

# City of Minot

## SECOND AMENDMENT TO EMINENT DOMAIN LEGAL SERVICES AGREEMENT BETWEEN THE CITY OF MINOT, NORTH DAKOTA AND SWANSON AND WARCUP, LTD, GRAND FORKS, NORTH DAKOTA

WHEREAS, the parties entered into a Contract for the Provision of Eminent Domain Legal Services between the City of Minot, North Dakota and Swanson & Warcup, Ltd., Grand Forks, North Dakota effective July 1, 2017 and ending June 30, 2018 (hereinafter the "Agreement");

WHEREAS, pursuant to Section 13 of the Agreement, the City of Minot had the option to renew the Agreement for two additional twelve-month periods upon the same terms and conditions, except pricing, which shall be agreed by the parties at the time of renewal or extension;

WHEREAS, the parties agreed to amend and extend the Agreement for three twelve-month periods;

WHEREAS, the parties agreed to amend and extend the Agreement for one additional twelve-month period so that Swanson & Warcup could continue to work on pending matters that were authorized and assigned under this contract prior to June 30, 2021 and the extension would allow for continuity and consistence in delivery of the services set forth in the Agreement;

WHEREAS, the City now desires to amend and extend the Agreement for one additional twelve-month period to maintain continuity and consistency in delivery of services and to allow Swanson & Warcup to continue to work towards completing all currently pending work that was authorized and assigned to them prior to June 30, 2021;

WHEREAS, the parties desire to extend this Agreement for one additional twelve-month period upon the terms and conditions set forth herein.

NOW, THEREFORE, the parties agree as follows:

1. The Agreement shall be extended for one additional twelve-month period commencing October 1, 2023 (Amendment Effective Date) and terminating September 30, 2024.
2. Swanson & Warcup, Ltd. shall continue to provide services to or on behalf of the City of Minot, North Dakota as summarized in Exhibit "A" to the Agreement but the work shall be limited to matters authorized and assigned to Swanson & Warcup, Ltd. prior to June 30, 2021.
3. All terms and provisions of the Agreement not amended hereby, either expressly or by necessary implication, shall remain in full force and effect. From and after the date of this Amendment, all references to the term "Agreement" in this Amendment or the original Agreement shall include the terms contained in this Amendment.

City of Minot, North Dakota  
Grand Forks, North Dakota

IN WITNESS WHEREOF, the parties hereto have executed this Second Amendment to the Agreement effective as of the Amendment Effective Date.

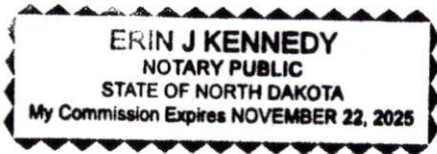
**SWANSON & WARCUP LTD.**

[Signature]

STATE OF NORTH DAKOTA )  
 ) ss  
COUNTY OF Grand Forks )

On this 13 day of Sept., 2023, before me personally appeared John A. Warcup known to me to be the person who is described in, and who executed the within and foregoing instrument and who acknowledged to me that he executed the same.

(seal)



[Signature: Erin Kennedy]  
Notary Public, \_\_\_\_\_ County,  
North Dakota.  
My Commission Expires: \_\_\_\_\_

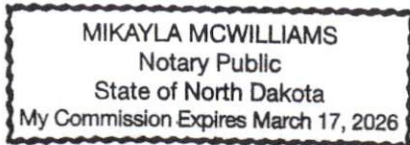
**CITY OF MINOT**

[Signature]  
Mayor

STATE OF NORTH DAKOTA )  
 ) ss  
COUNTY OF Ward )

On this 18th day of September, 2023, before me personally appeared Thomas Ross, known to me to be the person who is described in, and who executed the within and foregoing instrument and who acknowledged to me that he executed the same.

(seal)



[Signature: Mikayla McWilliams]  
Notary Public, Ward County,  
North Dakota.  
My Commission Expires: March 17, 2026