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LISA SMITH, COUNTY RECORDER
MADISON IOWA

Iowa Department of Transportation
Form 640004 (08-05)
Highway Division | Ames, IA 50010

Entrance Permit

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

PO Box 280, Fairfield IA 52556

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

| | | | |
|--|---------------------------|--|-------------------|
| Permit Number <i>67-2007-001</i> | Highway Number Iowa-92 | County Madison | |
| DOT Project Number F-764 | | Expiration/Completion Date <i>4/15/2008</i> | |
| Authorized Highway Division Representative Dale O'Brien | | Phone Number (641) 774-2420 | |
| Street Address P O Box 733 | City/Town Chariton | State IA | ZIP Code 50049 |

Applicant Signature and Agreement

APPLICANT (OWNER OR OWNERS OF RECORD)

| | | | |
|---|--|------------------------|-------------------|
| Owner or Owners of Record <i>[Signature]</i> OLIVER BARDWELL | Phone Number 515 834-2212 | Date <i>4-01-06</i> | |
| Street Address PO Box 309, 12 ELLIFSON DR. | City/Town <i>[Signature]</i> Desoto | State IA | ZIP Code 50069 |

A permit is hereby requested to construct a Single (Type C) entrance being 26 feet in width, from right of way line to primary road traveled way, including necessary drainage structure thereunder at (MP# 113.77) and station 412+12, North side. The entrance shall be constructed with 20 ft. radius returns or 2:1 tapers as noted in the attached exhibits.

NOTICE: Construction of the entrance shall be completed within one year from date of Department approval. (If not constructed by this date or if an extension is not granted in writing by the Department, this permit is null and void.)

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

Proposed entrance is located on Primary Road No. 92, in Sec. 29, T. 76N, R. 26W in Madison County, 0.00 Miles In (direction) from Patterson

(city, county line or other land line) and more specifically described as follows:

Construction of a 26 foot Type "C" entrance on the north side of Iowa Highway-92 in Patterson to Accommodate a new housing development.

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 Station 411+03 (MP# 113.76) and Station 424+50 (MP# 114.01) on the North side and agree that we shall save the State and the 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 or if the entrance is not constructed within one year from date of Department approval as noted below, shall render this agreement and request null and void. The applicant, by signing this application, acknowledges he or she has read the requirements of the Department as stated on pages 2 and 3 of this application, understands and agrees with all of the stipulations and will abide by each in the construction and maintenance of the access location requested.

(Applicant Signature and Agreement continued on next page)

| | | | | | |
|--|--|--|---------------------------------------|-----------|----------|
| Applicant 1 Signature (Handwritten) <i>Oliver W Bardwell</i> | | | First Name, Middle Initial, Last Name | | Date |
| Oliver Bardwell | | | W | Bardwell | 12-01-06 |
| Street Address | | | City/Town | State | ZIP Code |
| 12 Gilson Drive PO Box 309 | | | De Soto | IA | 50069 |
| Applicant 2 Signature (Handwritten) | | | | | Date |
| | | | | | |
| First Name (Typed or Printed) | | | Middle Initial | Last Name | |
| | | | | | |
| Street Address | | | City/Town | State | ZIP Code |
| | | | | | |

NOTARY PUBLIC

NOTE: APPLICANT SHALL BE RESPONSIBLE FOR OBTAINING "ACKNOWLEDGMENT-NOTARIZATION"

State of Iowa County of Polk On this 1st
 day of DECEMBER A.D. 2006, before me SEAN A HUSEMAN a Notary Public
 in and for said State of Iowa, personally appeared OLIVER W BARDWELL
 and _____ to be known to be the person(s) named in and who execute the
 foregoing instrument, and acknowledge, that _____ executed the same
 as a voluntary act and deed.

Notary Public in and for said State _____
Sean A Huseman



CITY OR COUNTY ACTION REQUIRED

NOTE: Applicant shall be responsible for presenting this application to an authorized city representative when the request is located within the limits of a city or to county zoning official when located outside a city limit and the county has a zoning authority and for obtaining the governmental recommendation as noted below:

Recommend Approval Recommend Denial None Required

| | |
|---|-----------------|
| Authorized City Official Signature (Handwritten) <i>[Signature]</i> | Date |
| | 12-01-06 |
| City Official Name (Typed or Printed) | For the City of |
| ROLLIE E. ROBBINS III | PATTERSON |

Recommend Approval Recommend Denial None Required

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

AGREEMENTS

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

A. GENERAL

- 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.
- Stipulations and requirements contained herein are not intended to waive greater requirement of local zoning ordinances.
- 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.
- A copy of the approved application shall be available on the job site at all times for examination by Department officials.
- 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.
- 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.
- 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 be limited to the constructing of turn lanes and/or signalization.
- 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.

(Agreements continued on next page)

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. 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. Contact the Department's Representative as noted near the bottom of page 1, a minimum of 48 hours in advance of intention to start construction.

