

BL  
WO# 90972

DOT 45

**AGREEMENT  
FOR USE AND RESTORATION OF HAUL ROAD**

Agreement No. \_\_\_\_\_

WHEREAS, <sup>the South Dakota Public Utilities Commission</sup> ~~BROOKINGS COUNTY HIGHWAY DEPARTMENT~~ has authorized project Apex Brookings to SD/MN Border 345kv transmission line project and

WHEREAS, in order to complete said project it may become necessary for the Contractor to utilize a portion of county road/s 35 + 36 of Brookings County for the conveyance of construction equipment and materials to the project site and

WHEREAS, Great River Energy (see attached) (contractor) or its assignee will restore that portion of said highway system as shown on page two of this agreement sheet, after it has been used to convey construction equipment and materials, to the condition which existed immediately prior to its use, and

WHEREAS, an inspection of the proposed route to be so utilized will be made, preferably not to exceed thirty days prior to expected initiation of its stated use, at which time the inspection will determine and record the existing condition of the haul road, including the type, thickness and width of surface material in place, and

WHEREAS, authorized representatives of Great River Energy (contractor) and BROOKINGS COUNTY HIGHWAY DEPARTMENT, after making said inspection and recording the existing condition of the haul road, shall assign the inspection report, agreeing to the conditions stated therein.

NOW THEREFORE, in consideration of the premises, the mutual and independent covenants and any and all other requirements, agreements and covenants, all as hereinafter more fully set forth, the parties hereto agree as follows:

That, the portion of county roads 35 + 36 as shown on page two of the sheet, is maintained by BROOKINGS COUNTY and is that portion which is proposed for use as haul road, and that, after use of said highway as a haul road for the purposes herein set forth,

Great River Energy (contractor) hereby agrees to restore said highway roadbed and highway appurtenances to the condition, as reported in the Haul Road Inspection Report (DOT 45 Appendage), in accordance with measurements and observations of the inspection party at time of inspection and to the satisfaction of the Highway Superintendent.

IN WITNESS WHEREOF, the said parties hereto have caused this agreement to be signed by their respective and duly authorized officers on the \_\_\_\_\_ day of \_\_\_\_\_.

By: [Signature]  
Authorized Representative (Contractor)

Brookings County Highway Department  
By: [Signature]  
Authorized Representative

Title: Field Rep

Representing: Great River Energy, as agent  
(Contractor)

APPROVED AS TO FORM:

Address: 12300 Elm Creek Blvd  
Maple Grove, MN 55369

AGREE. NO. \_\_\_\_\_

AGREE NO. \_\_\_\_\_

AGREEMENT

**HAUL ROUTE INSPECTION REPORT**

NO. \_\_\_\_\_

HIGHWAY PROJECT NO. \_\_\_\_\_

An inspection of the highway to be used for a haul route as set forth in the Agreement No. \_\_\_\_\_, Dated \_\_\_\_\_, was conducted on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by duly authorized representatives of the parties thereto and was found in the condition detailed as follows:  
RECORD WIDTH OF SUBGRADE AND TYPE, THICKNESS AND WIDTH OF SURFACING IN PLACE AT APPROXIMATELY UNIFORM INTERVALS ALONG THE ROUTE.  
CONDITION OF BRIDGES, BOX CULVERTS, PIPE CULVERTS, CATTLE GUARDS AND OTHER HIGHWAY APPURTENANCES SHOULD BE RECORDED IF PERTINENT.

CONTRACTOR Great River Energy, as agent

By: \_\_\_\_\_ Title: \_\_\_\_\_

**BROOKINGS COUNTY HIGHWAY DEPARTMENT**

By: Richard Bus Title: Highway Supt.

Great River Energy, as Agent for:

**Great River Energy**, a cooperative corporation incorporated under the laws of Minnesota ("**GRE**"), **Central Minnesota Municipal Power Agency**, a municipal corporation and political subdivision of the State of Minnesota ("**CMMPA**"), **Western Minnesota Municipal Power Agency**, a municipal corporation and political subdivision of the State of Minnesota ("**WMMPA**"), **Otter Tail Power Company**, a Minnesota corporation ("**Otter Tail Power**"), and **Northern States Power Company**, a Minnesota corporation ("**NSP-MN**") (GRE, CMMPA, WMMPA, Otter Tail Power and NSP-MN are collectively referred to herein as the "**Owners.**")