

AMENDMENT NUMBER 1 TO RAILROAD PIPELINE LICENSE #WL1130

BACKGROUND:

1. On April 16, 2020, the State of South Dakota, acting by and through its Department of Transportation, referred to in this Amendment as the "State," and the city of Rapid City, South Dakota, referred to in this Amendment as the "Licensee," entered into a railroad pipeline license, which license referred to in this Amendment as the "LICENSE," was signed by representatives of each party and assigned number WL1130 by the State; and
2. The parties wish to amend the AGREEMENT to correct the description of the Pipeline identified in the LICENSE and to adjust the annual fee.

THE PARTIES MUTUALLY AGREE AS FOLLOWS:

1. Paragraph 1 under GENERAL in the LICENSE is revised to read as follows:

GENERAL

1. The State grants the Licensee a non-exclusive license across or along the Premises, subject to all rights, interests, and estates of third parties, including, without limitation, any leases, use rights, easements, liens, or other encumbrances, and upon the terms and conditions set forth below, to construct, maintain, and use in strict accordance with the specifications approved by the State as part of the Licensee's application process, one (1) pipeline, 17.40 inches in diameter with a pipe wall thickness of 1.242 inches, referred to in this License as the "Pipeline." The Pipeline will be no more than five hundred sixty feet (560') long, will be built within the south ten feet (10') of the railroad right of way and will be no closer than forty feet (40') from the centerline of the railroad right of way.
2. Paragraph 10 under COMPENSATION in the LICENSE is revised to read as follows:

COMPENSATION

10. (a) The Licensee will pay the State the sum of Two Hundred Eighty Dollars (\$280.00), for the initial year of this License upon full execution of this License. On or before April 1, of each subsequent year, the Licensee will pay an annual payment each in the amount of Two Hundred Eighty Dollars (\$280.00). The State reserves the right to adjust the amount of the annual fee at any time pursuant to law and State Railroad Property Management guidelines.
3. Except as specifically modified by this Amendment, all terms and conditions of the LICENSE referred to above will remain in full force and effect.
4. The Licensee has designated its Mayor as the Licensee's authorized representative and has empowered the Mayor with the authority to sign this Amendment on behalf of the Licensee. A copy of the Licensee's Commission minutes or resolution authorizing the execution of this Amendment by the Mayor as the Licensee's authorized representative is attached to this Amendment as **Exhibit A**.

SIGNATURE PAGE FOLLOWS

This Amendment is binding upon the signatories not as individuals, but solely in their capacities as officials of their respective organizations and acknowledges proper action of the State and the Licensee to enter into the same.

City of Rapid City, South Dakota

State of South Dakota
Department of Transportation

By: _____

By: _____

Name: _____

Name: Darin P. Bergquist

Its: Mayor

Its: Secretary

Date: _____

Date: _____

Attest:

Approved as to Form:

City Auditor/Clerk

/s/ Dustin W. DeBoer

Special Assistant Attorney General

(CITY SEAL)