

### **PROTEST PETITION WAIVER**

This Protest Petition Waiver (this "Waiver") is made effective as of 10/21/2019, 2019 (the "Effective Date"), by Randy E. Savage and Kelli Savage, husband and wife, ("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:

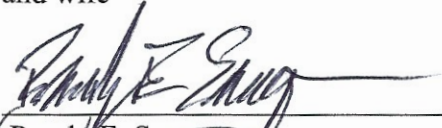
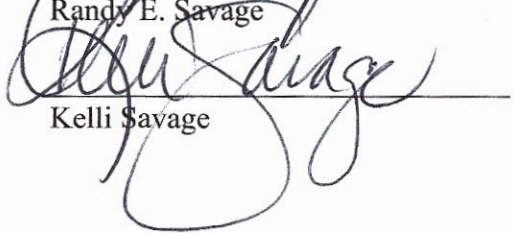
1. The above recitals are incorporated herein.
2. Property Owner acknowledges that the Property is within the Notice Area and, as such, Property Owner has the legal right to sign and file a protest petition against the CUP Application.
3. Property Owner irrevocably, voluntarily, and with full knowledge 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**

Randy E. Savage and Kelli Savage, husband  
and wife

  
\_\_\_\_\_  
Randy E. Savage  
\_\_\_\_\_  
Kelli Savage

**Exhibit "A"**

**Legal Description**

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, EXCEPT the following described tract: 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; AND EXCEPT that part taken and used for public highway AND

West 1/2 of Section 13, Township 21 South, Range 4 East of the 6th P.M., Marion County, Kansas, EXCEPT: Beginning at a point 1328.4 feet South and 290.0 feet East of the Northwest corner of said West 1/2 Northwest 1/4 and on the Southerly right of way line of the B.N. & S.F. Railway; thence South parallel with the West line of said Northwest 1/4 for a distance of 561.3 feet; thence East at right angles for a distance of 543.0 feet; thence North at right angles and parallel with said West line for a distance of 884.0 feet to the Southerly right of way line of said railway; thence Southwesterly along the Southerly right of way line of said railway for a distance of 631.6 feet to the point of beginning; AND EXCEPT: Beginning at the Southeast corner of the Southwest 1/4 of said Section 13: thence N00°13'48"E (GEOID 03) on the East line of said Southwest 1/4 for a distance of 788.28 feet; thence N86°30'30" West for a distance of 707.47 feet to the center of a 5" pipe corner fence post; thence S19°27'22" West for a distance of 140.69 feet to the center of a 5" pipe corner fence post; thence S00°13'48" West for a distance of 697.99 feet to the South line of said Southwest 1/4; thence S89°56'44" East on said South line for a distance of 752.66 feet to the point of beginning; AND EXCEPT that part taken and used for public highway.

Parcel ID: 057-216-13-0-00-00-001.00-0

As per County Appraiser, said Tract contains 307.12 acres.