

#6770

MISC. #12

Filed at 10:15 AM  
November 12, 1998  
Fee \$41.00

779

INSTR. NO. 986770

BK \_\_\_\_\_ PAGE \_\_\_\_\_

98 NOV 12 AM 10: 15

JAN BORTSCHELLER  
RECORDER  
DICKINSON COUNTY, IOWA

Prepared by: James C. Ladegaard, 708 Lake St., Spirit Lake, IA (712) 336-1292 41.00  
**AGREEMENT**

This Agreement entered into by and between ROBERT V. ROSS and FRANCES P. ROSS, husband and wife, hereinafter referred to as ROSS, and VILLAGE LAKESHARES, L.P, a Limited Partnership, hereinafter referred to as VILLAGE,

**WHEREAS, ROSS'** are the owners of property more fully described on the attached Exhibit 1, and

**WHEREAS, VILLAGE** is the owner of property more fully described on the attached Exhibit 2, and

**WHEREAS,** the predecessor in title to VILLAGE, to-wit, Long Lines, Ltd., granted ROSS' an easement dated February 28, 1985, which easement was filed February 28, 1985, and recorded in Misc. Book Y, Page 487 of the records of the Dickinson County Recorder's office, and

**WHEREAS,** by such easement ROSS' were granted an easement for ingress and egress over property which is now owned by VILLAGE, and

**WHEREAS,** on July 1, 1985, ROSS' sold Long Lines, Ltd., additional property which deed was filed July 1, 1985, and recorded in Land Deed 46, Page 689; and

**WHEREAS,** such deed provided at attachment B, Paragraph 1, that ROSS' would have "the right to limited access on any service road that is built by Buyer on the eastern portion of the property", and

**WHEREAS, VILLAGE** and its predecessors in title did construct such a service road which service road is located immediately to the south and west of the property of ROSS and which service road is now designated as 209<sup>th</sup> Avenue, and

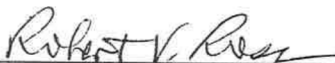
**WHEREAS,** the parties wish to reach an agreement regarding access to 209<sup>th</sup> Avenue.

**NOW, THEREFORE,** it is hereby agreed as follows:

1. ROSS' hereby release the easement granted to them and their successors in interest under the Easement dated February 28, 1985 referred to above.
2. The parties hereto recognize the existence of field tile which runs across the respective properties and agree to cooperate to maintain the existing drainage pattern.
3. VILLAGE hereby grants a permanent easement for ingress and egress and for sanitary sewer on 209<sup>th</sup> Avenue as described above. This ingress/egress will be the sole access for ROSS to their property through

the property owned by **VILLAGE**. **ROSS** will construct a six-foot chain length fence on the current access after it is closed.

4. Access, however, to 209<sup>th</sup> Avenue, shall be limited to one location, which is a 30 foot width entrance for ingress and egress in Government Lot 2 in the Northeast Quarter of Section 14, Township 99 North, Range 37 West of the 5<sup>th</sup> P.M., Dickinson County, Iowa, described as follows: Commencing at the Southeast corner of said Government Lot 2; thence North 1°32.3' East 866.53 feet along the Eastly line of said Government Lot 2; thence North 87°27.3' West 167.68 feet; thence North 41°52.7' West 279.04 feet to the centerline of the 30 feet width entrance. **VILLAGE** approves the location as set out in such description and as shown on the attached drawing, Exhibit 3.
5. This easement to and over 209<sup>th</sup> Avenue shall be for no more than ten (10) residences on the **ROSS** property. None of the residences may be used as a time share program and shall not be advertised for public rental.
6. The approach from the **ROSS** property to the traveled portion of 209<sup>th</sup> Avenue shall be constructed at the expense of **ROSS**. The expense of opening the fence, installation of two heavier end posts on each side of the opening will be paid by **ROSS**. Legal fees of **VILLAGE** shall be paid by **ROSS**. The initial location of the road or driveway to be constructed on **ROSS**' property will be as shown on attached Exhibit 4.
7. If approved by the appropriate representative of the United States Mail service, mailboxes serving residences on the **ROSS**' property, may be located on 209<sup>th</sup> Avenue at a location opposite the new driveway entrance. **VILLAGE** reserves the right to modify the mailbox location as part of future development.
8. Paragraphs 2 and 4 of the attachment B to the deed recorded at Land Deed 46, Page 689 are hereby deleted and are no longer of any force or effect. Specifically, **ROSS**' and their families shall have no rights to use the facilities of Vacation Village, now known as Village West, nor shall Village Lakeshares, LP, nor its successors in interest have any obligation to provide snow removal to the **ROSS** property nor shall **VILLAGE** have any obligation to collect household refuse or other garbage from the property of **ROSS**.
9. This is a perpetual easement, shall run with the lands and shall be binding upon the successors in interest to the parties herein.

