

APPENDIX D
Setback and Sound Waivers

Turbine#	Turbine Host Agreement #	Affected Property Agreement #	Agreement Name	Lease # or Type of Waiver	Documentation
51	1788300	1194500	Rempp, William Trust and Marjorie Trust	EF Lease 019	Please see Appendix B
52	1194500	1300700	Hutchinson, Dennis et al	EF Lease 048	Please see Appendix B
52	1194500	1792800	Charles W. Good Trust	EF Lease 152	Please see Appendix B
53	1792800	1276700	Hutchinson Family Farm Corporation	EF Lease 026	Please see Appendix B
53	1792800	1276900	Hutchinson, Maynard H. & Pauline M.	EF Lease 028	Please see Appendix B
61	1194500	1874500	McKee, Norma Jean Life Estate (Donna K. Thomason)	EF Lease 112	Please see Appendix B
63	1276900	1276700	Hutchinson Family Farm Corporation	EF Lease 026	Please see Appendix B
70	1687500	1818300	Triangle Acres, Inc.	EF Lease 194	Please see Appendix B
71	1780700	1874500	McKee, Norma Jean Life Estate (Donna K. Thomason)	EF Lease 112	Please see Appendix B
75	1794200	1790100	Mark Alan Johnston Living Trust	EF Lease 254	Please see Appendix B
80	1668900	1237900	Kenneth Woodrow Haynes Trust No.1	EF Lease 049	Please see Appendix B
89	1438200	1706600	Fitzsimmons Farm, LLC	EF Lease 139	Please see Appendix B
90	2024700	1276900	Hutchinson, Maynard H. & Pauline M.	EF Lease 028	Please see Appendix B
94	1798800	1780700	Thomason, Donna K.	EF Lease 096	Please see Appendix B
94	1798800	1802700	Heishman, Virgil R. et al	EF Lease 193	Please see Appendix B
101	1802700	1783500	Vanersvelde, Thomas H. & Barbara J.	EF Lease 178	Please see Appendix B
102	1783500	1243400	Morgan, Mervin R.	EF Lease 021	Please see Appendix B
162	1792600	1561700	Helm, Frank D. and Carol R.	EF Lease 086	Please see Appendix B
164	1807700	1561700	Helm, Frank D. and Carol R.	EF Lease 086	Please see Appendix B
164	1807700	1792600	Annagrace Goeke Living Trust et al.	EF Lease 259	Please see Appendix B
170	1779100	2979600	Harms Family Farms No. 2, LLC	Lease 056	Please see Appendix B
174	1182700	3257200	KDD, Inc.	EF Lease 239	Please see Appendix B
179	2978600	3257200	KDD, Inc.	EF Lease 239	Please see Appendix B
182	1182700	3553300	Meyer, John P., et al.	Lease 080	Please see Appendix B
185	2976700	2976800	Mann, John L. & Robin S.	Lease 005	Please see Appendix B
188	3614500	1668500	Thompson, Delmar Clifford & Jeannie M.	EF Lease 094	Please see Appendix B
189	1668500	1592400	Lester Thompson Life Estate, et al	EF Lease 090	Please see Appendix B
195	1561700	2972500	Helm, Douglas F. & Stacy L.	EF Lease 248	Please see Appendix B
195	1561700	2974400	Jeanette Wiley Revocable Trust Agreement	EF Lease 247	Please see Appendix B

