

AGREEMENT BETWEEN THE CITY OF DEADWOOD AND BOOT HILL ESTATES LLC

This agreement is made and entered into by and between the CITY OF DEADWOOD, a governmental subdivision of the State of South Dakota, with offices located at 102 Sherman Street, Deadwood, South Dakota and Boot Hills Estates, LLC with a record address of 1920 Valley View Ct, Huron, South Dakota 57350.

The Principal (Boot Hill Estates, LLC and Western Surety Company) has entered into an agreement with the Obligee (City of Deadwood), guaranteeing only that the Principal will complete site improvements as per the construction activities based upon the revised application July 15, 2024 (Permit No. 240091) for grading certain areas of Boot Hill Estates (Exhibit A) and bulleted below:

- Reclaim and slope existing disturbed area of the proposed parking lot (flat space) followed by an appropriate layer of topsoil and hydroseeding the disturbance.
- Removal of a minimum number of trees on upper road to complete the upper slope followed by topsoiling and hydroseeding.
- Completing lower slopes on upper road with topsoiling and hydroseeding.
- Shaping the grade of upper road and placing gravel along the entire length of the road.

The estimated amount of earth to be moved as communicated by the contractor is estimated to be approximately 4,000 additional cubic yards and the amount of earth already moved was estimated at 5,000 cubic yards. The permit fee for this "reclamation" project is based on a total of cubic yards. Any change in the amount of earth moved may cause additional fees. Based on the amounts given, the cost of the permit was set at \$900.00 (or \$0.10/cy).

Prior to the issuance of the permit, the City required this financial guarantee in the form of a performance bond from the Principal. In this case, the amount of the bond shall be in the amount of \$350,000.00 (based on the project cost submitted in Exhibit A.)

Any changes, additions, or alterations will require additional review through the various departments and commissions of the City of Deadwood.

This agreement allows for the completion of the upper private road only as outlined above and set forth in a portion of the plans submitted to the City of Deadwood and attached as Exhibit B excluding additional cut and fill associated with the proposed parking area.

The gravel surface is approved as an interim surface for this private road until such time plans are presented to and approved by the City for future or additional development activities, at which time, the road shall be required all necessary city requirements.

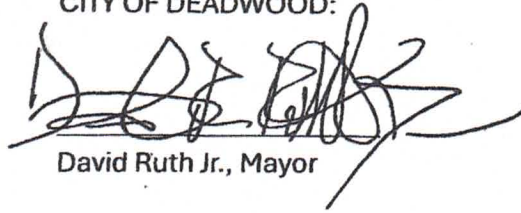
If the improvements are not completed within the required time, the city planning department may cause them to be completed and collect against the financial guarantee or, if the guarantee is exhausted, against the developer for their full cost of completion pursuant to Chapter 17.04.120 Financial Guarantees.

The Principal must maintain and comply with South Dakota Department of Agriculture and Natural Resources rules and regulations including any SWPPP requirements.

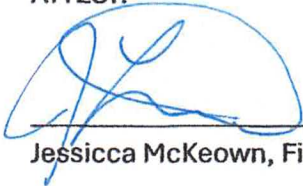
Work to be completed by October 31, 2024.

Dated this 16th day of July, 2024.

CITY OF DEADWOOD:


David Ruth Jr., Mayor

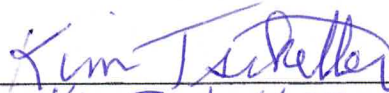
ATTEST:


Jessica McKeown, Finance Officer



Dated this ____ day of July, 2024

Boot Hills Estates, LLC


By: Kim Tschetter
Its: Owner