Form 840052
3-90

Iowa Department of Transportation
Highway Division

Parcel No. FF
Connection No. 904
County DELAWARE
Highway No. IOWA 13
Project No. FN-20-8(6)--21-28
Access Priority Rating IV

☐ Agreement for Revision of Access *(See Sections A, B, D and E below)*

☒ Establishment of a Special Access Connection *(See Sections A, C, D and E below)*

This Agreement, made and entered into by and between KARUSCO, INC. & CITY OF MANCHESTER
(Type name and address of owner)
1221 W. MAIN ST., MANCHESTER, IOWA 52057
the present owner(s) of land adjacent to the above referenced highway, *(hereafter referred to as the Owners)*, and the Iowa Department of Transportation, acting for the State of Iowa *(hereafter referred to as the Department)*.

A. **Identification**
The Owners own land generally located in ¼ ¼ Sec. *(or lot)* SW-SE of Sec. *(or Blk.)* _____ and parts of ¼ ¼ Sec. *(or lot)* SE-SE *of Sec. (or Blk)* 30 in Twp. 89N, Rge. 5W, or *(Sub. Div.)* _____ *(in the City of)* MANCHESTER, County of DELAWARE, State of Iowa more particularly to which the State of Iowa has previously acquired access rights by deed *(or condemnation)* from ROY E. VONTALGE & RAY E. VONTALGE
and recorded in Book *(Vol.)* N, Page 95, *(Instrument No.)* _____ in the Office of the DELAWARE County Recorder.

B. **Requested Access Revision**
The said Owners now desire to change the _____ of the _____ entrance *(right of access)* reserved at station _____, _____ side, to a _____ entrance *(right of access)* at station _____, _____ side of Primary Highway No. _____ substituting the later for the former. The new entrance will be constructed _____ feet in width and with _____ feet radius returns or tapers.

C. **Establishment of a Special Access Connection** ***(Special Public Road Connection)***
The said Owners have title to property as described above and more particularly to which the Department has acquired the access rights and have now requested authorization to establish access at station 396+87, LEFT/NORTH side of Primary Highway No. 13. The entrance requested shall be constructed 45 feet in width and with 50' MAX feet radius returns or tapers. In the establishment of this access location, the Owners agree that the following existing entrance(s) will be permanently removed or extinguished.

Station	Side	Type
NONE		

D. **Agreement**
The Department and the Owners agree that the entrance *(right of access)* desired by said Owners as noted in Section B above is substituted for and in lieu of the entrance *(right of access)* formerly reserved or as noted in Section C is an additional access location authorized to the property ownership. In all other respects said deed or *(condemnation)* remains as before, and the rights acquired thereby, with these changes only, remain in the State of Iowa, as against the said Owners, their heirs, assigns, and successors in interest.

(Words and phrases herein, including acknowledgement hereof, shall be construed as in the singular or plural, and as masculine, feminine or neuter gender according to the context.)

E. **Stipulations**
The Owners agree and affirm that if the request for access is approved by the Department the following stipulations shall govern and the entrance shall be constructed in accord with the plat attached to and is a part of this application.

1. The access, including drainage structure, grading and surfacing, and entrance configuration shall be constructed by the owner at the owner'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 owner at the owner's 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 or highway user.

2. 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 owner shall take all reasonable precautions to protect and safeguard the lives and property of any person or persons, on account of such construction, repair, or maintenance operations.

3. That no filling will be permitted in the primary highway right of way other than that necessary to construct the entrance herein requested.

That the culvert pipe under the entrance shall be zinc coated corrugated metal or 1500 D concrete pipe. The pipe shall be 18 inches in diameter and 77 feet in length as shown on the attached sketch and of quality complying with Section 4141 and 4145 of the Highway Division Stardard Specifications, Series of 1984, or subsequent revisions. The pipe shall be installed at the elevation specified by the Department's engineer.

The finished surface elevation of the driveway over the pipe or place where the pipe would normally be shall be 6 inches lower than shoulder elevation at Station 396+87 to prevent water from draining onto the pavement or traveled way of the primary road system.

Side slope of the requested entrance shall be at a minimum of 8:1 slopes.

FILE No. 283-3304
RECORDING FEE $ 20.00
TRANSFER FEE $ _____

FILED FOR RECORD THE 7 DAY OF May, 1993 AT 11:53 O'CLOCK A. M. BOOK 4 PAGE 3

STATE OF IOWA, DELAWARE COUNTY
Deborah L. Peyton, Recorder
Misc.

