Jo Ellen Howard, MOA
Maintenance Operations Assistant
Iowa Department of Transportation
5455 Kirkwood Blvd. SW
Cedar Rapids, IA 52404

Authorized Residency Representative | Address | (319) 365-3558 Telephone Number

ENTER PREPARER'S NAME, ADDRESS, AND TELEPHONE NUMBER ON BLANK LINES ABOVE. LEAVE REMAINING TOP PORTION BLANK FOR COUNTY RECORDER'S USE.

Form 640004
12-95

Iowa Department of Transportation
MAINTENANCE DIVISION

ENTRANCE PERMIT

(Application for Permit to Construct Entrance from Private Property to Primary Road or Primary Road Extension)

Permit Number 28-98-04
County Delaware
Project —
Highway Number Iowa 13

Applicant Beaton Inc. DBA Burger King
(Owner or Owners of Record)

(319) 378-1127
(Telephone No.)

Address 5825 Council Street NE Cedar Rapids, Iowa 52402 June 5 (Date), 19 98

A permit is hereby requested to construct a (☐ Joint or ☒ Single) (☐ Type A, ☒ Type B or ☐ Type C) entrance being 14 & 9 meters (or 45 & 30 feet) in width, from right of way line to primary road traveled way, including necessary drainage structure thereunder at station 449+76 & 450+88, (41.88 & 41.90 MP#) right/south side. The entrance shall be constructed with 4 meter (or 15 feet) radius returns or tapers.

EXHIBIT OF ENTRANCE AS PROPOSED TO BE CONSTRUCTED IS ATTACHED TO AND IS A PART OF THIS APPLICATION. (Form 640002)

Proposed entrance is located on Primary Road No. 13, Sec. 32, T. 89W, R. 5W, Delaware County, 0, Miles within the City of (Direction) from Manchester (Place, Town, or Object) more specifically described as follows:

132 feet and 26 feet, respectively, west of the centerline of 1st Street along highway 13, right at Station 449+76 and 450+88, within the City of Manchester.

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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 448+79 MP# 41.86 and Station 451+03 MP# 41.90 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: Perry T. Beaton — Address: 5825 Council St NE, Cedar Rapids, IA 52402
Type or Print Name: PERRY T. BEATON

Signature — Address
Type or Print Name

****

ACKNOWLEDGEMENT

State of Iowa
County of Linn

On this 11th day of June A.D. 19 98, before me Carol Beaton a Notary Public in and for said State of Iowa, personally appeared Perry Beaton and — is to be known to be the person(s), named in and who execute the foregoing instrument, and acknowledge, that he executed the same as a voluntary act and deed.

Carol Beaton
Notary Public in and for said State

****

Reviewed and Recommend following action:

☒ APPROVE ☐ DENY — David J Heiar 7-6-98 — Authorized City or Town Official: David J Heiar, City Manager — Date

☐ APPROVE ☐ DENY — Authorized County Zoning Official — Date

****

Department of Transportation Action:

☒ APPLICATION APPROVED ☐ APPLICATION DENIED

On behalf of the Department of Transportation, Maintenance Division, the above action has been taken on this application on this 21 day of July, A.D., 19 98

BY: Jo Ellen Howard
Authorized Transportation Center Representative

****

Notice of the work to be given by the applicant 48 hours in advance of actual construction to the following:

Jo Ellen Howard, MOA
Maintenance Operations Assistant
Iowa Department of Transportation
5455 Kirkwood Blvd. SW
Cedar Rapids, IA 52404

Name | Address | (319) 365-3558 Telephone Number

To be recorded by State for applications on all Primary Highways except the Priority VI System. On the Priority VI System, the applicant may record the approved application, if desired.

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

DATE 7-22-98 BOOK 8 PAGE 70

1998 JUL 22 AM 10:05
DELAWARE COUNTY IOWA
FILED
305
BOOK 8 PAGE 70
DELAWARE COUNTY IOWA
RECORDED
$16.00

The applicant agrees that if granted a permit to construct the entrance as requested, the following stipulations shall govern.

