

AMENDMENT TO THE SUBDIVISION CONSTRUCTION AGREEMENT

THIS AMENDMENT TO THE AGREEMENT (“Agreement”) is made between the City of Harrisburg, South Dakota (hereinafter referred to as “City”) and Creekside Place, LLC, its heirs, executors, administrators, successors, transferees, and assigns jointly and severally (hereinafter referred to as “Subdivider”) and is effective upon signature of the Mayor of the City of Harrisburg.

Declarations

WHEREAS, the Subdivider and the City have entered into a subdivision construction agreement for Phase 6 of Creekside Addition; and

WHEREAS, the City wishes to construct sanitary trunk sewer within Creekside Addition not included as part of Phase 6 of Creekside Addition but instead in future Phase 7; and

WHEREAS, the City wishes to have this trunk sewer operational by March 30, 2022; and

NOW, THEREFORE, in consideration of the above, the City and Subdivider hereby agree as follows:

1. Description of Improvements.

The improvements include approximately 1,500 linear feet of 24 inch diameter sanitary sewer pipe, six manholes, and 23 service stubs. The trunk sewer will be installed at the existing extent of the trunk sewer and extend to the northwest corner of Creekside Addition, and shown generally in Exhibit 1.

2. Construction Documents

The City will provide final design documents for these improvements and shall coordinate with the Subdivider to ensure alignment of pipe and service stub and manhole locations are installed where necessary for the future planned development of the subdivision.

3. Time Period for Construction.

The City shall complete construction of the trunk sanitary sewer in accordance with the approved plans, specifications, and standards by March 30, 2022.

4. Payment

The Subdivider shall reimburse the City for the installation of the equivalent of an 8 inch diameter sanitary sewer pipe, 48 inch diameter manholes, and corresponding service stubs. The cost of these shall be based on material and construction costs of similar work, and will be provided by the Subdivider. The material and construction

EXHIBIT 1

