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FILED FOR RECORD THIS 23rd DAY OF April 2015 AT 4:00 O'CLOCK A.M.
BOOK _____ PAGE _____

DICKINSON COUNTY RECORDER
PLAT BOOK _____ PAGE 37 A-B

\$102.00

Prepared By: Donald J. Hemphill, 215 Grand Ave. PO Box 1475, Spencer, IA 51301 Telephone: 712-262-6601

PLAT OF POINTE OF PINES SECOND ADDITION
Spirit Lake, Dickinson County, Iowa

Proprietor's Statement

KNOW ALL MEN BY THESE PRESENTS:

West Okoboji Harbor, Inc. (hereinafter "Developer") is the owner of the following described property:

The Southeast Quarter of the Northwest Quarter of Section 9, Township 99 North, Range 36 West of the 5th P.M., City of Spirit Lake, Dickinson County, Iowa EXCEPT a tract of land described as a part of the Northwest Quarter of Section 9, Township 99 North, Range 36 West of the 5th P.M., Dickinson County, Iowa, described as follows: Beginning at the Southeast Corner of the Northwest Quarter of Section 9, Township 99 North, Range 36 West; thence North on the Easterly half section line a distance of 417 feet; thence Westerly, parallel to the Southerly half section line a distance of 521 feet; thence Southerly, parallel to the Easterly half section line a distance of 417 feet to the Southerly half section line; thence Easterly on the half section line a distance of 521 feet to the point of beginning, subject to highway right-of-way; AND EXCEPT Parcel B in the Southeast Quarter of the Northwest Quarter of Section 9, Township 99 North, Range 36 West of the 5th P.M., City of Spirit Lake, Dickinson County, Iowa, as the same appears in a Plat of Survey by J. Scott Shevel, L.S., Kuehl and Payer Ltd., dated September 8, 2000, and filed September 13, 2000 in Survey Record 8, Page 52 in the Office of the Recorder of Dickinson County, Iowa; AND EXCEPT Parcel D in the Southeast Quarter of the Northwest Quarter of Section 9, Township 99 North, Range 36 West of the 5th P.M., City of Spirit Lake, Dickinson County, Iowa as the same appears in a Plat of Survey by James R. Blum, L.S., Jim Blum Surveying, dated March 21, 2006 and filed March 29, 2006, in Survey Record 13, Page 15, in the Office of the Recorder of Dickinson County, Iowa. Said property contains 27.50 acres exclusive of road right-of-way.

The Developer hereby plats said real estate as Plat of Pointe of Pines Second Addition to the City of Spirit Lake, Dickinson County, Iowa.

Said real estate is hereby platted into seventeen (17) numbered lots, two (2) Outlots designated "A" and "B" (a storm water detention pond), eight (8) bioretention cells, and permanent storm water utility and entrance easements, all as depicted on the Plat and Survey recorded herewith and incorporated by this reference.

Public Dedications.

1. **STREETS** There are hereby dedicated to the City of Spirit Lake, Iowa, and to the public, public street rights-of-way as depicted on the pictorial plat and identified as "Hill Avenue, 33rd Street, Jolly Court, and future "32nd Street."

2. **STORM WATER RETENTION BASIN.** There is hereby established and dedicated to the City of Spirit Lake, over portions of Outlot "B", permanent and perpetual storm water retention pond easement as depicted on the Plat and Survey.

3. **STREET DRAINAGE BIORETENTION CELLS.** There are established and dedicated to the City of Spirit Lake eight (8) street drainage bioretention cells as depicted on the Plat and Survey over lots 3, 4, 8, 10, 11, 14, 15, and Outlot "B".

