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Document 2017 807 Type 06 018 Pages 5
Date 3/22/2017 Time 10:19:07AM
Rec Amt $27.00

Daneen Schindler, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Prepared by: Doug Herman, 202 S. Cedar Street, Monticello, IA 52310 Ph. 319.480.6798
Return to: Laurie Kramer, 7184 3rd St, Delhi IA 52223

2014-556

Amendment to Previously Entered Agreement
Re: Rocky Nook Dock/Lift Placement

Comes Now the Lake Delhi Combined Recreational Facility and Water Quality District (District) and the Rocky Nook Association, Inc. (Rocky Nook), and do hereby agree as follows:

WHEREAS, The District and Rocky Nook (the Parties) previously entered into a Commercial Purchase Agreement, bearing the effective date of March 05, 2014, wherein the District agreed to work with Rocky Nook to provide dock space on Lake Delhi, as set forth within Exhibit "D" to said agreement entitled "Boat Dock and Lift Easement, Access Easement, and Storage Easement Agreement", and

WHEREAS, The aforementioned agreement between the District and Rocky Nook provided that same was subject to existing easements of record held by others and a boat ramp with a minimum width of fifteen (15) feet to be installed by the Grantor in a location to be determined in the sole discretion of the Grantor, and

WHEREAS, The rights of certain persons to easements on District property is uncertain and/or disputed in some cases, and those uncertainties and/or disputes must be resolved before the siting of dock and lift space and storage space in favor of Rocky Nook, consistent with the aforementioned agreement, can be finalized, and

WHEREAS, The District has been in regular and good faith negotiations with said other parties/property owners but has not yet, in all cases, come to terms with said parties in regard to their right to have and to maintain dock and lift space on the Lake along District owned property, and it is unclear when said negotiations will result in an agreement, and

WHEREAS, all of the disputed or uncertain easement rights are located adjacent to and south of the existing boat ramp.

Now Therefore, based upon the above and foregoing, the Parties do hereby agree to amend the terms of the previously agreed to "Boat Dock and Lift Easement, Access Easement, and Storage Easement Agreement", as follows:

The Rocky Nook agrees to release the District from any and all obligation to provide the Rocky Nook or anyone claiming rights under the prior agreement with the Rocky Nook any current or future rights to maintain a dock or lift, and/or to any storage of docks/lifts/boats or other items of personal property, along District owned property at, on, or south of the existing boat ramp.

The District agrees to work with the Rocky Nook and the Iowa DNR to obtain dock/lift permits on other District Property between the boat ramp and the spillway as agreed in the previously executed agreement between the parties but for the areas released by the Rocky Nook herein.

The Parties agree, that this agreement is mutually beneficial, with the District obtaining a release of the property at, on, or south of the existing boat ramp, allowing the District to continue to work with existing easement holders in that area to firm up their rights to docks and lifts, without further delaying the design of a dock and lift system, and storage rights for the Rocky Nook, maximizing the use of property lying north of the aforementioned boat ramp to the spillway for said purposes, consistent with DNR permitting rules and regulations.

The Parties further agree, that all terms of the previously executed agreement shall remain of full force and effect unless amended by the terms hereof.

The Parties further agree, that the attached aerial, as highlighted / marked, is an accurate representation of the area of the boat ramp, area south of the boat ramp, and area north of the boat ramp to the spillway as have been referenced within the body of this agreement.

(Signatures on Following Page)

This agreement was approved by the Rocky Nook Association, Inc. on the 6 day of March, 2017, and the undersigned, Tammy Bruns and Sharon Zbornik, President and Secretary, respectively, of the Rocky Nook Association, Inc. do hereby swear and affirm that they are authorized to execute this agreement on behalf of the Rocky Nook Association, Inc.

Rocky Nook Association, Inc.

Tammy Bruns, President

~~Sharon Zbornik, Secretary~~

State of Iowa)
)§
County of Delaware)

Subscribed and sworn to before me, the undersigned, Notary Public in and for the State of Iowa, by Tammy Bruns and ~~Sharon Zbornik~~, President and Secretary of the Rocky Nook Association, Inc., respectively, on this 6 day of March, 2017, who swore and affirmed that same was executed with the authority of the Rocky Nook Association, Inc.

