

MUSKOGEE COUNTY ROW EASEMENT

This Easement made and entered into this 8th day of November, 2021 by and between Muskogee County, hereinafter called the "Grantor" and YZY Capital LLC, hereinafter called the "Grantee".

The "Grantee" requests permission to bury a power cable and fiber in the County Right of Way located on the east side of 114th Street and the north side of 133rd Street near Oktaha.

1. The "Grantee" must agree to hold the County harmless for any damage or injury to persons or property caused by or resulting from the construction, maintenance, operation or repair of the equipment on under or over the County right-of-way and must further agree to reimburse the County for any repair or damage to County facilities made necessary by the construction, maintenance and/or operation of the applicant's equipment.

2. All work on the County right-of-way is to be done in accordance with the current Standard Specifications for highway or road construction, and at the conclusion of such work, the right-of-way must be cleaned up and left in presentable condition. This will include replacing any protective grass cover destroyed by trenching or operation of equipment and by correcting any other damage that may have been caused, as directed by the County.

3. The applicant must furnish all flagmen, lights, barricades and warning signs deemed necessary by the County, during the construction, maintenance, or repair of its equipment on the County right-of-way. In some cases, the applicant must post bond in an amount determined by the Board of County Commissioners. Such bonds usually will not exceed \$10,000.00. Necessity for bond will be determined by the County and the bond will be held in their office.

4. When notified to do so by the County, the applicant agrees to make all changes in the equipment on County right-of-ways at the applicants own expense, unless otherwise provided by law or order of the Board of County Commissioners.

6. The equipment, when parallel to the highway or road will be no more than 4 feet inside the right-of-way line, unless otherwise approved by the Board of County Commissioners

7. Equipment installed in the County right of way must be installed no more than 4 feet inside the right-of-way and be buried a minimum depth of 30 inches below the surface on the ground. The ditch must be backfilled to a density equal to the adjacent soil, and a proper vegetative cover established on the area disturbed. Any deviation must be approved by the County.

8. The "Grantee" must agree to refrain from disturbing trees, shrubbery, or any part of the landscape without the approval of the County. If it becomes necessary to disturb trees or shrubbery, "Grantee's" intentions must be plainly stated to "Grantor", in writing, which will include size and kind of trees and shrubs, disposition during installation.

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11/08/2021 10:07 am Pg 0090-0091
Fee: \$ 0.00 Doc: \$ 0.00
Polly Irving - Muskogee County Clerk
State of Oklahoma

9. Blasting will not be permitted within the highway or road right-of-way except in unusual cases and only with special approval by the County.

10. The "Grantee" must agree to hold the County or "Grantor", harmless for any and all damages that the equipment might sustain while occupying County highway or right-of-way.

11. Any variance from the terms of this Right Of Way Easement shall be by special permission of the Board of County Commissioners.

12. "Grantee" will give the County a 48 hour notice before actual work is to begin.

THE COUNTY, "Grantor" DOES BY THESE PRESENT, GRANT TO:

"Grantee": YZY Capital LLC

Mailing Address 10100 W 133rd Street S, Oktaha, OK
70 Vestry Street 4F, New York, New York 10013

Phone: 832-683-7298

Contact Person: Kai Yuan



An easement to erect, construct and maintain a power cable and fiber in the County Right of Way along the hereinafter described County Highway(s), Road(s) as follows:
on the east side of 114th Street and the north side of 133rd Street near Oktaha, OK., in District 1.


For the purpose providing internet services.

There will be no monetary compensation payable to either party.

Attest:




Keith Hyslop,
Muskogee BOCC, Chairman



Kenny Payne,
Muskogee BOCC, Member



Ken Doke,
Muskogee BOCC, Member



Polly Irving, Muskogee County Clerk

