

288

Misc BK#2

#3404

Filed at 9:21 AM
March 29, 1989
Fee \$30.00

EASEMENT

This Easement is executed this 24th day of March, 1989, by and between Village Resorts, Inc., an Iowa Corporation (hereinafter "Village Resorts") and Sunrise Cove Time-share Association, Inc., an Iowa Corporation (hereinafter "Sunrise Cove"). The parties agree as follows:

1. Village Resorts is currently the owner of certain real property commonly referred to as Village West Resort and legally described on Exhibit "A" attached hereto and made a part hereof.

2. Sunrise Cove is the owner's association for Sunrise Cove Time-share Program, the Declaration of which is recorded at Book Misc 2, Page 167, Dickinson County Recorder's Office, the same being recorded on the 29th day of March, 1989. Pursuant to the Declaration, the Developer, Village Lakeshares, Inc., submits certain real property located at Village West Resort to the Time-share Program, and provides for submission in the future of additional real property located at Village West Resort. The legal description of the property which has been submitted to the Time-share Program at this time is attached hereto as Exhibit "B". Any property submitted to the Time-share Program in the future shall be entitled to the benefits of the easements contained herein.

3. Village Resorts hereby grants to Sunrise Cove a perpetual ingress and egress easement across roads, lanes, and parking lots as they may exist from time to time on the real property shown on Exhibit "A", and as they may be located or re-located by Village Resorts, for the benefit of Sunrise Cove and the time-share estate owners. Village Resorts also grants an easement for parking in parking lots to Sunrise Cove and the Time-share Estate owners. Village Resorts reserves the right to establish rules and regulations and limitations pertaining to the use of the roads, lanes, and parking areas, including the posting of signs all of which Sunrise Cove and the owners of the Time-share Units agree to follow.

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4. In the event Village Resorts fails to repair, maintain or otherwise care for the roadway, lanes, or parking areas, then Sunrise Cove shall have the right to enter upon the property for purposes of repair and maintenance of the road, lanes or parking. Village Resorts shall retain, however, the right to designate the location of the easement which shall be adequate for two-lane traffic and parking shall be adequate for the number of Units which may be submitted to Sunrise Cove from time to time.

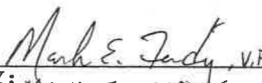
5. Village Resorts further grants to Sunrise Cove a utility easement across the property described in Exhibit "A" for purposes of water, sewer, telephone, cable, and electrical lines which may be necessary for the operation of and occupancy of the Time-share Units. Village Resorts reserves the right to determine the location of said easement. An easement is also granted to Sunrise Cove for purposes of repair and maintenance of the lines but following repair and maintenance Sunrise Cove shall put the property in the same condition as it was prior to the repair and maintenance.

6. These easements shall be binding upon the successors and assigns of the parties and shall run with the land.

VILLAGE RESORTS, INC.

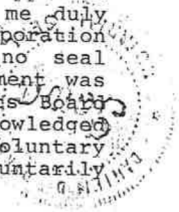

BY: D. JON WINKEL, President

SUNRISE COVE TIME-SHARE ASSOCIATION, INC.


BY: MARK E. FERDIG, Vice President

STATE OF IOWA)
 : ss
COUNTY OF WOODBURY)

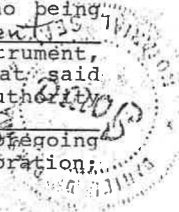
On this 24th day of March, 1989, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared D. Jon Winkel, to me personally known, who being by me duly sworn, did say that he is the President of the corporation executing the within and foregoing instrument, that no seal has been procured by the corporation; that said instrument was signed on behalf of the corporation by authority of its Board of Directors; and that D. Jon Winkel as such officer acknowledged the execution of the foregoing instrument to be the voluntary act and deed of the corporation, by it and by him voluntarily executed.



