Form 640008
1-80

Ref. No. 472

Connection No. 80B
Delaware County
Project No. FN-20-8(6)--21-28
Date February 14, 1990
Functional Classification Arterial

REQUEST FOR THE ESTABLISHMENT OF A SPECIAL PUBLIC ROAD CONNECTION

It is hereby requested that a special public road connection be authorized and established on Primary Road No. 13, Right/South side, of station 402+87 in Section 31, Twp. 89N, Rge. 5W more specifically described as follows: 600 ~~xxxx~~feet East from the intersection of Ia. 13 & Co. Rd. D-22 (Direction; Town, Place or Object), more particularly to which the Commission has acquired access rights by deed (or condemnation) from Ralph E. Childs and Katherine J. Childs

as recorded in Book (Vol.) 88, Page 359 (Instrument No.) _____ in the Office of the Delaware County Recorder.

The undersigned agree and affirm that if the request for a special public road connection is authorized the following stipulations shall govern.

1. The Department reserves the right to remove or relocate the special public road connection.
2. The connection, including drainage structure, grading and surfacing, shall be constructed by the applicant at the applicant's expense, in accordance with the plat attached hereto, and in conformity with the standard specifications of the Highway Division, and shall thereafter be kept in repair and maintained by the applicant at his own expense. Nothing in this stipulation, however, shall preclude the Department from entering upon said entrance on highway right of way and performing necessary maintenance for the protection of the highway.
3. That the construction, future repair or maintenance of said entrance shall be carried on in such a way as not to interfere with, or interrupt traffic on said highway, and the applicant shall take all reasonable precautions to protect and safeguard the lives and property of any person or persons, and shall save the State and Department of Transportation harmless of any damage or losses that may be sustained by any person or persons, on account of such construction, repair, or maintenance operations.
4. That all provisions herein relating to future repair or maintenance shall be binding on all successors or assigns of the applicant.
5. In the establishment of a special public road connection at Station 402+87, Project FN-20-8(6)--21-28, the following existing private entrances will be permanently removed or extinguished.

Station	Side	Type
None		

7. Additional Comments or Stipulations: Connection will be constructed with a 36' paved top, and 36" x 68' RCP. In the future, should this entrance generate sufficient traffic to dictate a need for additional traffic control upon the primary road system, traffic control shall be provided at no cost to the Department by the Applicant and/or City in accordance with Department standards. Traffic control may include the (over --->)

We, the undersigned, are the owner, or owners, of record, or the legal and duly authorized representative of the owner, of the property abutting Primary Road 13 between Station 396+87 and Station 409+36 on the Right/South side and agree that we shall save the State and Iowa Department of Transportation harmless of any damage or losses that may be sustained by any person, or persons, on account of the conditions and requirements of this agreement. Failure to comply with conditions and requirements of this agreement shall render this agreement and request null and void.

Signature: M. L. Barlow
Address:
Wal-Mart Stores, Inc.
Type or Print Name
ATTEST: W.G. Bothwell, Assistant Secretary

Signature: Milt L. Kramer
Address:
City of Manchester
Type or Print Name
ATTEST: Karen K. Cole, City Clerk

FILE No. 11-2602	FILED FOR RECORD THE 7 DAY OF May, 19 90 AT 10:21	STATE OF IOWA, DELAWARE COUNTY Joan Sheppard, Recorder
RECORDING FEE $ 20.00	O'CLOCK A. M. BOOK 2 PAGE 6	By Misc., Deputy
TRANSFER FEE $		

ACKNOWLEDGEMENT

STATE OF IOWA

On this _____ day of _____ A.D. 19_____, before me _____, a Notary Public in and for said State of Iowa, personally appeared _____ and _____ to me known to be the person(s), named in and who execute the foregoing instrument, and acknowledge, that _____ executed the same as voluntary act and deed.

