

AMENDMENT NUMBER 1 TO AGREEMENT NUMBER 713983

RECITALS:

- 1. On December 21, 2009, the State of South Dakota, acting by and through its Department of Transportation, hereinafter referred to as the "STATE," and the City of Rapid City, South Dakota, hereinafter referred to as the "CITY," entered into a Transportation Enhancement Grant Agreement to construct a Transportation Enhancement project number ES 0ENH(192) PCN 02FU, which agreement hereinafter referred to as the "AGREEMENT," was signed by representatives of each party and assigned agreement number 713983 by the STATE; and,
- 2. The STATE and the CITY wish to amend the AGREEMENT;

THE STATE AND THE CITY MUTUALLY AGREE AS FOLLOWS:

- 1. The funding for the project shall be changed from American Recovery Reinvestment Act of 2009 Stimulus funds to Transportation Enhancement funds. The project number shall be changed from ES 0ENH(192) PCN 02FU to P 0ENH(192).
- 2. Paragraph A. 3 of the AGREEMENT shall be revised to read as follows:
 - A. STATE will:
 - 3. Reimburse CITY 100% for eligible PROJECT costs with Transportation Enhancement funds, with the exception of construction change orders (CCOs) completed after August 15, 2010.
- 3. Paragraph B. 8 shall be revised to read as follows:
 - B. CITY shall:
 - 8. Pay any ineligible costs and costs incurred from CCOs completed after August 15, 2010, within thirty (30) days of receipt of billings from STATE.
- 3. The STATE and the CITY agree, except as amended, all other terms of the original AGREEMENT shall remain in full force and effect.
- 4. The CITY has designated its Mayor as the CITY'S authorized representative and has empowered the Mayor with the authority to sign this Agreement on behalf of the CITY. A copy of the CITY'S Commission minutes or resolution authorizing the execution of this Agreement by the Mayor as the authorized representative for the CITY is attached hereto as Exhibit 2.

This Amendment is binding upon signatories hereto not as individuals but solely in their capacities as officials of their respective organizations and acknowledges proper action of the STATE 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: Secretary

Date: _____

Date: _____

Attest:

Local Transportation Programs

City Auditor/Clerk

By: _____

Its: Program Manager


[City Seal]

Date: _____

Approved as to Form:

APPROVED AS TO FORM
CITY ATTORNEY'S OFFICE

Special Assistant Attorney General



 Attorney

7-1-10

 Date

**St. Joseph St. Landscaping
Project No. ST09-1818 / CIP No. 50771**