APPENDIX D
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Turbine#	Turbine Host Agreement #	Affected Property Agreement #	Agreement Name	Lease # or Type of Waiver	Documentation
195	1561700	2972500	Helm, Douglas F. & Stacy L.	EF Lease 248	Please see Appendix B
196	2972500	1561700	Helm, Frank D. and Carol R.	EF Lease 086	Please see Appendix B
197	2977200	3101000	Kriegel, Anthony A. & Jane A.	Lease 018	Please see Appendix B
197	2977200	3107500	Kriegel, Nicholas	Lease 022	Please see Appendix B
205	2976100	2975900	Cummings, Dustin S. & Katie M.	EF Lease 251	Please see Appendix B
206	2976100	2975900	Cummings, Dustin S. & Katie M.	EF Lease 251	Please see Appendix B
217	1716300	3164000	JHM Revocable Trust	Lease 062	Please see Appendix B
219	3360700	3361000	Iverson, Larry A. & Linda Lee	EF Lease 245	Please see Appendix B
236	2965800	2966300	Wagner Land, LLC	Lease 083	Please see Appendix B
242	3024900	2957200	Klein, Michael L. & Julie A.	Lease 030	Please see Appendix B
242	3024900	3024700	McNaul, James E. & Melinda S.	Lease 014	Please see Appendix B
243	2957200	3024700	McNaul, James E. & Melinda S.	Lease 014	Please see Appendix B
244	2957300	3555900	Klein, Michael L. & Julie A.	Lease 071	Please see Appendix B
247	2957700	2957900	Rhinehart, Diana L. & C. William	Lease 049	Please see Appendix B
257	2968800	3674500	Vanersvelde, Virginia (1/2), et al.	Setback Waiver	Please see attached
278	2999100	3019600	Van Arkel, David J. & Tracee	Lease 094	Please see Appendix B
278	2999100	3021900	Simonton, Teresa M., et al.	Lease 073	Please see Appendix B
279	2999100	3019600	Van Arkel, David J. & Tracee	Lease 094	Please see Appendix B
282	3714900	2996400	Estate of Laurma Manatt, et al.	Lease 102	Please see Appendix B
282	3714900	3019600	Van Arkel, David J. & Tracee	Lease 094	Please see Appendix B
301	2964400	1785100	Wallace, Linda Ann et al	EF Lease 185	Please see Appendix B
302	3362200	1800600	Cranston, Donald E. & Betsy A.	Lease 039	Please see Appendix B
304	1817100	1590100	Darlene V. Baltisberger Rev Trust	EF Lease 061	Please see Appendix B
305	1817100	1794500	Cheney, Keith & Susan	EF Lease 109	Please see Appendix B
306	1800600	1794500	Cheney, Keith & Susan	EF Lease 109	Please see Appendix B
311	1261400	1785100	Wallace, Linda Ann et al	EF Lease 185	Please see Appendix B
316	3676000	1772500	Loren E. & Arlene J. Roorda Rev Trust (238 ac)	Lease 109	Please see Appendix B
316	3676000	1780800	Thompson, Gary Lee & Phyllis A.	EF Lease 217	Please see Appendix B
317	1780800	1772500	Loren E. & Arlene J. Roorda Rev Trust (238 ac)	Lease 109	Please see Appendix B

APPENDIX D
Setback and Sound Waivers

Turbine#	Turbine Host Agreement #	Affected Property Agreement #	Agreement Name	Lease # or Type of Waiver	Documentation
325	1276900	1663700	Byers, Joyce M., et al	EF Lease 118	Please see Appendix B
327	3714600	3360900	Iverson, Roger W. & Deborah E.	Lease 074	Please see Appendix B
340	3022300	3714700	Van Arkel Farms, Inc. (80 ac)	Lease 085	Please see Appendix B
342	2999000	3716000	James H. Van Arkel Trust, et al. (160 ac)	Lease 097	Please see Appendix B
354	3024800	3024900	Patrick John Allen & Anita Raye Allen Rev.Trust	Lease 029	Please see Appendix B
360	3623000	2975800	Hoksbergen Farms Land, Inc.	EF Lease 244	Please see Appendix B
364	3023900	3023800	David E. Maina Living Trust	Lease 060	Please see Appendix B
368	2957000	2957300	Richard E. & Patricia R. Maina Living Trust	Lease 059	Please see Appendix B
372	2966100	2971500	Criswell, Rodney & Susan (185 ac)	Setback Waiver	Please see attached
374	3362100	3025500	Hicks, Marvin E. & Dorothea	Lease 072	Please see Appendix B
375	2990000	3018600	James H. Van Arkel Trust	Lease 089	Please see Appendix B
		2972500	Helm, Douglas F. & Stacy L.	Noise Waiver	Please see attached
		2998800	Manatt, Larry James & Elizabeth Ann	Noise Waiver	Please see attached

NORTH ENGLISH

SETBACK WAIVER

Vanersvelde, Virginia (1/2), et al.

