Book 2005 Page 3195

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DEBORAH L. PEYTON, RECORDER/REGISTRA
DELAWARE COUNTY IOWA

(Recorder's Cover Sheet)

Preparer information: *(name, address & phone number)*

Jo Ellen Carter, 5455 Kirkwood Blvd SW Cedar Rapids, IA 52404
319.365.3558

Taxpayer information: *(name & complete address)*

Return Document to: *(name & complete address)*

Jo Ellen Carter 5455 Kirkwood Blvd SW Cedar Rapids, IA 52404

Grantors:

City of Manchester, Iowa
208 E. Main St
Manchester, IA 52057

Grantees:

Iowa Department of Transportation
5455 Kirkwood Blvd SW
Cedar Rapids, IA 52404

Legal Description is located on page: 2

Document or instrument number of previously recorded documents:

Iowa Department of Transportation
Form 810123 (05-05)
Highway Division | Ames, IA 50010

Agreement for Revision of Access

(Use when upgrading or relocating existing access previously reserved)

FOR DEPARTMENT USE ONLY (AUTHORIZED HIGHWAY DIVISION REPRESENTATIVE)

Permit Number	Parcel Number	Highway Number
28-2005-004	FF	Iowa 13
County	**Project Number**	**Access Priority Rating**
Delaware	FN-20-8(6)--21-28	4

First Name	Middle Initial	Last Name	Phone Number
Jo Ellen		Carter	(319) 365-3558

Street Address	City/Town	State	Zip Code
5455 Kirkwood Boulevard SW	Cedar Rapids	IA	52404

THIS AGREEMENT, MADE AND ENTERED BY AND BETWEEN

Owner or Owners of Record	Phone Number
City of Manchester	(563) 927-2750

Street Address	City/Town	State	ZIP Code
280 East Main Street	Manchester	IA	52057

the present owner(s) of land adjacent to the above referenced highway, (hereinafter referred to as the Owners), and the Iowa Department of Transportation, acting for the State of Iowa (hereinafter referred to as the Department).

A. Identification

The Owners own land generally located in Sec. (or lot) SW-SE of Sec. (or block) 30 and parts of 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 and recorded in Book (Vol.) N Page 95 (Instrument No.) _____ in the Office of the Delaware County Recorder.

B. Requested Access Revision (use when upgrading or relocating existing access previously reserved)

The said Owners now desire to change the use of the PDA entrance (right of access) reserved at _____ (Milepost#) or 396+87 (station) Left/Nor (side) to a Type B entrance (right of access) at 40.83 (Milepost#) or 396+87 (station) Left/North (side) of Primary Highway substituting the latter for the former. The new entrance will be constructed 34' (ft.) in width with 30' (ft.) radius returns or 2:1 tapers as noted in the attached exhibits. The Owners agree that the following existing entrance(s) will be permanently removed or extinguished **including all rights as previously reserved.**

Station	Side	Type

(Applicant Signature and Agreement on next page)

Applicant Signature and Agreement

We, the undersigned, are the owner, or owners, of record, or the legal and duly authorized representative of the owner, of the property abutting the Primary Road between _____ (Milepost #) or 394+26 (station) and _____ (Milepost #) or 397+19 (station) on the North side and agree that we shall save the State and the 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 as are stated on this application and attachments thereto.

Applicant Name *(First, M.I., Last--Print or Type)*	Applicant Signature *(Handwritten)*			Date
Street Address	**City/Town**	**State**	**ZIP Code**	

X

Applicant Name *(First, M.I., Last--Print or Type)*	Applicant Signature *(Handwritten)*			Date
Milt L. Kramer	Milt L. Kramer			8/3/05
Street Address	**City/Town**	**State**	**ZIP Code**	
208 E Main Street	Manchester	IA	52057	

NOTARY PUBLIC ACKNOWLEDGMENT

State of Iowa County of Delaware On this 3rd day of August A.D. 2005, before me Laura K. Thomas a Notary Public in and for said State of Iowa, personally appeared Milt L. Kramer

X and _____ to be known to be the person(s) named in and who execute the foregoing instrument, and acknowledge, that Milt L. Kramer executed the same as a voluntary act and deed.

Notary Public in and for said State Laura K. Thomas

LAURA K. THOMAS
Commission Number 718135
My Commission Expires
8-26-08

CITY OR COUNTY ACTION REQUIRED

If desired location is within the limits of a city, the applicant shall obtain desired action from an authorized city representative.
If desired location is within the county where county zoning is in place, applicant shall obtain desired action from zoning official.

