STATE OF SOUTH DAKOTA
DEPARTMENT OF TRANSPORTATION
AGREEMENT

This Agreement is made by and between the State of South Dakota, acting by and through its Department of Transportation, referred to in this Agreement as the “SDDOT,” and the city of Rapid City, South Dakota, referred to in this Agreement as the “CITY.”

BACKGROUND:

A. The SDDOT will purchase the highway right of way and temporary easements on the highway project identified as NH 0044(167)44 PCN 027K, Pennington County, further described as: South Dakota Highway 44 (SD44) (Omaha St.) - from Mt. View Road to the start of the divided lanes near 12th Street, referred to in this Agreement as the PROJECT;

B. The SDDOT wants to acquire the right of way interests in the name of the CITY for portions of the PROJECT that impact the local roadway system, reconnecting the local system to the highway. The PROJECT created the need to acquire local system right of way for the parcels indicated in Section 1, below.

THE SDDOT AND THE CITY MUTUALLY AGREE AS FOLLOWS:

1. The SDDOT will, at the CITY’S cost and expense, negotiate and acquire the following parcels in the name of the CITY:

   Lot RU-104 OF U-R No.1 Addition, Section Thirty-four (34), Township Two North (2N), Range Seven East (7E), of the BHM, Rapid City, Pennington County, South Dakota.

   Lot CR of Block Thirteen (13) of Providence Addition, Section Thirty-four (34), Township Two North (2N), Range Seven East (7E), of the BHM, Rapid City, Pennington County, South Dakota.

2. If negotiations are unsuccessful, the CITY will negotiate and acquire the necessary property interests in the name of the CITY through condemnation.

3. The CITY will accept the right of way acquired as permanent easement. If the property interest is acquired through condemnation, the CITY will accept the property per SDCL 31-19-42: The SDDOT may not acquire fee ownership in right-of-way taken by condemnation proceedings.

4. The CITY will sign the Right of Way Agreements negotiated by the SDDOT for the right of way property interests necessary for the local road system changes required as part of the PROJECT.
5. **Authority to Sign Right of Way and Easement Documents**: If the acquisition is over Twenty-five Thousand Dollars ($25,000.00), the CITY has designated its Mayor as the CITY’S authorized representative and has empowered its Mayor with the authority to negotiate and approve of acquisition of right of way for the purpose of road and bridge construction in the CITY’S jurisdiction. If the acquisition is under Twenty-five Thousand Dollars ($25,000.00), the CITY has designated its Public Works Director as the CITY’S authorized representative and has empowered its Public Works Director with the authority to negotiate and approve acquisition of right of way for the purpose of road and bridge construction in the CITY’S jurisdiction. A copy of the CITY’S ordinance authorizing said authority is attached to this Agreement as **Exhibit A**.

6. **Authority to Sign Agreement with the SDDOT**: The CITY has designated the Mayor as the CITY’S authorized representative and has empowered the Mayor with the authority to sign this Agreement on behalf of the CITY. A copy of the CITY’S Commission minutes or resolution authorizing the execution of this Agreement by the Mayor as the CITY’S authorized representative is attached to this Agreement as **Exhibit B**.

The signing of this Agreement signifies the governmental agencies have taken all necessary official action to enter into this Agreement.

<table>
<thead>
<tr>
<th>City of Rapid City, South Dakota</th>
<th>State of South Dakota</th>
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<tbody>
<tr>
<td>By: ____________________________</td>
<td>Department of Transportation</td>
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<tr>
<td>Its: Mayor</td>
<td>By: ____________________________</td>
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<tr>
<td>Date: __________________________</td>
<td>Its: Program Manager, Right of Way Program</td>
</tr>
<tr>
<td>Attest: _________________________</td>
<td>Date: __________________________</td>
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<tr>
<td>Finance Officer</td>
<td>Approved as to Form: ______________________</td>
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<tr>
<td>(CITY SEAL)</td>
<td>Special Assistant Attorney General</td>
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</tbody>
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**APPROVED AS TO FORM**
CITY ATTORNEY’S OFFICE

[Signature]
Attorney
10-23-17
Date
3.04.030 Purchasing procedures.

A. Whenever any city department director or officer or other person desires to make any purchase of materials, supplies, equipment, printing or services on behalf of the city, he or she shall issue a purchase order therefor. It shall be the duty of the department director to preaudit the purchase order prior to incurring the obligation and the preaudit shall be directed toward the determination of funds available and appropriations unexpended or uncommitted in the fund or funds involved and toward the necessity for the purchase.

B. The Mayor, any department director, or acting department director as designated by the Mayor, or designee of the foregoing, may approve and sign a purchase order if the amount shall be less than the applicable amount for which competitive bidding is required by SDCL § 5-18A-14, without prior approval by the Common Council. Reasonable attempts shall be made by all department directors to obtain informal quotations from local suppliers for any item or repair in excess of $5,000.

C. All purchases in excess of the limit provided in subsection B. must comply in all respects with SDCL Chapters 5-18A through 5-18D.

D. Procurements utilizing federal funds are subject to Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards (Uniform Guidance) and any other federal statutes and regulations governing the use and payment of such funds.


3.04.090 Contracting authority delegated to department directors.

A. The Mayor and department directors authorized to approve and sign purchase orders shall also have the authority to enter into contracts on behalf of the city within the limits established in § 3.04.030, provided that any necessary funding is available within the department’s budget and the contract is first reviewed and approved by the City Attorney.

B. No individual department director may enter into a contract or multiple contracts with a single vendor with an aggregate cost exceeding the applicable limit provided above in a calendar year without approval by the Council or appropriate governing body. Notwithstanding this subsection, in the event of extenuating circumstances, a department director may enter into contracts with a single vendor that exceeds the above limits, provided that the requirements of the laws on competitive bidding are satisfied. The extenuating circumstances shall be reported to the Council at its next regular meeting.