A. GENERAL

1. 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.
2. Stipulations and requirements contained herein are not intended to waive greater requirement of local zoning ordinances.
3. Owner's attention is directed to the fact that private property may not be used so as to obstruct or encumber the public highway right of way, or interfere with the safety, comfort and rights of public highway users.
4. A copy of the approved application shall be available on the job site at all times for examination by the Department officials.
5. Subject to the approval of this application and upon completion of the constructing of the entrance in compliance with the terms agreed upon in this document and attachment, no changes in the entrance or its location shall be undertaken without the prior written approval of the Department.
6. The owner shall be responsible for all future maintenance costs associated with maintaining the access in a safe state of repair from the outer shoulder of the primary highway to the right of way line.
   a. If a drainage structure is required as a part of the permit application, the Department shall be responsible for maintaining that portion of the drainage structure located within the primary highway rights of way.
   b. 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.
7. In the future, should this entrance generate sufficient traffic to warrant a need for additional traffic control upon the primary road system, costs for these improvements shall be the responsibility of the owner and shall be constructed in accordance with the Department standards. These may include but would not necessarily be limited to the constructing of turn lanes and/or signalization.
8. That all provisions herein relating to the construction, repair or maintenance of the entrance shall be binding on all successors or assigns of the owner.

B. LIABILITY

1. The Owner(s) shall indemnify and save harmless the State of Iowa, its agencies and employees, from any and all causes of action, suits at law or in equity, for losses, damages, claims or demands, and from any and all liability and expense of whatsoever nature, arising out of or in connection with owner's use or occupancy of the public highway.
2. If the Owner(s) should fail 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.

C. NOTIFICATION

1. Before beginning any work in the highway right of way, it is the responsibility of the owner(s) to:
   a. Contact utility companies which may be located in the area of the proposed work. Contact should be made by calling Iowa One Call at 1-800-292-8989, a minimum of 48 hours in advance of starting construction.
   b. Contact the Department's Representative as noted near the bottom of the front page, a minimum of 48 hours in advance of intention to start construction.

D. CONSTRUCTION AND MAINTENANCE

1. The construction of the entrance shall be completed by the 30 day of June, 19 99 (The permit is null and void if entrance is not completed by the above unless extension is granted in writing by the Department.)
2. Unless specifically noted in this application, all work performed within the right of way shall be restricted to a time frame of 30 minutes after sunrise to 30 minutes before sunset.
3. 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 exhibit and attachments hereto, and in conformity with the standard specifications of the Department of Transportation.
4. 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 operation.
5. That no filling will be permitted in the right of way of primary road No. 13 other than that necessary to construct the proposed entrance or as specifically stated herein.
6. **In a rural-designed area,** to prevent water draining on the pavement or traveled way of the primary highway, the finished surface elevation of the entrance over the pipe or place where the pipe would normally be placed shall be ___ millimeters (or ___ inches) lower than the highway shoulder elevation.
   a. If required, the culvert pipe under the entrance shall be ___ millimeters (or ___ inches) in diameter and ___ meters (or ___ feet) in length as shown on the attached sketch and of a quality complying with Sections 2422, 4141, 4145 and 4146 of the Department's Metric Standard and Specifications, Series 1995, or subsequent revision. The pipe shall be installed at the elevation specified by the Department's engineer.

   In an urban-designed area, where drainage is carried along an existing curb, the entrance shall be consructed with a rise in elevation of 150 to 225 millimeters (5.9 to 8.9 inches) from the street gutter at the entrance to a point 2 meters (6.6 feet) behind the gutter. This will prevent runoff from spilling onto private property.
7. Side slope of the requested entrance shall be constructed at a minimum of 10:1 slope where no culvert is required and 8:1 slope when a culvert is required.
8. It is understood that all provisions herein relating to the construction repair or maintenance of the access shall be binding on all successors or assigns of the owner.

E. REQUIREMENTS OR ADDITIONAL STIPULATIONS

The following special requirements or additional stipulations shall apply to this permit:

There shall be "Exit Only" signs erected at the access located station 450+88 to maintain no entering of vehicles at this access. The access at station 449+76 shall allow for both entrance and exit of vehicles.

810002

Iowa Department of Transportation
Maintenance Division

No. _____

County Delaware

Proj. No. _____

ACCESS EXHIBIT

☐ SPECIAL ACCESS CONNECTION
Access Rights Acquired
Attach to Form 810052

☐ REVISION OF ACCESS
Access Rights Acquired
Attach to Form 810052

☒ ENTRANCE PERMIT APPLICATION
Access Rights Not Acquired
Attach to Form 640004

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Location Description: Primary Road No. 13, Sec. 32, T. 89W, R. 5W, Delaware County,

Being 0 Miles within (Direction) From the city of Manchester, Iowa, More Specifically described as:

132 feet and 26 feet, respectively, west of the centerline of 1st Street along highway 13, right at Stations 450+88 and 449+76, within the City of Manchester, Iowa.

