

STATE OF IOWA )  
COUNTY OF MITCHELL )

BEFORE THE BOARD OF SUPERVISORS  
MITCHELL COUNTY, IOWA

In Regard to the Matter of:

Public Right of Way Agreement between the County  
of MITCHELL and Interstate Power Company  
regarding relocation of certain easements located  
in MITCHELL County, IOWA.

#268 - 92

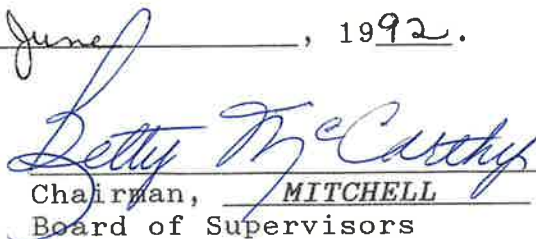
R E S O L U T I O N

This matter came on for hearing before the Board of County Supervisors of the County of MITCHELL at their regular meeting on the 15<sup>th</sup> day of June, 1992, at 2:30 O'clock. Said County Board was advised that Interstate Power Company has agreed to enter into a relocation agreement, copy of which is attached to this Resolution and made a part of this Resolution by reference.

Upon their own motion and after due consideration, said County Board made and passed the following Resolution:

BE IT RESOLVED, that the Chairman of this County Board and the County Auditor are hereby directed and authorized to execute the attached relocation agreement on behalf of the County of MITCHELL.

Dated this 15<sup>th</sup> day of June, 1992.

  
Chairman, MITCHELL County  
Board of Supervisors

ATTEST:

  
Auditor

AGREEMENT FOR PUBLIC USE  
OF PRIVATE RIGHT OF WAY

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, the Mitchell County Board of Supervisors, acting through the Department of Highways, Mitchell County, Iowa (hereinafter referred to as "Department of Highways") is undertaking the bridge repair and improvement of a County road southwest of Osage in Section 34, Township 98 North; Range 17 West of the 5th Principal Meridian, Mitchell County, Iowa, and

WHEREAS, Interstate Power Company, a Delaware corporation, with principal offices at Dubuque, Iowa is the owner of an electric transmission line located on private property to be taken by the Department of Highways for road purposes and such line is located on the property under permanent easement, and

WHEREAS, Interstate Power Company has agreed to relocate its facilities to new private right of way, to accommodate the road improvements, and,

NOW THEREFORE, in consideration of the mutual covenants herein contained, the parties hereto agree as follows:

1. Interstate Power Company agrees to relocate its pole line (Structure #543) to private right of way along a section of county road in the Northeast Quarter of in Section 34, Township 98 North, Range 17 West of the 5th Principal Meridian, Mitchell County, Iowa, near its present location to accommodate road improvements to be made in 1992 by the Department of Highways.

2. Department of Highways agrees to reimburse Interstate Power Company for actual time, materials and appropriate overhead costs to be billed upon completion of the work, including but not limited to labor, material, overhead and right of way costs including any condemnation proceedings whether carried to a legal conclusion or a negotiated settlement. The attached estimate shall become part of the agreement.

3. The Department of Highways acknowledges that Interstate Power Company shall relinquish its easements only as they pertain to the portion taken by the Department of Highways, as per this agreement. Interstate shall not relinquish its right to maintain said line.

4. This agreement shall extend to and bind the successors and assigns of the parties hereto.

IN WITNESS WHEREOF, we have hereunto set our hands this 15<sup>th</sup> day of June, 1992.

Accepted for Mitchell County  
Board of Supervisors

Detty McCarthy (SEAL)  
Chairman

James E. Hyde (SEAL)  
County Engineer

Interstate Power Company

G. L. Kopischke (SEAL)  
G. L. Kopischke  
Vice President, Elec Operations

J. C. Mc Gowan (Seal)  
J. C. Mc Gowan  
Secretary-Treasurer

*in D*