Landowner Consideration in a Wind Contract

I. Define Terms
   A. Define a wind easement
   B. Define periods in a contract
   1. Development phase
   2. Operation phase
   3. Remediation/decommissioning phase

II. Advantages of a Landowners Association
   A. What is your land worth?
   B. Landowners can create marketable blocks of land
   C. Collective bargaining
   D. Share information and results
   E. Establishing a dialog with multiple wind developers
   F. Better afford to address legal issues if spread out costs
   G. Setting up a landowners association
   1. Keep it simple
   2. Block up land

III. Wind Contract Areas of Payment/Commercial Terms
   A. Exclusive negotiation period
   B. Signing bonus
   C. Per acre lease payment
   D. Letter of credit to ensure developer’s ability to complete project
   E. Attorneys’ fees
   F. Royalty
   G. Construction Payments
   H. Building Sites
   I. Inflation Clause
   J. Minimum payment

IV. Managing the Risk
   A. Get money up front/annual rental payments
   B. Third party creditors
   C. Indemnity and damages
   D. Preserve ability to declare default
   E. Transmission easements tied to wind easement
   F. Grandfather all existing agriculture and land uses
   G. Estate planning
   H. Reclamation/decommissioning of wind farm
   I. Assignment of payment for taxes and utilities
   J. Preventing or reducing mechanic’s liens