D. CONSTRUCTION AND MAINTENANCE

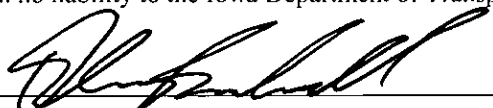
1. The construction of the entrance shall be completed by the 15TH day of APRIL, 2008.
2. Unless specifically noted in this application, all work performed within the right-of-way shall be restricted to a time frame of 30 minutes after sunrise to 30 minutes before sunset.
3. ~~The access, including drainage 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 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 _____ inches lower than the highway.
 - a. If required, the culvert pipe under the entrance shall be 24 inches in diameter and 44 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.
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 to prevent the tracking of dirt and mud onto the highway during construction. If such tracking 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:

Any and all damage, maintenance or drainage issues including that to the culvert shall be the responsibility of the property owner with no liability to the Iowa Department of Transportation, due to the paving of entrance.

Signature  Date 12/01/06

Disclosure Statement: The information 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 furnished is public information and copies may be provided to the public upon request.

FINAL ACTION AS TAKEN BY THE DEPARTMENT

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 15TH day of APRIL A.D. 2007 by:

| | |
|--|------------------------------------|
| Authorized Highway Division Representative (Handwritten) <u>Dale E. O'Brien</u> | Title Access/Utility Specialist |
| Authorized Highway Division Representative (Typed or Printed) Dale O'Brien | |

The Department will record all applications issued except those issued by the Priority VI System.

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

| | | | |
|--|--------------------------|-------------|--------------------------------|
| First Name Larry Pottridge or Gary Bowlin | Middle Initial | Last Name | Phone Number (641) 764-2755 |
| Street Address 795 Hwy-92 West | City/Town Martensdale | State IA | ZIP Code 50160 |

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.



Iowa Department of Transportation
Maintenance Division
ACCESS EXHIBIT

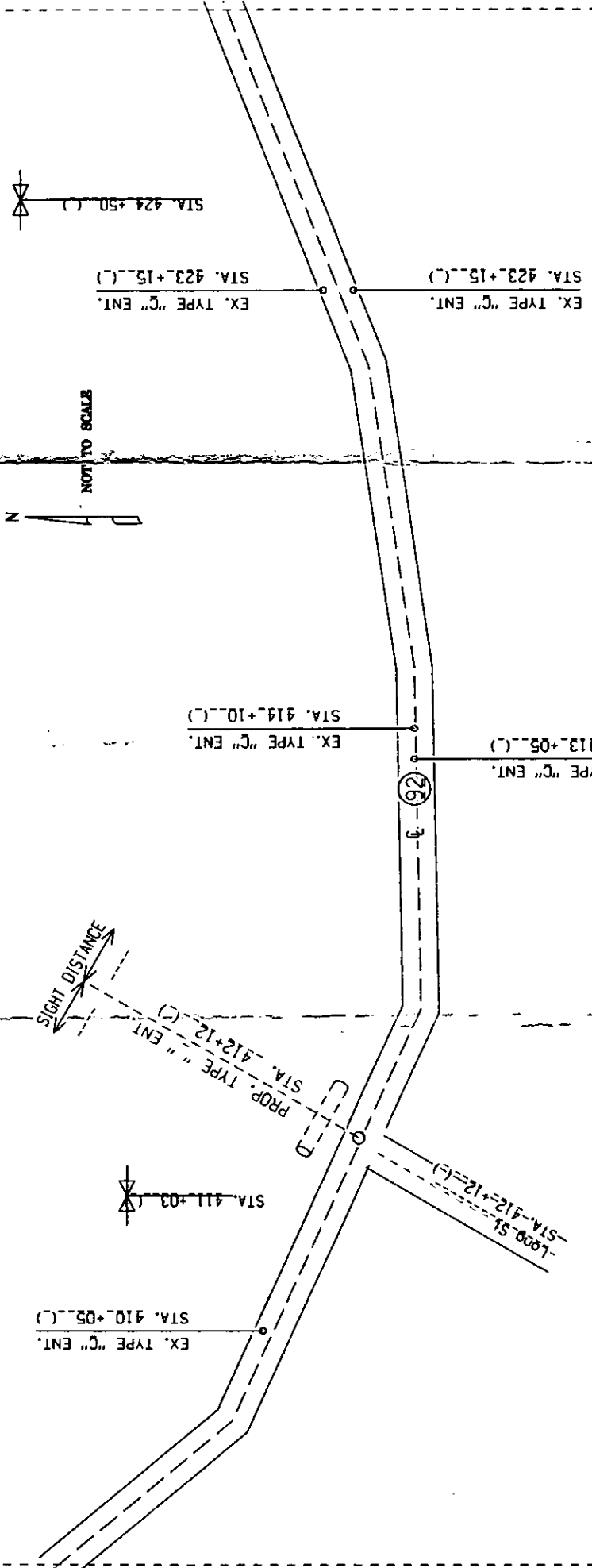
No. 61-20017-001
County Madison
Proj. No. P-764

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 840004

Location Description: Primary Road No. Iowa-92, Sec. 29, T. 76N, R. 26W, Madison County,
Being 0.00 Miles in direction From Patterson, More specifically described as:
Construction of a 26 foot Type "C" entrance for a new housing development on the north side of
Hwy-92 in Patterson



Applicant
Address

Telephone Number

Date November 7, 2006

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 in public information and copies may be provided to the public upon request.