_____
Notary Public in and for said State

Reviewed and Recommended for Approval by:

3/19/90 Arthur F. Gourley
Date — Resident Maintenance Engineer / Arthur F. Gourley

4/17/90
Date — District Engineer

5/28/90 Milt L. Kramer
Date — Authorized City or Town Official

_____
Date — Authorized County Zoning Official

Approved:

Leland D Armitrom
Director, Development Bureau or Authorized Agent
Iowa Department of Transportation by Larry R. Heintz

NOTATION OF RECORD

Filed for Record on the _____ day of _____, A.D. 19_____, at _____ o'clock _____ M., and Recorded in Book _____ of _____, on Page _____.

_____
Recorder

By _____
Deputy

7. (Continued) construction of turn lanes and/or signalization.

On this the 5th day of March, 1990, before me, Linda K. Tutton, a Notary Public in and for the State of Iowa, personally appeared Milt L. Kramer and Karen K. Cole, to me personally known, and, who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Manchester, Iowa; that the seal affixed to the foregoing instrument is the corporate seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation, by authority of its City Council as contained in motion passed by the City Council on the 5th day of March, 1990 and that Milt L. Kramer and Karen K. Cole acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by its voluntarily executed.



Linda K. Tutton

Notary Public; my commission expires
August 29, 1990

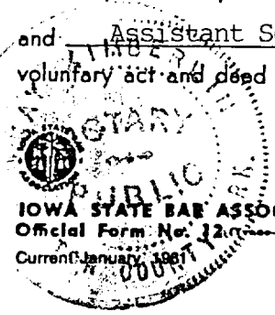
Linda K. Tutton

FOR THE LEGAL EFFECT OF THE USE OF THIS FORM, CONSULT YOUR LAWYER

STATE OF ~~IOWA~~ ARKANSAS, BENTON COUNTY, ss:

On this 4th day of April, A.D. 19 90, before me, the undersigned, a Notary Public in and for the State of ~~Iowa~~ Arkansas, personally appeared Curtis H. Barlow and W.G. Bothwell, to me personally known, who, being by me duly sworn, did say that they are the Vice President and Assistant Secretary, respectively, of said corporation executing the within and foregoing instrument **to which this is attached,** that (no seal has been procured by the said) corporation; that said instrument was signed **(and sealed)** on behalf of (the seal affixed thereto is the seal of said)

said corporation by authority of its Board of Directors; and that the said Vice President and Assistant Secretary as such officers acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by them voluntarily executed.



Kay Kimberlin

Kay Kimberlin, Notary Public in and for said County and State.
MyCommission Expires 1/31/92.

IOWA STATE BAR ASSOCIATION
Official Form No. 32 (Service Mark Registered, State of Iowa, 1967)
Current January, 1981
(Sections 558.39 and 558.39, Code of Iowa)