Daniel D. Dykstra
NOTARY PUBLIC in and for said
County and State.
Daniel D. Dykstra

STATE OF IOWA)
 : ss
COUNTY OF WOODBURY)

On this 24th day of March, 1989, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared MARK E. FERDIG, to me personally known, who being by me duly sworn, did say that he is the Vice President of the corporation executing the within and foregoing instrument, that no seal has been procured by the corporation; that said instrument was signed on behalf of the corporation by authority of its Board of Directors; and that Mark E. Ferdig as such officer acknowledged the execution of the foregoing instrument to be the voluntary act and deed of the corporation, by it and by him voluntarily executed.



Daniel D. Dykstra
NOTARY PUBLIC in and for said
County and State.
Daniel D. Dykstra

EXHIBIT A

LEGAL DESCRIPTION

Portions of Gov't Lot 1 and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 14, Twp. 99 N, Range 37 West of the 5th P.M., Dickinson County, Iowa, described as follows:-

Commencing at the North quarter corner of said Section 14; thence on an assumed bearing of South 0 $^{\circ}$ 23.0' West 1318.23 feet along the westerly line of the NE $\frac{1}{4}$ of said Section 14 to the southerly line of the N $\frac{1}{2}$ of said NE $\frac{1}{4}$; thence South 89 $^{\circ}$ 03.0' East 83.10 feet along said NE $\frac{1}{4}$ 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 $^{\circ}$ 03.0' East 2073.73 feet along said Northeast Quarter North Half southerly line; thence North 1 $^{\circ}$ 32.3' East 88.34 feet; thence North 49 $^{\circ}$ 42.8' East 390.37 feet to the Iowa State Conservation Commission West Okoboji Lake westerly shoreline; thence North 45 $^{\circ}$ 23.4' West 61.53 feet along said shoreline; thence North 28 $^{\circ}$ 53.0' West 96.08 feet along said shoreline; thence North 32 $^{\circ}$ 02.2' West 107.28 feet along said shoreline; thence North 35 $^{\circ}$ 39.6' East 76.24 feet along said shoreline; thence North 1 $^{\circ}$ 01.0' West 120.66 feet along said shoreline; thence North 4 $^{\circ}$ 26.3' West 203.91 feet along said shoreline; thence North 14 $^{\circ}$ 12.6' West 55.32 feet along said shoreline; thence North 24 $^{\circ}$ 51.6' West 91.18 feet along said shoreline; thence North 30 $^{\circ}$ 26.9' West 197.98 feet along said shoreline; thence North 17 $^{\circ}$ 54.4' 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 $^{\circ}$ 33.8' West 258.50 feet to a point 5.84 feet southerly of the southwest corner of Lot 42 of Auditor's Plat No. 121, Dickinson County, Iowa; thence North 1 $^{\circ}$ 04.2' East 5.84 feet to the southwest corner of said Lot 42 and the Northerly line of the NE $\frac{1}{4}$ of said Section 14; thence North 88 $^{\circ}$ 55.2' West 1807.78 feet along said NE $\frac{1}{4}$ northerly line to the easterly right-of-way line of Iowa Primary Road No. 32; thence South 12 $^{\circ}$ 51.1' West 168.92 feet along said right-of-way line; thence South 0 $^{\circ}$ 25.2' West 49.47 feet along said right-of-way line; thence South 89 $^{\circ}$ 37.0' East 15.00 feet along said right-of-way line; thence South 0 $^{\circ}$ 25.2' West 982.51 feet along said right-of-way line; thence South 6 $^{\circ}$ 38.8' East 121.95 feet along said right-of-way line to the point of beginning, containing 67.37 acres, EXCEPT a tract described as follows:-

