

PROTEST PETITION WAIVER

This Protest Petition Waiver (this "Waiver") is made effective as of October 21, 2019 (the "Effective Date"), by Cedar Springs Trust ("Property Owner").

WHEREAS, Property Owner is the owner of record of the real property as legally described in Exhibit "A" attached hereto and incorporated herein (the "Property");

WHEREAS, on September 26, 2019, Expedition Wind, LLC ("EXW") submitted an application for a wind energy conversion system conditional use permit and project development plan for the wind energy project to be located in Marion County, Kansas (the "CUP Application");

WHEREAS, Property Owner received written individual notice of the CUP Application as one of the owners of record of real property located within at least 1,000 feet of the area proposed to be altered by the CUP Application, excluding streets, public ways and other statutorily excluded property (the "Notice Area");

WHEREAS, the Marion County Planning Commission (the "Planning Commission") will consider the CUP Application, and may vote to recommend approval of the CUP Application to the Marion County Board of County Commissioners, at the Planning Commission's scheduled regular meeting on October 24, 2019;

WHEREAS, in compliance with the laws of the State of Kansas and zoning regulations of Marion County, Kansas, all owners of record of real property located within the Notice Area are granted the right to sign and file a protest petition within fourteen (14) days after the conclusion of the Planning Commission's hearing; and

WHEREAS, the Property is located within the Notice Area and Property Owner has the right to sign and file such protest petition;

NOW THEREFORE, Property Owner consents and agrees to the following:

1. The above recitals are incorporated herein.
2. Property Owner acknowledges that the Property is within the Notice Area and, as such, Property Owner has the legal right to sign and file a protest petition against the CUP Application.
3. Property Owner irrevocably, voluntarily, and with full knowledge of any and all consequences, waives any rights afforded to Property Owner, whether created by the statutes of the State of Kansas, the zoning regulations of Marion County, Kansas, or otherwise, to sign and file a protest petition against the CUP Application, and further agrees to not assert any such protest petition rights against the CUP Application.

[Signature Page Follows]

IN WITNESS WHEREOF, the undersigned, of their own free will and accord, execute this Agreement as of the Effective Date.

PROPERTY OWNER

Cedar Springs Trust

By: Matthew W. Spencer
Matthew W. Spencer

Its: Matthew W. Spencer M.W.S
Trustee

By: Kelley R. Spencer
Kelley R. Spencer

Its: Kelley R. Spencer KRS
Trustee

Exhibit "A"

Legal Description

Tract 1: Southeast 1/4 of Section 12, Township 21 South, Range 4 East of the 6th P.M., Marion County, Kansas, lying East of Doyle Creek, less road right of way.

Parcel Number: 057-211-12-0-00-00-005.00-0

Per the County Appraiser, said Tract contains **31.26 acres**.

Tract 2: All that part of the North 1/2 of the Northeast 1/4 of Section 13, Township 21 South, Range 4 East of the 6th P.M., Marion County, Kansas, lying East of Doyle Creek, EXCEPT a tract deeded to the Secretary of Transportation of the State of Kansas on December 23, 1999 and recorded at the Marion County Register of Deeds on April 3, 2000 in Book 367, Page 689;
AND

A tract in the Southwest 1/4 of Section 13, Township 21 South, Range 4 East of the 6th P.M., Marion County, Kansas, being more particularly described as follows: Beginning at the Southeast 1/4 of said Section 13; thence N 00°13'48" E (GEOID 03) on the East line of said Southwest 1/4 for a distance of 788.28 feet; thence N 86°30'30" W for a distance of 707.47 feet to the center of a 5" pipe corner fence post; thence S 19°27'22" W for a distance of 140.69 feet to the center of a 5" pipe corner fence post; thence S 00°13'48" W for a distance of 697.99 feet to the South line of said Southwest 1/4; thence S 89°56'44" E on said South line for a distance of 752.88 feet to the point of beginning.

Parcel Number: 057-216-13-0-00-00-002.01-0

As per County Appraiser, said Tract contains **293.85 acres**.

Tract 3: All that part of the Northwest 1/4 of Section 18, Township 21 South, Range 5 East of the 6th P.M., Marion County, Kansas, lying South and West of U.S. Highway 77 right of way, AND RESERVING unto Leslie B. Allison and Linda Allison, their heirs, executors, administrators, and assigns, and for the benefit of the tract described below, an easement appurtenant described as : An easement and right of way 40 feet wide beginning at the Southwest corner of the conveyed tract and running northerly along the existing private gravel road which approximately follows the West boundary line of the conveyed real estate located in said Section 18; for ingress and egress and for utilities to the following described real estate in Marion County, Kansas, to-wit: Part South 1/2 of Northeast 1/2 and Part North 1/2 of Southeast 1/4, Section 13, Township 21 South, Range 4 East, Marion County, Kansas, more particularly described as: Beginning at the Southeast corner of the Northeast 1/4 of said Section 13; thence North 89°27" West (GEOID) on the South line of the Northeast 1/4 for a distance of 824.04 feet to the true point of beginning; thence North 00°39'33" East for a distance of 396.00 feet; thence North 89°20'27" West for a distance of 528.00 feet; thence South 00°39'33" West for a distance of 171.58 feet; thence South 87°26'58" West for a distance of 168.00 feet; thence South 27°07'19" West for a distance of 143.00 feet; thence South 56°47'36" West for a distance of 138.00 feet; thence South 09°44'58" West for a distance of 90.00 feet; thence South 00°39'33" West for a distance of 118.57 feet; thence South 89°20'27" East for a distance of 888.26 feet; thence North 00°39'33" East for a distance of 197.34 feet to the true point of beginning.

Parcel Number: 057-204-18-0-00-00-001.03-0

As per County Appraiser, said Tract contains **20.5 acres**.