Filed at 10:03 AM April 14, 1994 Fee \$36.00

# EASEMENT FOR INGRESS AND EGRESS USE OF BOAT RAMP

THIS EASEMENT for ingress and egress and use of boat ramp ("Agreement") is entered into this <u>5th</u> day of April, 1994, by and between Village Lakeshares, L.P. ("Village Lakeshares") and Long Lines, Ltd. ("Long Lines").

#### WITNESSETH:

WHEREAS, Long Lines is the owner of certain real estate legally described on attached Exhibit "A" hereto (the "Long Lines Real Estate"); and

WHEREAS, Village Lakeshares is the owner of certain real property legally described on attached Exhibit "B" hereto (the "Village Lakeshares Real Estate"); and

WHEREAS, there are certain buildings located on the Long Lines Real Estate which have been leased for use by a marina and such lease provides for an ingress and egress right across currently existing or to be constructed roads on the Village Lakeshares Real Estate and for the use of the boat ramp located on the Village Lakeshares Real Estate; and

WHEREAS, Long Lines and Village Lakeshares desire to establish the ingress-egress easement across the Village Lakeshares Real Estate and the use of the boat ramp located on the Village Lakeshares Real Estate;

NOW, THEREFORE, in and for the considerations set forth herein, the parties agree as follows:

- 1. Village Lakeshares hereby grants to the owner of the Long Lines Real Estate a non-exclusive ingress and egress easement across the roadways existing and any to be built on the Village Lakeshares Real Estate for access from the public road to and from the boat ramp and a non-exclusive easement for the use of the boat ramp and turn-around area for launching and removing of water-craft into and from West Lake Okoboji.
- 2. This easement shall exist for the benefit of the Long Lines Real Estate until at least December 31, 2001 and will exist thereafter for as long as there is a boat ramp located on the Village Lakeshares Real Estate. After December 31, 2001 Village Lakeshares may remove all boat ramps from the Village Lakeshares Real Estate without recourse from the owner of the Long Lines Real Estate. If all boat ramps are removed from the Village Lakeshares Real Estate, such that there are no boat ramps on the Village Lakeshares Property for a period of five consecutive years, this easement will terminate. The five year period shall begin to run when the boat ramps are removed and a notice is served on the owner of Long Lines Real Estate so stating. If a boat ramp is reopened on the Village Lakeshares Real Estate within five years after service of the notice required herein, this easement shall remain in full force and effect, and not be terminated, subject nevertheless, to the right of the owner of the Village Lakeshares Real Estate to hereinafter terminate the easement by the removal of the boat ramp pursuant to the provisions herein for the subsequent period of five consecutive years provided herein.
- 3. Village Lakeshares shall have the right to relocate the boat ramp from time to time as long as reasonable ingress-egress roads are available for accessing the boat ramp from the public road across the Village Lakeshares Real Estate.

- 4. The owner of the Long Lines Real Estate hereby agrees to indemnify and hold the owner of the Village Lakeshares Real Estate harmless from and against any and all damages, costs, and expenses of any kind or nature whatsoever, including reasonable attorneys fees and litigation expenses incurred by the indemnified party, under any claim or cause of action arising out of or resulting from any damage or injury caused by the use of such easement by the owner of the Long Lines Real Estate, its successors, assigns, officers, employees, agents or invitees.
- 5. This easement shall be binding upon the successors and assigns of the party and shall run with the land. This Agreement shall be interpreted under lowa law.

WHEREFORE, this Agreement is executed on the day and year as first above stated.

INSTR. NO. 4804	VILLAGE LAKESHARES, L.P., an Iowa limited partnership
94 APR 14 AH 10: 03	By: VILLAGE LAKESHARES, INC., General Partner
DANY SAMELLER DICKINGS AND STREET	By: Vice President
STATE OF IOWA ) )SS: COUNTY OF )	
On this 5th day of April ,1994, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Peter W. Dietrich , to me personally known, who being by me duly sworn, did say that the person is the Vice President of Village Lakeshares, Inc. , the General Partner of Village Lakeshares, L.P. , an Iowa limited partnership, executing the foregoing instrument, that no seal has been procured by the corporation; that the instrument was signed on behalf of the corporation as General Partner of Village Lakeshares, I.P. an Iowa limited partnership, by authority of the corporation's Board of Directors; and that Peter W. Dietrich as that officer acknowledged execution of the instrument to be the voluntary act and deed of the corporation and limited partnership by it and by the officer voluntarily executed.	
MY COMMISSION RIPP	Linda L. Kipp Notary Public in and for said County and State

SENT BY:Long Lines, Ltd.