☒ **Recommend Approval** ☐ **Do Not Recommend Approval** ☐ **None Required**

X

Authorized City Official Signature (Handwritten)	Date
Milt L. Kramer	8-3-2005
City Official Name (Typed or Printed)	**For the City of**
Milt L. Kramer	Manchester

☐ **Recommend Approval** ☐ **Recommend Denial** ☐ **None Required**

Authorized County Zoning Official Signature (Handwritten)	Date
County Zoning Official Name (Typed or Printed)	**For the County of**

DEPARTMENT OF TRANSPORTATION ACTION ☒ **Application Approved** ☐ **Application Denied**

On behalf of the Department of Transportation, Highway Division, the above action has been taken on this application this 8TH day of AUGUST A.D. 2005 by:

Authorized Highway Division Representative (Handwritten)	Title
David Widick	ACCESS POLICY ADMINISTRATOR
Authorized Highway Division Representative (Typed or Printed)	
DAVID WIDICK	

C. General

1. The Department and the Owners agree that the entrance (right of access) desired by said Owners as noted in Section B on page 1, is substituted for and in lieu of the entrance (right of access) formerly reserved. In all other respects, said deed (or condemnation) remains as before, and the rights acquire thereby, with these changes only, remain in the State of Iowa, as against the said Owners, their heirs, assigns, and successors in interest.
2. Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural, and as masculine, feminine, or neuter gender according to the context.
3. A copy of the approved application shall be available on the job site at all times for examination by Department officials.
4. 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.

(Agreements continued on next page)

STATE OF IOWA)
) ss:
COUNTY OF DELAWARE)

On this 3rd day of August , 2005, before me Laura K. Thomas, a Notary Public in and for the State of Iowa, personally appeared Milt L. Kramer, to me personally known, and, who, being by me duly sworn, did say that he is the Mayor, 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 the authority of its City Council, and that Milt L. Kramer acknowledged the execution of the instrument to be his voluntary act and deed and the voluntary act and deed of the corporation, by it voluntarily executed.

Laura K. Thomas
Notary Public

LAURA K. THOMAS
Commission Number 718135
My Commission Expires
8-26-08

CITY OF MANCHESTER IOWA SEAL

(**General** *continued from previous page)*

5. 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 line 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.
6. 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 Department standards. These may include, but would not necessarily be limited to, the constructing of turn lanes and/or signalization.
7. 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.

D. 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.
a. If the Owner(s) fails to remove the construction or fails to conform to the specifications and stipulations of this application, the Department may enter and remove the non-conforming work or make the necessary changes and charge the costs against the owner, including court action if necessary.

E. 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. If the work requested in this application should cause a need to relocate or modify an existing utility, any cost associated shall be as negotiated between the applicant and the utility owner.
c. Notice of the construction start date is to be given 48 hours in advance of actual construction to the following:

First Name	Last Name		Phone Number
Jo Ellen	Carter		(319) 365-3558
Street Address	**City/Town**	**State**	**ZIP Code**
5455 Kirkwood Boulevard SW	Cedar Rapids	IA	52404

F. Construction and Maintenance

1. 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.
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 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 driveway over the pipe or place whether the pipe would normally be placed shall be 6 inches lower than the highway shoulder elevation.
a. If required, the culvert pipe under the entrance shall be 18 inches in diameter and 90 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 Standard and Specifications Series 2001, or subsequent revision. The pipe shall be installed at the elevation specified by the Department's engineer.

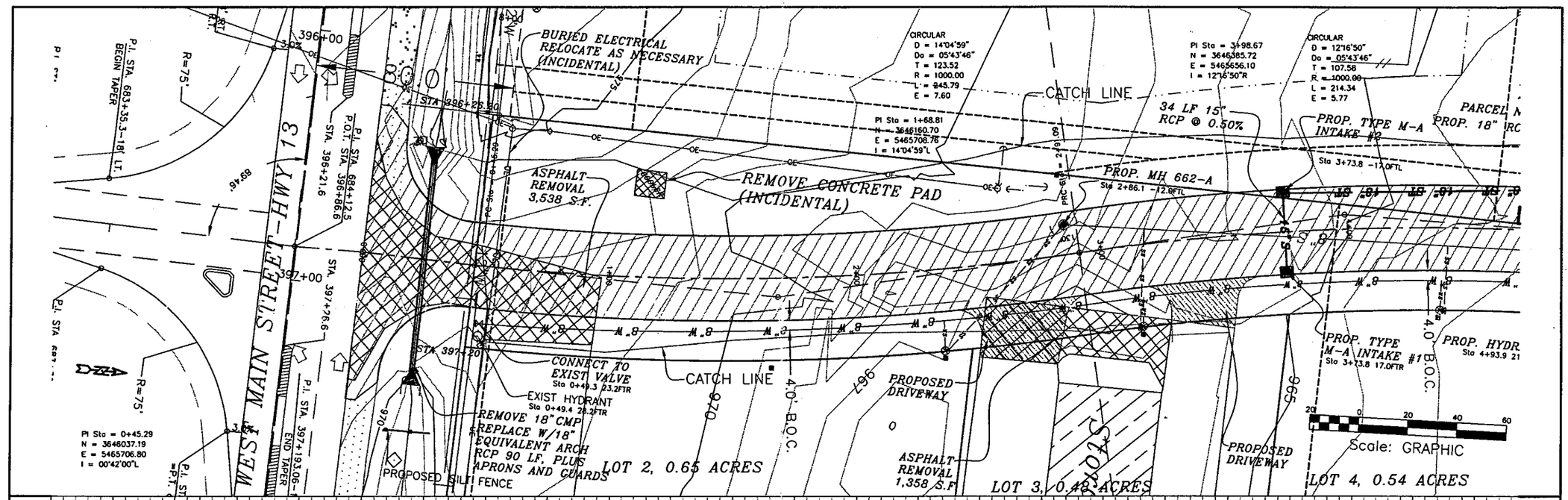
In an urban-designed area, where drainage is carried along an existing curb, the entrance shall be constructed with a rise in elevation of 6 to 9 inches from the street gutter at the entrance to a point 6 feet behind the gutter. This will prevent run-off from spilling onto private property.

