1999 JUL 21 AM 10:

DELAWARE COUNTY, IOWA
FILED

James L. Phinney, P. E. 5455 Kirkwood Blvd. S.W., Cedar Rapids, Ia. 52404 319/365-3558
Authorized Transportation Center Representative — Address — 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
9-98

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 28-99-04
County Delaware
Project FN-934
Highway Number IA 38

Applicant Omer Fortman
(Owner or Owners of Record)

2029 Hwy 38 — 319-927-3494 (Telephone No.)

Address Manchester, Iowa 52057 — June 25, (Date) 1999 (Year)

A permit is hereby requested to construct a (☐ Joint or ☒ Single) (☐ Type A, ☐ Type B or ☒ Type C) entrance being NA meters (or feet) 20' in width, from right of way line to primary road traveled way, including necessary drainage structure thereunder at station 15+08 (86.923 MP#) LT/WEST side. The entrance shall be constructed with NA meters (or 13(max) feet) radius returns or tapers. 19+30 87.003

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. 38, Sec. 29, T. 89N, R. 4W, DELAWARE County, 0.28 & 0.36, Miles NORTH (Direction) from EAST JCT IA 38 & D 22 ((Place, Town, or Object)) more specifically described as follows: PROPOSED TYPE "C" ENTRANCES AT STATIONS 15+08 M.P. 86.923 & 19+30 M.P. 87.003 BOTH ON THE LEFT/WEST SIDE - 1508' & 1930' RESPECTIVELY NORTH OF THE NORTH SECTION LINE OF SECTION 32.

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 IA 38 between Station 13+15 MP# 86.886 and Station 21+33 MP# 87.414 on the LT/WEST 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.

Omer Fortman — Signature
2029 Hwy. 38 Manchester IA 52057 — Address
Omer Fortman — Type or Print Name

Signature — Address
Type or Print Name

ACKNOWLEDGEMENT

State of Iowa
County of Delaware

On this 1 day of July A.D., 1999 before me Carolyn A. Wilson a Notary Public in and for said State of Iowa, personally appeared Omer Fortman and _____ to be known to the person(s), named in and who execute the foregoing instrument, and acknowledge, that Omer Fortman executed the same as a voluntary act and deed.

Carolyn A. Wilson
Notary Public in and for said State

CAROLYN A. WILSON — NOTARIAL SEAL — IOWA — 12-01

Reviewed and Recommend following action:

☐ APPROVE ☐ DENY — Authorized City or Town Official — 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 20th day of July (Month), A.D., 1999 (Year)

BY: James L. Phinney
Authorized Transportation Center Representative
James L. Phinney, P.E.

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

James L. Phinney, P. E. 5455 Kirkwood Blvd. S.W. Cedar Rapids, Iowa 52404 319/365-3558
Name — Address — 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.

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.
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 necessary 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 1 day of June, 2000. (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. 38 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 NA millimeters (or 6 inches) lower than the highway shoulder elevation.
   a. If required, the culvert pipe under the entrance shall be NA millimeters (or 18 inches) in diameter and NA meters (or 45 & 40 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 a existing curb, the entrance shall be constructed 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 as 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.
9. Applicant will take necessary precautions so dirt and mud are not tracked onto the highway by the construction crews. If this occurs, the applicant will remove the material by general acceptable practices as soon as possible but not later than the end of the working day.

E. SPECIAL REQUIREMENTS OR ADDITIONAL STIPULATIONS

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

Applicant to construct 4:1 side slopes in the area where the proposed entrance at STA 19+30 intersects the existing backslope.

IT IS THE INTENT OF THIS PERMIT TO ALLOW FOR 2 JOINT ACCESSES WHICH WILL SERVE 4 PROPOSED LOTS (ONE ACCESS PER 2 LOTS) AND THAT NO ADDITIONAL ACCESS WILL BE GRANTED.