: 3-11-94 : 3:29AM :

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# LEGAL DESCRIPTION

AG. TRACT 1.

[Commanding at the M4 corner of Section 14, 192-37]

[Commanding at the M4 corner of Section 14, 192-37]

[The north line of the NE4 for a distance of 90.31 fest to a point on the east right-of-way line of Iowa Highway No. 32; thence continuing S 48° 55.2' E along said north line for a distance of 1,018.22 fest; thence S 01° 04.3' W for a distance of 490.44 fest to a point on the north line of the entrance road easement; thence S 81° 04' W along said north easement line for a distance of 54.45 feet; thence W 51° 17' W along said north easement line for a distance of 349.12 feet; thence E 89° 37' W along said north sasement line for a distance of 429.78 feet to the east right-of-way line for a distance of 429.78 feet to the east right-of-way line for a distance of 151.99 feet to the Foint of Beginning.

ag. Tract 1 contains 5.10 tillable acres.

AND

A percel of land located on a portion of Village West Resort at West Lake Okoboji, in the NW 1/4 NS 1/4 and Government Lot 1, all in the NE 1/4 of Section 14, 753N, how of the 5th Principal Maridian, Mickinson County, Town. Said percel is more particularly described as follows:

commanding at the H 1/4 conner of Saction 14; thence S 88°58.2' E along the north line of the ME 1/4 for a distince of 1,108.83 fact to the ME corner of MG. Tract 1, and the Point of Beginning; thence continuing S 88°58.2' E along said north line for a distance of 156.00 fact) thence S 01°04.8' W for a distance of 451.76 fact to a point on the marth line of the entrance read easement; thence S 84°04' W slong said north easement line for a distance of 22.15 fact to the SE corner of MG. Tract 1; thence X 01°04.8' E slong the east line of said AG. Tract 1 for a distance of 490.44 fact to the Foint of Beginning.

Said parcel of land contains 3.15 agrees.

BENEFIT "A"

SENT BY:Long Lines, Ltd.

: 3-11-94 : 8:29AN :

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Portions of Covernment Lot 2 and the

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 Frincipal Meridian, Dickinson County, Iova, described as follows:—
Commencing at the North quarter corner of said Section 14; thance on an assumed bearing South 0°23.0' Wast 1318.23 fast along the Westerly line of the Northeast Quarter of said Section 14 to the northerly line of the South Helf of said Northeast Quarter; thence South 89°03.0' East 83.10 feet along said Northeast Quarter South Helf nertherly line to the point of beginning at the easterly right-of-way line of Iowa Primary Road No. 32 (Iowa Stata Highway Commission Project F-490 Official Plane); thence continuing South 89°03.0' Heat 2073.73 feet along said Northeast Quarter South Helf northerly line; thence South 1°32.3' West 1329.95 feet to the southerly line; thence South 1°32.3' West 1329.95 feet to the southerly line of the Northeast Quarter of said Section 14 at a point South 88°48.1' Best 600.01 feet from the Heat quarter corner of said Section 14; thence North 88°48.1' West 1977.86 feet along said Northeast Quarter southerly line the easterly right-of-way line of Iowa Primary Road No. 32; thence North 40°25.2' Hast 101.08 feet along said right-of-way line; thence North 0°25.2' Hast 1249.10 feet along said right-of-way line; thence North 0°25.2' Hast 1249.10 feet along said right-of-way line; thence North 0°25.2' Hast 1249.10 feet along said right-of-way line; thence North 0°25.2' Hast 1249.10 feet along said right-of-way line; thence North 0°25.2' Hast 1249.10 feet along said right-of-way line; thence North 0°25.2' Hast 1249.10 feet along said right-of-way line; thence North 0°25.2' Hast 1249.10 feet along said right-of-way line; thence North 0°25.2' Hast 1249.10 feet along said right-of-way line; thence North 0°25.2' Hast 1249.10 feet along said right-of-way line;

ABU

To the Southerly portion of Parcel C (per Survey) in Government Lots 1 and 2 of the MBt of Section 14, Township 99 North, Range 37 West of the 5th P.M., Dickinson Gounty, Iowa, dascribed as follows: Beginning at the East quarter corner of said Section 14; thanca Merth 83°48.1' West (Section 14-99-37 Northeast Quarter westerly line assumed to bear South 0°23.0' West) 600.01 feet along the Southerly line of the Mortheast Quarter of said Section 18; thence Worth 1°32.3' Mast a distance of 1,329.95 feet along the west line of Percel "C" to a point on the Morth line of Gov'm Lot 2; thence South 41°32.7' East for a distance of 167.68 feet to a point on the east line of the MBt and Percel "C"; thence South 01°32.3' West for a distance of 866.53 feet along the east line of the MBt and Percel "C"; thence South 01°32.3' West for a distance of 866.53 feet along the east line of the MBt and Percel "C"; to the point of beginning; said described percel of land contains 14.26 acres, subject to easenants of record.