  
Robert V. Ross

Frances P. Ross  
Frances P. Ross

VILLAGE LAKESHARES, L.P.

By: Thomas L. Allen

Title: Vice-President

STATE OF IOWA, COUNTY OF DICKINSON, ss:

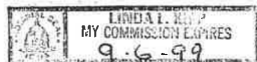
On this 23<sup>rd</sup> day of October, 1998, before me the undersigned, a Notary Public in and for said State, personally appeared **Robert V. Ross and Frances P. Ross, husband and wife**, to me known to be the identical persons named in and who executed the foregoing instrument and acknowledged that they executed the same as their voluntary act and deed.



Maxine Kracht Butler  
Notary Public - State of Iowa

STATE OF IOWA, COUNTY OF LINN, ss:

On this 29<sup>th</sup> day of October, 1998, before me, the undersigned, a Notary Public in and for the said State, personally appeared Thomas L. Allen, to me personally known, who being by me duly sworn, did say that the person is one of the partners of Village Lakeshares, L.P., a partnership, and that the instrument was signed on behalf of the partnership by authority of the partners; and the partner acknowledged the execution of the instrument to be the voluntary act and deed of the partnership by it and by the partner voluntarily executed.



Linda L. Kipp  
Notary Public - State of Iowa

**EXHIBIT 1**

Parcel C as shown in a Plat of Survey prepared by Jacobson-Westergard & Assoc., Inc., dated December 26, 1984, Project No. S-84170, except the Southerly portion of said Parcel C as shown in a Survey Plat prepared by Arthur D. Burr, April 5, 1985.

See copies of Surveys following Exhibit 2.

