Resolution 2026-40
A Resolution regarding Drainage Tile Relocation

WHEREAS, the Worth County Board of Supervisors, as Trustees of the drainage districts in Worth County ("Trustees"), and Worthwhile Solar West LLC ("Worthwhile Solar") previously entered into the Road and Drainage Easement, and Maintenance Agreement dated October 27, 2025 (the "RUMA"), pursuant to which the parties established the respective rights and obligations in connection with construction and operation of a solar project being developed by Worthwhile Solar; and

WHEREAS, the RUMA also established and granted Worthwhile Solar certain rights-of-way and construction easement rights over, through, across, and otherwise impacting the Drainage Infrastructure (as defined in the RUMA); and

WHEREAS, subsequent to execution of the RUMA, Worthwhile Solar identified certain components of the Drainage Infrastructure located within DD41 that intersected with areas planned for construction and operations of Worthwhile Solar; and

WHEREAS, the RUMA contemplated relocation of drainage tile within the Drainage Infrastructure and, by this Agreement, the Parties desire to agree to specific details regarding those relocations; and

WHEREAS, Worthwhile Solar desires to relocate certain drainage tile within the Drainage Infrastructure of DD41, and the Trustees desire to grant the necessary drainage easement and approve that work; and

WHEREAS, Trustees desire to permit, approve, and otherwise facilitate the relocation of such impacted drainage tile within the Drainage Infrastructure of DD41.

NOW, THEREFORE, BE IT RESOLVED, that the Trustees hereby grant to Worthwhile Solar a drainage easement for the relocation of drainage tile in DD41 consistent with the plans and specifications as described in Exhibit A, attached hereto and incorporated herein (the "Tile Relocation Work"), which shall not adversely impact drainage patterns or flow to the Drainage Infrastructure. This easement is in addition to, and does not replace or amend, the grants made under RUMA.

BE IT FURTHER RESOLVED, that if Drainage Infrastructure is damaged by Worthwhile Solar as a direct result of the Tile Relocation Work, Worthwhile Solar shall restore the Drainage Infrastructure to the flow capacity existing immediately prior to Worthwhile Solar commencing construction of the Tile Relocation Work.

BE IT FURTHER RESOLVED, that Worthwhile Solar shall be responsible for all expenses related to repairs, relocations, modifications, reinstallations, reconstructions, reconfigurations, and replacements to the Drainage Infrastructure in accordance with Iowa Code Section 468.186.

BE IT FURTHER RESOLVED, that the grant of easement set forth herein shall constitute an approval by the Trustees of all permit applications necessitated in connection with the Tile Relocation Work and incidental repair and remediation work on the Drainage Infrastructure.

BOARD OF SUPERVISORS, AS TRUSTEES OF
THE DRAINAGE DISTRICTS IN WORTH COUNTY, IOWA

Enos Loberg, Chair

AJ Stone

Mark Smeby

ATTEST: Jacki A. Backhaus

Jacki A. Backhaus, Auditor