

BK: 2022 PG: 3643
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Pages 5
County Recording Fee: \$27.00
Iowa E-Filing Fee: \$3.50
Combined Fee: \$30.50
Revenue Tax:
LISA SMITH RECORDER
Madison County, Iowa

PREPARED BY AND RETURN TO: ERIC WOOSLEY, MIDAMERICAN ENERGY COMPANY ATTN: RIGHT OF WAY DMU1 P.O. BOX 657 DES MOINES, IA 50306-0657, TELEPHONE: (515) 281-2914

PARTIAL TERMINATION OF WINDPARK EASEMENT AGREEMENT AND MEMORANDUM OF WINDPARK EASEMENT AGREEMENT

THIS PARTIAL TERMINATION OF WINDPARK EASEMENT AGREEMENT AND MEMORANDUM OF WINDPARK EASEMENT AGREEMENT (this "**Partial Termination**") is executed as of the 23 day of November, 2022 (the "**Termination Effective Date**") by MidAmerican Energy Company, an Iowa Corporation ("**Developer**"), with reference to the following facts:

- A. Kading, Inc. ("**Original Landowner**") and Windy Hills Wind Energy LLC, a Delaware limited liability company, ("**Windy Hills**") entered into that certain unrecorded Windy Hills Wind Energy Project Agreement Regarding Easements (the "**ARE**") dated as of April 1, 2016, as evidenced by a Memorandum of Agreement Regarding Easements (the "**Memorandum of ARE**") recorded on May 25, 2016, as Instrument Number ES16-0216, Official Records, Adair County, Iowa, (the ARE and Memorandum of ARE are collectively referred to as the "**Existing Easement**"), and Original Landowner and Developer entered into that certain Windpark Easement Agreement dated as of August 31, 2017 (the "**Agreement**") as evidenced by a Memorandum of Windpark Easement Agreement (the "**Memorandum**") recorded on October 13, 2017, as Instrument Number ES17-0469, Official Records, Adair County, Iowa, and recorded October 13, 2017, as Book 2017, Page 3226, Official Records, Madison County, Iowa, and recorded October 16, 2017, as Instrument Number 2017-2480, Official Records, Guthrie County, Iowa, and the Existing Easement was assigned by that Assignment and Assumption Agreement dated December 4, 2018, in which Windy Hills assigned its rights under the Existing Easement to Developer which such Assignment and Assumption Agreement was recorded in the Official Records, Adair County, Iowa, on December 5, 2018, as Instrument Number 2018-2456, and as the Existing Easement was amended by Amended and Restated Agreement Regarding Easements (the "**Amendment**") between Original Landowner and Developer dated April 19, 2019, recorded April 23, 2019, as Instrument Number 2019-0659, Official Records, Adair County, Iowa, (the Existing Easement, Agreement, Memorandum, and Amendment are collectively referred to as the "**Windpark Easement Agreement**"), and whereby Original

Landowner granted to Developer certain easement rights and related uses over, under and across certain real property located in Adair, Guthrie, and Madison County, Iowa, as more particularly described in Exhibit A attached hereto (the "Property").

- B. Section 8.3 of the Agreement provides that Developer may terminate the Agreement and the easements therein at any time, as to all or any part of the Property, by giving Original Landowner written notice.
- C. Developer has provided written notice to Original Landowner of the partial termination of the Windpark Easement Agreement and desires to execute this Partial Termination so as to evidence the partial termination of the Windpark Easement Agreement.

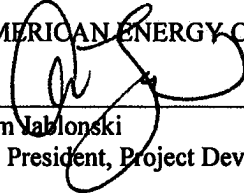
NOW, THEREFORE, effective as of the Termination Effective Date, Developer hereby cancels and terminates the Windpark Easement Agreement only with respect to the Terminated Easement Description described in Exhibit "A" and attached hereto. This Partial Termination shall bind and insure to the benefit of the Original Landowner and Developer and their respective heirs, legal representatives, successors and assigns.

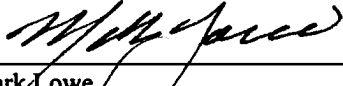
(Acknowledgements on next page)

IN WITNESS WHEREOF, Developer has executed this Termination as of the date of first set forth above.

DEVELOPER

MIDAMERICAN ENERGY COMPANY

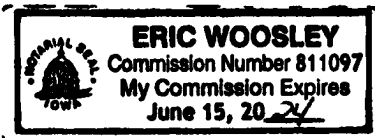
By: 
Adam Jablonski
Vice President, Project Development


By: 
Mark Lowe
Vice President, General Counsel and
Assistant Secretary

ACKNOWLEDGEMENTS

STATE OF IOWA)
) SS
COUNTY OF POLK)

This record was acknowledged before me on November 23, 2022, by Adam Jablonski as Vice President, Project Development for MidAmerican Energy Company.




Signature of Notary Public

STATE OF IOWA)
) SS
COUNTY OF POLK)

This record was acknowledged before me on November 21, 2021, by Mark Lowe as Vice President, General Counsel and Assistant Secretary for MidAmerican Energy Company.


Signature of Notary Public



EXHIBIT A

DESCRIPTION OF THE PROPERTY

Easement Description:

Tract 1: The Fractional East Half of the Northeast Quarter (Efr1/2 NE1/4) of Section Six (6), EXCEPT a 10-acre tract of land located in the Southeast Quarter of the Northeast Quarter (SE1/4 NE1/4) of said Section 6 conveyed by a Warranty Deed recorded in Book 197, Page 607, all in Township Seventy-seven (77) North, Range Thirty-one (31) West of the 5th P.M., Adair County, Iowa, AND EXCEPT parcel conveyed to the State of Iowa by Deed recorded in Book 194 on Page 214.

