

Casey A. Furey  
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P.O. Box 2798  
Bismarck, ND 58502-2798  
701.223.6585  
cfurey@crowleyfleck.com

*Via U.S. Mail and E-mail*

July 17, 2017

Ms. Sara Cardwell  
Public Utility Analyst  
North Dakota Public Service Commission  
600 E. Boulevard, Dept. 408  
Bismarck, ND 58505-0480



In re: Oliver Wind III, LLC  
Case No. PU-16-122  
Our File No. 035218-000029

Dear Ms. Cardwell:

I am writing in regard to your May 31, 2017 letter in the above-referenced matter that requested Oliver Wind III, LLC ("Oliver III") provide the Commission with documentation demonstrating that landowners were informed of the company contact for landowner issues prior to beginning construction. Oliver III incorporated the contact information of its Land Services department into its Notice of Exercise of Option agreements, which were executed between Oliver III and landowners prior to the start of construction. Attached are copies of the referenced agreements.

Please call should you have any questions.

Sincerely,

**CROWLEY FLECK PLLP**

A handwritten signature in blue ink, appearing to read "Casey A. Furey".

Casey A. Furey

CAF: rw  
cc: Darrell Nitschke (via email ndpsc@nd.gov)

**143** PU-16-122 Filed: 7/17/2017 Pages: 7  
Response to 31 May 2017 letter re post construction reports

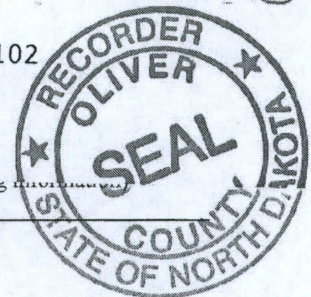
Return To:  
ND Guaranty & Title  
Commercial Services  
201 4th Ave NW  
Mandan, ND 58554  
Prepared By and Return To:

Orin Shakerdge, Esq.  
NextEra Energy Resources, LLC  
700 Universe Blvd., LAW/JB  
Juno Beach, FL 33408-0420

92868 9/9/2016 2:08 PM PAGE: 10F 6  
BOOK: NN PAGE: 113 FEES: \$25.00 KW NOTICE OF EXERCISE  
Kim Willkens, OLIVER COUNTY RECORDER

By MM Quilty - Ed Deputy

ND GUARANTY & TITLE  
400 E. Broadway Ave, Suite 102  
BISMARCK, ND 58501



(This space reserved for recording this instrument)

**NOTICE OF EXERCISE OF OPTION**

**THIS NOTICE OF EXERCISE OF OPTION** is made and dated as of this 24<sup>th</sup> day of June, 2016 ("**Notice**") by Oliver Wind III, LLC, a Delaware limited liability company (the "**Grantee**") for the purpose of giving notice to James Alvin Hagerott, joined by his consenting spouse, Debra Hagerott; and Justin Fleming Hagerott, joined by his consenting spouse, Dawna Hagerott; subject to the life estate of Alvin O. Hagerott and Diane K. Hagerott, husband and wife (collectively, "**Grantor**") of the following:

1. That, on February 12, 2016, Grantor and Grantee entered into a Transmission Easement and Option, which was recorded on March 29, 2016 as Document No. 92488, in the Public Records of Oliver County, North Dakota ("**Agreement**") whereby Grantor granted to Grantee an option to acquire easements ("**Option**") over certain real property located in Oliver County, North Dakota as more specifically described in **Exhibit A** as attached hereto ("**Property**");
2. Any notices to Grantee in the Agreement shall be sent to the address specified in the Agreement but to the attention of Land Services at (855) 552-9872.
3. All capitalized terms used herein and not otherwise defined shall have the meaning given such terms in the Agreement.
4. Pursuant to Section 1.4 of the Agreement, this Notice constitutes written notice of Grantee's exercise of its right to acquire the Easements referenced in Section 2.1 of the Agreement;
5. Pursuant to Section 1.4 of the Agreement, the Commencement Date, which represents the first day of the Term of the Easements is declared herewith as July 1, 2016. Grantor waives the condition set forth in Section 1.4 of the Agreement which provides that the Commencement Date be a day that is not sooner than thirty (30) days and not later than sixty (60) days after the date the Option Notice is given to Grantor.
6. The terms of this Notice shall govern over conflicting terms in the Agreement. All of the terms, conditions, and provisions of the Agreement not in conflict herewith shall be and remain in full force and effect. The terms and provisions of this Notice shall be binding upon and shall inure to the benefit of the heirs, successors, assigns and personal representatives of the Parties.

(This space reserved for recording information)

IN WITNESS WHEREOF, Grantor has executed this Notice effective on the date set forth above.

