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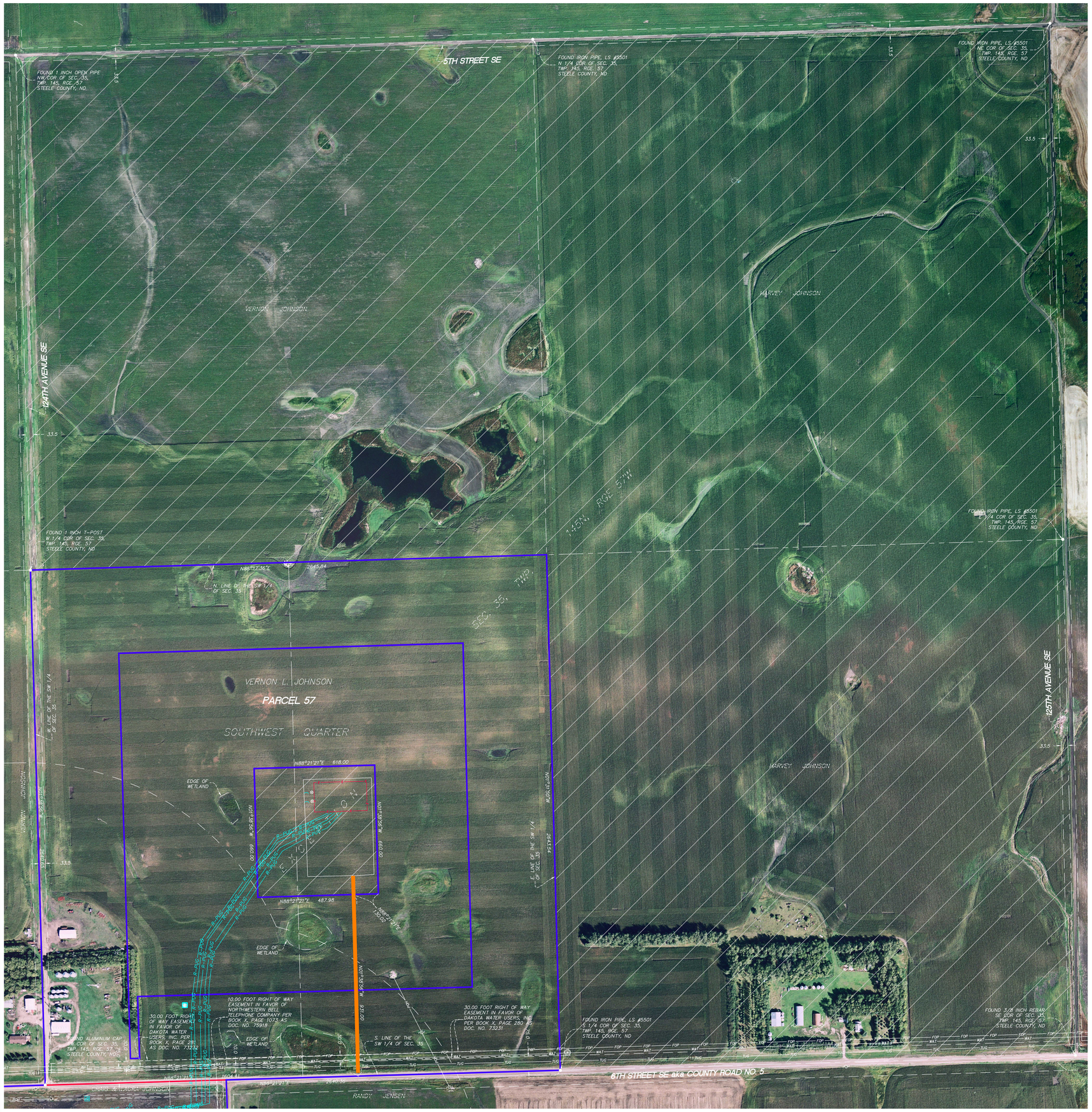

