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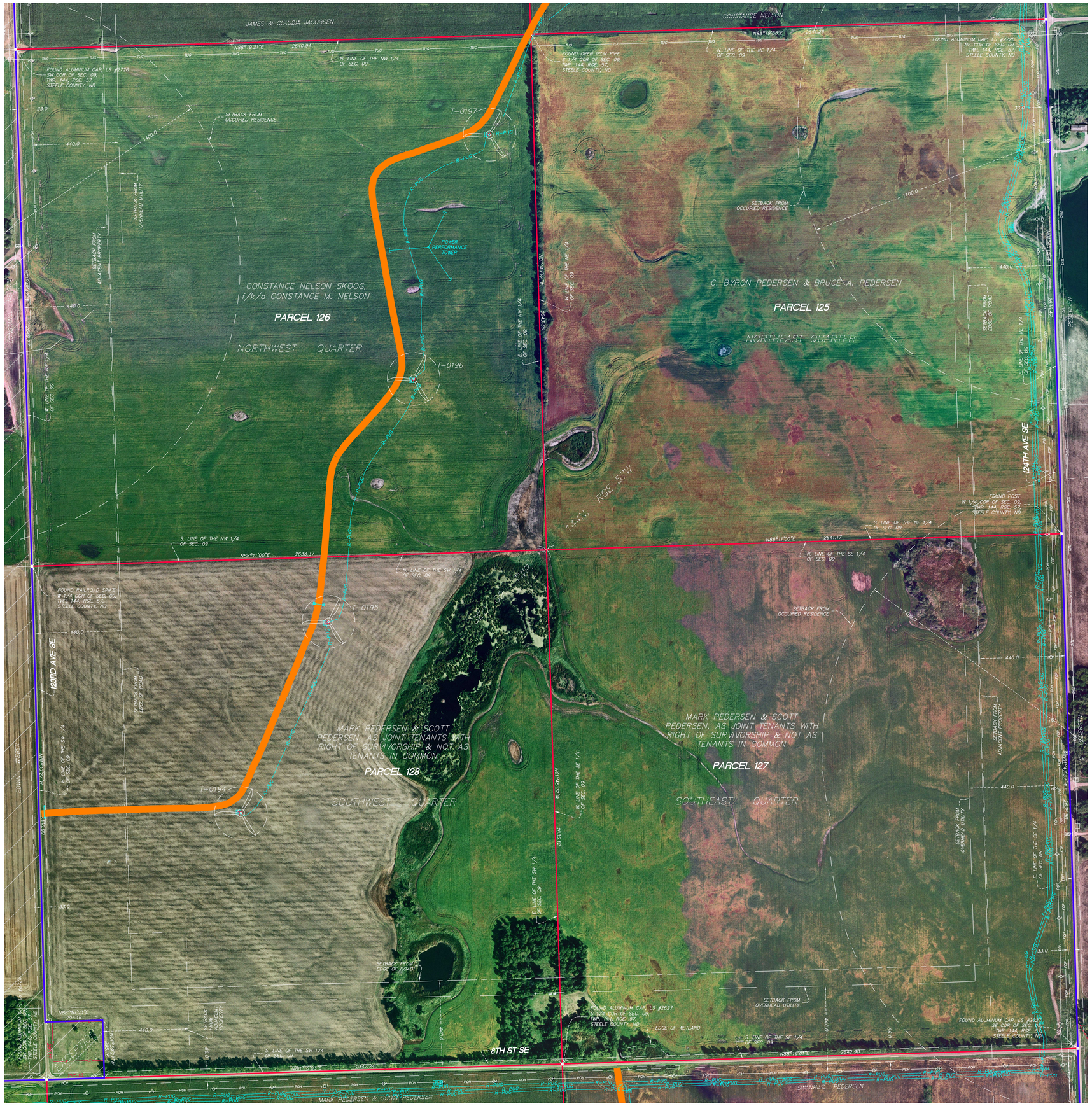


## Property Description from File No. Parcel 125

*The Northeast Quarter (NE1/4) of Section Nine (9), Township One Hundred Forty-four (44), Range Fifty-seven (57), West of the Fifth Principal Meridian, Steele County, ND.*