4. **PERMANENT EASEMENTS.**

a. **Storm Water Drainage Easements.** There are established and dedicated to the City of Spirit Lake storm water drainage easements, centered on the west line of Lots 9 and 10; thirty (30') feet in width; centered on the south line of Lot 10; twenty (20') feet in width; centered on the southwest line of Lot 11, thirty (30') feet in width; centered on the south line of Lot 12; thirty (30') feet in width; over the north twenty (20') feet of Lots 7 and 8; over the south twenty (20') feet of Lots 1, 2, and 3; and over the north twenty (20') feet of Lots 13, 14, 15, 16 and 17.

b. **Sanitary Sewer Easement.** There is an existing sanitary sewer easement over the north five (5) feet of the parcel to be platted as Pointe of Pines Second Addition. This easement is incorporated within the dedicated right-of-way for future 32nd Street.

c. **Permanent Utility Easements.** There are established and dedicated to the public and to the City of Spirit Lake permanent utility easements ten feet (10') in width from the lot lines adjacent to the streets on Lots 1 through 17, inclusive. ®

d. **Entryway Easements.** There are established entryway easements over the East thirty-five and five tenths feet (35.5') of Lot 1 and Lot 17. These easements are permanently reserved and dedicated to the Pointe of Pines Second Addition Owners Association. The Proprietor will construct and complete appropriate entry sign structures and related plantings and shall install lighting, which lighting shall be subject to the approval of the City. The City will provide electrical power to operate the lighting at City expense.

The proprietor shall install drip irrigation in the entryway easements. The City will provide a municipal water connection and meter for the irrigation system. The

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service shall be continued for a maximum of three years from the date of the Council's approval of the plat, subject to earlier termination at the request of the Proprietor.

The Owners Association agrees to maintain the entryway structures, plantings, and irrigation system. Grass mowing is to be accomplished by the Owners Association.

Protective and Restrictive Covenants.

The Proprietor hereby declares, makes and establishes the attached Protective and Restrictive Covenants (Exhibit "A") which shall be applicable to all lots included in Plat of Pointe of Pines Second Addition. These covenants shall run with the land and shall be binding upon all parties and all persons who may now own, or who may later become the owner or owners of, any of the lots in the Plat of Pointe of Pines Second Addition, and all parties claiming under them, for a period of twenty (20) years from the date this instrument is recorded, after which time these covenants and restrictions shall expire, unless, prior to the expiration, a written instrument signed by the owners of one or more lots in the Plat of Pointe of Pines Second Addition has been recorded in the public records of Dickinson County, Iowa, which instrument may provide for the change, alteration or rescission of these covenants and restrictions, in whole or in part. A majority of owners of lots in the Plat of Pointe of Pines Second Addition, as well as the Proprietor, shall have the right to enforce these restrictive covenants.

Attachments.

There is attached hereto, and made a part hereof, the certificate of the Dickinson County Treasurer certifying that the real estate included in said Plat is free from certified taxes and special assessments.

There is attached hereto, and made a part hereof, the certificates of filing of the Plat of Pointe of Pines Second Addition with the Dickinson County Assessor and the Dickinson County Auditor.

There is attached hereto, and made a part hereof, a certificate of approval of the Plat of Pointe of Pines Second Addition with the Dickinson County Auditor.

There is attached hereto, and made a part hereof, a certificate of the City of Spirit Lake Planning and Zoning Commission's approval of the Plat of Pointe of Pines Second Addition.

There is attached hereto, and made a part hereof, the certified resolution of the Spirit Lake City Council approving the Plat of Pointe of Pines Second Addition.

There is attached hereto, and made a part hereof, the written opinion of Donald J. Hemphill, an attorney at law, that fee simple title to the real estate included in the Plat of Pointe of Pines Second Addition is held by West Okoboji Harbor, Inc., free and clear of all liens, taxes and encumbrances, except easements of record.

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There is further attached hereto, and made a part hereof, the Plat of Pointe of Pines Second Addition certified by Michael Semke, Licensed Land Surveyor, Iowa Registration No. 10318, which Plat shows the lots, easements and streets included in the Plat and the boundaries of the Plat; the monumentation therefore; and the measurements and bearings thereof; and which otherwise complies with the requirements of Chapter 354 of the 2011 Code of Iowa.

The above described property is platted with the free consent and in accordance with the desires of the Developer, as approved by the Spirit Lake City Council.

WEST OKOBOJI HARBOR, INC.

August R. Scheppmann
August R. Scheppmann, President

STATE OF IOWA, Dickinson COUNTY, ss:

On this 22nd day of April, 2013, before me, the undersigned, a Notary Public in and for said State, personally appears August R. Scheppmann to me personally known, who, being by me duly sworn did say that he is the President executing the within and foregoing instrument; that said instrument was signed on behalf of said Corporation by authority of its Board of Directors; and that the said August R. Scheppmann 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.