**EXHIBIT 2**

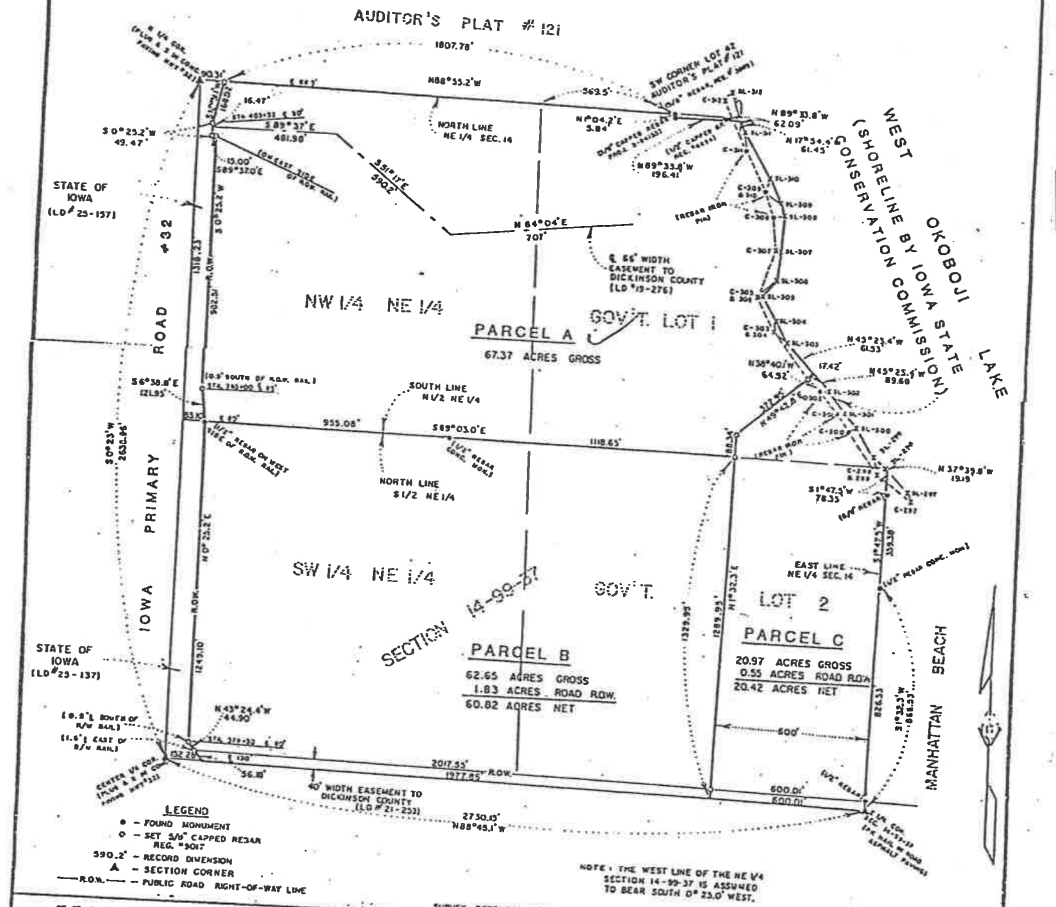
Parcel A and B as shown in a Plat of Survey prepared by Jacobson-Westergard & Associates, Inc., dated December 26, 1984, project no. S-84170 and the southerly portion of parcel C as shown in the Survey Plat prepared by Arthur D. Burr, April 5, 1985.

See copies of surveys following this Exhibit 2.

# PLAT OF SURVEY

## NORTHEAST 1/4 SECTION 14-99-37, DICKINSON COUNTY, IOWA

- NOTES:**
- 1) No investigation concerning zoning/land use was made as a part of this survey.
  - 2) Not all improvements on site are shown.
  - 3) Bearings refer to an assumed meridian.
  - 4) Distances measured in this survey varying from distances of record are inclusive of excesses/deficiencies of former surveys.
  - 5) No search of the records for easements or encumbrances was made as a part of this survey. Easements as shown hereon are only those observed by Surveyor.



**Jacobson-Westergard & Assoc., Inc.**  
1216 South 6th  
Estherville, Iowa 51224  
7123 382-2447

CLIENT: ROBERT V. ROSS  
VACATION VILLAGE  
R.R. BOX 9191  
WEST LAKE OKOBOJI,  
IOWA

SCALE 1" = 300'	
Drawn	Checked By
Date: 2/28/84	By: C.E.H.
Survey Notes	Project No.
Book JW 112 Page 11	S-84170

CONTROL TO CONTROL			
STA.	BEARING	DISTANCE	STA.
C-297	N 89° 40' 22" W	163.56	C-298
C-298	N 32° 49' 22" W	793.81	C-300
C-300	N 32° 12' 17" W	81.19	C-301
C-301	N 30° 28' 18" W	111.05	C-302
C-302	N 30° 40' 1" W	191.12	C-303
C-303	N 27° 50' 1" W	139.81	C-305
C-304	N 30° 40' 1" W	191.12	C-306
C-305	N 8° 50' 7" E	158.73	C-307
C-306	N 8° 44' 4" W	182.00	C-308
C-308	N 9° 22' 4" W	96.37	C-309
C-309	N 27° 48' 3" W	163.12	C-310
C-310	N 24° 50' 2" W	216.24	C-312