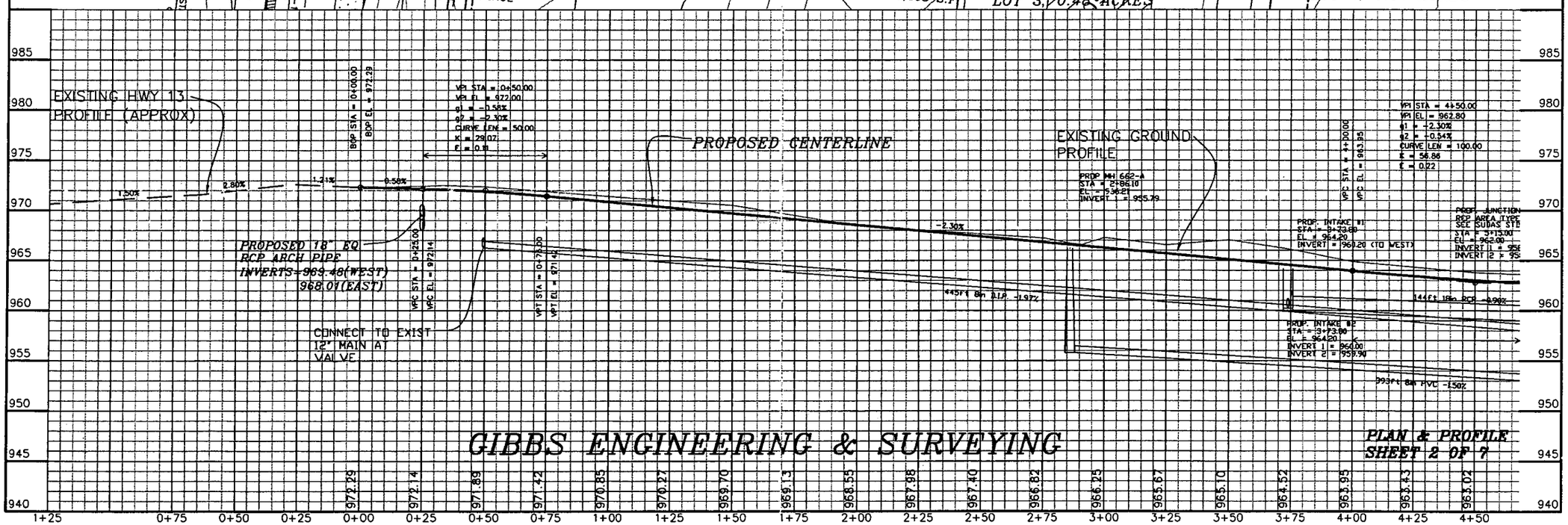
7. Side slope of the requested entrance shall be constructed at a minimum of 10:1 slope where no culvert is required and 8:1 slope when a culvert is required.

G. Special Requirements or Additional Stipulations

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

This access will become a City of Manchester street connection and the City shall acquire all maintenance for said connection within the right of way. The City of Manchester shall be responsible for all inspection of the proposed improvements according to the Department of Transportation standards. There shall be no other access allowed to the remaining property. No additional access will be allowed within 150' of the near paved edge of Iowa 13. The approved plans are signed by David Gibbs on June 22, 2005.





GIBBS ENGINEERING & SURVEYING

PLAN & PROFILE
SHEET 2 OF 7