Donald J. Hemphill
Notary Public - State of Iowa

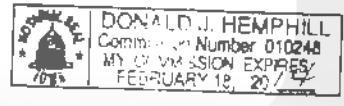


EXHIBIT A
RESTRICTIVE COVENANTS RELATING TO
THE PLAT OF POINTE OF PINES SECOND ADDITION
CITY OF SPIRIT LAKE, IOWA

EXCEPTIONS: The following covenants apply to all lots in this plat

USE OF LOTS: All lots in the said subdivision shall be residential lots, and shall be solely for single family residential purposes. No residence shall be constructed without a permanent attached garage also being constructed. All garages are to be solely for the use of occupants of the residences. Garages may not be built independently of a residence on the same lot.

LOT SIZE: No lot may be sub-divided into a smaller building lot; however, one (1) additional lot or portion thereof, as approved by the proprietor, may be added to provide larger yards or building sites.

BUILDINGS: No residence shall have ground floor areas of less than twelve hundred (1200) square feet in the case of a one (1) story structure. For a two (2) story or one and one-half (1½) story residence, the ground floor shall have at least nine hundred (900) square feet and the second floor at least four hundred (400) square feet. All areas shall be determined exclusive of open porches, basement, breezeways, patio areas, or garages.

There shall be a minimum slope of 5:12 on all roofs and a minimum of eight (8) foot sidewalls. Metal roofs may be allowed upon the approval of the Proprietor. No open carports shall be permitted.

All exterior construction shall be completed within twelve (12) months from commencement of construction.

ACCESSORY BUILDINGS: No more than one (1) detached accessory building may be constructed on each lot in the Subdivision. This building is not to exceed 200 square feet in floor area, nor 12 feet in height, and must be constructed and placed in accordance with any applicable City of Spirit Lake ordinances. Examples of accessory buildings are a lawn and garden storage building or a gazebo. The colors, architectural style, appearance and height of each accessory building shall be in keeping with the color and style of the main house and subject to the advance written approval of the Zoning Officer of the City of Spirit Lake. The purpose of this covenant is to insure compatibility and consistency in the appearance and style of detached accessory buildings in the Subdivision.

CARE OF LOTS: Owners of all lots shall at all times keep the same free and clear from all obstruction, debris, and obnoxious growths. No boats, trailers, campers, motorcycles, snowmobiles, tent trailers, house trailers, mobile homes, fish houses or

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other like vehicles or structures shall be stored or kept upon any lots except when enclosed within the garage. No outside toilets shall be permitted on the premises and the owner shall connect all waste water lines to the public sanitation sewer system. Refuse and garbage shall be disposed of in a manner consistent with the regulations of the health department and good sanitation practices.

COMMON AREAS: OWNERS ASSOCIATION: The entry to the subdivision is a common area not dedicated to the city. Each property owner shall become a member of the Pointe of Pines Second Addition Owners Association. The Owners Association shall control and maintain the entry and levy assessments to cover maintenance costs.

MISCELLANEOUS PROHIBITIONS: No building of any kind or for any purpose, may at any time be moved to and upon any of the lots, except new construction (construction trailers or buildings shall be permitted during construction period.) A new home that is substantially completed elsewhere and is moved onto the foundation is allowed if the home meets the requirements of the Uniform Building Code.

No business, trade or commercial activity of any kind may be conducted upon any lot excepting only for a one (1) person, one (1) room professional office or service office used by the residence occupant.

No lot owner may directly or indirectly permit the use of a lot in such a manner as to become a nuisance or annoyance to owners or occupants of lots within the plat.

No temporary structure, tent, trailer, etc., shall be used as a residence.

No advertising or billboards shall be permitted on the premises except a "For Sale" sign no larger than five (5) square feet in area; such sign shall pertain only to the premises upon which it is located.

No animals, such as, but not limited to, horses, cattle, sheep, hogs, goats, poultry or rabbits, shall be permitted. This shall not prohibit domestic cats and dogs as pets, provided that there is a limitation of two (2) dogs and two (2) cats per dwelling unit or household, and that they are confined upon the owner's property.