4. That the owner agrees to give the Highway Division forty-eight hours notice of intention to start construction on the highway right of way.

5. That all provisions herein relating to the contruction, repair or maintenance of the access shall be binding on all successors or assigns of the owner.

6. Before beginning work within the highway right of way, it is the responsibility of the owner to contact utility companies which may be located in the area of the proposed work.

7. Written approval of the Department shall be obtained before any change is made to the entrance or its location.

8. Section 319.14 Code of Iowa requires any work performed under this permit to be in conformity with the specifications of the Department of Transportation. If the owner fails to conform to these specifications the Department may enter and remove the non-conforming work or make the necessary changes and charge the cost against the owner, including court action if necessary.

9. A copy of the approved application shall be available on the job site at all times for examination by the Department of Transportation officials.

10. For the owner(s) failure to comply with any of the conditions and requirements of this agreement the Department may terminate it, whereupon the owner(s) shall immediately remove any construction undertaken pursuant to this agreement and restore the access(es) previously existing, and any rights granted the owner(s) by this agreement shall end. If the owner fails to remove the construction the Department may enter and remove it and charge the cost against the owner.

11. Additional Stipulations:
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 BY THE APPLICANT AT NO COST TO THE DEPARTMENT AND IN ACCORDANCE WITH DEPARTMENT STANDARDS. TRAFFIC CONTROL MAY INCLUDE THE CONSTRUCTION OF TURN LANES OR SIGNALIZATION.

12. THIS PERMIT ADDS AN ACCESS LOCATION TO THOSE PREVIOUSLY AUTHORIZED BY IOWA D.O.T. AGREEMENT NO. 85-16-234. ALL RELEVANT STIPULATIONS OF THAT AGREEMENT, NOT IN CONFLICT WITH THIS PERMIT, SHALL REMAIN IN FORCE.

We, the undersigned, are the owner, or owners, or record, or the legal and duly authorized representative of the owner, of the property abutting Primary Road IOWA 13 between Station 396+27+/- and Station 410+98+/- on the LEFT/NORTH side and agree that we shall save the State and Iowa Department of Transportation harmless of any damage or losses for personal injury or property damage that may be sustained by any person, or persons, on account of any activity undertaken pursuant to this agreement and the conditions and requirements of this agreement.

KARUSCO INC By Richard Jones — Signature
1221 West Main Manchester Iowa 52057 — Address
KARUSCO, INC. by Richard Jones — Type or Print Name

CITY OF MANCHESTER by David J. Meier, City Manager — Signature
208 E Main Manchester — Address
David J. Meier, City Manager — Type or Print Name

ACKNOWLEDGEMENT

State of Iowa
County of Delaware

On this 9th day of Apr. A.D. 19 93, before me LINDA K. TUTTON, a Notary Public in and for said State of Iowa, personally appeared Richard Jones and David J. Meier to be known to be the person(s), named in and who execute the foregoing instrument, and acknowledge, that same executed the same as a voluntary act and deed.

Linda K. Tutton
Notary Public in and for said State
Linda K. Tutton

Reviewed and Recommended for approval by:

Arthur Gourley — Resident Maintenance Engineer — Date 4/13/93

Kenneth Mohling — District Engineer — Date 4/16/93

Authorized City or Town Official — Date

Authorized County Zoning Official — Date

Approved:
Leland D Smitten 4-20-93
Director of Operations Bureau or Authorized Agent representing the 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 _____

County Recorder — Deputy

Disclosure Statement: The information furnished on this form will be used by the Department of Transportation to determine approval or denial of this application. Failure to provide all information will result in denial of the application. Information and copies may be provided to the public upon request.

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

STATE OF IOWA, DELAWARE COUNTY, ss:

On this 4 day of MAY, A.D. 19 93, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared RICHARD JONES ~~and~~ _____, to me personally known, who, being by me duly sworn, did say that they are the PRESIDENT ~~and~~ _____ 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 PRESIDENT and _____ 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.

Clarence Behnke
Notary Public in and for said County and State.
Clarence Behnke

(Sections 558.28 and 558.29, Code of Iowa)

IOWA STATE BAR ASSOCIATION
Official Form No. 12 (Trade-Mark Registered, State of Iowa, 1967)
Current January, 1981

On this 4th day of May, 1993., before me, Linda K. Tutton, a Notary Public in and for the State of Iowa, personally appeared David J. Heiar and _____, to me personally known, and, who, being by me duly sworn, did say that he is the City Manager, 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 Ordinance No. ----- passed (or the resolution adopted) by the City Council, under Roll Call No. _____ of the City Council on the 3rd day of May, 19 93, and that David J. Heiar and _____ acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it voluntarily executed.