CONTROL TO SHORELINE			
STA.	BEARING	DISTANCE	STA.
C-292	N 22° 42' 2" W	311.19	C-293
C-293	N 68° 22' 8" E	44.30	SL-298
C-298	N 8° 41' 2" W	87.00	SL-299
C-302	N 30° 30' 8" E	29.44	SL-301
C-301	N 84° 17' 8" E	28.33	SL-301
C-302	S 82° 21' 1" E	35.33	SL-302
C-303	S 47° 39' 1" E	45.40	SL-303
C-304	N 4° 44' 9" E	40.12	SL-304
C-305	N 54° 20' 7" E	12.67	SL-305
C-306	N 30° 41' 7" E	88.34	SL-306
C-307	S 23° 46' 1" E	22.96	SL-307
C-308	N 89° 40' 22" W	163.56	SL-308
C-309	S 56° 00' 5" E	44.30	SL-309
C-310	N 20° 01' 5" E	48.60	SL-310
C-311	N 3° 24' 2" W	70.60	SL-311
C-312	N 54° 21' 5" E	38.78	SL-312

SHORELINE TO SHORELINE			
STA.	BEARING	DISTANCE	STA.
SL-292	N 22° 42' 2" W	311.19	SL-293
SL-293	N 68° 22' 8" E	44.30	SL-298
SL-298	N 8° 41' 2" W	87.00	SL-299
SL-302	N 30° 30' 8" E	29.44	SL-301
SL-301	N 84° 17' 8" E	28.33	SL-301
SL-302	S 82° 21' 1" E	35.33	SL-302
SL-303	S 47° 39' 1" E	45.40	SL-303
SL-304	N 4° 44' 9" E	40.12	SL-304
SL-305	N 54° 20' 7" E	12.67	SL-305
SL-306	N 30° 41' 7" E	88.34	SL-306
SL-307	S 23° 46' 1" E	22.96	SL-307
SL-308	N 89° 40' 22" W	163.56	SL-308
SL-309	S 56° 00' 5" E	44.30	SL-309
SL-310	N 20° 01' 5" E	48.60	SL-310
SL-311	N 3° 24' 2" W	70.60	SL-311
SL-312	N 54° 21' 5" E	38.78	SL-312

**PARCEL A**

Those portions of Government Lot 1 and the Northwest Quarter of the Northeast Quarter of Section 14, Township 99 North, Range 37 West of the 5th Principal Meridian, Dickinson County, Iowa, described as follows:

Commencing at the North quarter corner of said Section 14; thence on an assumed bearing of South 0 degrees 23.0 minutes West 1118.23 feet along the westerly line of the Northeast Quarter of said Section 14 to the southerly line of the North Half of said Northeast Quarter; thence South 89 degrees 03.0 minutes East 83.10 feet along said Northeast Quarter North Half southerly line to the point of beginning at the easterly right-of-way line of Iowa Primary Road No. 32 (Iowa State Highway Commission Project F-490 Official Plans); thence continuing South 89 degrees 03.0 minutes East 2073.73 feet along said Northeast Quarter North Half southerly line; thence North 1 degree 32.3 minutes East 88.34 feet; thence North 49 degrees 42.8 minutes East 390.37 feet to the Iowa State Conservation Commission West Okoboji Lake westerly shoreline; thence North 45 degrees 04.2 minutes East 390.37 feet to the Iowa said shoreline; thence North 28 degrees 53.0 minutes West 96.08 feet along said shoreline; thence North 32 degrees 02.2 minutes West 107.28 feet along said shoreline; thence North 35 degrees 39.6 minutes East 76.24 feet along said shoreline; thence North 1 degree 01.0 minute West 120.66 feet along said shoreline; thence North 4 degrees 26.3 minutes West 203.91 feet along said shoreline; thence North 14 degrees 12.6 minutes West 55.32 feet along said shoreline; thence North 24 degrees 51.6 minutes East 54.4 minutes West 61.45 feet along said shoreline to a point 3 feet southerly of the northerly line of the Northeast Quarter of said Section 14; thence North 89 degrees 33.8 minutes West 258.50 feet to the southerly line of the Northeast Quarter of said Section 14; thence North 1 degree 5.84 feet southerly of the northerly line of the Northeast Quarter of said Section 14; thence North 88 degrees 55.2 minutes West 1807.78 feet along said shoreline; thence North 1 degree 12 degrees 51.1 minutes East 158.2 feet to the easterly right-of-way line of Iowa Primary Road No. 32; thence North 12 degrees 51.1 minutes East 158.2 feet along said right-of-way line; thence South 0 degrees 25.2 minutes West 49.47 feet along said right-of-way line; thence South 0 degrees 25.2 minutes East 15.00 feet along said right-of-way line; thence South 0 degrees 25.2 minutes West 982.51 feet along said right-of-way line; thence South 6 degrees 11.3 minutes East 121.95 feet along said right-of-way line to the point of beginning, containing 67.57 acres, subject to all easements of record.