No dog kennel run may be constructed with dimensions in excess of five (5) feet by twenty (20) feet, it shall be attached to the house and shall not extend more than ten (10) feet beyond the house in any direction and shall be no closer than four (4) feet to any side lot line or rear lot line. The holding of animals for commercial sale or breeding is prohibited.

No fence or hedge shall be erected or maintained on the property which shall unreasonably restrict or block the view from an adjoining lot.

No exterior lighting shall be installed and maintained so as to unreasonably disturb the owner of any other lot.

No outdoor wood furnaces or boilers are permitted in this subdivision. Fireplaces and fire pits for recreational fires are permitted.

EASEMENTS: Easements for the installation and maintenance of utilities and facilities are dedicated as shown on the recorded plat.

DRIVEWAYS AND PARKING: All driveways and parking areas shall be hard surfaced with asphalt or concrete and must adjoin the street surface, within six (6) months after construction of the building is substantially completed.

WEST OKOBOJI HARBOR, INC.

By:


August R. Scheppmann, President

RESOLUTION NO. 2013-27

A RESOLUTION APPROVING THE PLAT OF POINTE OF PINES SECOND ADDITION AS A SUBDIVISION OF THE CITY OF SPIRIT LAKE, DICKINSON COUNTY, IOWA.

WHEREAS, West Okoboji Harbor, Inc., as owner of the property described as:

The Southeast Quarter of the Northwest Quarter of Section 9, Township 99 North, Range 36 West of the 5th P.M., City of Spirit Lake, Dickinson County, Iowa EXCEPT a tract of land described as a part of the Northwest Quarter of Section 9, Township 99 North, Range 36 West of the 5th P.M., Dickinson County, Iowa, described as follows: Beginning at the Southeast Corner of the Northwest Quarter of Section 9, Township 99 North, Range 36 West; thence North on the Easterly half section line a distance of 417 feet, thence Westerly, parallel to the Southerly half section line a distance of 521 feet; thence Southerly, parallel to the Easterly half section line a distance of 417 feet to the Southerly half section line; thence Easterly on the half section line a distance of 521 feet to the point of beginning, subject to highway right-of-way, AND EXCEPT Parcel B in the Southeast Quarter of the Northwest Quarter of Section 9, Township 99 North, Range 36 West of the 5th P.M., City of Spirit Lake, Dickinson County, Iowa, as the same appears in a Plat of Survey by J. Scott Shevel, L.S., Kuehl and Payer Ltd., dated September 8, 2000, and filed September 13, 2000 in Survey Record 8, Page 52 in the Office of the Recorder of Dickinson County, Iowa; AND EXCEPT Parcel D in the Southeast Quarter of the Northwest Quarter of Section 9, Township 99 North, Range 36 West of the 5th P.M., City of Spirit Lake, Dickinson County, Iowa as the same appears in a Plat of Survey by James R. Blum, L.S., Jim Blum Surveying, dated March 21, 2006 and filed March 29, 2006, in Survey Record 13, Page 15, in the Office of the Recorder of Dickinson County, Iowa. Said property contains 27.50 acres exclusive of road right-of-way.

has caused to be prepared a Plat of Subdivision to plat said property as "Plat of Pointe of Pines Second Addition to the City of Spirit Lake, Dickinson County, Iowa", pursuant to Chapter 354 of the 2011 Code of Iowa, and,

WHEREAS, said Plat of Pointe of Pines Second Addition consisting of seventeen (17) lots, Lots (1) through (17), Outlots "A" and "B" public streets, drainage easements, bioretention cells, utility easements and entry easements as described and set out on the Plat as prepared and certified by Michael G. Semke, an Iowa registered land surveyor, has been presented to the City of Spirit Lake for consideration; and,

WHEREAS, the proposed Plat of Pointe of Pines Second Addition has been presented to and reviewed by the Spirit Lake Planning and Zoning Commission, which has recommended approval and acceptance of the Plat, and,

WHEREAS, said Plat has been considered by the Spirit Lake City Council and has been found to conform with the requirements of the Code of Iowa and the ordinances of the City of Spirit Lake; and,

WHEREAS, the dedications established in the Plat are appropriate and acceptable to the City of Spirit Lake,

NOW, THEREFORE, BE IT RESOLVED by the Spirit Lake City Council as follows:


Section 1. The Plat of Pointe of Pines Second Addition to the City of Spirit Lake of the real property fully described above is hereby approved and accepted.

