

## RANDOLPH COUNTY, MISSOURI RESOLUTION

### RIGHT OF WAY ACCESS AGREEMENT

WHEREAS, Randolph County, Missouri is the owner of non-state public roads within the geographic territory of the county; and

WHEREAS, Section 229.100 RSMo requires County Commission permission to use county right of way over or under or across county roads; and

WHEREAS, Grain Belt Express Clean Line LLC has a need to construct utility lines using county right of way; and

WHEREAS, such utility lines must run over or under certain county public roads and connected rights of way; and

WHEREAS, a need has been demonstrated to the County Commission to provide access to the ground of certain of the county public roads and connected rights of way; and

WHEREAS, Randolph County is authorized under Section 70.220 RSMo to enter into contracts with other entities to advance County programs consistent with county authority; and

WHEREAS, Randolph County is authorized under Section 49.270 RSMo to engage in all matter of transactions related to county property:

NOW THEREFORE BE IT RESOLVED:

That the County Commission finds that it is necessary to grant access to the ground of certain of the county public roads and connected rights of way; and

That a contract for such access with guarantees from Grain Belt Express Clean Line LLC is in the best interests of the County; and

That in such contract Grain Belt Express Clean Line LLC will guarantee that the quality of the road bed and rights of way over or under the identified county public roads and connected rights of way will be replaced and maintained in the condition it existed prior to the utility lines passing over or under the road bed and connected rights of way; and

That the buried utility lines will be at least six (6) feet below the surface of the road bed and connected rights of way; and

That in such contract Grain Belt Express Clean Line LLC will hold harmless Randolph County for any and all damages resulting from the placement,

construction, and operation of the utility lines, including the payment of attorney fees, costs of litigation related to the utility lines, the payment for any judgments entered against the County and all other costs and expenses related to the utility lines; and

That the Agreement attached to this Resolution is the contract authorized by the County Commission to be executed in behalf of Randolph County, MO as the document that encompasses all of the terms and conditions associated with the grant of access to the ground over and underlying certain of the county public roads; and

That the Presiding Commissioner of Randolph County is directed to execute the attached Agreement upon receipt of an executed copy of the Agreement from Grain Belt Express Clean Line LLC.

Adopted this 6<sup>th</sup> day of September, 2012 by roll call vote as follows:

Alexander Carter  
Presiding Commissioner

Wayne Wilcox  
Associate Commissioner

Joseph Buntz  
Associate Commissioner

ATTEST:  
Will [Signature]  
County Clerk