Commencing at the north quarter corner of said Section 14; thence South 88 $^{\circ}$ 55.2' East (Section 14-99-37 Northeast Quarter westerly line is assumed to bear South 0 $^{\circ}$ 23.0' West) 1898.09 feet along the northerly line of the Northeast Quarter of said Section 14 to the southwest corner of Lot 42 of Auditor's Plat #121, Dickinson County, Iowa, a Reg. #3869 capped 5/8" rebar 569.5 feet easterly of the northwest corner of said Government Lot 1; thence South 1 $^{\circ}$ 04.2' West 5.84 feet to the point of beginning; thence South 7 $^{\circ}$ 34.5' East 50.49 feet; thence South 89 $^{\circ}$ 33.8' East 268.04 feet to the Iowa State Conservation Commission West Okoboji Lake westerly shoreline; thence North 17 $^{\circ}$ 54.4' West 52.67 feet along said shoreline to a point 3 feet southerly of the northerly line of said Gov't Lot 1; thence North 89 $^{\circ}$ 33.8' West 258.50 feet to the point of beginning, containing 0.30 acres;

AND FURTHER EXCEPTING THOSE TRACTS OF LAND conveyed to Missouri River Enterprises, Inc., by deed dated April 14, 1987, filed for record May 8, 1987, and recorded in Land Deed Record 48, page 71, described as follows:-

TRACT 1: Commencing at the North quarter corner of Section 14, Twp. 99, Range 37, West 5th P.M.; thence South 88 $^{\circ}$ 55.2' East along the North line of the NE $\frac{1}{4}$ for a distance of 90.31 feet to a point in the East right-of-way line of Iowa Highway No. 32; thence continuing South 88 $^{\circ}$ 55.2' East along said North line for a distance of 1018.22 feet; thence South 01 $^{\circ}$ 04.8' West for a distance of 490.44 feet to a point on the North line of the entrance road easement; thence South 84 $^{\circ}$ 04' West along said North easement line for a distance of 94.45 feet; thence North 51 $^{\circ}$ 17' West along said North easement line for a distance of 588.12 feet; thence North 89 $^{\circ}$ 37' West along said North esaeement line for a distance of 489.78 feet to the

EXHIBIT A (cont.)

LEGAL DESCRIPTION

(Continued)

East right-of-way line of Iowa Highway No. 32; thence North 12°51.1' East along said right-of-way line for a distance of 151.99 feet to the point of beginning; and ALSO EXCEPT

TRACT 2:- Commencing at the North quarter corner of Section 14; thence South 0°25.2' West along the West line of the NE1/4 for a distance of 215.50 feet; thence South 89°37' East for a distance of 68.94 feet to a point on the East right-of-way line of Iowa Highway No. 32; and the point of beginning; thence continuing South 89°37' East along the South line of the entrance road easement for a distance of 455.54 feet; thence South 51°17' East along said South easement line for a distance of 592.27 feet; thence North 84°04' East along said South easement line for a distance of 279.43 feet; thence South 04°51.3' East for a distance of 782.62 feet; thence South 89°03.0' East for a distance of 300.00 feet; thence South 00°57.0' West for a distance of 200.00 feet; thence South 89°03.0' East for a distance of 601.77 feet; thence South 41°52.7' East along a line parallel to, and 75 feet West of the East property line, for a distance of 639.93 feet; thence South 01°32.3' West along a line parallel to and 75 feet West of the East property line, for a distance of 622.87 feet to a point on the North right-of-way line of a county road; thence North 88°48.1' West along said right-of-way line for a distance of 2542.56 feet to a point on the East right-of-way line of Iowa Highway No. 32; thence North 43°24.4' West along said right-of-way line for a distance of 44.90 feet; thence North 0°25.2' East along said right-of-way line for a distance of 1249.10 feet; thence North 06°38.8' West along said right-of-way line for a distance of 121.95 feet; thence North 0°25.2' East along said right-of-way line for a distance of 982.51 feet to the point of beginning; except that which may be submitted to Sunrise Cove Condominium as recorded from time to time.