Section 2. The public streets, utility easements, Outlot "B", drainage easements, bioretention cells, entryway easements and utility easements located therein, depicted on the Plat and dedicated to the public, are hereby accepted for the use and benefit of the public.

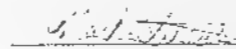
Section 3. The provisions for maintenance of the entryway easements contained in the Proprietor's statement are accepted and approved.

Section 4. The Mayor and the City Clerk are hereby authorized and directed to execute platting documents necessary to complete the platting of Plat of Pointe of Pines Second Addition to the City of Spirit Lake, Iowa, and to certify the acceptance and approval of the Plat by the City of Spirit Lake.

Passed, approved and adopted this 9th day of April, 2013.


Blain Ardera, Mayor

Attest


Mark Stevens, City Clerk/Administrator

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Prepared By: Donald J. Hemphill, 215 Grand Ave, PO Box 1475, Spencer, IA 51301 Phone: 712-282-6801

PLAT OF POINTE OF PINES SECOND ADDITION
Spirit Lake, Dickinson County, Iowa

CERTIFICATE OF APPROVAL
Spirit Lake Planning & Zoning Commission

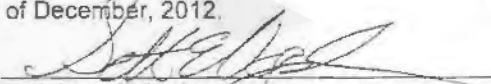
STATE OF IOWA, DICKINSON COUNTY, ss:

The undersigned, Seth Vogel, states that he is the duly appointed and acting Chairman of the City of Spirit Lake, Iowa, Planning & Zoning Commission.


The undersigned further states that the Spirit Lake Planning & Zoning Commission has considered and reviewed the proposed Plat of Pointe of Pines Second Addition to the City of Spirit Lake, Iowa. Following consideration and discussion, the Spirit Lake Planning and Zoning Commission adopted a resolution recommending approval of the final Plat of Pointe of Pines Second Addition to the Spirit Lake City Council.

The undersigned further states that, accordingly, the Plat of Pointe of Pines Second Addition to the City of Spirit Lake has been approved as required by the Spirit Lake Planning & Zoning Commission.

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of the City of Spirit Lake, Iowa this 4th day of December, 2012.


Seth Vogel, Chairman

Subscribed and sworn to before me by the said Seth Vogel this 4th day of December, 2012.