See Attached Exhibit "A" & "B"
to this sheet.

Posted Speed = 25mph
Sight Dist. = >300' Both directions

Applicant Beaton Inc., DBA Burger King Address 5825 Council Street NE Cedar Rapids, IA 52402

Date June 5, 19 98 Telephone Number 319-378-1127

Over →

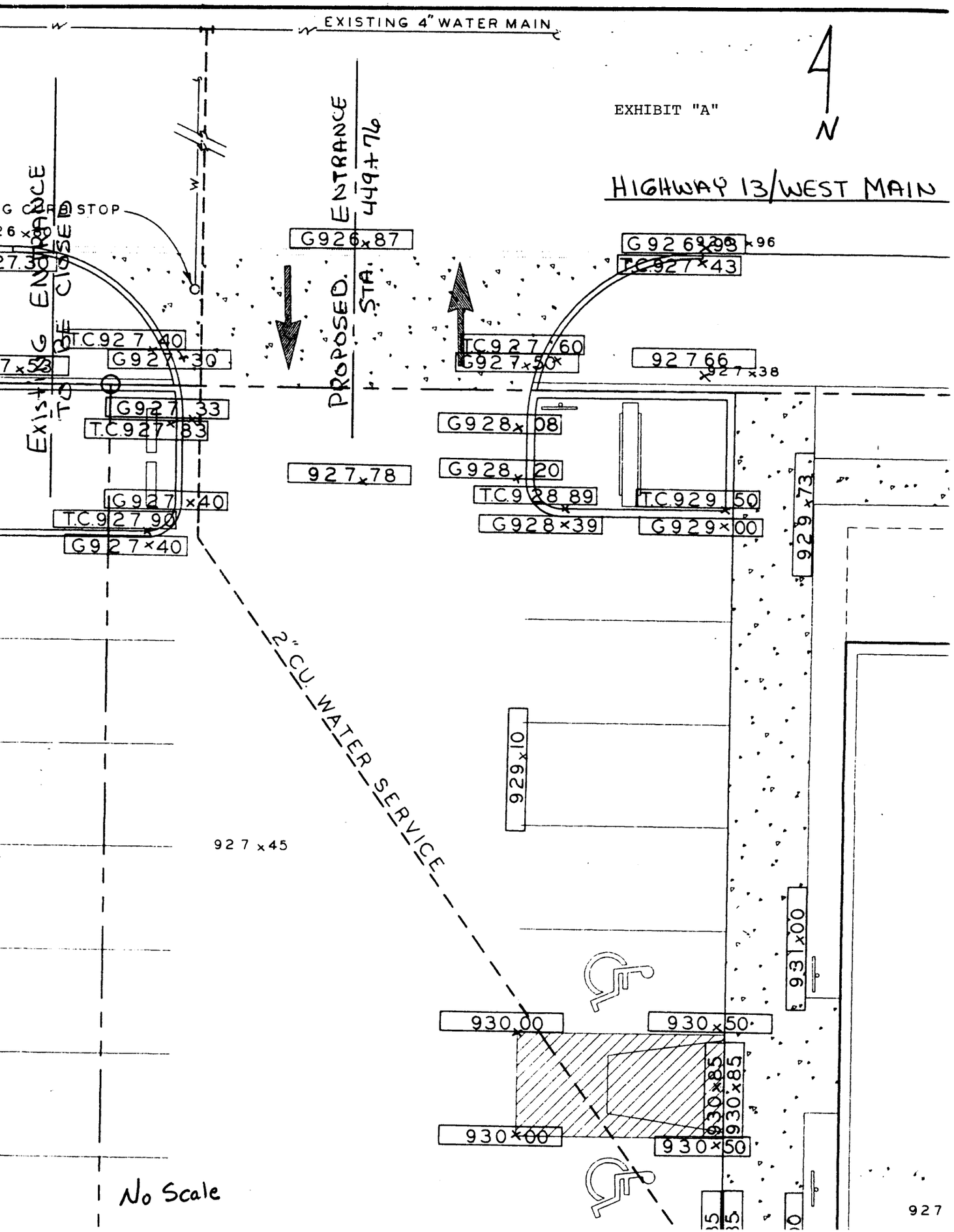
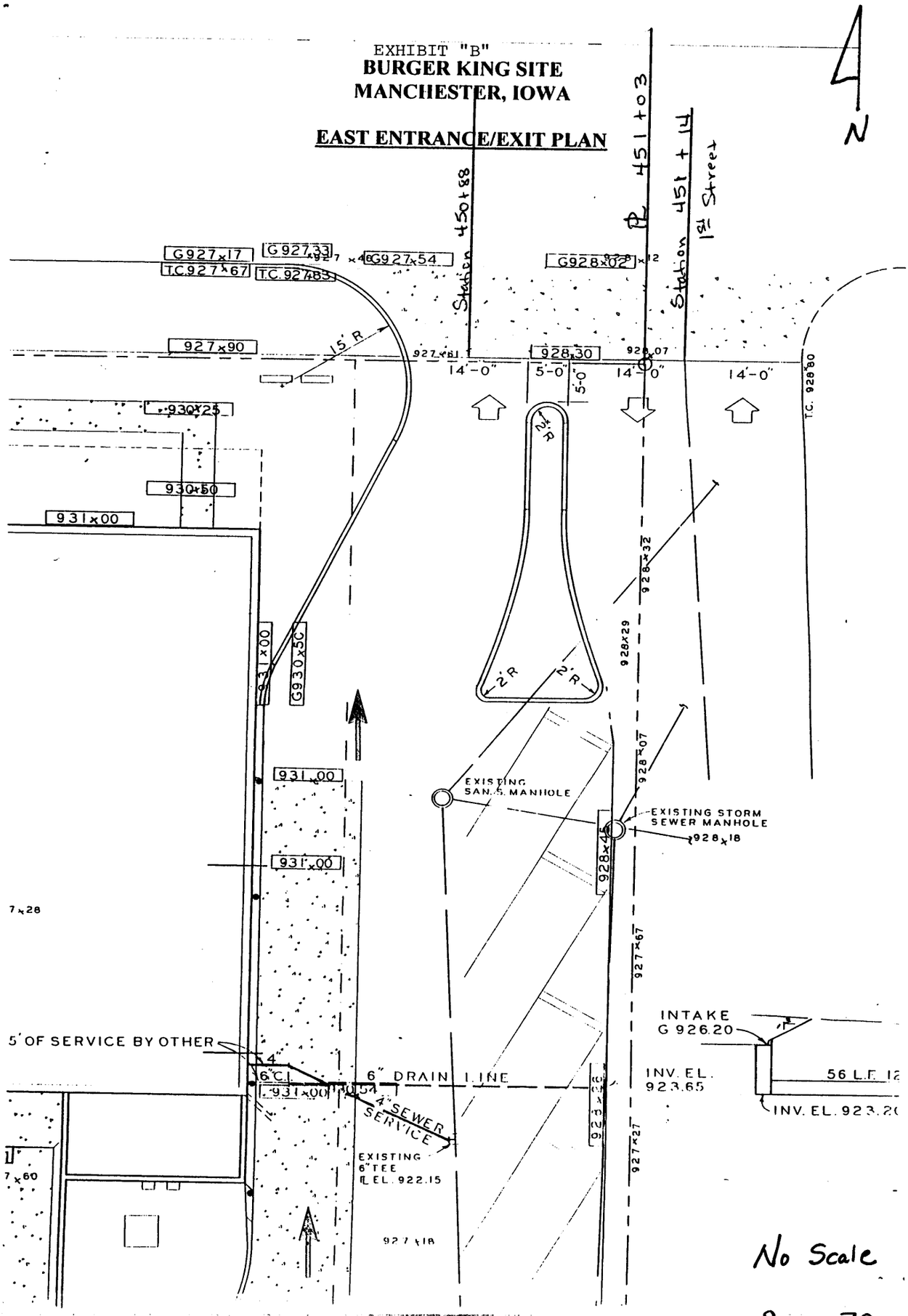

EXISTING 4" WATER MAIN
EXHIBIT "A"
N
HIGHWAY 13/WEST MAIN
PROPOSED ENTRANCE STA. 449+76
EXISTING ENTRANCE TO BE CLOSED
STOP
G926x87
G927x30
G927x33
T.C.927x83
927x78
G927x40
T.C.927x90
G927x40
T.C.927x40
G928x08
G928x20
T.C.928x89
G928x39
T.C.927x43
T.C.927x60
G927x50
92766
927x38
T.C.929x50
G929x00
929x73
929x10
2" C.U. WATER SERVICE
927x45
930x00
930x50
930x85
930x85
930x00
930x50
93x00
No Scale
927

EXHIBIT "B"

BURGER KING SITE
MANCHESTER, IOWA

EAST ENTRANCE/EXIT PLAN



No Scale

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