



LAMOURE COUNTY RECORDER Doc #180536

Return to: CORPORATION SERVICE COMPANY

919 NORTH 1000 WEST

LOGAN, UT 84321

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LAMOURE COUNTY RECORDER Doc #180536

I certify that this instrument was filed and recorded on 6/20/2022 at 2:12 PM. Fee \$65.00 ERECORDED

By Lauren Powell, deputy LAURIE GOOD, Recorder



MEMORANDUM OF OPTION AND EASEMENTS

Leonard Willey, a single person; Barbara DeWitt, joined by consenting spouse, Bryan DeWitt; Jeannette Rost, joined by consenting spouse, Gene Rost; Bonnie Denning, joined by consenting spouse, Danny Denning; and Peggy Fettig, joined by consenting spouse, Dwight Fettig (collectively "**Owner**") and Boulevard Associates, LLC, a Delaware limited liability company ("**Operator**") have entered into that certain Wind Farm Easement Agreement ("**Agreement**") as of the mutual execution date of this Memorandum, whereby Owner granted to Operator an exclusive option ("**Option**") to acquire the following easements in connection with the development, construction and operation of a wind energy project in LaMoure County, North Dakota (jointly and severally, the "**Easements**"):

- (1) Construction Easement
- (2) Turbine Easement
- (3) Access Easement
- (4) Collection Easement
- (5) Telecommunication Easement
- (6) Wind Non-Obstruction Easement
- (7) Overhang Easement
- (8) Met Instrument Easement
- (9) Effects Easement

encumbering all or portions of the real property described in **Exhibit A** attached hereto and made a part hereof (the "**Owner's Property**").

As to the Option, the period during which the Option may be exercised ("**Initial Option Term**") shall begin on the date when both Owner and Operator have executed the Agreement, and shall continue for a period of thirty-six (36) months after such date. The Initial Option Term may be extended for one twenty-four (24) month extension period ("**Extended Option Term**"). References herein to the Option Term shall mean the Initial Option Term and, to the extent exercised by Operator, also the Extended Option Term. Operator may exercise the Option by giving written notice to Owner ("**Option Notice**") at any time during the Option Term.



As to the Easements:

(I) The initial term of the Easements is fifty (50) years ("**Initial Easement Term**") commencing on the date specified in Option Notice ("**Commencement Date**") subject to the rights of renewal and termination as provided in the Agreement. Operator shall have the right to extend the Initial Easement Term of this Agreement for one (1) term of twenty (20) years in accordance with the terms and provisions of the Agreement (collectively "**Extended Easement Term**"). The Initial Easement Tem and the Extended Easement Term shall collectively be referred to as the "**Easement Term**".

(II) Pursuant to the terms and conditions of the Agreement, Operator has the exclusive right to convert all of the wind resources on the Owner's Property. Any of the Owner's activities, or any grant of rights by Owner to a third party, on the Owner's Property or adjacent property of Owner shall not, now or in the future, interfere in any way with the rights of Operator under the Agreement.

(III) The Easements and any restriction contained in the Agreement run with the land affected thereby and are binding upon, and inure to the benefit of the Owner and Operator, their respective successors, heirs mortgagees, assigns, personal representatives, tenants, or persons claiming through them.

(IV) The address of Owner is:

Leonard Willey
~~4595 38th Street SE~~ 1204 7th St SW Suite 301
~~Medina, ND 58467-9318~~ Jamestown, ND 58401 *FW*

Barbara DeWitt and Bryan DeWitt
5430 6th Street SW
Hazen, ND 58545

Jeannette Rost and Gene Rost
~~2253 Carvell Lane~~ 1141 22^N Ave SW *FW*
Washburn, ND 58577

Bonnie Denning and Danny Denning
506 3rd Avenue E / PO Box 202 *FW*
Gackle, ND 58442

Peggy Fettig and Dwight Fettig
1026 6th Avenue SW
Jamestown, ND 58401



(V) The address of Operator is:

Boulevard Associates, LLC
700 Universe Boulevard
Juno Beach, FL 33408-2683
Attn: Land Services Administration

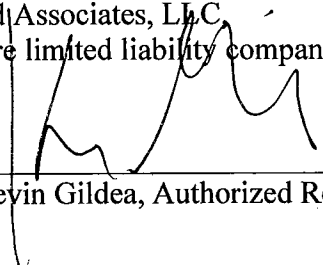
[Signatures on Next Pages]



IN WITNESS WHEREOF, the Operator has executed this Memorandum of Option and Easements on the date set forth below:

Operator:

Boulevard Associates, LLC
a Delaware limited liability company

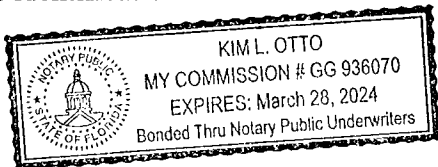
By: 
Kevin Gildea, Authorized Representative

ACKNOWLEDGMENT

STATE OF FLORIDA)
) SS.
COUNTY OF PALM BEACH)

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 13 day of May, 2022 by Kevin Gildea, as Authorized Representative of Boulevard Associates, LLC, a Delaware limited liability company, on behalf of the company, who is personally known to me or has produced a driver's license as identification.

(SEAL)



Name: Kim L. Otto
Notary Public, State of Florida
My Commission Expires: 3/28/2024

AFTER RECORDING RETURN TO

Orin Shakerdge, Esq.
NextEra Energy Resources, LLC
700 Universe Blvd., LAW/JB
Juno Beach, FL 33408
(561) 694-4678



EXHIBIT A

Legal Description of Owner's Property

Southwest Quarter (SW¹/₄) of Section 17, Township 135 North, Range 66 West, LaMoure County, North Dakota.