EHIBIT "B"

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Prontions of Gov't Lot 1 and the EWHME;

of Section 14, Twp. 99 North, Range 37 West of the 5th F.M.,

Dichiasca Geany, Leva, described as fellows;

Gemeancing at the North quarter cores of said Section 14;

thence on an assumed bearing of Secth O'13,0' West 1310,23 fest

along the westerly line of the Heft of said Section 14 to the

seatherly line of the Horth Half of said Section 14 to the

seatherly line of the Horth Half of said Min; thence South

89°03,0' Rast 83,10 feet slong said Min Motth Enif southerly Nime

to the point of beginning at the wasterly right-of-way line of

Primary Load No. 32 (Lown State Mighway Commission Frojest F-490

Official Plans); thence continuing South 89°03,0' Rast 2073,73

fest slong said Mortheast Quarter Morth Half southerly line;

thence Morth 132,3' East 83,34 fact; thence Morth 49°41,8' Hast

390,37 feet to the Lown State Conservation Commission Wast Onbeji

Lake westerly shoreline; thence Morth 43°33,0' West 96,08 fast along

said shoreline; thence Morth 33°39,6' Hast 70,28 feet along said

shoreline; thence Morth 101,0' West 120,66 feet along said

shoreline; thence Morth 101,0' West 120,66 feet along said

shoreline; thence Morth 14°12,6' West 55,32 feet along said

shoreline; thence Morth 14°12,6' West 59,98 fast along said

shoreline; thence Morth 14°12,6' West 197,98 fast along said

shoreline; thence Morth 17°54,4' West 61,43 feet along said

shoreline; thence Morth 17°54,4' West 61,43 feet along said

shoreline; thence Morth 17°54,4' West 61,43 feet along said

shoreline; thence Morth 17°54,6' West 197,98 fast along said

shoreline; thence Morth 17°54,6' West 197,98 fast along said

shoreline; thence Morth 17°54,6' West 197,98 fast along said

shoreline; thence Morth 17°54,6' West 197,98 fast along said

shoreline; thence South 8°37,0' Rast 160,92 feet along said

shoreline; thence South 8°37,0' Rast 163,92 feet along said right-of-way line to the sasterly right-of-way line of Low spinning, containing 67.37

line; thence South 189°37,0' Rast 160,92 feet along said

EICHPT a tract described as follows:

Commaning at the north quarter corner of said Section 14;
thence South 88°55.2' East (Section 14-99-37 Mornheast Quarter
thence South 88°55.2' East (Section 14-99-37 Mornheast Quarter
vesterly line is assumed to hear South 0°23,0' West) 1898,09 feet
along the northerly line of the Northeast Quarter of said Section
14 to the southwest corner of Lot 12 of Auditor's Flat \$121;
Dickinson County, Iowa, a Reg. \$3859 capped 5/8" rober 569,3 feet
backinison County, Iowa, a Reg. \$3859 capped 5/8" rober 569,3 feet
South 1°04.2' West 5.34 feet to the point of beginning; thence
South 1°04.2' West 5.34 feet to the point of beginning; thence
South 7°34.5' East 50.49 feet; thence South 89°33.2' East 268.04
feet to the Iowa State Gonsarvation Commission West Okoboji Leke
westerly shoreline; thence Worth 17°54.4' West 52.57 feet cleag
seid shoreline to a point 3 feet southerly of the northerly line
of said Gov't Lou 1; thence Worth 39°33.3' West 258.50 feet to the
peint of beginning, containing 0.30 sares;

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Portions of Gov't Lot 1 and the TWHE!

of Section 14, Twp. 99 North, Range 37 West of the 5th P.M.,

Bickinson Ceenty, Keva, described as fellows;

Ocemencing at the Morth quarter dorner of said Section 14;

