



Department of Transportation
Division of Planning and Engineering
Office of Administration
700 East Broadway Avenue
Pierre, South Dakota 57501-2586
OFFICE: 605/773-3574
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February 26, 2012

Mr. Todd Peckosh – City Engineer's Office
City of Rapid City
300 Sixth Street
Rapid City, South Dakota 57701-2724

RE: Amendment Number 2 for P 1648(02), PCN 0116 - Anamosa Street in Rapid City, SD.

Dear Todd:

Attached is Amendment Number 2 for the East Anamosa project referenced above. This amendment will change the funding from your Urban STP funds and State match to using unused Earmark funds from EM 1648(01), PCN 00UR.

Once all three originals have been stamped and signed by the appropriate City Officials, please return all three documents to our office for final signatures. We will also need a copy of the City Council meeting minutes authorizing the Mayor to sign the amendment. After the document has been completed, one of the originals will be returned for your records.

Sincerely,

A handwritten signature in black ink that reads "Wade A. Dahl". The signature is fluid and cursive, with the first name "Wade" being the most prominent part.

Wade A. Dahl
Urban Systems Engineer

RECEIVED

APR 27 2012

**ENGINEERING
SERVICES**

**AMENDMENT NUMBER 2
AGREEMENT NUMBER 713341**

BACKGROUND:

1. On January 31, 2007, the State of South Dakota, acting by and through its Department of Transportation, referred to as "STATE," and the City of Rapid City, South Dakota, referred to as "CITY," entered into an funding agreement for letting and construction of Project P 1648(2), PCN 0116, and CITY sanitary sewer and water projects SSW 04-1397 and SSW 06-1497, which agreement, referred to in this Amendment as "AGREEMENT," was signed by representatives of each party and assigned agreement number 713341 by the STATE; and,
2. Having previously amended the AGREEMENT, the parties now wish to further amend the AGREEMENT to change the funding source for payments.

THE PARTIES MUTUALLY AGREE AS FOLLOWS:

1. Paragraph A. 4 of the AGREEMENT is revised to read as follows:
 4. Make all eligible progress payments for URBAN PROJECT to contractors and vendors with 81.95% HPP Discretionary Funds originally obtained through project EM 1648(01), PCN 00UR and 18.05% CITY match. Any costs in excess of the available HPP Discretionary Funds and CITY match, will be paid for as originally intended with 81.95% CITY STP funds and 18.05% STATE match.
2. Paragraph B. 9 is added to the AGREEMENT as follows:
 9. Reimburse STATE for the 18.05% CITY match associated with the HPP Discretionary Funds. The CITY will pay STATE within thirty (30) days of receipt of billings from the STATE.
3. Except as specifically modified by this Amendment, all terms and conditions of the original AGREEMENT along with the prior amendment, will remain in full force and effect.
4. CITY has designated its Mayor as CITY'S authorized representative and has empowered the Mayor with the authority to sign this Amendment on behalf of the CITY. A copy of CITY'S Commission minutes or resolution authorizing the execution of this Amendment by the Mayor as CITY'S authorized representative is attached to this Amendment as Exhibit A.

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 STATE and 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:

By: _____

City Auditor/Clerk

Its: Program Manager
Local Transportation Programs

Date: _____

(City Seal)

Approved as to Form:



Special Assistant Attorney General