## 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 6,972,572± Sq.Ft. or 160.1 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. (North Dakota One Call Ticket No. 9003961)*

*The following are numbered as they appear in Schedule B of the Title Commitment.*
*125E-1.) Right of Way Easement in favor of Dakota Water Users, Inc., dated June 30, 1976, filed July 15, 1976 at 8:00 A.M. in Book E of Ease., page 360 as Document No. 73311.*
*PROPERTY APPEARS TO BE SUBJECT TO SAID RIGHT OF WAY EASEMENT. SAID EASEMENT IS NOT SHOWN ON SURVEY DUE TO NO EXACT LOCATION GIVEN OTHER THAN THE EASEMENT BEING 30 FEET IN WIDTH IN THE SOUTHEAST QUARTER, THE CENTERLINE IS DESCRIBED AS "AT SUCH POINTS ON THE TRACT THAT MAY BE NECESSARY FOR THE INSTALLATION AND MAINTENANCE OF THE WATER LINES AND APPURTENANT FACILITIES.*

*125E-2.) Subject to that certain Consent and Crossing Agreement dated April 14, 2009, filed April 27, 2009 at 9:30 A.M. as Document No. 99070, as amended by First Amendment to Consent and Crossing Agreement dated June 23, 2009, recorded July 2, 2009 at 9:45 A.M. as Document No. 99247, by and between Dakota Rural Water District, a political subdivision, f/k/a Dakota Water Users, Inc., and M-Power, as assigned to Ashtabula Wind II, LLC, a Delaware limited liability company, pursuant to that certain Assignment and Assumption of Real Property Interests dated July 9, 2009, filed July 13, 2009 at 10:15 A.M. as Document No. 99268.*

*125E-3.) Mineral Reservation contained in Limited Warranty Deed dated November 4, 1947, filed December 15, 1947 at 1:35 P.M. in Book 12 of Deeds page 37 as Document No. 56356. Excepting and reserving by the Federal Land Bank of Saint Paul 50% of all right and title in and to any and all oil, gas and other minerals in or under the foregoing described land with such easement for ingress and egress and use of surface as may be incidental or necessary to use of such rights.*
*PROPERTY APPEARS TO BE SUBJECT TO SAID MINERAL RESERVATION OVER THE NE 1/4 OF SEC. 9, NOT SHOWN ON SURVEY.*

## Property Description from File No. Parcel 126

*The Northwest Quarter (NW1/4) of Section Nine (9), Township One Hundred Forty-four (144), Range Fifty-seven (57), West of the Fifth Principal Meridian, Steele County, ND.*

## 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 6,986,005± Sq.Ft. or 160.4 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. (North Dakota One Call Ticket No. 9003961)*

## Property Description from File No. Parcel 127

*The Southeast Quarter (SE1/4) of Section Nine (9), Township One Hundred Forty-four (144), Range Fifty-seven (57), West of the Fifth Principal Meridian, Steele County, ND.*

## 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 6,967,185± Sq.Ft. or 159.9 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. (North Dakota One Call Ticket No. 9003961)*

*The following are numbered as they appear in Schedule B of the Title Commitment.*
*127E-1.) Right of Way Easement in favor of Dakota Water Users, Inc., dated September 24, 1976, filed November 18, 1976 at 10:00 A.M. in Book X of Easements page 669 as Document No. 73851.*
*PROPERTY APPEARS TO BE SUBJECT TO SAID RIGHT OF WAY EASEMENT. SAID EASEMENT IS NOT SHOWN ON SURVEY DUE TO NO EXACT LOCATION GIVEN OTHER THAN THE EASEMENT BEING 30 FEET IN WIDTH IN THE SOUTHEAST QUARTER, THE CENTERLINE IS DESCRIBED AS "AT SUCH POINTS ON THE TRACT THAT MAY BE NECESSARY FOR THE INSTALLATION AND MAINTENANCE OF THE WATER LINES AND APPURTENANT FACILITIES.*