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along the vesterly line of the MAT of said Section 14 to the

setherly line of the HAT of said ME; thence South

89°GS.0' Heat 83,10 feet along said MM; Worth Ealf southerly line of

Primary load No. 32 (10va Seat Highway Commission Project F-490

Official Plans); thence continuing South 89°GS.0' Heat 2073.73

fest along said Mortheast Quarter Morth Half southerly line;

thence Morth 1°32.3' Heat 83.34 feet; thence Morth 49°42.8' Heat

39°G.37 feet to the lova State Conservation Commission West Otoheji

Lake westerly shoreline; thence Morth 47°33.4' West 61.5 feet

along said shoreline; thence Morth 32°35.0' West 96.08 feet along

said shoreline; thence Morth 32°02.2' West 107.28 feet along said

shoreline; thence Morth 1°01.0' Weet 120.66 feet along said

shoreline; thence Morth 1°12.6' West 55.32 feet along said

shoreline; thence Morth 14°12.6' West 55.32 feet along said

shoreline; thence Morth 14°12.6' West 55.32 feet along said

shoreline; thence Morth 17°54.4' West 61.45 feet along said

shoreline; thence Morth 17°54.4' West 61.45 feet along said

shoreline; thence Morth 17°54.4' West 61.45 feet along said

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shoreline; thence Morth 17°54.4' West 61.45 feet along said

shoreline; thence Morth 17°54.4' West 61.45 feet along said

shoreline; thence South 17°54.1' West 18.99 feet along said right-of-way

line to the easterly right-of-way line of Iova Primary Road No.

321 thence South 12°51.1' West 18.79 feet along said right-of-way

line; thence South 0°25.2' West 18.70 feet along said right-of-way

l

EICEPT a tract described as follows:—

Commencing at the north quarter corner of said Section 14; thence South 88°55.2' East (Section 14-99-37 Mortheast Quarter vesterly line is assumed to beer South 0°23.0' West) 1888,09 fleet 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. \$8869 capped 5/8" rober 569.3 feet easterly of the northwest corner of said Covernment Let 1; thence South 1°04.2' Wast 5.84 feet to the point of beginning; thence South 7°34.5' East 50.49 feet; thence South 89°33.8' Mart 268.04 feet to the Iowa State Conservation Commission West Okobeji Leke westerly absorbine; thence North 17°54.4' West 52.67 feet sleng said shoreline to a point 3 feet seatherly of the northerly line of said Gov't Lot 1; thence North 89°33.8' West 258.50 feet to the point of beginning, containing 0.30 acros;

SENT BY:Long Lines, Ltd. ; 3-11-94; 8:31AM;

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AND EXCEPT:-

The following two parcels containing 6.10 acres and 3.15 acres, respectively:

### AG. SPACE 1

Commencing at the N4 corner of Section 14; thence 5 88° 55.2' E along the north line of the NE4 for a distance of 90.31 feet to a point on the east right-of-way line of lows Highway No. 32; thence continuing 8 88° 55.2' B along said north line for a distance of 1,018.22 feet; thence 8 01° 04.8' W for a distance of 490.44 feet to a point on the north line of the entrance road easement; thence 8 84° 04' W along said north easement line for a distance of 94.45 feet; thence W 51° 17' W along said north easement line for a distance of 588.11 feet; thence W 55° 37' W along said north easement line for a distance of 489.78 feet to the east right-of-way line of lows Highway No. 32; thence W 12° 51.1'E along said right-of-way line for a distance of 151.39 feet to the Point of Segimming.

Ag. Tract 1 contains 6.10 tillable acres.

AND

A partial of land located on a portion of Village West Resort at Yest Take Okoboji, in the RW 1/4 EE 1/4 and Government Lot 1, all in the EE 1/4 of Section 14, T99M, ROW of the 5th Principal Maridian, Dickinson County, Iowa. Baid parcel is more particularly described as follows:

Commencing at the H 1/4 corner of Scation 14; themose of 80°55.2' B along the morth line of the HE 1/4 for a distince of 1,108.53 feet to the HE corner of AG. Tract 1; and the Point of Beginning; themose continuing \$ 85°55.2' B along said north line for a distance of 890.00 feet; themose \$ 61°04.5' W for a distance of 454.76 feet to a point on the morth line of the entrance road easement; themose \$ 84°04' W along said north easement; themose \$ 84°04' W along said north easement line for a distance of 298.10 feet to the Bi corner of AG. Tract 1; themose H 01°04.8' B along the east line of said AG. Tract 1 for E distance of 490.44 feet to the Diometer of AG. Tract 1 for E

Said parcel of land contains 3.18 acres.