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July 10, 1985

FEE \$25.00

#130

WATER AGREEMENT

WHEREAS Robert V. Ross is the owner of certain real estate described on the attached Exhibit "A", and Frances P. Ross is his wife, and

WHEREAS Long Lines, Ltd. is the owner of certain real estate as described on the attached Exhibit "B", and is in the process of purchasing from Ross the real estate described in Exhibit "C", and

WHEREAS there is a water line running from the City of Wahpeton across the land of Ross, and

WHEREAS this water line serves not only dwellings located on the property of Ross but also services the property owned by Long Lines, Ltd., and

WHEREAS the City of Wahpeton provides water pursuant to a written contract, and

WHEREAS the parties wish to reach an agreement concerning the use of such water and water lines,

NOW THEREFORE IT IS HEREBY AGREED AS FOLLOWS:

1. It is recognized and understood that the water lines and meter located on the Ross property are and shall remain the property of Ross.
2. Long Lines, Ltd. shall have right to receive water through this water line for service to the properties of Long Lines, Ltd.
3. Ross shall be entitled to draw such water as he desires from said line for service to the property of Ross.
4. All expense of maintenance and repair to the line and meter and all costs of the water itself, shall be paid by Long Lines, Ltd. There shall be no charge for the water consumed by occupants and guests of the Ross property.
5. Long Lines, Ltd. shall have the right to enter the property of Ross for the purpose of repair and maintenance of said water lines but shall be obligated to restore said premises as near as is reasonably possible, to the condition existing prior to said repair or maintenance.

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6. Long Lines, Ltd. shall have the right to cancel this agreement with thirty (30) days written notice to Ross.

7. The parties hereto recognize that this Agreement is subject to the terms and conditions of the written Contract with the City of Wahpeton.

DATED this 1st day of ~~June~~ July, 1985.

LONG LINES, LTD.

Robert V. Ross
ROBERT V. ROSS

BY: [Signature]
DIRK J WINKEL
PRESIDENT

Frances P. Ross
FRANCES P. ROSS, his wife

STATE OF IOWA)
:ss
COUNTY OF DICKINSON)

On this 1st day of ~~June~~ July, 1985, before me, the undersigned, a Notary Public in and for said County and 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 within and foregoing instrument and acknowledged that they executed the same as their voluntary act and deed.

[Signature]
NOTARY PUBLIC in and for Said
County and State.

STATE OF IOWA)
:ss
COUNTY OF Dickinson)

On this 1st day of ~~June~~ July, 1985, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Dirk J. Winkel, to me personally known, who, being by me duly sworn, did say that he is the President of said corporation executing the within and foregoing instrument; that no seal has been procured by the said corporation; that said instrument was signed on behalf of said corporation by authority of its Board of Directors; and that the said Dirk J. Winkel, as such officer, acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by him voluntarily executed.

[Signature]
NOTARY PUBLIC in and for Said
County and State.
Daniel D. Sykstra

EXHIBIT "A"

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 to the Iowa State Conservation Commission West Okoboji Lake westerly shoreline; thence South 45 degrees 23.4 minutes East 89.68 feet along said shoreline; thence South 38 degrees 18.8 minutes East 102.78 feet along said shoreline; thence South 36 degrees 09.8 minutes East 70.90 feet along said shoreline; thence South 31 degrees 14.4 minutes East 132.15 feet along said shoreline; thence South 45 degrees 46.0 minutes East 71.62 feet along said shoreline; thence South 37 degrees 39.8 minutes East 19.19 feet along said shoreline to the easterly line of the Northeast Quarter of said Section 14; thence Southerly 1304.26 feet along said Northeast Quarter easterly line to the point of beginning, containing 20.97 acres subject to all easements of record.

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 1318.23 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 23.4 minutes West 61.53 feet along said shoreline; thence North 28 degrees 53.0 minutes West 96.08 feet along said shoreline; thence North 32 degrees 07.2 minutes West 107.28 feet along said shoreline; thence North 35 degrees 39.6 minutes East 76.24 feet along said shoreline; thence North 24 degrees 51.6 minutes West 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 West 91.18 feet along said shoreline; thence North 30 degrees 26.9 minutes West 197.52 feet along said shoreline; thence North 17 degrees 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 53.8 minutes 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 degree 04.2 minutes East 5.84 feet to the southwest corner of said Lot 42 and the northerly line of the Northeast Quarter of said Section 14; thence North 88 degrees 55.2 minutes West 1807.78 feet along said Northeast Quarter northerly line to the easterly right-of-way line of Iowa Primary Road No. 32; thence South 12 degrees 51.1 minutes West 168.92 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 89 degrees 37.0 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 38.8 minutes East 121.95 feet along said right-of-way line to the point of beginning, containing 67.37 acres, subject to all easements of record.

EXCEPT: That portion of the above-described property legally described as follows:

That part of Government Lot 1 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 South 88 degrees 55.2 minutes East (Section 14-99-37 Northeast Quarter westerly line is assumed to bear South 0 degrees 23.0 minutes 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 degree 04.2 minutes West 5.84 feet to the point of beginning; thence South 7 degrees 34.5 minutes East 147.64 feet; thence North 88 degrees 33.5 minutes East 304.01 feet to the Iowa State Conservation Commission West Okoboji Lake westerly shoreline; thence North 30 degrees 26.9 minutes West 90.77 feet along said shoreline; thence North 1 degree 54.4 minutes West 61.45 feet along said shoreline to a point 3 feet southerly of the northerly line of said Government Lot 1; thence North 89 degrees 33.8 minutes West 258.50 feet to the point of beginning, containing 0.90 acre.

PARCEL B

EXHIBIT C

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 1318.23 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.

AND

The southerly portion of Parcel C in Government Lots 1 and 2 of the NE¹/₄ of Section 14, 19th, 33rd of the 5th Principal Meridian, Dickinson County, Iowa, 516 parcel more particularly described as follows:

Beginning at the E¹/₄ corner of Section 14; thence N 89° 42.1' V (West line of NE¹/₄ of the NE¹/₄ 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'; thence S 49° 52.7' E for a distance to a point on the north line of Gov't Lot 2; distance of 167.68 feet to a point on the east line of the NE¹/₄ and Parcel 'C'; thence S 01° 32.3' V for a distance of 868.53 feet along the east line of the NE¹/₄ and Parcel 'C' to the point of beginning.

Said described parcel of land contains 14.36 acres, subject to all easements of record.