Grantor:

Alvin O. Hagerott  
Alvin O. Hagerott

Diane K. Hagerott  
Diane K. Hagerott

DAVID A. BRICE  
Notary Public  
State of North Dakota  
My Commission Expires July 12, 2021

STATE OF NORTH DAKOTA )  
  )  
COUNTY OF OLIVER        )

SS:

This instrument was acknowledged before me this 29<sup>th</sup> day of June, 2016, by Alvin O. Hagerott and Diane K. Hagerott.

David A. Brice  
Notary Public, Commission No. \_\_\_\_\_

My Commission Expires:

\_\_\_\_\_  
(SEAL)

(This space reserved for recording information)

IN WITNESS WHEREOF, Grantor has executed this Notice effective on the date set forth above.

Grantor:

*James Alvin Hagerott*  
James Alvin Hagerott

*Debra K Hagerott*  
Debra Hagerott, Consenting Spouse

STATE OF NORTH DAKOTA )  
  )  
COUNTY OF STUTSMAN )

SS:

DAVID A. BRICE  
Notary Public  
State of North Dakota  
My Commission Expires July 12, 2021

This instrument was acknowledged before me this 29<sup>th</sup> day of June, 2016, by James Alvin Hagerott and Debra Hagerott.

*David A. Brice*  
Notary Public, Commission No. \_\_\_\_\_

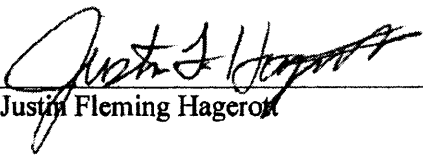
My Commission Expires:

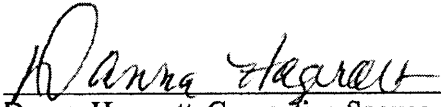
\_\_\_\_\_  
(SEAL)

(This space reserved for recording information)

IN WITNESS WHEREOF, Grantor has executed this Notice effective on the date set forth above.

Grantor:

  
Justin Fleming Hagerott

  
Dawna Hagerott, Consenting Spouse

STATE OF NORTH DAKOTA )  
  )  
COUNTY OF OLIVER      )

SS:



This instrument was acknowledged before me this 16 day of July, 2016, by Justin Fleming Hagerott and Dawna Hagerott.

  
Notary Public, Commission No. \_\_\_\_\_

My Commission Expires:

\_\_\_\_\_  
(SEAL)

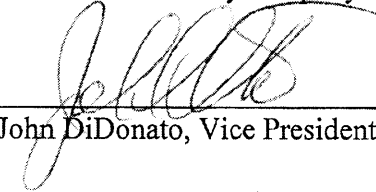
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IN WITNESS WHEREOF, Grantee has executed this Notice effective on the date set forth above.

**Grantee:**

Oliver Wind III, LLC,  
a Delaware limited liability company

By:

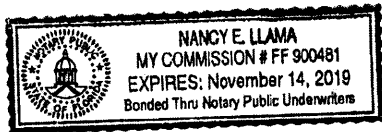
  
\_\_\_\_\_  
John DiDonato, Vice President

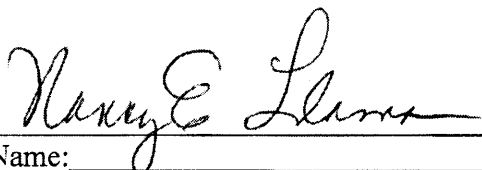
STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was duly acknowledged before me this 24<sup>th</sup> day of June, 2016, by John DiDonato, as Vice President of Oliver Wind III, LLC, a Delaware limited liability company, who subscribed to the foregoing instrument and acknowledged that he executed the same on behalf of said limited liability company and that he was duly authorized to do so.

(SEAL)



  
\_\_\_\_\_  
Name: \_\_\_\_\_  
Notary Public, State of Florida  
My Commission Expires: \_\_\_\_\_

(This space reserved for recording information)

**EXHIBIT A**

**Legal Description of Property**

**Parcel 1:**

West Half of the Southwest Quarter (W $\frac{1}{2}$ SW $\frac{1}{4}$ ) of Section 24, Township 141 North, Range 83 West of the 5<sup>th</sup> P.M, Oliver County, North Dakota.

**Parcel 2:**

Southeast Quarter (SE $\frac{1}{4}$ ) of Section 23, Township 141 North, Range 83 West of the 5<sup>th</sup> P.M, Oliver County, North Dakota, LESS AND EXCEPT, Lot "A", within the South Half of the Northeast Quarter of the Southeast Quarter (S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ ) of said Section 23, described as follows: Commencing at the East Quarter corner of said Section 23; thence South 00°38'42" West, along the East line of said Section 23, a distance of 989.61 feet, to the point of beginning; thence 00°38'42" West, along the East line of said Section 23, a distance of 329.87 feet; thence 89°53'52" West, a distance of 1,450 feet; thence 00°38'42" East a distance of 329.87 feet; thence South 89°53'52" East, a distance of 1,450.00 feet to the East line of said Section 23, back to the point of beginning.