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Iowa DOT
5455 Kirkwood Blvd SW
Cedar Rapids IA
52404

Book 2009 Page 1331

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DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Iowa Department of Transportation
Form 810124 (08-05)
Highway Division | Ames, IA 50010

Establishment of a Special Access Connection

FOR DEPARTMENT USE ONLY **(PREPARED BY AND RETURNED TO AUTHORIZED HIGHWAY DIVISION REPRESENTATIVE)**

Connection Number	Parcel Number	Highway Number
1623	2	Iowa 38
County	**DOT Project Number**	**Access Priority Rating**
Delaware	FN-249	6

Authorized Highway Division Representative		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	Date
Randy Harbach		(563) 920-6219	08/09/2007
Street Address	**City/Town**	**State**	**ZIP Code**
2124 Highway 38	Manchester	IA	52404
Owner or Owners of Record		**Phone Number**	**Date**
Street Address	**City/Town**	**State**	**ZIP Code**

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 1/4 1/4 Sec. (or lot) _____ of Sec. (or block) _____ and parts of 1/4 1/4 Sec. (or lot) NE NW 1/4 of Sec. (or Blk.) 32 in Twp. 89N, Rge. 4W, or (Sub Div.) (in the City of) _____, 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.) 126, Page 169 _____ (Instrument No.) _____ in the Office of the Delaware County Recorder.

B. Establishment of a Special Access Connection (use when establishing a new access location)

The said Owners have title to property as described above and more particularly to which the Department has acquired access rights and now request authorization to establish an access opposite 86.35 (Milepost#) or 655+45 (station) on the East side of the Primary Highway. The access requested shall be constructed in compliance with Department Standards adopted for a Type B and shall be constructed 45 (ft.) in width and and with 15 ft. radius returns or 2:1 tapers as noted in the attached exhibits. In the establishment of this access location, 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, Notary, City or County, & DOT Signatures 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 86.30 (Milepost #) and 652+54 (station) and 86.57 (Milepost #) and 861+82.8 (station) on the East/South 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
Randy Harbach				10-2-08
Street Address	**City/Town**	**State**	**ZIP Code**	
2124 Highway 38	Manchester	IA	52057	
Applicant Name *(First, M.I., Last--Print or Type)*	**Applicant Signature *(Handwritten)***			**Date**
Randy Harbach				
Street Address	**City/Town**	**State**	**ZIP Code**	
2124 Highway 38	Manchester	Iowa	52057	

NOTARY PUBLIC ACKNOWLEDGMENT

State of Iowa County of Delaware On this 2nd day of October A.D. 2008, before me Larry R. Hillers a Notary Public in and for said State of Iowa, personally appeared Randy Harbach and ---------- 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.

LARRY R. HILLERS
Commission Number 004824
My Commission Expires
April 7, 2011

Notary Public in and for said State
10-2-08

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 ☐ Recommend Denial ☐ None Required

Authorized City Official Signature (Handwritten)	Date
	11/5/08
City Official Name (Typed or Printed)	**For the City of**
City Clerk	Delaware

☒ 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 27th day of March A.D. 2009 by:

Authorized Highway Division Representative (Handwritten)	Title
	Access Policy Administrator
Authorized Highway Division Representative (Typed or Printed)	
Eric C. Wright	

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 an additional access location authorized to the property ownership. 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)

C. General *(continued fromprevious 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. 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 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 24 inches in diameter and _____ 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 entrance is allowed per Patent 4046 recorded in the Delaware County Courthouse in Book 126 Page 169. No other access will be allowed to the remaining property. The area maintenance garage will relocate the existing road sign that is within the proposed access location.

