

Recorded: 11/13/2023 at 8:19:05.0 AM  
County Recording Fee: \$32.00  
Iowa E-Filing Fee: \$3.00  
Combined Fee: \$35.00  
Revenue Tax:  
Delaware County, Iowa  
Daneen Schindler RECORDER  
BK: 2023 PG: 2847

Prepared by/Return to: Kelli J. Orton, 666 Grand Ave., Ste. 2000, Des Moines, IA 50309 Telephone: 515.242.2400  
Previously Filed Documents: Book 2011, Page 421; Book 2011, Page 3681; Book 2023, Page 1605; Book 2023, Page 2774

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## PARTIAL TERMINATION OF WIND FARM EASEMENT AGREEMENT

Robert E. Beswick and Therese H. Beswick, as Co-Trustees of the Robert E. Beswick Revocable Trust dated February 28, 2020, and Robert E. Beswick and Therese H. Beswick, as Co-Trustees of the Therese H. Beswick Revocable Trust dated February 28, 2020 (as successors in interest to Robert A. Holtz) (collectively, “**Grantor**”), and Elk Wind Energy LLC, an Iowa limited liability company (“**Grantee**”), are parties to a Wind Farm Easement Agreement, as amended by First Amendment to Wind Farm Easement Agreement dated June 12, 2023, and as may be further amended from time to time, as evidenced by that certain Memorandum of Wind Farm Easement Agreement, filed of record in the Office of the Delaware County Recorder on January 31, 2011, in Book 2011, at Page 421, as amended by a certain Supplemental Exhibit recorded on November 15, 2011, in Book 2011, Page 3681, as further amended by that certain Memorandum of Amendment to Wind Farm Easement Agreement, filed of record in the Office of the Delaware County Recorder on July 12, 2023, in Book 2023, at Page 1605, and that certain Corrective Memorandum of Amendment to Wind Farm Easement Agreement, filed of record in the Office of the Delaware County Recorder on November 3, 2023, in Book 2023, at Page 2774 (collectively, the “**Agreement**”).

Pursuant to Section 3.3.2.2 of the Agreement, Grantee hereby terminates the Turbine Site Easement and the Met Tower Easement as set forth in the Agreement, effective as of a date that is 20 years from the Repowering Commercial Operation Date of the Wind Farm. The “**Repowering Commercial Operation Date**” for purposes of this Termination shall mean the first day of the month following the date on which it has been established that Repowered Commercial Operation has occurred under the Amended and Restated Power Purchase Agreement between Elk Wind Energy LLC and Central Iowa Power Cooperative.

Any Easements in the Agreement other than the Turbine Site Easement and the Met Tower Easement will remain in place and be in full force and effect for the Term and the Renewal Term. For the avoidance of doubt, any Collection Facilities and Wind Energy Facilities other than a Turbine currently located on the Easement Property will remain in place and the Easements related to said Wind Energy Facilities are not terminated. This partial termination and a new Exhibit E-1 shall be recorded within 60 days of execution of this partial termination, showing the locations of all Wind Energy Facilities remaining on the Easement Property after this partial termination becomes effective and the correlating Easements thereto.

Grantor executes this Termination for the sole purpose of acknowledging the terminations contemplated herein.

Other than as provided herein, the Agreement remains unmodified and in full force and effect. Capitalized terms undefined herein shall have the meaning given to them under the Agreement.

*[Signature Pages Follow]*

**GRANTEE:**  
ELK WIND ENERGY LLC

By: \_\_\_\_\_  
Spencer Mash, Chief Financial Officer

STATE OF New York            )  
  ) SS:  
COUNTY OF New York        )

This record was acknowledged before me on May 16th, 2023 by Spencer Mash, Chief Financial Officer of Elk Wind Energy LLC, an Iowa limited liability company.

