

No. PW111203-13

PREPARED BY: City Attorney's Office
300 Sixth Street
Rapid City, SD 57701
(605) 394-4140

STATE OF SOUTH DAKOTA)
) SS. AGREEMENT
COUNTY OF PENNINGTON)

This Agreement is made and entered into by and between the **CITY OF RAPID CITY**, a South Dakota municipal corporation, hereafter called the “City,” and **RED ROCK DEVELOPMENT CO., LLC**, A South Dakota limited liability company, hereafter called “Red Rock.”

Recitals

WHEREAS, Red Rock has conveyed to the City by quit claim deed a parcel of ground to be used by the City for the construction of a water booster station. Said property is described as follows:

Lot P (Utility Lot) of Red Rock Estates, Section 29, Township 1 North, Range 7 East of the Black Hills Meridian, Rapid City, Pennington County, South Dakota., Rapid City, Pennington County, South Dakota;

and

WHEREAS, Red Rock installed an underground irrigation system for the lawn area surrounding the booster station site at its own cost and expense; and

WHEREAS, the City is willing to take over the operation and maintenance of said irrigation system; and

WHEREAS, Red Rock does not want to reconnect the irrigation system to the City's portable water system and is willing to provide water from its private system;

NOW, THEREFORE, for and in consideration of the mutual promises, covenants and conditions herein set forth, it is agreed as follows:

1. Red Rock will continue to provide water on a periodic basis to maintain the lawn at the booster station site. If at any time in the future Red Rock decides to discontinue supplying the irrigation water, it will be responsible for all costs associated with abandoning the irrigation connection and reconnecting the system to the City potable system. In such event, Red Rock shall give the City ninety (90) days notice of their intention to discontinue supplying water for irrigation of the lawn.

2. The City will maintain the irrigation system located at the booster station site.

Dated this _____ day of _____, 2003.

CITY OF RAPID CITY, a municipal Corporation

RED ROCK DEVELOPMENT CO., LLC:

By: _____
Jim Shaw, Mayor

By: _____
Its: _____

ATTEST:

James F. Preston, Finance Officer

(SEAL)

State of South Dakota,)
) ss.
County of Pennington.)

ON THIS DAY, _____, 2003, before me, the undersigned officer, personally appeared Jim Shaw and James F. Preston, who acknowledged themselves to be the Mayor and Finance Officer, respectively, of the **CITY OF RAPID CITY**, a municipal corporation, and that they, as such Mayor and Finance Officer, being authorized to do so, executed the foregoing instrument for the purposes therein contained, by signing the name of the **CITY OF RAPID CITY** by themselves as Mayor and Finance Officer.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public

My Commission Expires:

(SEAL)

State of South Dakota,)
) ss.
County of Pennington.)

ON THIS DAY, _____, 2003, before me, the undersigned officer, personally appeared _____, who acknowledged himself to be the _____ of **RED ROCK DEVELOPMENT CO., LLC**, and that he, as such _____, being authorized to do so, executed the foregoing instrument for the purposes therein contained, by signing the name of **RED ROCK DEVELOPMENT CO., LLC** by himself as _____.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public

My Commission Expires:

(SEAL)