FIRST AMENDMENT TO THE MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF RAPID CITY AND FIRST NATIONS SCULPTURE GARDEN, INC.

This First Amendment to the Memorandum of Agreement between the City of Rapid City and First Nations Sculpture Garden, Inc. is made and entered into this ___ day of November, 2016, by and between the City of Rapid City (herein after referred to as the “City”), a municipal corporation of the State of South Dakota, located at 300 6th Street, Rapid City, South Dakota 57702, and First Nations Sculpture Garden, Inc., (herein after referred to as “First Nations”), a non-profit corporation, located at 3755 Blake Court North, Rapid City, South Dakota 57702.

RECITALS

WHEREAS, the City and First Nations entered into an agreement on August 5, 2013, which established a partnership whereby First Nations would construct a sculpture garden consisting of prominent Native American figures on City owned land; and

WHEREAS, under the terms of the original agreement First Nations had three years to commence the project; and

WHEREAS, First Nations has indicated that while it has raised substantial sums for completion of the project and is nearing its funding goal, it has yet to raise sufficient funds to complete the project at this time; and

WHEREAS, First Nations has submitted a written request to the City asking that the deadline for starting the project be extended to August 6, 2017.

NOW THEREFORE, the parties hereby agree to amend the original agreement as follows:

Paragraph #3 shall be amended to read as follows:

The parties agree that, if construction has not commenced by August 6th of 2017, the City may terminate its rights and obligations under this Agreement.

All other terms and conditions of the original agreement shall remain unchanged.

Dated this ___ day of November, 2016.

THE CITY OF RAPID CITY

____________________________________
Steve Allender, Mayor

ATTEST:

____________________________________
Pauline Sumption, Finance Officer
STATE OF SOUTH DAKOTA  
) ss.
COUNTY OF PENNINGTON  

On this the 17th day of November, 2016, the undersigned officer, personally appeared Elizabeth Cook-Lynn, who acknowledged herself to be the President of First Nations Sculpture Garden, Inc., and as such, being duly authorized to do so, executed the above amendment on behalf of First Nations for the purposes herein contained.

IN WITNESS WHEREOF, my signature and official seal appear below.

(SEAL)

Notary Public, State of South Dakota
My Commission Expires: 10/26/21