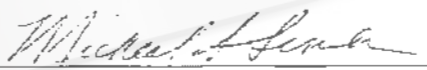

Notary Public in and for the State of Iowa



CERTIFICATE OF SURVEY

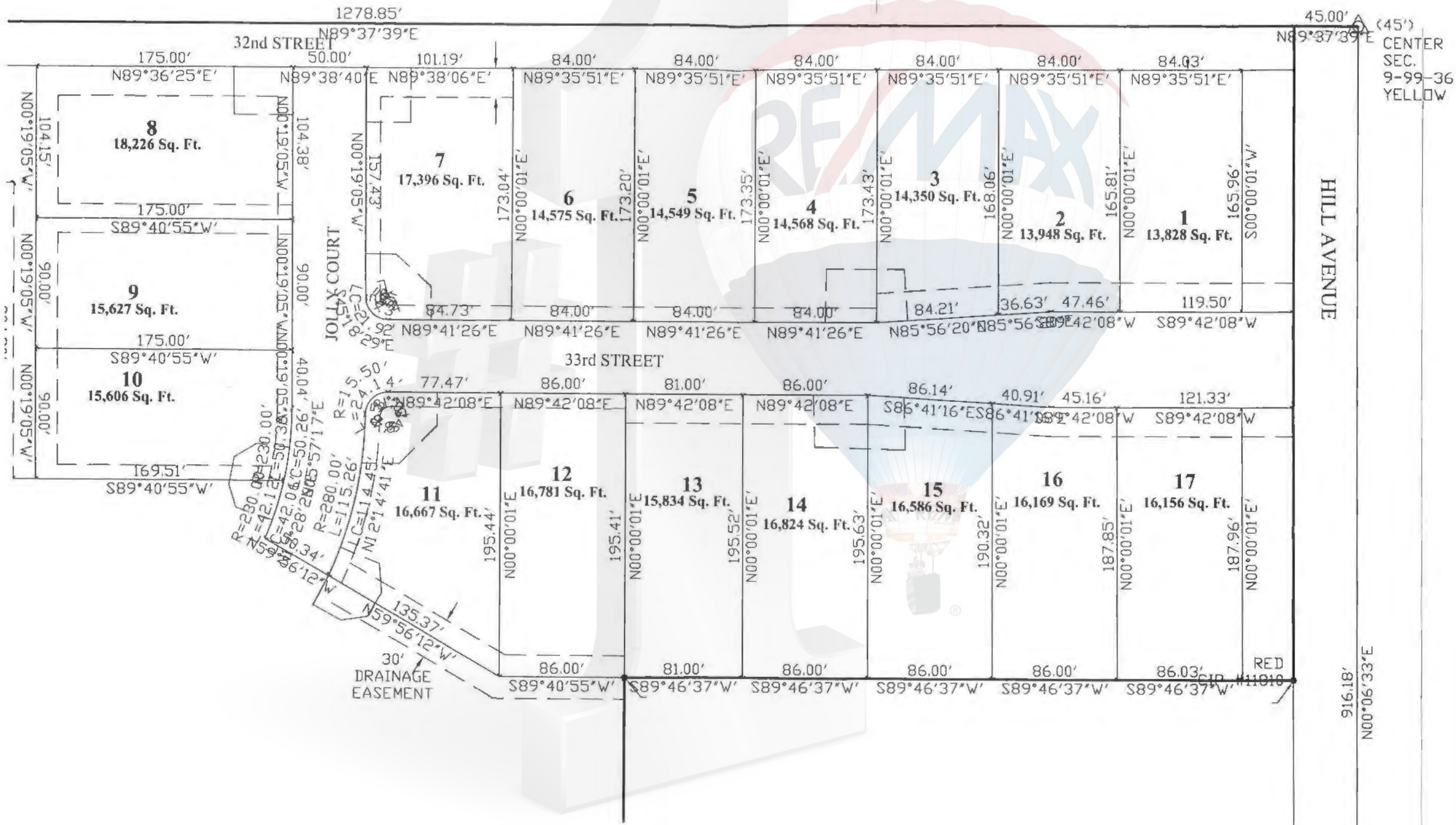
I, Micheal G. Semke, of Beck Engineering, Inc., Land Surveyor, authorized to practice in the State of Iowa, does hereby certify that I am a licensed land surveyor under the laws of the State of Iowa, Iowa License No. 10318, that at the instance and request of West Okoboji Harbor, Inc., I surveyed the tract of real estate located in the City of Spirit Lake, Dickinson County, Iowa, described in the Proprietor's Certificate for the purpose of subdividing and platting said real estate into an addition to be known as Pointe of Pines Second Addition, City of Spirit Lake, Dickinson County, Iowa. The plat of which is attached hereto and made a part of this certificate; that the real estate was surveyed under my direction and that the same was staked out and platted into 19 separate lots as shown on said plat; that the plat is a true and correct plat of said addition and that it sets forth the boundaries thereof with the size and dimensions of all lots in accordance with said survey. I further certify that the corners of all lots are marked with 1/2" x 24" yellow capped rebar and that all dimensions of said plat are shown in feet and decimals thereof.

IN WITNESS WHEREOF, I have hereunto signed my name this _____
day of 9/4 2013.


Micheal G. Semke, L.S.
No. 10318

POINTE OF PINES 2ND ADDITION

SCALE: 1"=60'



45.00' (45') CENTER SEC. 9-99-36 YELLOW

HILL AVENUE

916.18' N00°06'33"E

Curved easement details:
R=280.00'
L=115.26'
LC=114.48'
N=2°14'41"E
S=28°28'05.57"E
C=42.06'
L=50.38'
C=42.12'
L=230.00'
N=59°36'12"W

30' DRAINAGE EASEMENT

RED