

Parent Tract Key  
Number:  
162-17100-0101

04022199 08/02/2004 03:20pm  
PAMELA K BERGLUND, TIPPECANOE COUNTY RECORDER

### EASEMENT AND LICENSE OF USE TO AMENITIES

Cedar Run Limited, Inc. of Marion County, Indiana, is the owner of the following described real estate, located in Tippecanoe County, Indiana, to-wit:

SEE EXHIBIT "A" ATTACHED

The Commons at Valley Lakes Homeowners Association ("Association") is an association which is responsible for the administration and enforcement of the recorded covenants on the real estate located in Tippecanoe County, Indiana, to-wit:

SEE EXHIBIT "B" ATTACHED

Cedar Run Limited, Inc. has constructed swimming pools, pool house, basketball courts, tennis courts, play area, sheltered picnic facilities with related amenities, softball field, soccer field, border fence, retaining walls and parking facilities, and has installed landscaping ("Amenities") on the real estate hereinbefore described and intends to deed the real estate to the Association.

Cedar Run Limited, Inc. has developed subdivisions adjacent to the real estate described in Exhibit "B" and recorded a clause in each of the subdivision covenants that the Lot Owners would share in the use of said "Amenities" located on the hereinbefore described Cedar Run Limited, Inc.'s real estate and in the cost of upkeep, repair, replacement and all other related expenses, including, but not limited to, real estate taxes and insurance, of said Amenities.

NOW, THEREFORE, in consideration of an annual fee to be paid by each Lot Owner, their successors and/or assignees, Cedar Run Limited, Inc. grants to the current Lot Owners, and their successors and assignees of the following subdivisions: The Commons at Valley Lakes, The Landing at Valley Lakes, and Waterstone at Valley Lakes, a non-exclusive easement and license to use of the Amenities located on the real estate described in Exhibit "A" attached..

The annual fee, determined annually by the Association, shall be an equable fee based on actual maintenance and replacement costs, the construction cost of the Amenities, and all other

1c\wp\072104n

072904 \ 09:51

DULY ENTERED FOR TAXATION 1  
SUBJECT TO FINAL ACCEPTANCE  
FOR TRANSFER.

AUG 02 2004

*Pamela K Berglund* KK  
AUDITOR OF TIPPECANOE CO.

related expenses, including but not limited to real estate taxes and insurance of the Amenities. The number of lots from each subdivision shall be a factor considered in determining said yearly fee. The first year assessment will be One Hundred and Fifty Dollars (\$150.00) per lot and shall be included in the yearly assessment of each subdivision which will then be remitted to the Association.

IN WITNESS WHEREOF, Grantor has caused this Easement and License of Amenities to be executed this 29th day of July, 2004.

CEDAR RUN LIMITED, INC.

By: David N. Smith  
David N. Smith, Secretary

STATE OF INDIANA     )  
                                  ) SS:  
COUNTY OF MARION    )

Before me, a Notary Public in and for said County and State, personally appeared David N. Smith, Secretary of Cedar Run Limited, Inc., who acknowledged the execution of the foregoing Easement and License of Amenities, and who, having been duly sworn, stated that the representations contained therein are true.

WITNESS my hand and Notarial Seal, this 29th day of July, 2004.



JO E. ROACH, Notary Public  
My Commission Expires: 8-3-07  
Residing in Marion County

Jo E. Roach  
Notary Public

My Commission Expires:  
\_\_\_\_\_  
My County of Residence:  
\_\_\_\_\_

This instrument prepared by William T. Rees, Attorney at Law, 8355 Rockville Road, Indianapolis, IN 46234.

Exhibit "A"

00.51.49  
7-26-2004 RAF

**LAND DESCRIPTION**

**Outlot A at The Commons at Valley Lakes**

Land being a part of the Southeast Quarter of Section 9, Township 22 North, Range 4 West of the Second Principal Meridian in Wea Township, City of Lafayette, Tippecanoe County, Indiana, more particularly described as follows:

Beginning at the southeast corner of Lot 23 in The Commons at Valley Lakes, Phase I, Part 1, the plat of which is recorded as Document No. 02-013411 in the Office of the Recorder of said County; thence North 00°01'00" West along the east line of Lots 23 through 18 in said Commons, Phase I, Part 1, and along the east line of Lot 17 in The Commons at Valley Lakes, Phase I, Part 2, the plat of which is recorded as Document No. 02-030936 in said Office of the Recorder, a distance of 669.69 feet to the northeast corner of Lot 17; thence North 88°23'10" East 771.35 feet; thence South 00°18'58" East 61.64 feet to the northwest corner of Regal Valley Drive as platted in said Commons, Phase I, Part 1; thence on the following seven courses along the right-of-way lines of Regal Valley Drive and Kingfisher Drive in said Commons, Phase I, Part 1:

1. continuing South 00°18'58" East 425.16 feet to the point of curvature of a curve concave northwesterly, having a radius of 25.00 feet and a central angle of 90°00'00";
2. Southwesterly along said curve an arc distance of 39.27 feet;
3. South 89°41'02" West 192.74 feet to the point of curvature of a curve concave southeasterly, having a radius of 125.00 feet and a central angle of 37°11'29";
4. Southwesterly along said curve an arc distance of 81.14 feet;
5. South 52°29'33" West 225.01 feet to the point of curvature of a curve concave northwesterly, having a radius of 75.00 feet and a central angle of 37°29'27";
6. Southwesterly along said curve an arc distance of 49.08 feet;
7. South 89°59'00" West 256.39 feet to the Point of Beginning,

containing 10.531 acres, more or less.

**Exhibit "B"**

The Commons at Valley Lakes Subdivision, Phase I, Part 1, as recorded on April 26, 2002, Document No. 200202013411 in Book 7, Page 2,

The Commons at Valley Lakes Subdivision, Phase I, Part 2, as recorded on October 1, 2002, Document No. 02030936 in Book 7, Page 22,

The Commons at Valley Lakes Subdivision, Phase II, as recorded on October 16, 2003, Document No. 03042735 in Plat Cabinet 7, Slide 86, in the Office of Recorder, Tippecanoe County, Indiana, and

all subsequent sections to The Commons at Valley Lakes Subdivision. Located in the City of Lafayette, Wea Township, Tippecanoe County, Indiana;