DAWN GREENLEE
Commission No. 728426
My Commission Expires
5-12-19

Dawn Greenlee
Notary Public, State of Iowa

This agreement was approved by action of the Lake Delhi Combined Recreational Facility and Water Quality District, by formal action of the Trustees on the 14th day of March, 2017 and the undersigned, Steve Leonard and Laurie Kramer, President and Secretary, respectively, of the District do hereby swear and affirm that they executed this agreement on behalf of the Board of Trustees.

Lake Delhi Combined Recreational Facility And Water Quality District

Steve Leonard, President

Laurie Kramer, Secretary

State of Iowa)
)§
County of Delaware)

Subscribed and sworn to before me, the undersigned, Notary Public in and for the State of Iowa, by Tammy Bruns and Sharon Zbornik, President and Secretary of the Rocky Nook Association, Inc., on this 17th day of March, 2017, who swore and affirmed that they each executed it with the authority of the Rocky Nook Association, Inc., in their capacity as President and Secretary, respectively.

LARRY R. HILLERS
Commission Number 004824
My Commission Expires
April 07, 2017

Notary Public, State of Iowa

This agreement was approved by the Rocky Nook Association, Inc. on the ____ day of _____, 2016, and the undersigned, Tammy Bruns and Sharon Zbornik, President and Secretary, respectively, of the Rocky Nook Association, Inc. do hereby swear and affirm that they are authorized to execute this agreement on behalf of the Rocky Nook Association, Inc.

Rocky Nook Association, Inc.

~~Tammy Bruns, President~~

Sharon Zbornik

Sharon Zbornik, ~~Secretary~~

State of Iowa)
)§
County of ~~Delaware~~ Winneshiek)

Subscribed and sworn to before me, the undersigned, Notary Public in and for the State of Iowa, by ~~Tammy Bruns and~~ Sharon Zbornik, President and Secretary of the Rocky Nook Association, Inc., ~~respectively~~, on this 9 day of March 2017, ~~2016,~~ who swore and affirmed that same was executed with the authority of the Rocky Nook Association, Inc.

Kay Erdman

Notary Public, State of Iowa

KAY ERDMAN
COMMISSION NUMBER 794839
MY COMMISSION EXPIRES
3-1-19

~~This agreement was~~ approved by action of the Lake Delhi Combined Recreational Facility and Water Quality District, by formal action of the Trustees on the 14th day of March, 2017 and the undersigned, Steve Leonard and Laurie Kramer, President and Secretary, respectively, of the District do hereby swear and affirm that they executed this agreement on behalf of the Board of Trustees.

Lake Delhi Combined Recreational Facility And Water Quality District

Steve Leonard, President

Laurie Kramer, Secretary

State of Iowa)
)§
County of Delaware)

Subscribed and sworn to before me, the undersigned, Notary Public in and for the State of Iowa, by Tammy Bruns and Sharon Zbornik, President and Secretary of the Rocky Nook Association, Inc., on this 14th day of March, 2017, who swore and affirmed that they each executed it with the authority of the Rocky Nook Association, Inc., in their capacity as President and Secretary, respectively.

Notary Public, State of Iowa

LARRY R. HILLERS
Commission Number 004824
My Commission Expires
April 07, 2017

Beacon™ Delaware County, IA

Exhibit D Boat Dock & Lift Easement, Access Easement & Storage Easement Agreement



Overview

Legend
- Corporate Limits
- Political Township

Parcels
- Parcels
- Parcel Point (not visible)
- Roads

Parcel ID	220290300100	Alternate ID	n/a	Owner Address	Lake Delhi Combined Recreational Facility & Water Quality District
Sec/Twp/Rng	29-88-4	Class	C		712A Third St
Property Address	2637 230TH AVE DELHI	Acreage	n/a		Delhi, IA 52223
District	DELHI				
Brief Tax Description	PARCELS C & E PT SW NW & LAKE FRTG (Note: Not to be used on lega. documents)				

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Date created: 10/7/2016
Last Data Uploaded: 10/7/2016 1:02:52 AM

Developed by The Schneider Corporation

= Boat Ramp

= South of Boat Ramp

= North of Boat Ramp (to spillway, not shown)

Initial + Date

District Parks Work