(SEAL)

Linda K Tutton
Notary Public; my commission expires
Linda K Tutton 8-29-93

Form 640002
7-90

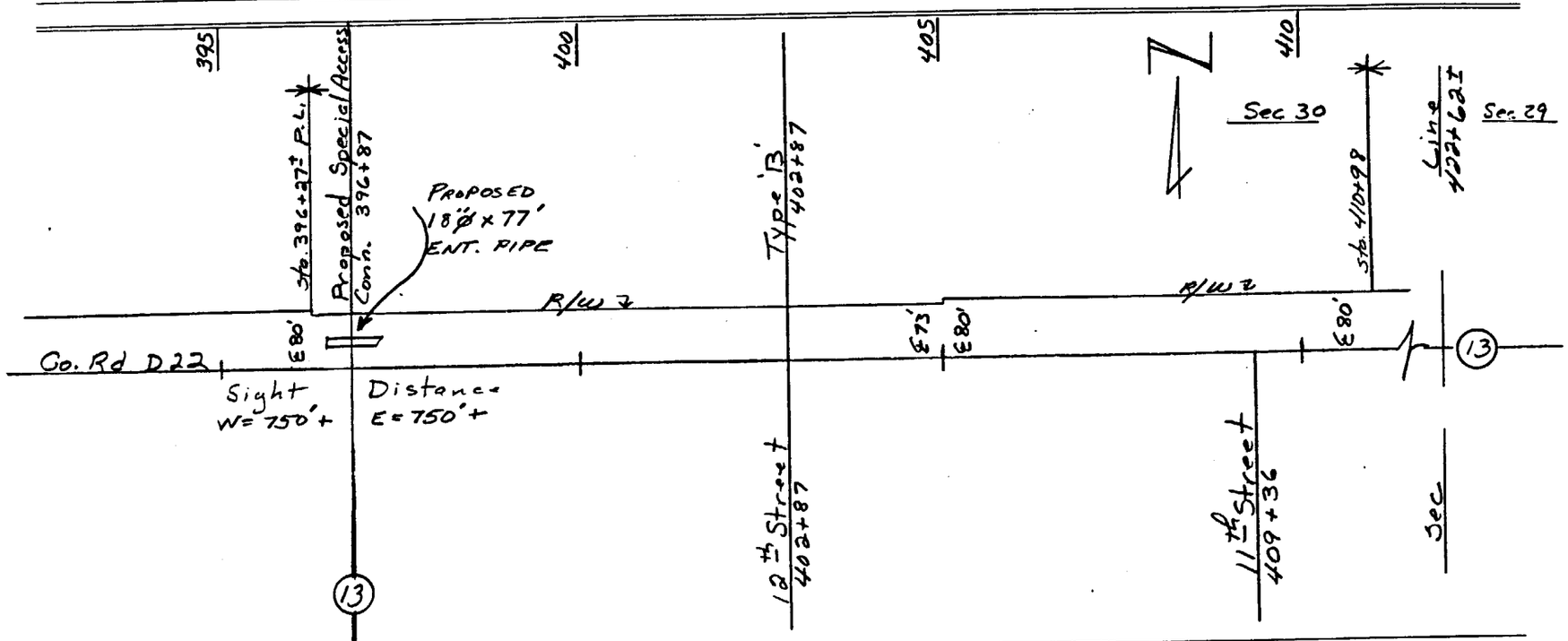
Iowa Department of Transportation
Highway Division

ACCESS PLAT

No. 904
County Delaware
Proj. No. FN-20-8(6)--21-28

SPECIAL ACCESS CONNECTION Access Rights Acquired Attach to Form 810052	Check	PRIVATE PROPERTY ENTRANCE Access Rights Not Acquired Attach to Form 640004
	X	

Location Description: Primary Road No. Iowa 13 Sec. 30 T. T89N R. 5W Delaware County,
Being — ~~Miles~~ AT Direction ~~From~~ Intersection of Iowa 13 with D22 More Specifically described as:
Left/north of sta. 396+87, 2575' west of the east line of Sec. 30-T89N-R5W, 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 4/13/93 Iowa Reg. No. 11231

Signature Arthur R. Hawley

Applicant KARUSCO, INC. & CITY OF MANCHESTER

Address 1221 W. MAIN ST., MANCHESTER, IA 52057

Date MARCH 25, 1993

Over