

HULBERT TOWNSHIP RESOLUTION

WHEREAS, Sweetland Wind Farm, LLC (“Sweetland”) has entered into a Road Use and Maintenance Agreement (“Agreement”) with Hand County, South Dakota (“County”), attached hereto as Exhibit A, related to the construction of the up to 200 megawatt Sweetland Wind Farm Project and associated 230 kilovolt Gen-Tie Line (“Project”); and

WHEREAS, the Agreement addresses certain issues relating to the roads within and under the supervision of the County, including section line highways and township roads where the applicable township has agreed to and/or ratified the County’s oversight and control for purposes of the Agreement;

WHEREAS, Hulbert Township (“Township”) desires to agree to and ratify the Agreement as it pertains to the use, maintenance, and restoration of the Township’s roads, including section line highways (“Township Roads”); and

WHEREAS, the Township has reviewed the Agreement negotiated for the Project with the County;

WHEREAS, the Township agrees to have the County, including the County’s Designated Representative (as set forth in the Agreement), represent it in the enforcement of the provisions of the Agreement;

WHEREAS, the Township agrees to have the County approve access points (driveways), road crossings, and other permits affecting Township Roads in the manner set forth in the Agreement;

WHEREAS, the Township agrees that for each Township Road, the Baseline Road Study and the Post-Construction Road Study (as set forth in the Agreement) shall be compared and Developer shall make the repairs needed to return each Township Road to its pre-construction condition, to the extent reasonably practicable;

WHEREAS, the Township agrees that, for improvements on minimum maintenance roads or unimproved section lines, Developer shall not be required to improve minimum maintenance roads or unimproved section lines to the standards and specifications applied to roads that are fully maintained for public use; and

WHEREAS, the Township agrees to have the County issue a Certificate of Completion for Township Roads in accordance with the Agreement.

NOW, THEREFORE, BE IT RESOLVED, by the Township Board of Hulbert Township, Hand County, South Dakota, that the Township agrees to and ratifies the Road Use and Maintenance Agreement;

BE IT FURTHER RESOLVED that the Township authorizes the County, including the County’s Designated Representative, to act on its behalf in the enforcement of the provisions of the Agreement;

BE IT FURTHER RESOLVED that the Township authorizes the County to approve access points (driveways), road crossings, and other permits affecting Township Roads;

BE IT FURTHER RESOLVED that the Township authorizes the County to issue a Certificate of Completion for Township Roads in accordance with the Agreement and this Resolution; and

BE IT FURTHER RESOLVED that the Township Board authorizes the Chair to execute this Resolution on its behalf.

BOARD OF TOWNSHIP SUPERVISORS,
HULBERT TOWNSHIP, HAND COUNTY, SOUTH DAKOTA



Craig Van Asperen, Chair

ATTEST:



Clint Haigh, Township Clerk

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Exhibit A

Hand County Road Use and Maintenance Agreement (Attached Hereto)