Property Description from File No. Parcel 57

The Southwest Quarter (SW1/4) of Section Thirty-five (35), Township One Hundred Forty-five (145) North, Range Fifty-seven (57) West of the Fifth Principal Meridian, Steele County, North Dakota, EXCEPT that portion thereof described as follows: Commencing at the southwest corner of said SW 1/4; thence North 88 degrees 21 minutes 21 seconds East, assumed bearing along the south line of said SW 1/4, a distance of 1604.41 feet; thence North 01 degrees 38 minutes 56 seconds West, parallel to the West line of said SW 1/4, a distance of 931.00 feet to the point of beginning; thence North 88 degrees 21 minutes 21 seconds East, parallel to said south line, a distance of 130.02 feet; thence North 01 degrees 38 minutes 56 seconds West, parallel to said west line, a distance of 660.00 feet; thence South 88 degrees 21 minutes 21 seconds West, parallel to said south line, a distance of 618.00 feet; thence South 01 degrees 38 minutes 56 seconds East, parallel to said west line, a distance of 660.00 feet; thence North 88 degrees 21 minutes 21 seconds East, parallel to said south line, a distance of 487.97 feet to the point of beginning.

General Notes

1) This survey was prepared using Surety Title Company, as agent for Old Republic National Title Insurance Company, Proforma Policy No. OX-08181809, File No. 1700, having an effective date of July 9, 2009.

2) Steele County, North Dakota does not participate in the Flood Insurance Rate Map.

3) Subject property contains 6,575,472± Sq.Ft. or 150.9 acres.

4) Subject property contains no parking stalls.

5) The underground utilities shown have been located from field survey information and existing drawings. The surveyor makes no guarantees that the underground utilities shown comprise all such utilities in the area, either in service or abandoned. The surveyor further does not warrant that that the underground utilities shown are in the exact location indicated although he does certify that they are located as accurately as possible from information available. The surveyor has not physically located the underground utilities.

The following are numbered as they appear in Schedule B of the Title Commitment:

57E-1.) Right-of-Way Easement in favor of Northwestern Bell Telephone Company dated August 28, 1963, recorded February 24, 1965 at 11:00 a.m. in Book 42 of Contracts, Page 276, as Document No. 65482. Affects the W1/2SW1/4 35-145-57, consisting of that strip of land one foot wider (6 inches on each side) than that amount of land required by the telephone cable and its associated plant which the Telephone Company shall bury or place underground in or on the real property described above: Approximately 80 feet North of the centerline of the road bordering Sections 34 and 35 on the South (Parcel 57).
PROPERTY APPEARS TO BE SUBJECT TO SAID RIGHT OF WAY EASEMENT OVER THE W 1/2 OF THE SW 1/4 OF SEC. 35, NOT SHOWN ON SURVEY DUE TO NO EXACT EASEMENT WIDTH OR LOCATION GIVEN.

57E-2.) Subject to that certain Consent and Crossing Agreement dated January 22, 2009, filed January 26, 2009 at 12:00 P.M. as Document No. 98813, by and between Inter-Community Telephone Company, LLC, as successor in interest to Northwestern Bell Telephone Company, and M-Power, LLC as assigned to OTP pursuant to that certain Assignment and Assumption of Real Property Interests dated February 6, 2009, filed February 10, 2009 at 12:15 P.M. as Document No. 98861.
PROPERTY APPEARS TO BE SUBJECT TO CONSENT AND CROSSING AGREEMENT OVER THE SW 1/4 OF SEC. 35, NOT SHOWN ON SURVEY.

57E-3.) Right-of-Way Easement in favor of Northwestern Bell Telephone Company dated August 28, 1963, recorded February 24, 1965 at 11:00 a.m. as Document No. 65483. Affects the S1/2SW1/4 35-145-57, consisting of that strip of land one foot wider (6 inches on each side) than that amount of land required by the telephone cable and its associated plant which the Telephone Company shall bury or place underground in or on the real property described above: Approximately 80 feet North of the centerline of the road bordering Section 35 on the South (Parcel 57).
PROPERTY APPEARS TO BE SUBJECT TO SAID RIGHT OF WAY EASEMENT OVER THE S 1/2 OF THE SW 1/4 OF SEC. 35, NOT SHOWN ON SURVEY DUE TO NO EXACT EASEMENT WIDTH OR LOCATION GIVEN.