(Virginia F. Van Ersvelde & Larry Van Ersvelde)

RECORDER'S COVER SHEET

Name of Document: Memorandum of Setback Waiver Agreement

Preparer Information:

Matt Gilhousen
North English Wind Project, LLC
16105 W. 113th Street, Ste. 105
Lenexa, Kansas 66219-2305
Phone: 913-888-9463

Taxpayer Information (name and complete address)

Virginia & Larry Van Ervelde
201 385th Avenue
Grinnell, Iowa 50112

Return Document to:

Matt Gilhousen
North English Wind Project, LLC
16105 W. 113th Street, Ste. 105
Lenexa, Kansas 66219-2305
Phone: 913-888-9463

Affected Landowner: Virginia Van Ervelde (a/k/a Virginia F Van Ervelde) and Larry Van Ervelde (a/k/a & Larry D. Van Ervelde), wife and husband.

Project: NORTH ENGLISH WIND PROJECT, LLC, a Delaware limited liability company

Legal Description: See Next Page

Document or instrument number of previously recorded document: None

MEMORANDUM OF SETBACK WAIVER AGREEMENT

North English Wind Project, LLC (“North English”) is developing the North English Wind Project (“Project”), a wind energy facility, in Poweshiek County, Iowa. North English plans to submit an application for a Commercial Wind Energy Conversion System Conditional Use Permit (“C-WECS CUP”) for the Project pursuant to Article XX, Section 5 of the Poweshiek County Zoning Ordinance (“Zoning Ordinance”). North English also plans to implement a project design that incorporates certain setbacks that require waivers as set forth in the Zoning Ordinance.

In developing the Project, North English is proposing to install wind turbine(s) and associated facilities on property adjacent to the property described below (the “Property”):

Legal Description:

Tract 1:

The North Half of the Southeast Quarter of Section One, Township Seventy-nine North, Range Fourteen West of the 5th P.M., Poweshiek County, Iowa.

Article XX, Section 5 of the Zoning Ordinance requires setbacks of wind turbines from property lines, residences and specified other structures unless a written waiver agreement is executed by the affected landowner and recorded with the Poweshiek County Recorder’s Office.


The undersigned affected landowners of the Property (collectively, “Affected Landowner”) voluntarily executed a Setback Waiver Agreement dated May 11, 2017 and does hereby acknowledge waiving the required zoning setback requirements set forth in Article XX, Section 5 of the Zoning Ordinance, and agreeing that North English may locate wind turbine(s) less than the specific setbacks from such property lines, residences, or structures.

/SIGNATURES FOLLOW ON SEPARATE SHEETS/

IN WITNESS WHEREOF, the parties have executed and delivered this Memorandum of Setback Waiver Agreement as of May 11, 2017.

NORTH ENGLISH:

NORTH ENGLISH WIND PROJECT, LLC,
a Delaware limited liability company

By: 

Name: Aaron Weigel

Title: Vice President

STATE OF Kansas)
) ss.
COUNTY OF Johnson)

Be it remembered that on this 15th day of May, 2017, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Aaron Weigel, to me personally known, who being by me duly sworn did say that he is the Vice President of North English Wind Project, LLC, a Delaware limited liability company, and that the within instrument was signed and delivered on behalf of said North English Wind Project, LLC by authority thereof, and acknowledged said instrument to be the free act and deed of said limited liability company for the purposes therein expressed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial seal in the date herein last above written.

My Commission Expires:

11-16-2020
[SEAL]


Notary Public in and for said County and State

Print Name: Nancy Martin



AFFECTED LANDOWNER:

Virginia F. Van Ersvelde
Virginia Van Ersvelde

Larry Van Ersvelde
Larry Van Ersvelde

STATE OF IOWA)
) ss.
COUNTY OF PAWNEE

This record was acknowledged before me on 5/11, 2017, by Virginia Van Ersvelde (a/k/a Virginia F Van Ersvelde) and Larry Van Ersvelde (a/k/a & Larry D. Van Ersvelde), wife and husband.

My Commission Expires:

Vincent E. Johnson III
Notary Public in and for said County and State

[SEAL]

Print Name: Vincent E. Johnson III



NORTH ENGLISH

SETBACK WAIVER

Criswell, Rodney & Susan (185 ac)

(Rodney Criswell and Susan Criswell)

RECORDER'S COVER SHEET

Name of Document: Memorandum of Setback Waiver Agreement

Preparer Information:

Matt Gilhousen
North English Wind Project, LLC
16105 W. 113th Street, Ste. 105
Lenexa, Kansas 66219-2305
Phone: 913-888-9463

Taxpayer Information (name and complete address)

Rodney Criswell and Susan Criswell
4234 142nd Street
Malcom, Iowa 50157

Return Document to:

Matt Gilhousen
North English Wind Project, LLC
16105 W. 113th Street, Ste. 105
Lenexa, Kansas 66219-2305
Phone: 913-888-9463

Affected Landowner: Rodney Criswell and Susan Criswell, husband and wife

Project: NORTH ENGLISH WIND PROJECT, LLC, a Delaware limited liability company

Legal Description: See Next Page

Document or instrument number of previously recorded document: None

MEMORANDUM OF SETBACK WAIVER AGREEMENT

North English Wind Project, LLC (“North English”) is developing the North English Wind Project (“Project”), a wind energy facility, in Poweshiek County, Iowa. North English plans to submit an application for a Commercial Wind Energy Conversion System Conditional Use Permit (“C-WECS CUP”) for the Project pursuant to Article XX, Section 5 of the Poweshiek County Zoning Ordinance (“Zoning Ordinance”). North English also plans to implement a project design that incorporates certain setbacks that require waivers as set forth in the Zoning Ordinance.

In developing the Project, North English is proposing to install wind turbine(s) and associated facilities on property adjacent to the property described below (the “Property”):

Legal Description:

Tract 1:

The West Half of the Northwest Fractional Quarter and the Northwest Quarter of the Southwest Quarter of Section Five, Township Seventy-nine North, Range Fourteen West of the 5th P.M., Poweshiek County, Iowa.

Tract 2:

The East Half of the Northwest Fractional Quarter of Section Five, Township Seventy-nine North, Range Fourteen West of the 5th P.M., Poweshiek County, Iowa, excepting therefrom that portion thereof conveyed to Poweshiek County, Iowa, for use as a public highway appearing of record in Book 196 at page 390 more particularly described as follows: The north 40 ft. of the NW¼ Sec. 5, T79N, R14W of the 5th P.M. containing 0.41 acres, more or less, exclusive of the present established roads.

Article XX, Section 5 of the Zoning Ordinance requires setbacks of wind turbines from property lines, residences and specified other structures unless a written waiver agreement is executed by the affected landowner and recorded with the Poweshiek County Recorder’s Office.

The undersigned affected landowner of the Property (collectively, “Affected Landowner”) voluntarily executed a Setback Waiver Agreement dated May 5, 2017 and does hereby acknowledge waiving the required zoning setback requirements set forth in Article XX, Section 5 of the Zoning Ordinance, and agreeing that North English may locate wind turbine(s) less than the specific setbacks from such property lines, residences, or structures.

!SIGNATURES FOLLOW ON SEPARATE SHEETS!

IN WITNESS WHEREOF, the parties have executed and delivered this Memorandum of Setback Waiver Agreement as of May 5, 2017.

NORTH ENGLISH:

NORTH ENGLISH WIND PROJECT, LLC,
a Delaware limited liability company

By: Vicki Schumacher
Name: VICKI SCHUMACHER
Title: VICE PRESIDENT

STATE OF Kansas)
) ss.
COUNTY OF Johnson)

Be it remembered that on this 16th day of May, 2017, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Vicki Schumacher, to me personally known, who being by me duly sworn did say that he is the Vice President of North English Wind Project, LLC, a Delaware limited liability company, and that the within instrument was signed and delivered on behalf of said North English Wind Project, LLC by authority thereof, and acknowledged said instrument to be the free act and deed of said limited liability company for the purposes therein expressed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial seal in the date herein last above written.

My Commission Expires:

12-20-2020

[SEAL]

Nancilu Landrum
Notary Public in and for said County and State

Print Name: Nancilu Landrum



AFFECTED LANDOWNER:

Rodney Criswell
Rodney Criswell

Susan J. Criswell
Susan Criswell

STATE OF Iowa)
) ss.
COUNTY OF Pottawatomie)

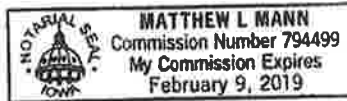
This record was acknowledged before me on May 11 , 2017, by Rodney Criswell and Susan Criswell, husband and wife.