Form 640002
Rev. 6-99

Iowa Department of Transportation
Maintenance Division
ACCESS EXHIBIT

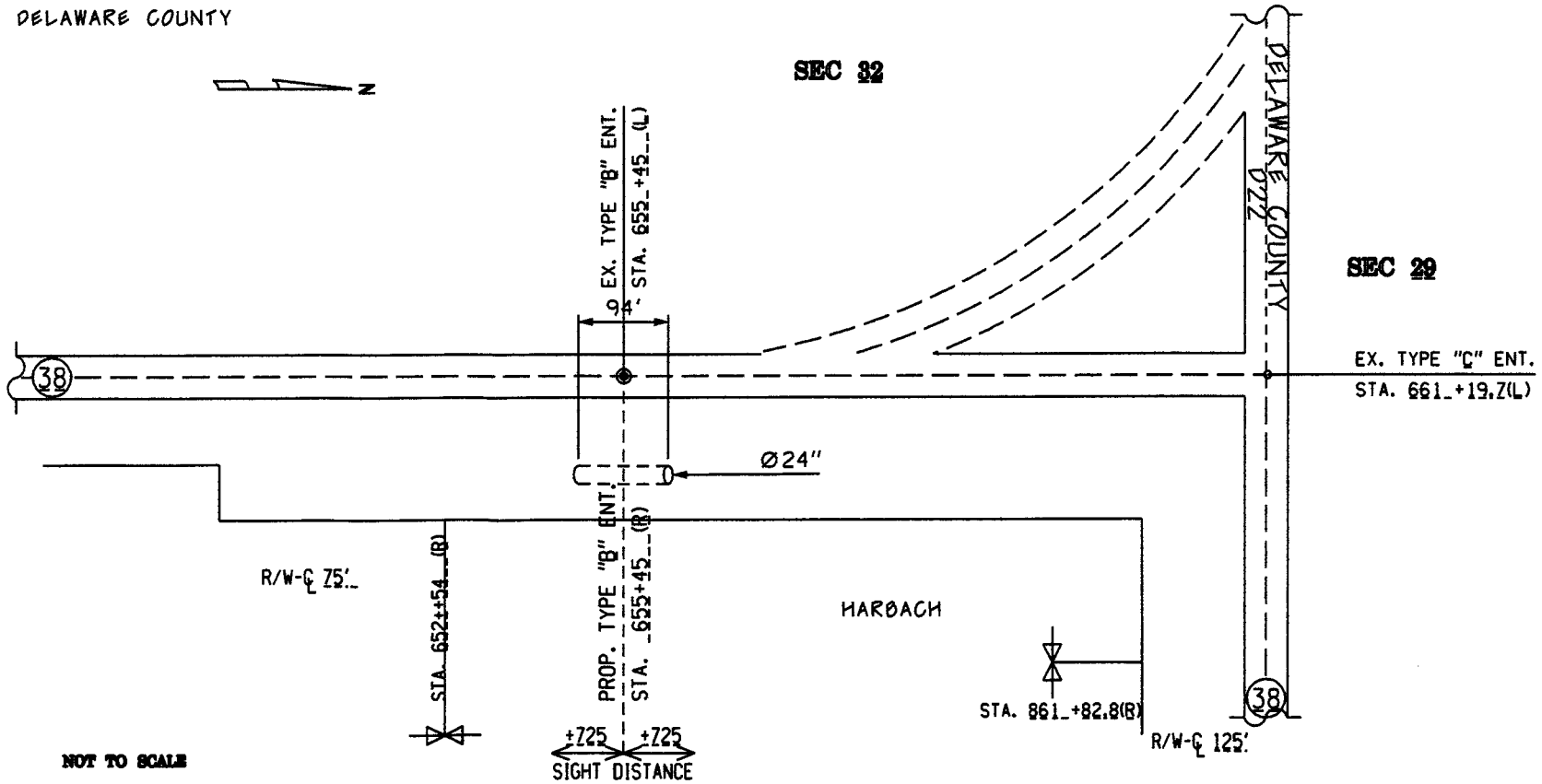
No.
County Delaware
Proj.No. FN-249

[X] 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. 38 , **Sec.** 32 , **T.** 89N , **R.** 4W , Delaware **County,**
Being 0.11 **Miles** South (Direction) **From** the intersection of Iowa 38 and Delaware , **More specifically described as:**
574.7 feet south of the intersection of Iowa 38 and D22; within the NE 1/4 NW 1/4 of Section 32 T89N R4W; right at Iowa 38 highway centerline station 655+45; within Delaware County, Iowa.



Applicant Randy Harbach **Telephone Number** 563.920.6219
Address 2124 Highway 38 **Date** August 14, 2007
Manchester, Iowa 52057

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.