Katelyn Esper- *Katelyn Ferris Esper*  
NOTARY PUBLIC IN AND FOR SAID STATE





25

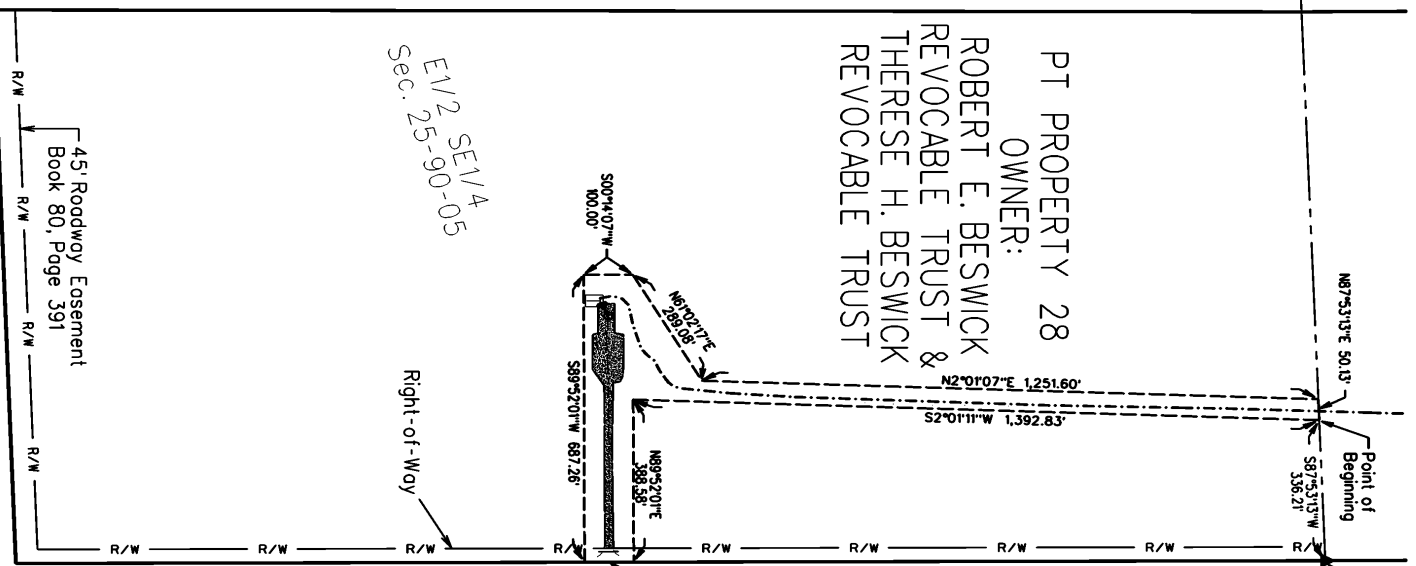
N 1/2 SE 1/4  
Sec. 25-90-05

EASEMENT DESCRIPTION:  
A PART OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 25, TOWNSHIP 90 NORTH, RANGE 05 WEST OF THE 5TH P.M., DELAWARE COUNTY, IOWA AND DESCRIBED AS FOLLOWS:  
COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 25; THENCE SOUTH 87°53'13" WEST ALONG THE NORTH LINE OF SAID SOUTHEAST 1/4, A DISTANCE OF 336.21 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 02°01'11" WEST, 1213.66 FEET; THENCE SOUTH 89°45'53" EAST, 24.36 FEET; THENCE SOUTH 00°14'07" WEST, 178.89 FEET; THENCE NORTH 89°52'01" EAST, 358.39 FEET TO THE EAST LINE OF SAID SOUTHEAST 1/4; THENCE SOUTH 00°07'59" EAST ALONG SAID EAST LINE, 100.00 FEET; THENCE SOUTH 89°52'01" WEST, 359.04 FEET; THENCE SOUTH 00°14'07" WEST, 181.11 FEET; THENCE NORTH 89°45'53" WEST, 460.00 FEET; THENCE NORTH 00°14'07" EAST, 460.00 FEET; THENCE SOUTH 89°45'53" EAST, 385.64 FEET; THENCE NORTH 02°01'07" EAST, 1211.60 FEET TO SAID NORTH LINE; THENCE NORTH 87°53'13" EAST ALONG SAID NORTH LINE, 50.13 FEET TO THE POINT OF BEGINNING AND CONTAINING 3.57 ACRES (155,559 S.F.).

150TH STREET  
(Publicly Dedicated)

PT PROPERTY 28  
OWNER:  
ROBERT E. BESWICK  
REVOCABLE TRUST &  
THERESE H. BESWICK  
REVOCABLE TRUST

N 1/2 SE 1/4  
Sec. 25-90-05



Point of Beginning  
E 1/4 Corner Sec. 25-90-05  
N87°53'13" W 336.21'

220TH AVE  
(Publicly Dedicated)

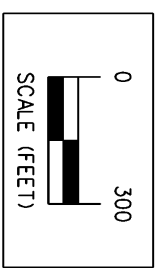
220TH AVE

**LEGEND**

- EASEMENT LINE
- - - COLLECTION LINE
- PROPERTY BOUNDARY
- ▨ ACCESS ROAD/GRAVEL LIMITS
- ▭ TRANSFORMER
- JUNCTION BOX
- SP COLLECTION LINE SPICE LOCATIONS
- TILE REPAIR LOCATION

**NOTES**

1) UNDERGROUND COLLECTION LINES SPICE LOCATIONS AND TILE CROSSINGS WERE PROVIDED BY MPANELLEVEL. THE ABOVE-GROUND JUNCTION BOXES AND TRANSFORMERS WERE FIELD SURVEYED.