57E-4.) Subject to that certain Consent and Crossing Agreement dated January 22, 2009, filed January 26, 2009 at 12:00 P.M. as Document No. 98813, by and between Inter-Community Telephone Company, LLC, as successor in interest to Northwestern Bell Telephone Company, and M-Power, LLC as assigned to OTP pursuant to that certain Assignment and Assumption of Real Property Interests dated February 6, 2009, filed February 10, 2009 at 12:15 P.M. as Document No. 98861.
PROPERTY APPEARS TO BE SUBJECT TO CONSENT AND CROSSING AGREEMENT OVER THE SW 1/4 OF SEC. 35, NOT SHOWN ON SURVEY.

57E-5.) Right-of-Way Easement in favor of Northwestern Bell Telephone Company dated April 5, 1978, recorded October 5, 1978 at 4:00 p.m. in Book X of Easements, Page 1073, as Document No. 75918. Affects the SW1/4SW1/4 35-145-57 (Parcel 57).
PROPERTY APPEARS TO BE SUBJECT TO SAID RIGHT OF WAY EASEMENT, AS SHOWN ON SURVEY.

57E-6.) Subject to that certain Consent and Crossing Agreement dated January 22, 2009, filed January 26, 2009 at 12:00 P.M. as Document No. 98813, by and between Inter-Community Telephone Company, LLC, as successor in interest to Northwestern Bell Telephone Company, and M-Power, LLC as assigned to OTP pursuant to that certain Assignment and Assumption of Real Property Interests dated February 6, 2009, filed February 10, 2009 at 12:15 P.M. as Document No. 98861.
PROPERTY APPEARS TO BE SUBJECT TO CONSENT AND CROSSING AGREEMENT OVER THE SW 1/4 OF SEC. 35, NOT SHOWN ON SURVEY.

57E-7.) Easement for Waterfowl Management Rights in favor of the United States of America, dated April 29, 1966, recorded September 2, 1966 at 9:00 a.m. in Book 42 of Contracts, Page 419, as Document No. 66764 (Parcel 57).
PROPERTY APPEARS TO BE SUBJECT TO SAID EASEMENT OVER THE SW 1/4 OF SEC. 35, NOT SHOWN ON SURVEY.

57E-8.) Right-of-Way Easement in favor of Dakota Water Users, Inc., dated June 21, 1976, recorded July 15, 1976 at 8:00 a.m. in Book X of Easements, Page 280, as Document No. 73231. Affects the E1/2SW1/4 of 35-145-57; specifically, a strip of land 30 feet wide, the center line of which is described as follows: 15 feet North of the highway right-of-way on the South boundary line. (Parcel 57).
PROPERTY APPEARS TO BE SUBJECT TO SAID RIGHT OF WAY EASEMENT, AS SHOWN ON SURVEY.

57E-9.) Subject to that certain Consent and Crossing Agreement dated January 13, 2009, filed January 20, 2009 at 9:15 A.M., as Document No. 98763, by and between Dakota Rural Water District, a Political Subdivision, f/k/a Dakota Water Users, Inc., and M-Power, as assigned to OTP pursuant to that certain Assignment and Assumption of Real Property Interests dated February 6, 2009, filed February 10, 2009 at 12:15 P.M. as Document No. 98861.
PROPERTY APPEARS TO BE SUBJECT TO CONSENT AND CROSSING AGREEMENT OVER THE SW 1/4 OF SEC. 35, NOT SHOWN ON SURVEY.

57E-10.) Right-of-Way Easement in favor of Dakota Water Users, Inc., dated June 14, 1976, recorded July 15, 1976 at 8:00 a.m. in Book X of Easements, Page 281, as Document No. 73232. Affects the W1/2SW1/4 of 35-145-57; specifically, a strip of land 30 feet wide, the center line of which is described as follows: 15 feet North of the highway right-of-way on the South boundary line. (Parcel 57).
PROPERTY APPEARS TO BE SUBJECT TO SAID RIGHT OF WAY EASEMENT, AS SHOWN ON SURVEY.

57E-11.) Subject to that certain Consent and Crossing Agreement dated January 13, 2009, filed January 20, 2009 at 9:15 A.M., as Document No. 98763, by and between Dakota Rural Water District, a Political Subdivision, f/k/a Dakota Water Users, Inc., and M-Power, as assigned to OTP pursuant to that certain Assignment and Assumption of Real Property Interests dated February 6, 2009, filed February 10, 2009 at 12:15 P.M. as Document No. 98861.
PROPERTY APPEARS TO BE SUBJECT TO CONSENT AND CROSSING AGREEMENT OVER THE SW 1/4 OF SEC. 35, NOT SHOWN ON SURVEY.