**PARCEL B**

Those portions of Government Lot 2 and the Southwest Quarter of the Northeast Quarter of Section 14, Township 99 North, Range 37 West of the 5th Principal Meridian, Dickinson County, Iowa, described as follows:

Commencing at the North quarter corner of said Section 14; thence on an assumed bearing of South 0 degrees 23.0 minutes West 1118.23 feet along the westerly line of the Northeast Quarter of said Section 14 to the northerly line of the South Half of said Northeast Quarter; thence South 89 degrees 03.0 minutes East 83.10 feet along said Northeast Quarter South Half northerly line to the point of beginning at the easterly right-of-way line of Iowa Primary Road No. 32 (Iowa State Highway Commission Project F-490 Official Plans); thence continuing South 89 degrees 03.0 minutes East 2073.73 feet along said Northeast Quarter South Half northerly line; thence South 1 degree 32.3 minutes West 1329.95 feet to the southerly line of the Northeast Quarter of said Section 14 at a point South 88 degrees 48.1 minutes East 600.01 feet from the East quarter corner of said Section 14; thence North 88 degrees 48.1 minutes West 1977.86 feet along said Northeast Quarter southerly line to the easterly right-of-way line of Iowa Primary Road No. 32; thence North 43 degrees 24.4 minutes West 101.08 feet along said right-of-way line; thence North 0 degrees 25.2 minutes East 1249.10 feet along said right-of-way line to the point of beginning, containing 62.65 acres subject to all easements of record.


**PARCEL C**

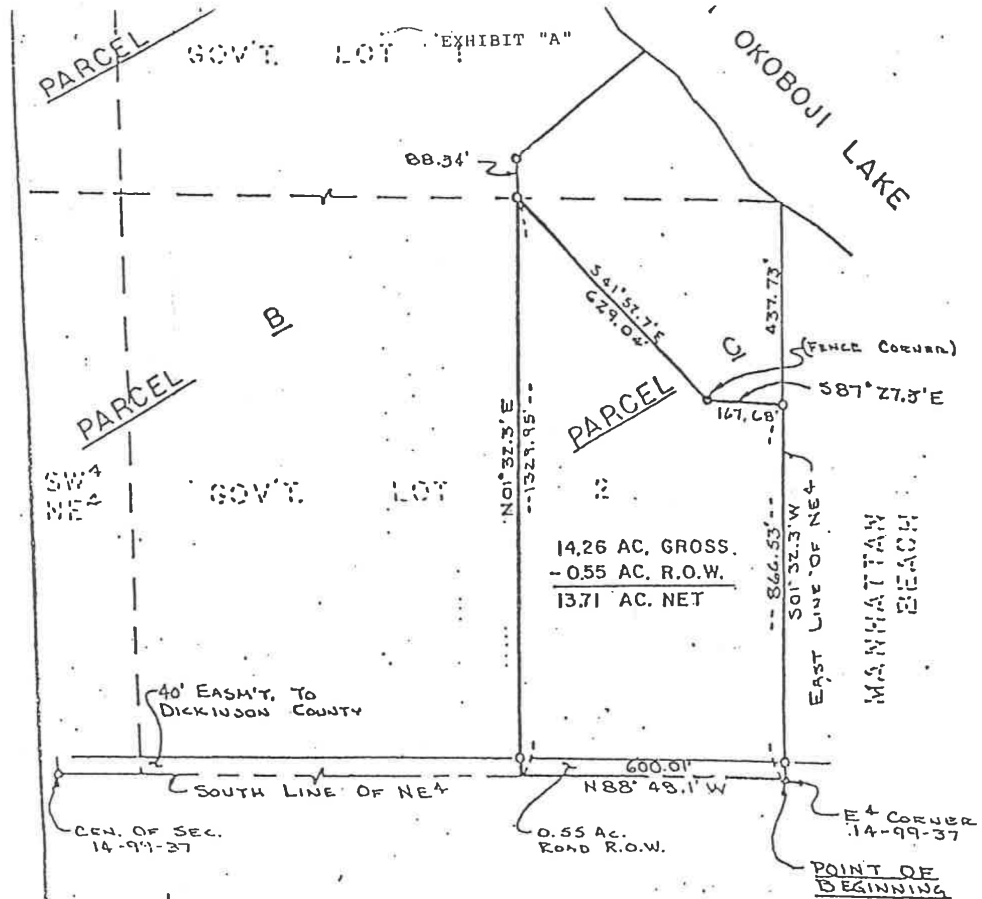
Those portions of Government Lots 1 and 2 of the Northeast Quarter of Section 14, Township 99 North, Range 37 West of the 5th Principal Meridian, Dickinson County, Iowa, described as follows:

Beginning at the East quarter corner of said Section 14; thence North 88 degrees 48.1 minutes West (Section 14-99-37 Northeast Quarter westerly line assumed to bear South 0 degrees 23.0 minutes West) 600.01 feet along the southerly line of the Northeast Quarter of said Section 14; thence North 1 degree 32.3 minutes East 1418.29 feet; thence North 49 degrees 42.8 minutes East 390.37 feet along said shoreline; thence South 89 degrees 03.0 minutes East 2073.73 feet along said Northeast Quarter South Half northerly line; thence South 1 degree 32.3 minutes West 1329.95 feet to the southerly line of the Northeast Quarter of said Section 14 at a point South 88 degrees 48.1 minutes East 600.01 feet from the East quarter corner of said Section 14; thence North 88 degrees 48.1 minutes West 1977.86 feet along said Northeast Quarter southerly line to the easterly right-of-way line of Iowa Primary Road No. 32; thence North 43 degrees 24.4 minutes West 101.08 feet along said right-of-way line; thence North 0 degrees 25.2 minutes East 1249.10 feet along said right-of-way line to the point of beginning, containing 62.65 acres subject to all easements of record.

**NOTE:**

The term "certify" is defined as an expression of professional opinion based on the Surveyor's best knowledge, information, and belief, and constitutes neither a guarantee or a warranty expressed or implied. Any extension of this survey without written verification or adaptation by Surveyor for the specific purpose intended will be without liability to Surveyor.

 <b>Jacobson-Westergard &amp; Assoc., Inc.</b> 12X South 8th Ethava, Iowa 51334 (712) 382-2647	I hereby certify that this plat, map, survey or report was made by me or under my direct personal supervision and that I am a duly registered Land Surveyor under the laws of the State of Iowa. Dated: <i>12/15/2018</i> R. V. BENDIXEN, J.S. Iowa Reg. No. 9017	CLIENT:	Drawn By: _____ Checked By: _____ Date: _____ Survey Notes: _____ Book: _____ Page: _____
	S-84170		
	SHEET 2 OF 2		
	(Empty space for additional notes or signatures)		



Scale: 1" = 300'

- LEGEND:**
- D IRON PIN FOUND
  - A PK NAIL FOUND
  - O IRON PIN SET

**LEGAL DESCRIPTION**

The southerly portion of Parcel C in Government Lots 1 and 2 of the NE<sup>1/4</sup> of Section 14, T99N, R37W of the 5th Principal Meridian, Dickinson County, Iowa. Said parcel more particularly described as follows:

Beginning at the E<sup>1/4</sup> corner of Section 14; thence N 83° 48.1' W (West line of NE<sup>1/4</sup> assumed to bear S00° 23.0' W) for a distance of 600.01 feet along the south line of the NE<sup>1/4</sup> of said Section 14; thence N 01° 32.3' E for a distance of 1,329.95 feet along the west line of Parcel 'C' to a point on the north line of Gov't Lot 2; thence S 41° 32.7' E for a distance of 629.04 feet; thence S 37° 27.3' E for a distance of 167.68 feet to a point on the east line of the NE<sup>1/4</sup> and Parcel 'C'; thence S 01° 32.3' W for a distance of 866.53 feet along the east line of the NE<sup>1/4</sup> and Parcel 'C' to the Point of Beginning.

