

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

RELEASE OF AGREEMENT WAIVING RIGHT TO PROTEST

This Release of Agreement Waiving Right to Protest (the "Release") is made this _____ day of _____, 2020, by the CITY OF RAPID CITY, a South Dakota municipal corporation, of 300 Sixth Street, Rapid City, South Dakota, 57701 (the "City").

WHEREAS, the City and GIKLING & MEIER, LLC, ("Owner") entered into an Agreement Waiving Right to Protest ("2008 Agreement") dated February 19, 2008, and recorded on February 22, 2008 at the Office of the Pennington County Register of Deeds at Book 177, Page 4041 of the Miscellaneous Real Estate Records; and

WHEREAS, the 2008 Agreement provided that the Owner consented to a future assessed project for the installation of a water main along North Maple Avenue abutting the platted property in exchange for the City not requiring Owner to immediately install the water main as part of Owner's platting of the property; and

WHEREAS, as a result of reclassification of North Maple Avenue, the City's infrastructure regulations no longer require an additional water main in North Maple Avenue; and

WHEREAS, the current owner of Lot 4 of LJS Subdivision, part of the property subject to the 2008 Agreement, has asked the City to release its property from the 2008 Agreement; and

WHEREAS, because the City no longer needs to provide for the future installation of a water main in North Maple Avenue, the City desires to release Owner and its heirs, assigns, and successors from the 2008 Agreement.

NOW THEREFORE, the City hereby releases and discharges the Agreement Waiving Right to Protest dated February 19, 2008, and recorded on February 22, 2008 at the Office of the Pennington County Register of Deeds at Book 177, Page 4041 of the Miscellaneous Real Estate Records on the following real property:

Lot 4 of LJS Subdivision, City of Rapid City, Pennington County, South Dakota.

