

STATE OF SOUTH DAKOTA
DEPARTMENT OF TRANSPORTATION
AMENDMENT NUMBER 2

BACKGROUND:

1. 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 the "AGREEMENT," was signed by representatives of each party; and,
2. The parties previously amended the AGREEMENT and now wish to further amend the AGREEMENT.
3. 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
4. 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
5. 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;

SDDOT AND THE CITY MUTUALLY AGREE AS FOLLOWS:

1. The following parcels shall be added to the AGREEMENT:

Parcel 2A – Lot H4 in Tract AR2 of the Needles Subdivision in the City of Rapid City; the CITY will not be responsible for construction of the road on Lot H4.
2. 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 2A – Lot H4 in Tract AR2 of the Needles Subdivision in the City of Rapid City;

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**.
4. The CITY and SDDOT agree, except as specifically modified by this Amendment, all other terms and conditions of the original AGREEMENT, together with any prior amendments to such AGREEMENT, shall remain in full force and effect.

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 SDDOT and the CITY to enter into the same.

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

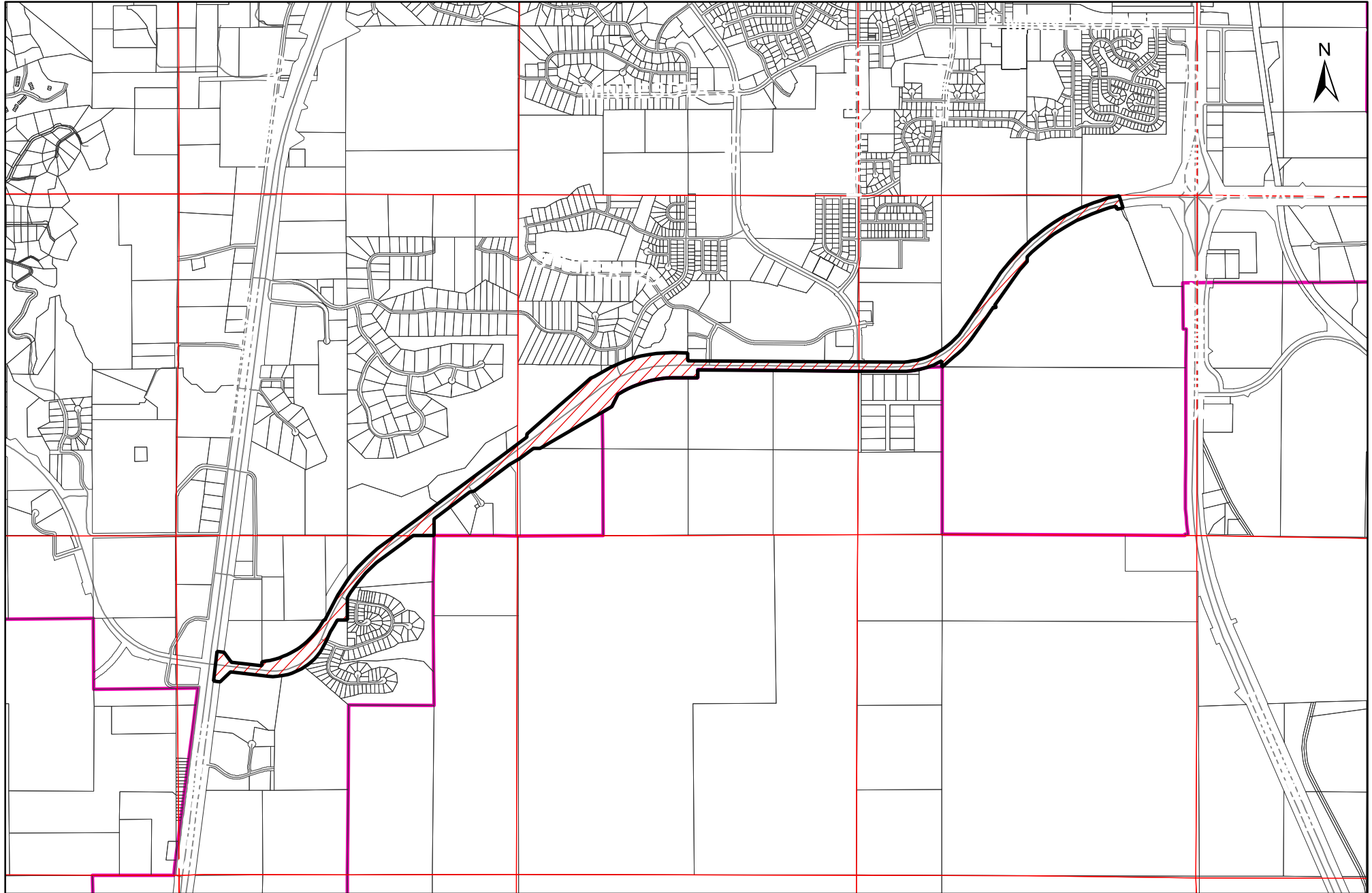


Special Assistant Attorney General

(CITY SEAL)

VICINITY EXHIBIT

PW102610-15



**CATRON BOULEVARD (U.S. HIGHWAY 16B) RECONSTRUCTION
UTILITY RELOCATION & MODIFICATION
PROJECT NO. SSW09-1819 CIP #50495**

Item #14