY ESTABLISHED PAYMENT FORM LG-ROW-2

PROJECT NO: 1648(1) ST04-1397 PCN: ODUR COUNTY/CITY: RAPID CITY
LANDOWNER: LACROSSE INVESTORS LLP
NAME OF NEGOTIATOR: ROD SENN JOEL LANDEEN
TITLE: CONSULTING ENGINEER, ASSISTANT CITY ATTORNEY

The following document(s) was/were shown and/or explained to the Landowner:
Construction Right of Way Right of Way Other
Plan Sheet Document(s) Brochures

Call/Visit Number: 1
Time: VARIOUS AM / PM Date: OCT 2009 - JUNE 2010
Visit Location: EMAIL, LETTERS
List people present during meeting: JOEL LANDEEN, SHERRILL OMAN - ATTORNEY FOR LANDOWNER

Notes of the Discussion: SEE ATTACHED EMAILS LETTERS

Call/Visit Number: 2
Time: _____ AM / PM Date: _____
Visit Location: _____
List people present during meeting: _____

Notes of the Discussion: _____

Call/Visit Number: 3
Time: _____ AM / PM Date: _____
Visit Location: _____
List people present during meeting: _____

Notes of the Discussion: _____

Call/Visit Number: 4
Time: _____ AM / PM Date: _____
Visit Location: _____
List people present during meeting: _____

Notes of the Discussion: _____

Note: Please indicate in the Notes of Discussion, any agreement made as part of the acquisition by established payment, such as an additional approach, a load of gravel, etc.