

PW122700-11

## AGREEMENT

IT IS HEREBY AGREED to Amend the Agreement, dated July 22, 1998, between the State of South Dakota, Department of Transportation, hereinafter referred to as "SDDOT" and the City of Rapid City, South Dakota, hereinafter referred to as the "CITY".

WHEREAS, the CITY desires to purchase the highway right of way in compliance with federal aid requirements on Project P 1746(2), PCEMS 4338, Pennington County, described as: Canyon Lake Drive over Rapid Creek.

AND, WHEREAS, the 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:

NOW, THEREFORE, it is agreed as follows:

1. The SDDOT will furnish the necessary Certificates of Title for the project.
2. The CITY will prepare acquisition documents, including relocation assistance papers.
3. The CITY will appraise the property needed pursuant to provisions of the policies and procedures of the Right of Way Program, South Dakota Department of Transportation.
4. The CITY will review the appraisals.
5. The CITY will negotiate and acquire the highway right of way and temporary construction easements in the name of the CITY and pursuant to provisions of the policies and procedures of the Right of Way Program, South Dakota Department of Transportation.
6. All relocation assistance will be handled by the CITY.
7. If negotiations are unsuccessful in securing the right of way, the CITY will handle any and all condemnation of any right of way and/or temporary easements. Upon request by the CITY and approval of the Attorney General, the SDDOT will assist the CITY in condemnation.
8. The CITY will be reimbursed for all of the CITY'S expense involving condemnation of the highway right of way including but not limited to CITY appraisal and legal costs.

9. The CITY has designated Dan Bjerke as the authorized representative of the CITY and has empowered him the authority to approve agreements for right of way and easements on behalf of the CITY.
10. The funding for the acquisition of right of way and relocation assistance for this Project will be 100% City Funds.

The signing of this document signifies that the governmental agencies have taken official action to enter into this agreement.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_.

APPROVED AS TO FORM:

SOUTH DAKOTA DEPARTMENT OF  
TRANSPORTATION

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

\_\_\_\_\_  
Carl R. Chambers, Program Manager

CITY OF

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Finance Officer