Form 640002
5-81

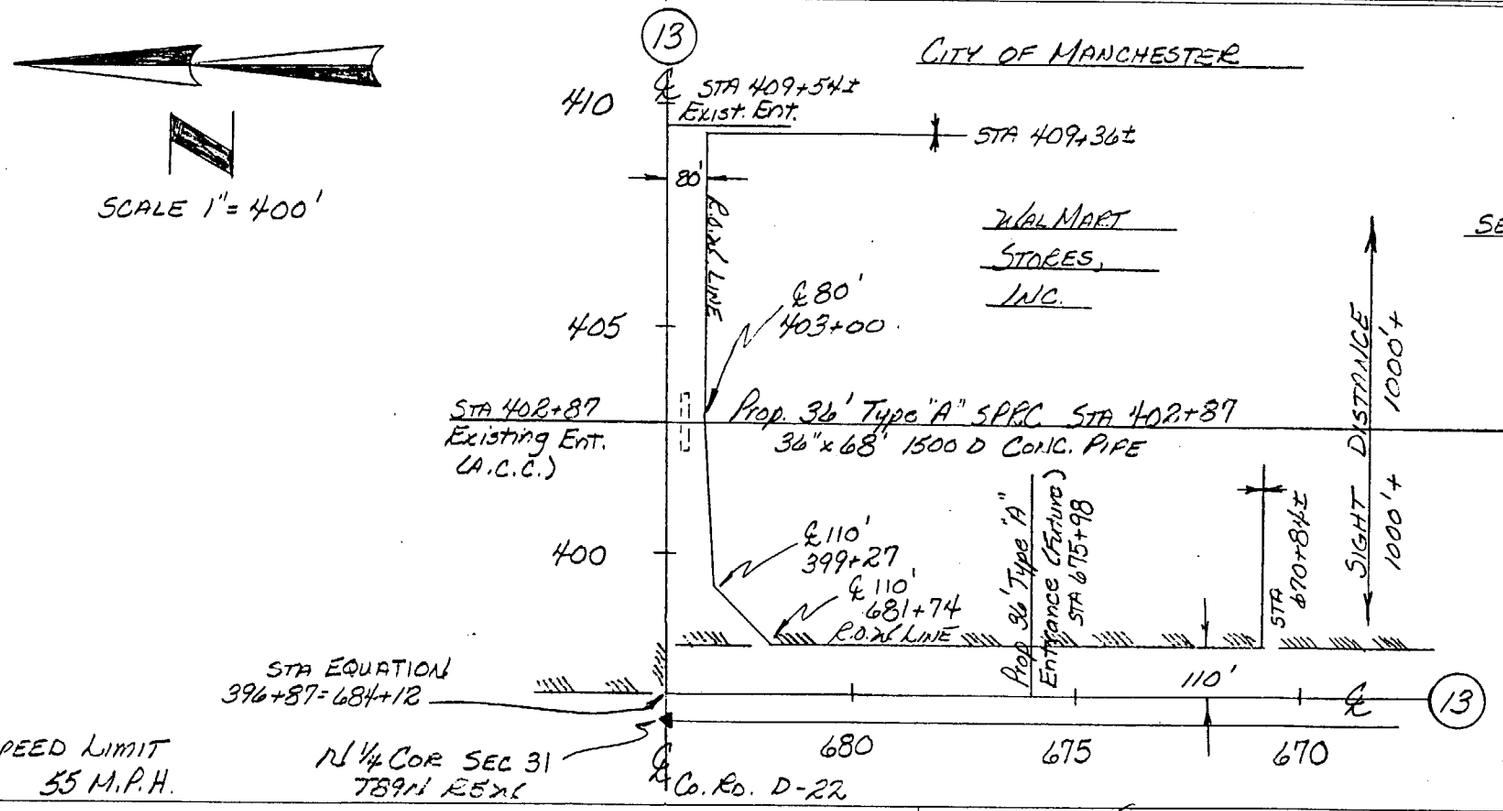
Iowa Department of Transportation
Highway Division

ACCESS PLAT

No. 808
County Delaware
Proj. No. FN-20-6(8)--21-28

SPECIAL PUBLIC ROAD CONNECTION Access Rights Acquired Attach to Form 640008	Check	PRIVATE PROPERTY ENTRANCE Access Rights Not Acquired Attach to Form 640004
	✓	

Location Description: Primary Road No. 13, Sec. 31, T. 89N, R. 5W, Delaware County,
Being 600 ~~Miles~~ Feet East From the intersection of Ia. 13 & Co. Rd. D-22, More Specifically described as:
Proposed 36' Type "A" entrance right/south of Sta. 402+87, 600' east from the intersection of Ia. 13 & Co. Rd. D-22 on the North Line Sec. 31 - T89N - R5W, Project FN-20-8(6)--21-28 Delaware County



CERTIFICATION

I hereby certify that this sketch was prepared by me or under my direct personal supervision and that I am a duly registered professional engineer under the laws of the State of Iowa.

Date 3/19/90 Iowa Reg. No. 11231
Signature Curtis H Barlow

Applicant Curtis H Barlow
Wal-Mart Stores, Inc.
Address 702 SW 8th St. Bentonville, AR 72716
Date 2-20, 19 90