My Commission Expires:

[SEAL]

Matthew L Mann
Notary Public in and for said County and State

Print Name: Matthew L Mann



NORTH ENGLISH

NOISE WAIVER

Manatt, Larry James & Elizabeth Ann

(Larry James Manatt and Elizabeth Ann Manatt)

RECORDER'S COVER SHEET

Name of Document: Memorandum of Noise Waiver/Easement Agreement

Preparer Information:

Matt Gilhousen
North English Wind Project, LLC
16105 W. 113th Street, Ste. 105
Lenexa, Kansas 66219-2305
Phone: 913-888-9463

Taxpayer Information (name and complete address)

Larry James & Elizabeth Ann Manatt
968 410th Avenue
Malcom, Iowa 50157

Return Document to:

Matt Gilhousen
North English Wind Project, LLC
16105 W. 113th Street, Ste. 105
Lenexa, Kansas 66219-2305
Phone: 913-888-9463

Affected Landowner: Larry James & Elizabeth Ann Manatt

Project: NORTH ENGLISH WIND PROJECT, LLC, a Delaware limited liability company

Legal Description: See Next Page

Document or instrument number of previously recorded document: None

MEMORANDUM OF NOISE WAIVER/EASEMENT AGREEMENT

North English Wind Project, LLC (“North English”) is developing the North English Wind Project (“Project”), a wind energy facility, in Poweshiek County, Iowa. North English plans to submit an application for a Commercial Wind Energy Conversion System Conditional Use Permit (“C-WECS CUP”) for the Project pursuant to Article XX, Section 5 of the Poweshiek County Zoning Ordinance (“Zoning Ordinance”). North English also plans to implement a project design that incorporates certain facility locations that require a waiver of the audible noise maximum as set forth in the Zoning Ordinance.

In developing the Project, North English is proposing to install wind turbine(s) and associated facilities on property adjacent to, nearby, or on the property described below (the “Property”):

Legal Description :

Lot A in the Northwest Quarter of the Northeast Quarter of Section Thirty-three, Township Eighty North, Range Fifteen West of the 5th P.M., Poweshiek County, Iowa, more particularly described as follows: Commencing from the N 1/4 Corner of Section 33, T80N, R15W of the 5th P.M., Poweshiek County, Iowa, the Point of Beginning; thence N 90°00'00" E, 1167.68' along the section line; thence S 0°46'55" W, 491.28'; thence N 83°47'10" W, 478.68'; thence N 0°36'25" W, 138.20'; thence S 88°22'10" W, 680.12'; thence N 0°40'45" W, 320.62' to the Point of Beginning. The above parcel hereinafter known as Lot A in the NW 1/4, NE 1/4 of Section 33-80-15, containing approximately 10.000 acres, including 0.885 acres of county road right-of-way.

Article XX, Section 5 of the Zoning Ordinance requires that in the event noise levels resulting from the C-WECS exceed the criteria listed in the Ordinance, a waiver to said levels may be granted by the Board of Adjustment provided a written waiver agreement is executed by the affected landowner. The Ordinance further provides that in order to apply to succeeding owners of the property a corresponding easement must be is recorded with the Poweshiek County Recorder’s Office.

The undersigned affected landowners of the Property (collectively, “Affected Landowner”), for so long as the Property is leased by North English (or any successor in interest thereto), voluntarily executed a Noise Waiver/Easement Agreement dated May 5, 2017 and does hereby acknowledge waiving the required zoning noise requirements set forth in Article XX, Section 5 of the Zoning Ordinance (but with the understanding that noise levels from the C-WECS will not exceed 52 decibels) and agrees that North English may locate wind turbine(s) on the Property, adjacent to the Property, or nearby the Property that may create audible noise in excess of the limits set forth in the Ordinance.

[SIGNATURES FOLLOW ON SEPARATE SHEETS]

IN WITNESS WHEREOF, the parties have executed and delivered this Memorandum of Noise Waiver/Easement as of May 5, 2017

NORTH ENGLISH:

NORTH ENGLISH WIND PROJECT, LLC,
a Delaware limited liability company

By: Vicki Schumacher

Name: VICKI SCHUMACHER

Title: VICE PRESIDENT

STATE OF Kansas)
) ss.
COUNTY OF Johnson)

Be it remembered that on this 16th day of May, 2017, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Vicki Schumacher to me personally known, who being by me duly sworn did say that he is the Vice President of North English Wind Project, LLC, a Delaware limited liability company, and that the within instrument was signed and delivered on behalf of said North English Wind Project, LLC by authority thereof, and acknowledged said instrument to be the free act and deed of said limited liability company for the purposes therein expressed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial seal in the date herein last above written.