*127E-2.) Subject to that certain Consent and Crossing Agreement dated April 14, 2009, filed April 27, 2009 at 9:30 A.M. as Document No. 99070, as amended by First Amendment to Consent and Crossing Agreement dated June 23, 2009, recorded July 2, 2009 at 9:45 A.M. as Document No. 99247, by and between Dakota Rural Water District, a political subdivision, f/k/a Dakota Water Users, Inc., and M-Power, as assigned to Ashtabula Wind II, LLC, a Delaware limited liability company, pursuant to that certain Assignment and Assumption of Real Property Interests dated July 9, 2009, filed July 13, 2009 at 10:15 A.M. as Document No. 99268.*

*127E-3.) Electric Easement in favor of Sheyenne Valley Electric Cooperative, a North Dakota cooperative, Finley, ND dated October 10, 1995, filed December 13, 1995 at 1:00 P.M. in Book 1 of Easements page 422 as Document No. 88936.*
*PROPERTY APPEARS TO BE SUBJECT TO SAID ELECTRIC EASEMENT, NOT SHOWN ON SURVEY DUE TO NO EXACT EASEMENT WIDTH OR LOCATION GIVEN OTHER THAN IT IS AN UNDERGROUND ELECTRIC LINE TO SERVE POWER TO THE SW ¼ OF SECTION 10.*

*127E-4.) Subject to that certain Consent and Crossing Agreement dated April 22, 2009, filed April 27, 2009 at 9:45 A.M. as Document No. 99071, by and between Nodak Electric Cooperative Inc., successor in interest to Sheyenne Valley Electric Cooperative, Inc., and M-Power, LLC as assigned to Ashtabula Wind II, LLC, a Delaware limited liability company, pursuant to that certain Assignment and Assumption of Real Property Interests dated July 9, 2009, filed July 13, 2009 at 10:15 A.M. as Document No. 99268.*

*127E-5.) Mineral Reservation contained in Limited Warranty Deed dated February 5, 1947, filed June 9, 1947 at 1 P.M. in Book 11 of Deeds page 587 as Document No. 55996. Excepting and reserving by the Federal Land Bank of Saint Paul 50% of all right and title in and to any and all oil, gas and other minerals in or under the foregoing described land with such easement for ingress and egress and use of surface as may be incidental or necessary to use of such rights.*
*PROPERTY APPEARS TO BE SUBJECT TO SAID MINERAL RESERVATION OVER THE S 1/2 OF SEC. 9, NOT SHOWN ON SURVEY.*

## Property Description from File No. Parcel 128

*The Southwest Quarter (SW1/4) of Section Nine (9), Township One Hundred Forty-four (144), Range Fifty-seven, West of the Fifth Principal Meridian, Steele County, ND, EXCEPT the Southwest two acres of the SW1/4 described as follows, to-wit: Commencing at the Southwest corner of said Section 9, running thence 295.16 feet East, and thence 295.16 feet North, thence 295.16 feet West, and thence 295.16 feet to 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 6,866,149± Sq.Ft. or 157.6 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. (North Dakota One Call Ticket No. 9003961)*

*The following are numbered as they appear in Schedule B of the Title Commitment.*
*128E-1.) Mineral Reservation contained in Limited Warranty Deed dated February 5, 1947, filed June 9, 1947 at 1 P.M. in Book 11 of Deeds page 587 as Document No. 55996. Excepting and reserving by the Federal Land Bank of Saint Paul 50% of all right and title in and to any and all oil, gas and other minerals in or under the foregoing described land with such easement for ingress and egress and use of surface as may be incidental or necessary to use of such rights.*
*PROPERTY APPEARS TO BE SUBJECT TO SAID MINERAL RESERVATION OVER THE S 1/2 OF SEC. 9, NOT SHOWN ON SURVEY.*

**Westwood**

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

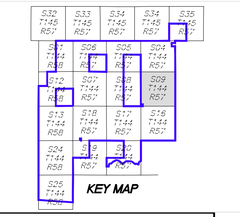
Revisions:

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
- E — DENOTES ASBUILT ELECTRIC BOX
- JB — DENOTES ASBUILT JUNCTION BOX
- DENOTES ASBUILT TRANSMISSION POLES
- DENOTES PROPERTY OUTSIDE THE PROJECT BOUNDARY




# Ashtabula II Wind Farm

Luverne, North Dakota

**AS-BUILT ALTA/ACSM Land Title Survey**

Date: February 18, 2010
Sheet: 11 OF 20

20082573-02@ATF11(09-144-57).dwg