Said described parcel of land contains 14.26 acres, subject to all easements of record.

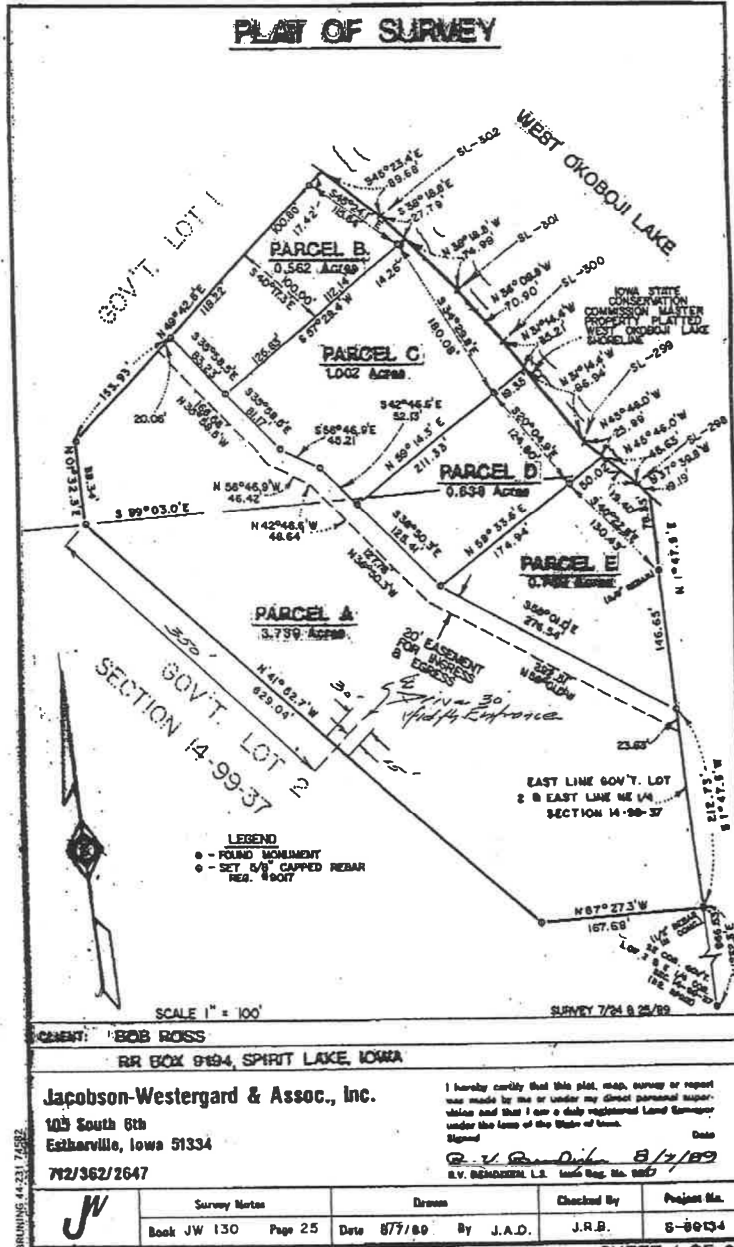
I hereby certify that this plat, map, or survey was made by me or under my direct personal supervision and that I am a duly Registered Land Surveyor under the laws of the State of Iowa.

