COMPARED

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BOOK 111 PAGE 309
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MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA
no fee

IND. ✓
REC. ✓
PAGE ✓

# AGREEMENT

THIS AGREEMENT made and entered into by and between Madison County, Iowa, and the City of Earlham, Iowa.

IT IS AGREED as follows:

1. Madison County agrees to assume a portion of the cost of paving the east-west street located in the city limits of the City of Earlham, known as "County Road", which street is an urban extension of County Highway G-14. The portion of said street which Madison County agrees to assume a portion of the cost of paving, shall be that portion of said street which runs from the west line of the city limits of Earlham to the east line of Walnut Street, said paving to include the intersection of "County Road" and Walnut Street. Madison County agrees to pay for any necessary finish grading directly connected with said paving of that portion of said street to be paved by the county.

2. Such pavement shall be constructed to Iowa Highway Commission Standard Specifications in accordance with plans prepared and furnished by the City of Earlham, with approval of the County Engineer. Such plans shall be furnished at no cost to Madison County. Madison County shall assume construction costs for the equivalent lineal feet of rural pavement constructed within the corporate limits of Earlham. Such cost participation shall be based on the rural pavement width and unit costs as indicated on the project contract.

3. The City of Earlham hereby consents to the construction of said paving as set forth in this agreement. The City of Earlham will take such legal steps or proceedings as are now or hereafter required:

a. to legally establish the grade lines of the street in accordance with and as shown by the project plans and to cause any damage occurring therefrom to be determined and paid pursuant to Iowa Code Section 389.22 of the 1973 Code of Iowa;

b. to take such steps as may be necessary to secure the consent to the removal of any trees that may interfere with the construction of the project;

c. to remove existing and prevent future encroachments and obstructions upon the street covered by said project;

d. to remove or cause to be removed without expense to the County, all water hydrants, curb boxes, cables, poles and other facilities or obstructions which may interfere with the construction of the project;

e. to make all necessary connections from sewer, water, and gas lines or mains to the edge of the pavement for the purpose of private services from these utilities; and

f. to acquire the necessary right of way for said project by purchase or condemnation.

4. Since this project may be partly financed with Federal Aid Funds, the grant of which requires that the Iowa Highway Commission and the County comply with federal laws and regulations with respect thereto, the City of Earlham agrees to take such action as may be necessary to comply with such federal laws and regulations.

5. The City of Earlham agrees that within the limits of the proposed paving where the City or utility companies may be digging ditches prior to the proposed surfacing, the city will require that all backfilling and compaction of ditches shall be made in accordance with the current Standard Specifications of the Iowa State Highway Commission. The work to be subject to the approval of the County Engineer.

6. The City of Earlham will, by ordinance, prohibit or restrict diagonal parking throughout the project.

7. Upon completion of the project, the City of Earlham agrees that:

a. any changes in the physical features of the project will be authorized only after approval has been secured from the County Engineer; and

b. the City of Earlham will furnish and erect all signing in accord with the Manual on Uniform Traffic Control Devices for Iowa Streets and Highways.

8. Madison County agrees to perform construction inspection for that portion of the work being paid for by Madison County. Madison County agrees to assist the City of Earlham construction inspector with that portion of the project between the west line of the city limits of the City of Earlham and the east line of Walnut Street. Inspection of the project lying between the east line of Walnut Street and the west line of the pavement on State Highway #232 shall be the sole responsibility of the City of Earlham.

9. At the time said paving is being constructed, the City of Earlham agrees to pave that portion of "County Road" from the east line of Walnut Street to the west line of the pavement on State Highway #232, at city expense, subject to the following limitations:

a. that the city of Earlham can legally finance said project in accordance with the Statutes of the State of Iowa;

b. that the City of Earlham can legally fulfill all statutory requirements of the State of Iowa and the United States of America; and

c. that the City of Earlham shall have the option to pave said segment above described prior to the time Madison County shall perform the work heretofore set forth.

Necessary approvals for connection to State Highway #232 shall be obtained from Iowa State Highway Commission by the City of Earlham.

Dated this 4 day of Nov, 1974.

MADISON COUNTY, IOWA

By John A. Mahan

By O.C. Willcox

By H.W. Callison

CITY OF EARLHAM, IOWA

By Neil Schaeffer
Mayor

ATTEST:

Carolyn Treadway
City Clerk