EXHIBIT B

Legal description of units 8F and 7F (townhouses):

LEGAL DESCRIPTION: 8F

A 2 story wood frame structure located in Government Lot 1 of "Parcel A" in the NE 1/4 of Section 14, T99N, R37W of the 5th Principal Meridian, Dickinson County, Iowa. The perimeter of said structure is more particularly described as follows:

Commencing at the N 1/4 corner of said Section 14; thence S 88° 55' 12" E along the north line of the NE⁴ for a distance of 1,705.16 feet; thence S 01° 40' 56" E for a distance of 461.15 feet; thence S 85° 00' 16" E for a distance of 234.45 feet to a point at the east back-of-curb on the north-south driveway; thence S 00° 49' 42" E along said back-of-curb for a distance of 159.31 feet to the point of intersection with the north back-of-curb of the east-west driveway; thence S 89° 33' 34" E along said back-of-curb for a distance of 22.30 feet; thence N 07° 36' 00" E for a distance of 14.11 feet to the SE corner of said structure and the Point of Beginning; thence continuing N 07° 36' 00" E for a distance of 30.00 feet; thence N 82° 24' 00" W for a distance of 18.00 feet; thence S 07° 36' 00" W for a distance of 30.00 feet; thence S 82° 24' 00" E for a distance of 18.00 feet to the SE corner of said structure and the Point of Beginning.

Said described structure area contains 540 square feet.

LEGAL DESCRIPTION: 7F

A 2 story wood frame structure located in Government Lot 1 of "Parcel A" in the NE 1/4 of Section 14, T99N, R37W of the 5th Principal Meridian, Dickinson County, Iowa. The perimeter of said structure is more particularly described as follows:

Commencing at the N 1/4 corner of said Section 14; thence S 88° 55' 12" E along the north line of the NE⁴ for a distance of 1,705.16 feet; thence S 01° 40' 56" E for a distance of 461.15 feet; thence S 85° 00' 16" E for a distance of 234.45 feet to a point at the east back-of-curb on the north-south driveway; thence S 00° 49' 42" E along said back-of-curb for a distance of 159.31 feet to the point of intersection with the north back-of-curb of the east-west driveway; thence S 89° 33' 34" E along said back-of-curb for a distance of 58.23 feet; thence N 07° 40' 00" E for a distance of 13.72 feet to the SE corner of said structure and the Point of Beginning; thence continuing N 07° 40' 00" E for a distance of 30.00 feet; thence N 82° 20' 00" W for a distance of 18.00 feet; thence S 07° 40' 00" W for a distance of 30.00 feet; thence S 82° 20' 00" E for a distance of 18.00 feet to the SE corner of said structure and the Point of Beginning.

Said described structure area contains 540 square feet.

Units 610, 611, 613/615, and 614/616 are all located on the following legal description:

LEGAL DESCRIPTION:

A 3 story wood frame structure located in Government Lot 1 of Parcel A in the NE 1/4 of Section 14, T99N, R 37W of the 5th Principal Meridian, Dickinson County, Iowa. The perimeter of said structure is more particularly described as follows:

Commencing at the N 1/4 corner of said Section 14; thence S 88° 55' 12" E along the north line of the NE⁴ for a distance of 1,705.16 feet; thence S 01° 40' 56" E for a distance of 761.55 feet; thence N 88° 19' 04" E for a distance of 153.17 feet; thence S 01° 40' 56" E for a distance of 86.83 feet; thence S 77° 19' 10" E for a distance of 13.73 feet to the NW corner of said structure and the Point of Beginning; thence continuing S 77° 19' 10" E for a distance of 179.33 feet; thence S 12° 40' 50" W for a distance of 20.67 feet; thence S 77° 19' 10" E for a distance of 8.83 feet; thence S 12° 40' 50" W for a distance of 30.17 feet; thence N 77° 19' 10" W for a distance of 8.83 feet; thence S 12° 40' 50" W for a distance of 15.33 feet; thence N 77° 19' 10" W for a distance of 179.33 feet; thence N 12° 40' 50" E for a distance of 66.17 feet to the NW corner of said structure and the Point of Beginning.

Said described structure area contains 12,133 square feet.