

## MEMO AGREEMENT

TO: Jamie Broksieck, Deuel County Highway Superintendent  
Teree Nesvold, Deuel County State's Attorney

FROM: Tatanka Ridge Wind, LLC

DATE: June 2, 2022

RE: Road Repairs from Construction

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Dear Folks:

Reference is made to that certain Restated Agreement for Use and Restoration of Haul Roads dated November 20, 2020 and signed by the County of Deuel, South Dakota and Tatanka Ridge Wind, LLC (the "Agreement").

We have offered \$344,125 payment to Deuel County, plus the Project would contract to remove the jump bridge at 191st Street as the final and complete resolution of all remaining issues related to the Agreement and after the completion of the payment and removal of the jump bridge by Tatanka Ridge Wind, LLC, the Agreement will be terminated and the parties shall have no further obligations.

Our offer was calculated by using figures given in the report.

- 1) Two inches of gravel full width across five miles of road at \$25/ton; \$254,125 to be used on 191st Street between 471st Avenue and South Dakota Highway 15.
- 2) \$90,000 for repairing the asphalt patch on 471st Avenue at LS Road,
- 3) no money for long-term maintenance and chip sealing, and
- 4) Tatanka will undertake and complete removal of the wood jump bridge on 191st Street.

We understood this to be acceptable to the County as per Mr. Broksieck's recent email to Brett Koenecke. We write to signal our agreement to those terms as well. We await your acknowledgement of this letter, along with an invoice from Deuel County in the amount of \$344,125, as noted above. Once that is emailed to Brett, he will transmit it to Tatanka for prompt payment. We will consider the matter closed at that time. Thank you both so much.

Sincerely,

TATANKA RIDGE WIND, LLC

Mark Croissant

By: Mark Croissant

Its Authorized Representative

ACKNOWLEDGED AND ACCEPTED:

DEUEL COUNTY, SOUTH DAKOTA

Judith Homan

By: 6-9-22

Its: Commission Chairperson