Iowa Department of Transportation
Maintenance Division

ACCESS EXHIBIT

No. _____
County DELAWARE
Proj. No. FN-934

☐ SPECIAL ACCESS CONNECTION
Access Rights Acquired
Attach to Form 810052

☐ REVISION OF ACCESS
Access Rights Acquired
Attach to Form 810052

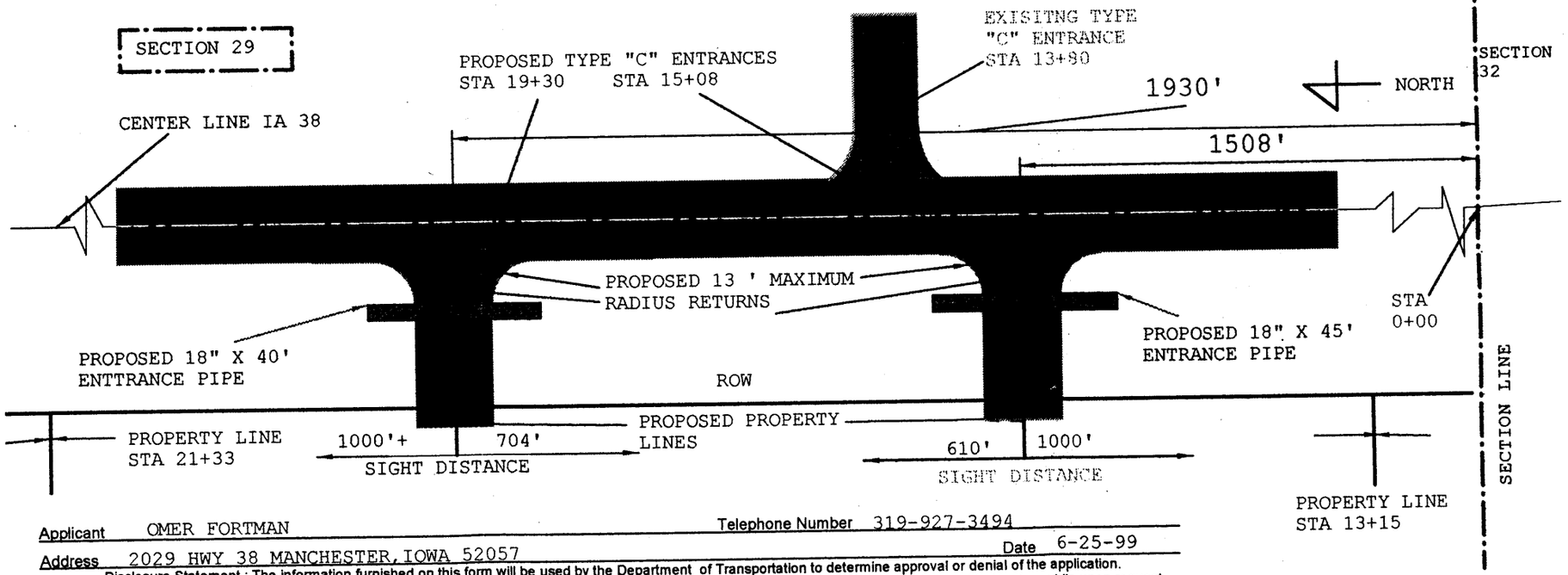
■ ENTRANCE PERMIT APPLICATION
Access Rights Not Acquired
Attach to Form 640004

Location Description: Primary Road No. IOWA 38 Sec. 29 ,T. 89N ,R. 4W , DELAWARE County

Being 0.28 & 0.36 Miles NORTH Direction From EAST JCT OF IA 38 AND CO. RD. D-22 More specifically described as:

PROPOSED TYPE "C" ENTRANCES AT STATIONS 15+08 M.P.86.923 & 19+30 M.P. 87.003 BOTH ON THE LEFT/WEST SIDE- 1508' & 1930' (RESPECTIVELY) NORTH OF THE NORTH SECTION LINE OF SECTION 32

NOT DRAWN TO SCALE



Applicant OMER FORTMAN Telephone Number 319-927-3494

Address 2029 HWY 38 MANCHESTER, IOWA 52057 Date 6-25-99

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