Arthur D. Burr, PE & LS  
 Registration No. 5026  
 Date: 4/15/85



	MUNICIPAL ENGINEERING CONSULTANTS, P.C.	EXHIBIT "A" SURVEY PLAT
	Drawn by: <i>[Signature]</i>	Date: 4-15-85

EXHIBIT "3"



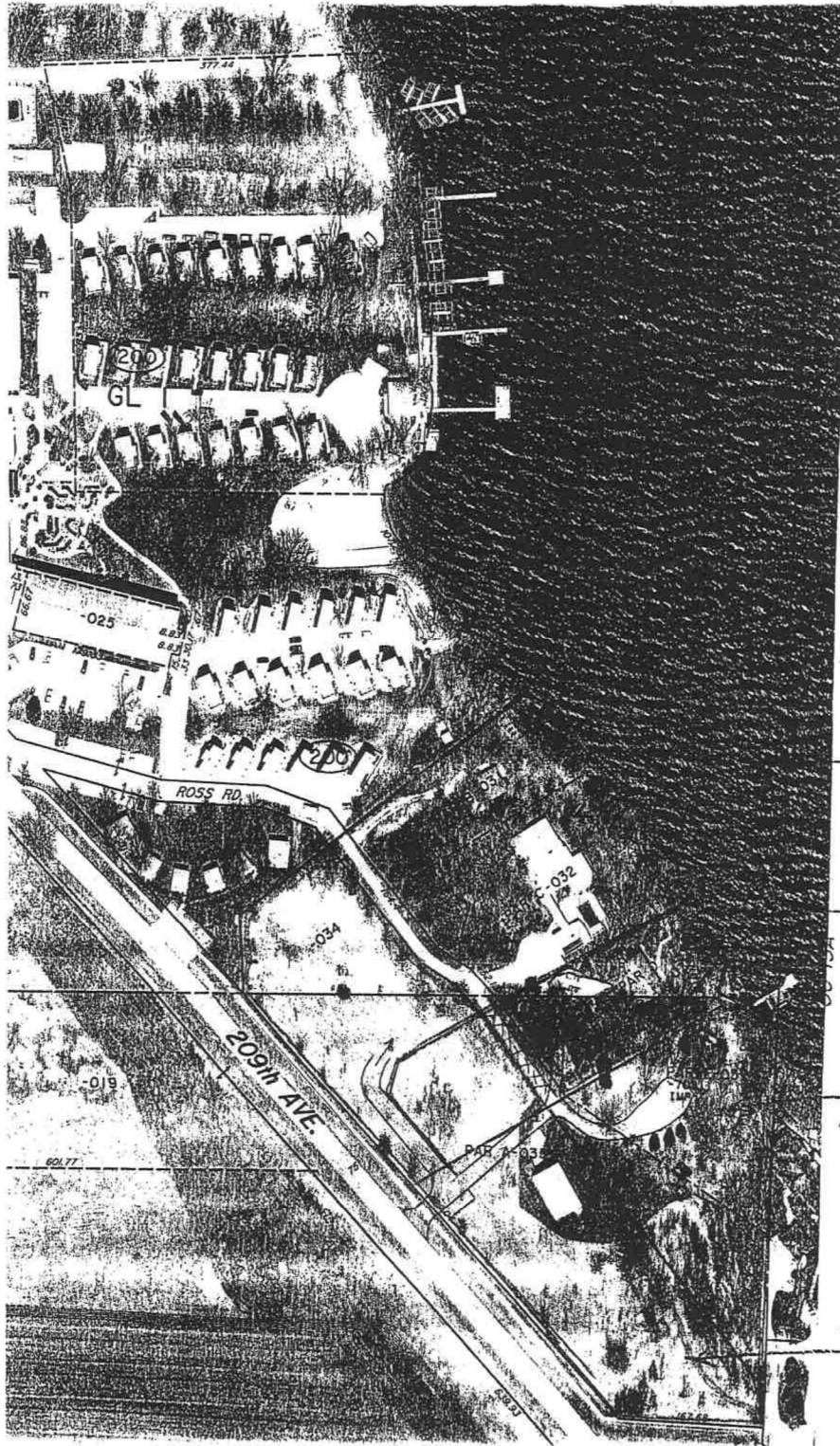


EXHIBIT "4"

- ROADS
- NEW FENCES
- LOT BOUNDARIES

FOR SALE AREA

ROSS RESIDENCE

FRANKEN RESIDENCE

ROSS EXTRA LOT