

Prepared by City Attorney's Office  
300 Sixth Street  
Rapid City, SD 57701  
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**AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF RAPID CITY AND  
PENNINGTON COUNTY FOR PROPERTY ACQUISITION ON THE DEADWOOD  
AVENUE RECONSTRUCTION I90 TO MEADE COUNTY PROJECT, CITY PROJECT  
NO. 17-2375 / CIP 50437**

This Amendment to the Agreement is made by and between the City of Rapid City, a South Dakota municipal corporation of 300 Sixth Street, Rapid City, SD 57701, and Pennington County, a political subdivision of the State of South Dakota, of 130 Kansas City Street, Rapid City, SD 57701.

WHEREAS, the original agreement between the City of Rapid City and Pennington County was made on September 17, 2017 to share the cost of design, construction and construction administration costs of the Deadwood Avenue Reconstruction- I-90 to Meade County; and

WHEREAS, the parties desire to amend the Section 6: Rights-of-way, in the original agreement; and

NOW THEREFORE, it is agreed by the parties that Section 6 shall be amended to read in its entirety as follows:

6. Rights-of-way. The City will negotiate and secure all rights-of-way and easements for the entire project.

- a. Reimbursement. The County agrees to reimburse the City at an hourly rate of \$27.07 per hour for actual time the City Right-of-Way Specialist requires to negotiate all easements and rights-of-way. City shall invoice County upon completion of right of way and easement acquisition. The total amount of County's reimbursement shall not exceed \$5,000 (five thousand dollars).
- b. Documents. The County or consultant will prepare all rights-of-way or easement documents to be recorded.
- c. Authority. The parties agree that the City Right-of-Way Specialist shall have full authority, within the guidelines of Pennington County Right-of-Way Acquisition Policy No. 5.9, to negotiate on behalf of the County. Any negotiated agreement shall be brought to the Pennington County Commission if such approval is necessary under the County's ordinances and policies.
- d. Filing. City and County are each responsible for filing all respective documents, within their own jurisdiction, with the Pennington County Register of Deeds.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

**CITY OF RAPID CITY**

\_\_\_\_\_  
Mayor

Attest

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

(seal)

Dated this 4<sup>th</sup> day of April, 2019.

**PENNINGTON COUNTY**

  
\_\_\_\_\_  
Highway Superintendent