My Commission Expires:

12-20-2020

[SEAL]

Nancilu Landrum
Notary Public in and for said County and State

Print Name: Nancilu Landrum



AFFECTED LANDOWNER:

Larry J Manatt

Larry James Manatt

Elizabeth Ann Manatt

Elizabeth Ann Manatt

STATE OF Iowa)
) ss.
COUNTY OF Pocahontas)

This record was acknowledged before me on May 10, 2017, by Larry James Manatt and Elizabeth Ann Manatt, husband and wife.

My Commission Expires:

Andrew Michael Bachman

Notary Public in and for said County and State

[SEAL]



Print Name: Andrew Michael Bachman

NORTH ENGLISH

NOISE WAIVER

Helm, Douglas F. & Stacy L

(Douglas F. Helm and Stacy L. Helm)

RECORDER'S COVER SHEET

Name of Document: Memorandum of Noise Waiver/Easement Agreement

Preparer Information:

Matt Gilhousen
North English Wind Project, LLC
16105 W. 113th Street, Ste. 105
Lenexa, Kansas 66219-2305
Phone: 913-888-9463

Taxpayer Information (name and complete address)

Douglas F. Helm and Stacy L. Helm
4459 135th Street
Montezuma, Iowa 50171

Return Document to:

Matt Gilhousen
North English Wind Project, LLC
16105 W. 113th Street, Ste. 105
Lenexa, Kansas 66219-2305
Phone: 913-888-9463

Affected Landowner: Douglas F. Helm and Stacy L. Helm (a/k/a Stacy Helm),
husband and wife

Project: NORTH ENGLISH WIND PROJECT, LLC, a Delaware limited liability company

Legal Description: See Next Page

Document or instrument number of previously recorded document: None

MEMORANDUM OF NOISE WAIVER/EASEMENT AGREEMENT

North English Wind Project, LLC ("North English") is developing the North English Wind Project ("Project"), a wind energy facility, in Poweshiek County, Iowa. North English plans to submit an application for a Commercial Wind Energy Conversion System Conditional Use Permit ("C-WECS CUP") for the Project pursuant to Article XX, Section 5 of the Poweshiek County Zoning Ordinance ("Zoning Ordinance"). North English also plans to implement a project design that incorporates certain facility locations that require a waiver of the audible noise maximum as set forth in the Zoning Ordinance.

In developing the Project, North English is proposing to install wind turbine(s) and associated facilities on property adjacent to, nearby, or on the property described below (the "Property"):

Legal Description :

Tract 1:

The West Half of the Southeast Quarter of Section Seven, Township Seventy-nine North, Range Fourteen West of the 5th P.M., Poweshiek County, Iowa.

Tract 2:

Southwest Fractional Quarter of Section 7, Township 79 North, Range 14 West of the 5th P.M., Poweshiek County, Iowa.

Tract 3:

The Northwest Fractional Quarter of the Northwest Fractional Quarter; the West 1/2 Acres of the Northeast Quarter of the Northwest Fractional Quarter; Lot One of the Southwest Fractional Quarter of the Northwest Fractional Quarter, and Lot One of the Southeast Quarter of the Northwest Fractional Quarter, all in Section 18, Township 79 North, Range 14 West of the 5th P.M., Poweshiek County, Iowa.

Tract 4:

The Northeast Quarter of the Southeast Quarter in Section Eighteen, Township Seventy-nine, North, Range Fourteen West of the 5th P.M., Poweshiek County, Iowa, excepting therefrom Parcel C according to the Plat thereof appearing of record in Survey Book 10 at Page 107, more particularly described as follows: Beginning at the Southeast (SE) corner of said Section 18, T79N, R14W; thence N 89°59'46" W, 1065.60 feet along the South line of said Section 18; thence N 1°01'31" E, 25.24 feet; thence N 52°58'23" W, 609.12 feet; thence N 59°47'55" W, 378.59 feet; thence N 67°15'50" W, 291.04 feet to the centerline of a County road; thence N 1°01'31" E, 594.84 feet along said centerline; thence N 0°05'51" W, 785.89 feet continuing along said centerline; thence S 83°30'38" E, 252.08

feet; thence S 72°44'55" E, 222.10 feet; thence S 58°54'55" E, 236.69 feet; thence S 44°39'04" E, 343.83 feet; thence S 34°46'16" E, 533.26 feet; thence N 68°36'33" E, 269.93 feet; thence S 68°14'15" E, 141.91 feet; thence S 17°50'25" E, 190.64 feet; thence S 26°15'47" E, 47.22 feet; thence S 77°08'25" E, 482.75 feet to the East line of said Section 18; thence S 0°24'26" W, 893.96 feet along said East line to the Point of Beginning. Said parcel containing 63.37 acres including 1.05 acres public road Right-of-Way.

