

PERMIT APPLICATION FOR GIBSON SOLAR LLC (“PROJECT”)

Road Use Agreement – Section 6(b)

The Road Use Agreement, attached as Exhibit A – Road Use Agreement, was also approved by the Commissioners in connection with the approval of the EDA. Section 5 of the Road Use Agreement provides that a surety bond and escrow payment shall be provided to the Auditor credited to the account of the Highway Department. Applicant will provide the surety bond and escrow payment to the County Commissioners at the start of construction.

It is anticipated that an (Amended and Restated) version of the Road Use Agreement, in the form attached hereto as Exhibit B – Amended and Restated Road Use Agreement, shall be provided to the County Commissioners prior to the start of construction.