

EASEMENT FOR USE OF  
COUNTY ROAD RIGHT-OF-WAY

THIS EASEMENT AGREEMENT is made and entered into between BROOKINGS COUNTY, SOUTH DAKOTA, a South Dakota public corporation (hereinafter "County") and \_\_\_\_\_, (hereinafter "Easement Tenant".) **Company Name**

Name: \_\_\_\_\_ Address: \_\_\_\_\_ City: \_\_\_\_\_

Landline: \_\_\_\_\_ Mobil: \_\_\_\_\_ Email: \_\_\_\_\_

RECITALS:

WHEREAS, Easement Tenant, operates a Concentrated Animal Feeding Operation, located in Section \_\_\_\_\_, Township \_\_\_\_\_, Range \_\_\_\_\_, Brookings County, South Dakota; and

WHEREAS, as part of its manure disposal system, Easement Tenant uses hoses or pipe to transport manure to other locations for purposes of treatment or disposal; and

WHEREAS, Easement Tenant desires to place one of its manure hoses or pipes across the right-of-way and under the road surface of Brookings County Road \_\_\_\_\_ at the location as shown in Exhibit "A", attached hereto and by this reference incorporated herein; and

WHEREAS, County is willing to grant to Easement Tenant an Easement for the use of such right-of-way for such purposes on the terms and conditions as hereafter set forth.

THEREFORE, in consideration of the mutual agreements herein set forth, the Parties agree as follows:

1. County does hereby grant to Easement Tenant the non-exclusive right to use the Brookings County Road \_\_\_\_\_ right-of-way for the purposes of placing a manure disposal hose or pipe at the location identified in Exhibit "A" under the following conditions:
  - a. The exact location and manner of placing the culvert for such manure hose or pipe shall be as approved by the Brookings County Highway Superintendent;
  - b. The culvert shall be a minimum size of \_\_\_\_\_;
  - c. The culvert shall be (\_\_\_\_ bored under) (\_\_\_\_ trenched under) the road surface;
  - d. The Easement Tenant shall pay all costs for the installation of such culvert and manure hose or pipe;
  - e. The culvert and manure hose or pipe shall be placed so as to prevent the manure from entering areas of drainage and the culvert shall be sloped so that the manure will flow to one end in the event of a leak;
  - f. The Easement Tenant shall at all times at its sole cost properly maintain the manure hose of pipe and culvert so as to prevent leaks;
  - g. The Easement Tenant or agent acting on behalf of the Easement Tenant shall inspect the manure hoses or pipes and culvert on a daily basis while land application of wastewater or manure is occurring. This inspection is to ensure that he manure hoses or pipes are not leaking and runoff from the land application site and irrigation system is not





