AMENDMENT TO
AGREEMENT BETWEEN THE CITY OF RAPID CITY AND DTH,
LLC REGARDING THE PROJECT RESPONSIBILITIES AND PROJECT
CASH FLOW FOR THE CONSTRUCTION OF A WATER RESERVOIR
AND WATER BOOSTER STATION FOR TAX INCREMENT
DISTRICT 54 RAINBOW RIDGE

WHEREAS, the parties have previously entered into an “AGREEMENT BETWEEN
THE CITY OF RAPID CITY AND DTH, LLC REGARDING THE PROJECT
RESPONSIBILITIES AND PROJECT CASH FLOW FOR THE CONSTRUCTION OF A
WATER RESERVOIR AND WATER BOOSTER STATION FOR TAX INCREMENT
DISTRICT 54 RAINBOW RIDGE” dated October 20, 2008, attached hereto as Exhibit “A”; and

WHEREAS, said agreement set forth timeframes for the reservoir, water booster station
and water transmission main to be operational; and

WHEREAS, the Developer has requested that the above timeframes be amended to
reflect the current conditions; and

WHEREAS, the City of Rapid City Common Council finds that it is in the City’s best
interests to amend the agreement in accord with the request.

NOW THEREFORE, be it agreed by the parties that Sections 6, 13 and 17 of the
Agreement between the parties dated October 20, 2008 are hereby amended as follows:

6. The contract for the reservoir construction shall be awarded on or before September 20,
2010.

13. The contract for the water booster station construction shall be awarded on or before
September 20, 2010.

17. The water transmission main and associated grading activities must be under construction
by September 1, 2010 and must be substantially completed by November 1, 2010.

BE IT FURTHER AGREED by the parties that all other provisions of the agreement
dated October 20, 2008 remain in full force and effect.

Dated this __ day of ___, 2010.

CITY OF RAPID CITY

Mayor
ATTEST:

[Signature]

Finance Officer
(SEAL)

DTH, LLC.

By: [Signature]
Its: [Signature]

State of South Dakota )
ss.
County of Pennington )

On this 5th day of April, 2010, before me, the undersigned officer, personally appeared Alan Hanks and James F. Preston, who acknowledged themselves to be the Mayor and Finance Officer, respectively, of the City of Rapid City and that he, as such Mayor and Finance Officer, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing as such Mayor and Finance Officer of the City of Rapid City.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

[Signature]
Notary Public, South Dakota

My Commission Expires: 9-13-15

[Seal]

AMBER K. SITTS
NOTARY PUBLIC
State of South Dakota

State of South Dakota )
ss.
County of Pennington )

On this the 25th day of March, 2010, before me, the undersigned officer, personally appeared [Signature], known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged himself to be the Manager of DTH, LLC, and acknowledged that they, being duly authorized to do so, executed the foregoing instrument on for the purposes therein contained.
IN WITNESS WHEREOF, I hereunto set my hand and official seal.

[Signature]
Notary Public, South Dakota

My Commission Expires:
(SEAL) 6/25/2015