

**RESOLUTION NO. 2021-07**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF CASS COUNTY, INDIANA APPROVING AGREEMENTS WITH APPLESEED SOLAR, LLC AND CERTAIN OTHER MATTERS IN CONNECTION THEREWITH**

**WHEREAS**, the Board of Commissioners of the Cass County, Indiana (the “Board”) desires to benefit the health and general welfare of the citizens of Cass County, Indiana (the “County”) and create opportunities for gainful employment and business opportunities within the County; and

**WHEREAS**, Appleseed Solar, LLC (the “Company”) is contemplating the development of a solar energy generation facility, which will consist of approximately two hundred (200) megawatts of nameplate capacity (the “Project”); and

**WHEREAS**, the Company has requested assistance with the completion of certain road improvements, assistance with land use and other permits, the approval of tax abatement, and other assistance from the County with respect to the Project; and

**WHEREAS**, to induce the Company to complete the Project, the Board desires to approve the execution of an Agreement for Economic Development, between the County and the Company, a form of which has been presented to the Board on the date hereof (the “Economic Development Agreement”), pursuant to which certain incentives will be provided to Company in exchange for its commitment to complete the Project, to make certain economic development payments, and to take certain other actions with respect to the Project; and

**WHEREAS**, the Board desires to approve the execution of an Agreement for Use, Repair, and Improvement of Roads, and Repair of Drainage Facilities, between the County and the Company, a form of which was has been presented to the Board on the date hereof (the “Road Use Agreement”), pursuant to which the County agrees to provide the use of certain roads to the Company and the Company agrees to repair and improve such roads and certain drainage improvements in the County; and

**WHEREAS**, the Board desires to approve the execution of a Decommissioning Plan Agreement, between the County and the Company, a form of which was has been presented to the Board on the date hereof (the “Decommissioning Agreement”), pursuant to which the Company agrees to decommission the Project under certain conditions.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of Cass County, Indiana, that:

1. The Board hereby finds that the execution and delivery of the Economic Development Agreement are in the best interests of the County and its citizens. The Board is authorized and directed to execute the Economic Development Agreement, in the name and on behalf of the County, and the Auditor of the County is hereby authorized and directed to attest the execution of such agreement, with such changes and modifications as such persons deem

necessary or appropriate to effectuate this Resolution, said persons' execution thereof to be conclusive evidence of the approval of such changes.

2. The Board hereby finds that the execution and delivery of the Road Use Agreement are in the best interests of the County and its citizens. The Board is authorized and directed to execute the Road Use Agreement, in the name and on behalf of the County, and the Auditor of the County is hereby authorized and directed to attest the execution of such agreement, with such changes and modifications as such persons deem necessary or appropriate to effectuate this Resolution, said persons' execution thereof to be conclusive evidence of the approval of such changes.

3. The Board hereby finds that the execution and delivery of the Decommissioning Agreement are in the best interests of the County and its citizens. The Board is authorized and directed to execute the Decommissioning Agreement, in the name and on behalf of the County, and the Auditor of the County is hereby authorized and directed to attest the execution of such agreement, with such changes and modifications as such persons deem necessary or appropriate to effectuate this Resolution, said persons' execution thereof to be conclusive evidence of the approval of such changes.

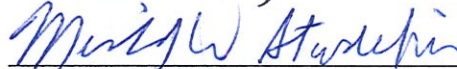
4. The members of the County Council, the Board, the Auditor of the County, the legal counsel of the County, and other appropriate officers of the County are hereby authorized to take all such actions and execute all such instruments as are necessary or desirable to effectuate this Resolution.

5. This resolution shall be in full force and effect from and after its adoption.

DULY ADOPTED on this 6th day of December, 2021, by the Board of Commissioners of Cass County, Indiana.


BOARD OF COMMISSIONERS OF  
CASS COUNTY, INDIANA

  
Ryan Browning

  
Michael Stadjuhar

  
Ruth Baker

ATTEST:

  
Cheryl Acorn  
Cheryl Acorn  
Cass County Auditor