

Casey A. Furey  
100 West Broadway, Suite 250  
P.O. Box 2798  
Bismarck, ND 58502-2798  
701.223.6585  
cfurey@crowleyfleck.com

January 15, 2019

*Via Hand Delivery and E-mail*

Mr. Steve Kahl  
North Dakota Public Service Commission  
600 E. Boulevard, Dept. 408  
Bismarck, ND 58505-0480

*E-mail: ndpsc@nd.gov*

**In re: Burke Wind, LLC  
Burke Wind 345 kV Transmission Line  
Siting Application  
Case No. PU-18-302  
Our File No. 035218-000045**

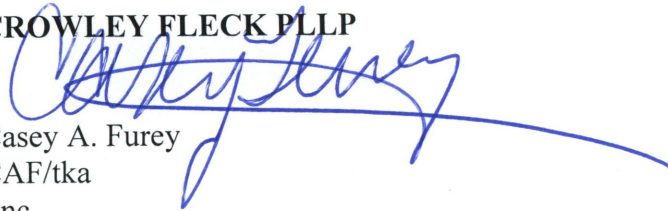
Dear Mr. Kahl:

Pursuant to N.D.C.C. § 49-22-05.1 and N.D. Admin. Code § 69-06-08-02(2), enclosed for filing in the above-referenced matter are eleven copies of the executed Wiedmer Landowner Setback Waiver.

Please feel free to contact me if you have any questions.

Sincerely,

**CROWLEY FLECK PLLP**

  
Casey A. Furey  
CAF/tka  
Enc.

cc: Jerry Lein (*via e-mail*)  
Mitchell Armstrong (*via e-mail*)  
Brian Schmidt (*via e-mail*)  
Sarah Wall (*via e-mail*)  
Timothy Dawson (*via e-mail*)  
Wade Mann (*via e-mail*)  
Tracy Davis (*via e-mail*)

BILLINGS BISMARCK BOZEMAN BUTTE CASPER CHEYENNE

C R O W L E Y F L E C K . C O M

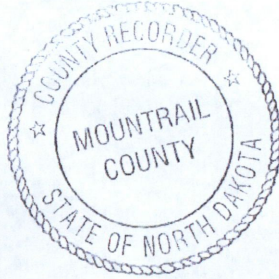
11 **PU-18-302** Filed: 1/15/2019 Pages: 5  
**Executed Landowner Setback Waiver**

Burke Wind, LLC

Casey Furey, Crowley Fleck

NEXTERA ENERGY RESOURCES  
ATTN: CORLETT JAMES  
700 UNIVERSE BOULEVARD  
JUNO BEACH FL 33408

**437285**  
County Recorder  
Mountrail County  
Stanley ND  
Page 1 of 4



County Recorder, Mountrail County ND. **437285**

I certify that this instrument was filed and recorded.

Melissa Vachal, County Recorder

By Melissa Vachal Fee \$20.00  
9/27/2018 3:01 PM

### SETBACK WAIVER

THIS SETBACK WAIVER ("**Agreement**") is granted this 25<sup>th</sup> day of June, 2018 ("**Effective Date**") by Michael Wiedmer, Sr. and Tracie Wiedmer, a/k/a Tracie Forester, husband and wife, whose address for notices is P.O. Box 336, Tioga, ND 58852 ("**Grantor**") and Burke Wind, LLC, a Delaware limited liability company, its successors and assigns, whose address for notices is: 700 Universe Blvd, Attn: Land Services, Juno Beach, FL 33408 ("**Grantee**").

Grantor owns property in Mountrail County, North Dakota, described on the attached **Exhibit A** and incorporated by reference ("**Property**"). Grantee has rights to land in the vicinity of the Property for the construction, operation and maintenance of transmission facilities. For good and valuable consideration, the receipt of which is hereby acknowledged, Grantor hereby waives any and all benefits of North Dakota Century Code Section 49-22-05.1 and North Dakota Administrative Code Section 69-06-08-02, and all amendments thereto or replacements thereof, which provide that energy conversion facilities and transmission facilities located within 500 feet of a residence must be designated as an avoidance area; and agrees that such facilities may be constructed at the location as depicted on a map provided to Grantor, which facilities are less than 500 feet from Grantor's rural residence. The term of this Agreement shall commence on the Effective Date and shall continue and remain in full force and effect with respect to all and each part of the Property until all transmission facilities are removed from the vicinity of the Property. Grantor represents that Grantor is the owner of the rural residence within the meaning of North Dakota Century Code Section 49-22-05.1 and North Dakota Administrative Code Section 69-06-08-02, and that the further consent of any third parties is not required. Grantor further acknowledges that the waiver given hereby is a covenant running with the Property and applies to succeeding and subsequent owners of the Property described herein, and is intended for the benefit of Burke Wind, LLC and its successors and assigns. Grantor consents to Grantee recording this Agreement in the Office of the Mountrail County Recorder to provide notice of this Agreement to succeeding and subsequent owners of the Property. This Agreement may be executed by the parties hereto in one or more counterparts, all of which, taken together, shall constitute one and the same instrument.



IN WITNESS WHEREOF, Grantor has executed this Agreement on the date set forth below.

Grantor:

*Michael Wiedmer Sr*  
Michael Wiedmer, Sr.

*Tracie Wiedmer aka Forester*  
Tracie Wiedmer, a/k/a Tracie Forester

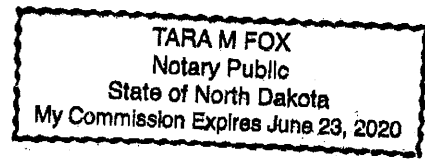
**ACKNOWLEDGMENT**

STATE OF NORTH DAKOTA    )  
  )    SS.  
COUNTY OF WILLIAMS     )

The forgoing instrument was acknowledged before me this 20<sup>th</sup> day of June, 2018, by Michael Wiedmer, Sr. and Tracie Wiedmer, a/k/a Tracie Forester.

My Commission expires: \_\_\_\_\_

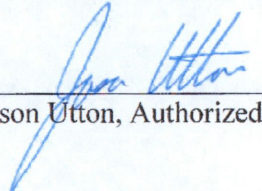
*Tara M Fox*  
Notary Public



IN WITNESS WHEREOF, Grantee has executed this Agreement on the date set forth below.

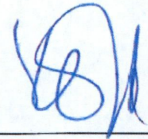
**Grantee:**

Burke Wind, LLC,  
a Delaware limited liability company

By:   
Jason Utton, Authorized Representative

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

The forgoing instrument was acknowledged before me this 25 day of June, 2018, by Jason Utton, as Authorized Representative of Burke Wind, LLC, a Delaware limited liability company, who is personally known to me 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: \_\_\_\_\_



**AFTER RECORDING RETURN TO**

Dru Roscoe, Esq.  
NextEra Energy Resources, LLC  
700 Universe Blvd. (LAW/JB)  
Juno Beach, FL 33408





**EXHIBIT A**

**Legal Description of Property**

Outlot 1 of South Half of the Northeast Quarter (S $\frac{1}{2}$ NE $\frac{1}{4}$ ) of Section 29, Township 157 North, Range 94 West of the 5<sup>th</sup> P.M., Mountrail County, North Dakota.