**ELK WIND PROJECT**

EXHIBIT E-1 - PROPERTY 28 - ROBERT E. & THERESE HART BESWICK DELAWARE COUNTY, IA

**SNYDER & ASSOCIATES, INC.**

2727 S.W. SNYDER BLVD.  
ANKENY, IOWA 50023  
515-984-2020 | www.snyder-associates.com

MARK	REVISION	DATE	BY

Project No: 1190762      Sheet 1 of 1

**SNYDER ASSOCIATES**

Project No: 1190762  
Sheet 1 of 1

140TH STREET

SEC 25-90-05  
PT NE 1/4

EASEMENT DESCRIPTION

A PART OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 25, TOWNSHIP 90 NORTH, RANGE 05 WEST OF THE 5TH P.M., DELAWARE COUNTY, IOWA AND DESCRIBED AS FOLLOWS

COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 25, THENCE SOUTH 87° 53' 13" WEST ALONG THE SOUTH LINE OF SAID NORTHEAST 1/4, A DISTANCE OF 336.21 FEET TO THE POINT OF BEGINNING, THENCE CONTINUING SOUTH 87° 53' 13" WEST ALONG SAID SOUTH LINE 50.13 FEET, THENCE NORTH 02° 02' 48" EAST TO 252.82 FEET, THENCE NORTH 00° 39' 45" WEST, 107.44 FEET TO THE NORTH LINE OF SAID SOUTHEAST 1/4 OF THE NORTHEAST 1/4, THENCE NORTH 87° 38' 41" EAST ALONG SAID NORTH LINE 50.03 FEET, THENCE SOUTH 00° 39' 44" EAST, 107.732 FEET, THENCE SOUTH 02° 02' 48" WEST, 250.17 FEET TO THE POINT OF BEGINNING AND CONTAINING 152 ACRES (66.370 S.F.)

SEC 25-90-05  
PT NE 1/4

JOSEPH  
ENGELKEN  
et ux

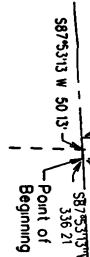
#28

Collection Line L F 1225'

SEC 1/4 NE 1/4  
SEC 25-90-05

SEC 25-90-05  
PT NE 1/4

220TH AVE

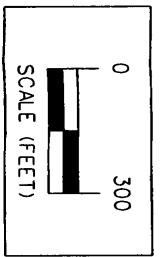


**LEGEND**

- TURBINE WITH NUMBER
- EASEMENT LINE
- COLLECTION LINE
- PROPERTY BOUNDARY
- ACCESS ROAD/GRAVEL LIMITS
- LINEAL FOOTAGE OF ACCESS ROAD
- TRANSFORMER
- JUNCTION BOX
- COLLECTION LINE SPLICE LOCATIONS
- TILE REPAIR LOCATION

**NOTES**

- 1) UNDERGROUND COLLECTION LINES, SPLICE LOCATIONS, AND TILE CROSSINGS WERE PROVIDED BY AMNEXLEVEL. THE ABOVE-GROUND JUNCTION BOXES AND TRANSFORMERS WERE FIELD SURVEYED.
- 2) THE DIMENSIONS SHOWN ON THE EXHIBIT C DRAWINGS ARE MEASURED HORIZONTALLY, WITH NO CONSIDERATION TO SLOPE OR ELEVATION.
- 3) THE LINEAL FEET (L.F.) SHOWN ON THE COLLECTION LINE CONTAINS THE CUMULATIVE AMOUNT OF CABLE ON THE PROPERTY SHOWN IN THE EXHIBIT.
- 4) THE ACCESS ROAD IS DIMENSIONED FROM THE TURBINE TO THE PROPERTY LINE OR PUBLIC RIGHT-OF-WAY LINE, AS APPLICABLE.
- 5) THE FIELD SURVEY WAS PERFORMED IN LATE SEPTEMBER AND EARLY OCTOBER OF 2011.



ISSUE DATE 10-19-2011

**RPM ACCESS - ELK WIND PROJECT- EXHIBIT C**

JOSEPH ENGELKEN et ux NE 25-90-05

DELAWARE COUNTY, IOWA

**SNYDER & ASSOCIATES**

1751 MADISON AVENUE  
COUNCIL BLUFFS, IOWA 51603  
712.322.3202

ATLANTIC IA 712.243.6605  
CEDAR RAPIDS IA 319.365.0094

ARNEY IA 616.464.2020

MARYVILLE MO 660.482.8888  
ST. JOSEPH MO 816.364.6222

MARK	REVISION	DATE	BY
2	ADD EASEMENT/DESCRIPTIONS	10/16/11	SLG
1	REVISIONS PER MATT GARWOOD	10/10/11	SLG

Engineer	Checked By	EJM	Scale	1" = 300'	
Technician	SLG	Date	10-03-2011	Field Bk	Pg
Project No	1080378				
File No					

080378  
Sheet 1 of 1