AND

The Northwest Quarter of the Southeast Quarter which lies on the East side of the County Road, in Section Eighteen, Township Seventy-nine North, Range Fourteen West of the 5th P.M., Poweshiek County, Iowa, excepting therefrom: Parcel A according to the Plat thereof appearing of record in Survey Book 8 at Page 68, more particularly described as follows: Commencing at the Center of said Section 18; thence North 89 degrees 33 minutes 37 seconds East, a distance of 771.44 feet along the North line of said Northwest Quarter of the Southeast Quarter; thence South 0 degrees 54 minutes 22 seconds West, a distance of 233.66 feet to the Point of Beginning. Thence North 89 degrees 35 minutes 00 seconds East, a distance of 117.20 feet; thence South 34 degrees 10 minutes 43 seconds East, a distance of 49.06 feet; thence South 54 degrees 20 minutes 48 seconds East, a distance of 56.31 feet; thence South 75 degrees 42 minutes 12 seconds East, a distance of 147.46 feet; thence South 2 degrees 27 minutes 08 seconds East, a distance of 26.54 feet; thence South 50 degrees 02 minutes 32 seconds East, a distance of 134.76 feet; thence South 9 degrees 51 minutes 16 seconds West, a distance of 88.19 feet; thence North 48 degrees 03 minutes 58 seconds West, a distance of 201.31 feet; thence North 87 degrees, 50 minutes 04 seconds West, a distance of 275.78 feet; thence North 0 degrees 54 minutes 22 seconds East, a distance of 164.00 feet to the Point of Beginning. Said parcel contains 1.19 acres.

LESS AND EXCEPT

Parcel C according to the Plat thereof appearing of record in Survey Book 10 at Page 107, more particularly described as follows: Beginning at the Southeast (SE) corner of said Section 18, T79N, R14W; thence N 89°59'46" W, 1065.60 feet along the South line of said Section 18; thence N 1°01'31" E, 25.24 feet; thence N 52°58'23" W, 609.12 feet; thence N 59°47'55" W, 378.59 feet; thence N 67°15'50" W, 291.04 feet to the centerline of a County road; thence N 1°01'31" E, 594.84 feet along said centerline; thence N 0°05'51" W, 785.89 feet continuing along said centerline; thence S 83°30'38" E, 252.08 feet; thence S 72°44'55" E, 222.10 feet; thence S 58°54'55" E, 236.69 feet; thence S 44°39'04" E, 343.83 feet; thence S 34°46'16" E, 533.26 feet; thence N 68°36'33" E, 269.93 feet; thence S 68°14'15" E, 141.91 feet; thence S 17°50'25" E, 190.64 feet; thence S 26°15'47" E, 47.22 feet; thence S 77°08'25" E, 482.75 feet to the East line of said Section 18; thence S 0°24'26" W, 893.96 feet along said East line to the Point of Beginning. Said parcel containing 63.37 acres including 1.05 acres public road Right-of-Way.

Tract 5:

The Southeast Quarter of the Southeast Quarter in Section Eighteen, Township Seventy-nine North, Range Fourteen West of the 5th P.M., Poweshiek County, Iowa, excepting therefrom Parcel B according to the Plat thereof appearing of record in Survey Book 10, Page 106 and amended in Survey Book 10, Page 120, more particularly described as follows: Commencing at the South Quarter Corner of said Section 18, T79N, R14W, thence S 89°59'46" E, 480.50 feet along the South line of said Section 18 to the Point of Beginning; thence N 1°01'31" E, 695.00 feet along the centerline of a County road; thence S 67°15'50" E, 291.04 feet; thence S 59°47'55" E, 378.59 feet; thence S 52°58'23" E, 609.12 feet; thence S 1°01'31" W, 25.24' to said South line of Section 18; thence N 89°59'46" W, 881.40 feet along said South line to the Northeast Corner of said Lot 2 in the NW1/4-NE1/4, Section 19, T79N, R14W; thence S 1°01'31" W, 346.50 feet to the Southeast corner of said Lot 2; thence N 89°59'46" W, 212.50 feet along the South line of said Lot 2 to the centerline of said County road; thence N 1°01'31" E, 346.50 feet along said centerline to the Point of Beginning. Said parcel containing 11.71 acres, including 0.78 acres of public road Right-of-Way.