Tract 2: The South Half of the Southeast Quarter (S1/2 SE1/4) of Section Nine (9), Township Seventy-six (76) North, Range Thirty (30) West of the 5th P.M., Adair County, Iowa.

Tract 3: The East Half of the Southwest Quarter (E1/2 SW1/4) of Section Nine (9), Township Seventy-six (76) North, Range Thirty (30) West of the 5th P.M., Adair County, Iowa.

Tract 4: The South Half of the Northeast Quarter (S1/2 NE1/4) of Section Fifteen (15), Township Seventy-six (76) North, Range Thirty (30) West of the 5th P.M., Adair County, Iowa.

Tract 5: The Southwest Quarter of the Northwest Quarter (SW1/4 NW1/4) and the West Ten (10) acres of the Southeast Quarter of the Northwest Quarter (SE1/4 NW1/4) of Section Fourteen (14), Township Seventy-six (76) North, Range Thirty (30) West of the 5th P.M., Adair County, Iowa.

Tract 6: The Northeast Quarter (NE1/4) of Section Eleven (11), Township Seventy-six (76) North, Range Thirty (30) West of the 5th P.M., Adair County, Iowa.

Tract 9: The Northwest Quarter of the Northwest Quarter (NW1/4 NW1/4) and the West Ten (10) Acres of the Northeast Quarter of the Northwest Quarter (NE1/4 NW1/4), all in Section Fourteen (14), Township Seventy-six (76) North, Range Thirty (30) West of the 5th P.M., Adair County, Iowa.

Tract 10: A tract of land located in the Northeast Quarter (NE1/4) of Section Three (3), Township Seventy-seven (77) North, Range Thirty-one (31) West of the 5th P.M., Adair County, Iowa, more particularly described as follows: Commencing at the Northwest Corner of said NE1/4 of Section 3-77-31, thence N 90° 0' E along the North line of said NE 1/4 491.4 feet to the point of beginning; thence continuing N 90°0' E 827.0 feet; thence S 0°0' W 316.0 feet; thence S 90°0' W 827.0 feet; thence N 0°0' E 316.0 feet to the point of beginning. The above described tract contains 6.00 acres more or less including county road right of way.

Tract 11: The Northeast Quarter (NE1/4) of Section Eleven (11), Township Seventy-seven (77) North, Range Thirty-one (31) West of the 5th P.M., Adair County, Iowa, EXCEPT Parcel A of the North Half of the Northeast Quarter (N1/2 NE1/4) of said Section 11, pursuant to a Plat of Survey thereof filed September 22, 2005 in Book 535 at Page 67.

Tract 12: The East Half of the Northwest Quarter (E1/2 NW1/4) of Section Eleven (11), Township Seventy-seven (77) North, Range Thirty-one (31) West of the 5th P.M., Adair County, Iowa.

Tract 13: The Northwest Quarter (NW1/4) of Section Fourteen (14), Township Seventy-seven (77) North, Range Thirty-one (31) West of the 5th P.M., Adair County, Iowa, EXCEPT therefrom Parcel A as platted in Plat of Survey in Book 449, Page 34.

Tract 14: The Northeast Quarter (NE1/4) of Section Fifteen (15), Township Seventy-seven (77) North, Range Thirty-one (31) West of the 5th P.M., Adair County, Iowa.

Tract 15: The East Half of the Northwest Quarter (E1/2 NW1/4), all in Section Fifteen (15), Township Seventy-seven (77) North, Range Thirty-one (31) West of the 5th P.M., Adair County, Iowa.

Tract 16: The Northwest Quarter (1/4) of the Southeast Quarter (1/4) of Section Thirty-one (31), Township Seventy-seven (77) North, Range Twenty-nine (29) West of the 5th P.M., Madison

County, Iowa.

Tract 17: The West Half (1/2) of the Northeast Quarter (1/4) of Section Thirty-one (31), Township Seventy-seven (77) North, Range Twenty-nine (29) West of the 5th P.M., Madison County, Iowa, EXCEPT Parcel "A" located in the Northwest Quarter (1/4) of the Northeast Quarter (1/4) of said Section Thirty-one (31), containing 3.000 Acres, as shown in Plat of Survey filed in Farm Plat Book 3, Page 101 on August 29, 1997, in the Office of the Recorder of Madison County, Iowa.

Tract 18: The Fractional West Half (1/2) of the Northwest Quarter (1/4) of Section Five (5), Township Seventy-six (76) North, Range Twenty-nine (29) West of the 5th P.M., Madison County, Iowa.

Tract 19: The West Half (1/2) of the Southwest Quarter (1/4), and the Southeast Quarter (1/4) of the Southwest Quarter (1/4) of Section Five (5), Township Seventy-six (76) North, Range Twenty-nine (29) West of the 5th P.M., Madison County, Iowa.

Tract 20: The East Half of the Southeast Quarter (E1/2 SE1/4) of Section Six (6), Township Seventy-six (76) North, Range Thirty (30) West of the 5th P.M., Adair County, Iowa.

Tract 21: The North Half of the Southeast Quarter (N1/2 SE1/4) of Section Two (2), Township Seventy-six (76) North, Range Thirty (30) West of the 5th P.M., Adair County, Iowa.

Terminated Easement Description:

Part of Tract 19: Parcels A,B,C in the West Half (1/2) of the Southwest Quarter (1/4), and the Southeast Quarter (1/4) of the Southwest Quarter (1/4) Section Five (5), Township Seventy-six (76) North, Range Twenty-nine (29) West of the 5th P.M., Madison County, Iowa.

Tax Parcel ID No: 280050568010000, 280050566041000, 280050568021000

Acreage: 78.51 Acres