57E-12.) Mineral Reservation contained in Deed dated November 10, 1943, filed November 2, 1953 at 2:30 P.M. in Book 13 of Deeds page 235. Reserving and excepting, however, to the State of North Dakota 50% of all oil, natural gas and minerals which may be found on or underlying said lands, pursuant to the provisions of Chapter 165 of the 1941 Session Laws of North Dakota, and further reserving and excepting title to all archaeological materials whether found upon or below the surface of said lands, pursuant to the provisions of Chapter 223 of the 1939 Session Laws of North Dakota, and further excepting all minerals, including oil, gas and coal and all mineral rights not now owned by the party of the first part according to the records in the office of the Register of Deeds of said County and State. (Covers W1/2SW1/4-35-145-57)
PROPERTY APPEARS TO BE SUBJECT TO SAID MINERAL RESERVATION OVER THE W 1/2 OF THE SW 1/4 OF SEC. 35, NOT SHOWN ON SURVEY.

57E-13.) Wind Farm Easement Agreement dated October 16, 2008, filed October 30, 2008 at 1:15 P.M. as Document No. 98489 from Vernon L. Johnson, a widower to M-Power, LLC .
PROPERTY APPEARS TO BE SUBJECT TO SAID WIND FARM EASEMENT OVER THE SW 1/4 OF SEC. 35, NOT SHOWN ON SURVEY.

57E-14.) Transmission Easement dated October 16, 2008, filed October 30, 2008 at 1:10 P.M. as Document No. 98488 from Vernon L. Johnson, a widower to M-Power, LLC.
PROPERTY APPEARS TO BE SUBJECT TO SAID TRANSMISSION EASEMENT OVER THE SW 1/4 OF SEC. 35, NOT SHOWN ON SURVEY.

57E-15.) Assignment and Assumption of Real Property Interests dated February 6, 2009, filed February 10, 2009 at 12:15 P.M. as Document No. 98861 from M-Power LLC to Otter Tail Corporation doing business as Otter Tail Power Company. Assigns Document No. 98489 (57E-13) and Document No. 98488 (57E-14).
PROPERTY APPEARS TO BE SUBJECT TO CONSENT AND CROSSING AGREEMENT OVER THE SW 1/4 OF SEC. 35, NOT SHOWN ON SURVEY.

Westwood

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www.westwoodps.com

Crew: JAG
Checked: CWM
Drawn: SRS
Record Drawing by/date:

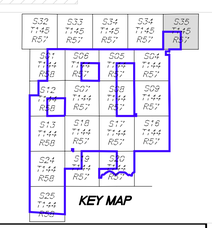
Revisions:
:
:
:

Prepared for:

Ashtabula Wind II, LLC

LEGEND

- WELL
- GUY WIRE
- POWER POLE
- POST
- GATE VALVE
- TELEPHONE BOX
- ELECTRIC BOX
- ELECTRIC METER
- HYDRANT
- WATER METER
- CURB STOP BOX
- FOP — FIBER OPTIC UNDERGROUND
- TUG — TELEPHONE UNDERGROUND
- WAT — RURAL WATERMAIN
- POH — POWER OVERHEAD
- FENCE LINE
- DENOTES SET IRON MONUMENT
- DENOTES FOUND IRON MONUMENT
- DENOTES PROJECT BOUNDARY
- DENOTES LEASE BOUNDARY
- XX — DENOTES ASBUILT TURBINE LOCATION AND NUMBER
- DENOTES ASBUILT ACCESS ROAD
- DENOTES ASBUILT STORM SEWER
- R-PUG — DENOTES ASBUILT UNDERGROUND COLLECTION CABLE
- R-POH — DENOTES ASBUILT OVERHEAD TRANSMISSION LINE
- DENOTES ASBUILT ELECTRIC BOX
- DENOTES ASBUILT JUNCTION BOX
- DENOTES ASBUILT TRANSMISSION POLES
- DENOTES PROPERTY OUTSIDE THE PROJECT BOUNDARY



Ashtabula II Wind Farm

Luverne, North Dakota

N

0' 200' 400' 600'

AS-BUILT ALTA/ACSM Land Title Survey

Date: February 18, 2010
Sheet: 3 OF 20

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