LESS AND EXCEPT

Parcel C according to the Plat thereof appearing of record in Survey Book 10, Page 107, more particularly described as follows: Beginning at the Southeast (SE) corner of said Section 18, T79N, R14W; thence N 89°59'46" W, 1065.60 feet along the South line of said Section 18; thence N 1°01'31" E, 25.24 feet; thence N 52°58'23" W, 609.12 feet; thence N 59°47'55" W, 378.59 feet; thence N 67°15'50" W, 291.04 feet to the centerline of a County road; thence N 1°01'31" E, 594.84 feet along said centerline; thence N 0°05'51" W, 785.89 feet continuing along said centerline; thence S 83°30'38" E, 252.08 feet; thence S 72°44'55" E, 222.10 feet; thence S 58°54'55" E, 236.69 feet; thence S 44°39'04" E, 343.83 feet; thence S 34°46'16" E, 533.26 feet; thence N 68°36'33" E, 269.93 feet; thence S 68°14'15" E, 141.91 feet; thence S 17°50'25" E, 190.64 feet; thence S 26°15'47" E, 47.22 feet; thence S 77°08'25" E, 482.75 feet to the East line of said Section 18; thence S 0°24'26" W, 893.96 feet along said East line to the Point of Beginning. Said parcel containing 63.37 acres including 1.05 acres public road Right-of-Way.

Tract 6:

The Southeast Quarter of Section Thirty-four, Township Seventy-nine North, Range Fifteen West of the 5th P.M., Poweshiek County, Iowa.

Tract 7:

The West Half (W½) of the Southwest Quarter (SW¼) of Section Thirty-three (33), Township Eighty (80) North, Range Fifteen (15) West of the 5th P.M., Poweshiek County, Iowa.

Article XX, Section 5 of the Zoning Ordinance requires that in the event noise levels resulting from the C-WECS exceed the criteria listed in the Ordinance, a waiver to said levels may be granted by the Board of Adjustment provided a written waiver agreement is executed by the affected landowner. The Ordinance further provides that in order to apply to succeeding owners of the property a corresponding easement must be is recorded with the Poweshiek County Recorder's Office.

The undersigned affected landowner(s) of the Property (collectively, "Affected Landowner") voluntarily executed a Noise Waiver/Easement Agreement dated May 5, 2017 and does hereby acknowledge waiving the required zoning noise requirements set forth in Article XX, Section 5 of the Zoning Ordinance and agrees that North English may locate wind turbine(s) on the Property, adjacent to the Property, or nearby the Property that may create audible noise in excess of the limits set forth in the Ordinance.

[SIGNATURES FOLLOW ON SEPARATE SHEETS]

IN WITNESS WHEREOF, the parties have executed and delivered this Memorandum of Noise Waiver/Easement as of May 5, 2017.

NORTH ENGLISH:

NORTH ENGLISH WIND PROJECT, LLC,
a Delaware limited liability company

By: Vicki Schumacher

Name: VICKI SCHUMACHER

Title: Vice President

STATE OF Kansas)
) ss.
COUNTY OF Johnson)

Be it remembered that on this 16th day of May, 2017, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Vicki Schumacher to me personally known, who being by me duly sworn did say that he is the Vice President of North English Wind Project, LLC, a Delaware limited liability company, and that the within instrument was signed and delivered on behalf of said North English Wind Project, LLC by authority thereof, and acknowledged said instrument to be the free act and deed of said limited liability company for the purposes therein expressed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial seal in the date herein last above written.

My Commission Expires:

12-20-2020

[SEAL]

Nancilu Landrum
Notary Public in and for said County and State

Print Name: Nancilu Landrum



AFFECTED LANDOWNER:

Douglas F. Helm
Douglas F. Helm

Stacy L. Helm
Stacy L. Helm

STATE OF Iowa)
) ss.
COUNTY OF Lakeside)

This record was acknowledged before me on May 4, 2017, by Douglas F. Helm and Stacy L. Helm (a/k/a Stacy Helm), husband and wife.

My Commission Expires:

Andrew Michael Bachman
Notary Public in and for said County and State

[SEAL]



Print Name: Andrew Michael Bachman