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BOOK 45 PAGE 778

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MICHELLE OTSLER  
RECORDER  
MADISON ST 10824-1000A

Edward M. Fletcher 701 E. Taylor, Creston, IA 50801

Authorized Transportation Center Representative Address Telephone Number  
ENTER PREPARER'S NAME, ADDRESS AND TELEPHONE NUMBER ON BLANK LINES ABOVE. LEAVE REMAINING TOP PORT ON BLANK FOR COUNTY RECORDER'S USE.

Form 640004  
9-98



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 61-99-04  
County Madison  
Project FN-169-3(10)--21-61  
Highway Number U.S. 169

Applicant James C. Eller

(Owner or Owners of Record)

515-462-3174

(Telephone No.)

Address 2569 Clark Tower Road, Winterset, IA 50273

June 8

1999

(Date)

(Year)

A permit is hereby requested to construct a (  Joint or  Single ) (  Type A,  Type B or  Type C ) entrance being n/a meters  
(or feet) 24 in width, from right of way line to primary road traveled way, including necessary drainage structure thereunder at  
station 566+00, ( 66.30 MP# ) east side. The entrance shall be constructed with n/a meters  
(or 10 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 US 169 Sec 11 T 75N R 28W Madison  
County, 1.3 Miles south from the west Junction of Iowa 92 more specifically  
(Direction) ((Place, Town, or Object))

described as follows:  
Approximately 1620 feet south of the north section line of Section 11-75-28.

.....  
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 U.S. 169 between Station 561+20± MP# 66.21 and  
Station 569+00± MP# 66.35 on the east 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.

*James C. Eller* Winterset IA  
2569 Clark Tower Road  
Signature Address

Signature Address

James C. Eller  
Type or Print Name

Type or Print Name

ACKNOWLEDGEMENT

State of Iowa  
County of madison

On this 11<sup>th</sup> day of June A.D. 1999, before me Christine A. Hitchcock, a Notary Public in  
and for said State of Iowa, personally appeared James C. Eller and  
to be known to the person(s), named in and who execute the foregoing instrument, and acknowledge, that James C. Eller executed  
the same as a voluntary act and deed.

*Christine A. Hitchcock*  
Notary Public in and for said State  
My Commission Expires 2-10-01

Reviewed and Recommend following action:

APPROVE  DENY

APPROVE  DENY

Authorized City or Town Official

Date

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 13<sup>th</sup> day  
of July A.D. 1999

BY: *Edward M. Fletcher*  
Authorized Transportation Center Representative

Notice of the construction start date is to be given by the applicant 48 hours in advance of actual construction to the following:  
Gene Purdy, HMS2, Greenfield Maint. Garage Hwy 92 East, Greenfield, IA 50849 515-743-8324  
Name Address Telephone Number

To be recorded by State for applications on all Primary Highways except the Priority V11 System. On the Priority VI System, the applicant may record the approved  
application, if desired.

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, 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 31st day of December 1999  
(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. U.S. 169 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 n/a millimeters (or n/a inches) lower than the highway shoulder elevation.
  - a. If required, the culvert pipe under the entrance shall be n/a millimeters (or n/a inches) in diameter and n/a meters (or n/a 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 1 0:1 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.

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