I further state that I am well and fully acquainted with the real estate above described and with all buildings and improvements located thereon. That the building referred to in the agreement dated January 20, 1947, and recorded on January 28, 1947, in Miscellaneous Record 24 at Page 537 in the office of the Madison County, Iowa, Recorder, was not located on the real estate above described.

Leo C. Hamand
Leo C. Hamand

Subscribed and sworn to before me by the said Leo C. Hamand on this 11 day of October, A. D. 1961.

NOTARIAL SEAL

C. R. Bentz Notary Public
in and for Madison County, Iowa.

George Howard et al
To
Iowa State Highway Comm.

#3919

Fee $3.50 V35

Filed for record the 17 day of October A. D. 1961 at 2:45 o'clock P. M.
Mary E. Welty, Recorder
Permit Number 6173 Madison County
Project P-764

IOWA STATE HIGHWAY COMMISSION
APPLICATION FOR PERMIT TO CONSTRUCT ENTRANCE FROM PRIVATE PROPERTY
TO PRIMARY ROAD OR PRIMARY ROAD EXTENSION

Applicant George Howard and Evelyn L. Howard Address Winterset, Ia. Sept. 6, 1961 (Date)

Iowa State Highway Commission
Ames, Iowa

Gentlemen: A permit is hereby requested to construct a Residential entrance 24 feet in width, from right of way line to primary road traveled way, including necessary drainage structure thereunder. The use or purpose of the entrance cannot be changed without prior approval of the Highway Commission.

PLAT OF ENTRANCE AS PROPOSED TO BE CONSTRUCTED IS ATTACHED TO AND IS A PART OF THIS APPLICATION, Marked Exhibit "A".

Proposed entrance is located on Primary Road No. 92, Sec. 33, T 76N, R 27 W, Madison County, 2.4 Miles east from Winterset more specifically described as follows: South side road, Station 158+50 1286 feet west of NE Cor. Sec. 33-76-27

The applicant agrees that if granted a permit to construct the above described entrance the following stipulations shall govern.

1. That the proposed entrance, including drainage structure, grading and surfacing, shall be constructed by the applicant at the applicant's expense, in accordance with the plat attached hereto, and in conformity with the standard specifications of the Iowa State Highway Commission, and shall thereafter be kept in repair and maintained by the applicant at his own expense. Nothing in this stipulation, however, shall preclude the Iowa State Highway Commission from entering upon said entrance on highway right of way and performing necessary maintenance for the protection of the highway.

2. That the construction of the proposed entrance shall be completed by the 1st day of Nov. 1961. (The permit is null and void if drive is not completed by above date unless extention of time is granted in writing by the Iowa State Highway Commission)

3. That the construction, future repair or maintenance of said entrance shall be carried on in such a way as to not interfere with, or interrupt traffic on said highway, and the applicant shall take all reasonable precautions to protect and safeguard the lives and property of any person or persons, and shall save the State and State Highway Commission harmless of any damage or losses that may be sustained by any person on account of such construction, repair or maintenance operations.

4. That the applicant shall reserve a strip of land 60 feet wide adjacent and parallel to the south right of way line of primary road No. 92 for the full width of the applicant's property, from sta 158+23 to Sta 160+25 to be used as a frontage road right of way for the applicant's property and any property development east or west of the applicant's property. This reservation shall not constitute an easement.

5. That there shall be a distance of 77 feet between the centerline of primary road

No. 92 and the north or near edge of the frontage road.

6. That all buildings, pumps, or other structures shall be built or placed twelve feet or more from the far right of way line of the frontage road, or 122 feet or more south of the centerline of the primary road or primary road extension.

7. That if the frontage road is constructed east or west and other access to primary road No. 92 provided, the entrance directly onto primary road No. 92 at Station 158+50, Project P-764, shall be discontinued and removed by the applicant, or his successor, on written notice from the Iowa State Highway Commission and the applicants right of access at said point will be limited to the frontage road.

8. That no filling will be permited in the right of way of primary road No. 92 other than that necessary to construct the entrance at Station 158+50 Project P-764.

9. That the culvert pipe under the entrance shall be zinc coated corrugated metal or 1500D concrete pipe. It shall be 15 inches in diameter and 30 feet in length as shown on attached sketch, and of quality complying with Sec. 4121 and Sec. 4124 of the Iowa State Highway Commission Standard Specifications, Series of 1956. The pipe shall be installed at the elevation specified by the engineer.

The finished surface elevation of the driveway over the pipe, or place where pipe would normally be, shall be 6 inches lower than shoulder elevation at station 158+50 to prevent water draining onto the pavement or travel way.

10. That the applicant agrees to give the State Highway Commission forty-eight hours notice of his intention to start construction on the highway right of way.. Said notice shall be made in writing to the person whose name is shown below.

Notice of date construction is to start shall be sent by applicant to
Ralph D. Cornick, Res. Maint. Engr. Creston, Iowa.

11. That this permit is subject to any laws now in effect, or any laws which may be hereafter enacted.

12. That this permit is subject to all the rules and regulations of the State Highway Commission, and to revocation by the State Highway Commission at any time, when in the judgment of the Commission it is necessary in the improvement or maintenance of the highway or for other reasonable cause.

13. That all provisions herein relating to future repair or maintenance shall be binding on all successors or assigns of the applicant. 14. -

Signed George Howard
Owner or Owners of Record George Howard
Evelyn L. Howard
owners Evelyn L. Howard
Winterset, Iowa Address

ACKNOWLEDGMENT

STATE OF IOWA Union County) ss.

On this 11 day of Sept A. D. 1961, before me Mamie L. Reed, a Notary Public in and for said Union County, State of Iowa, personally appeared Geo. Howard and Evelyn L. Howard, to me known to be the persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

(Notarial Seal)

Mamie L. Reed Notary Public in and for said County. Mamie L. Reed

Recommended for Approval

9/11/61 R. D. Cornick
R. D. Cornick Division Engineer

9-12-61 I. J. Anderson
Asst District Engineer

Permit granted Sept 26 1961

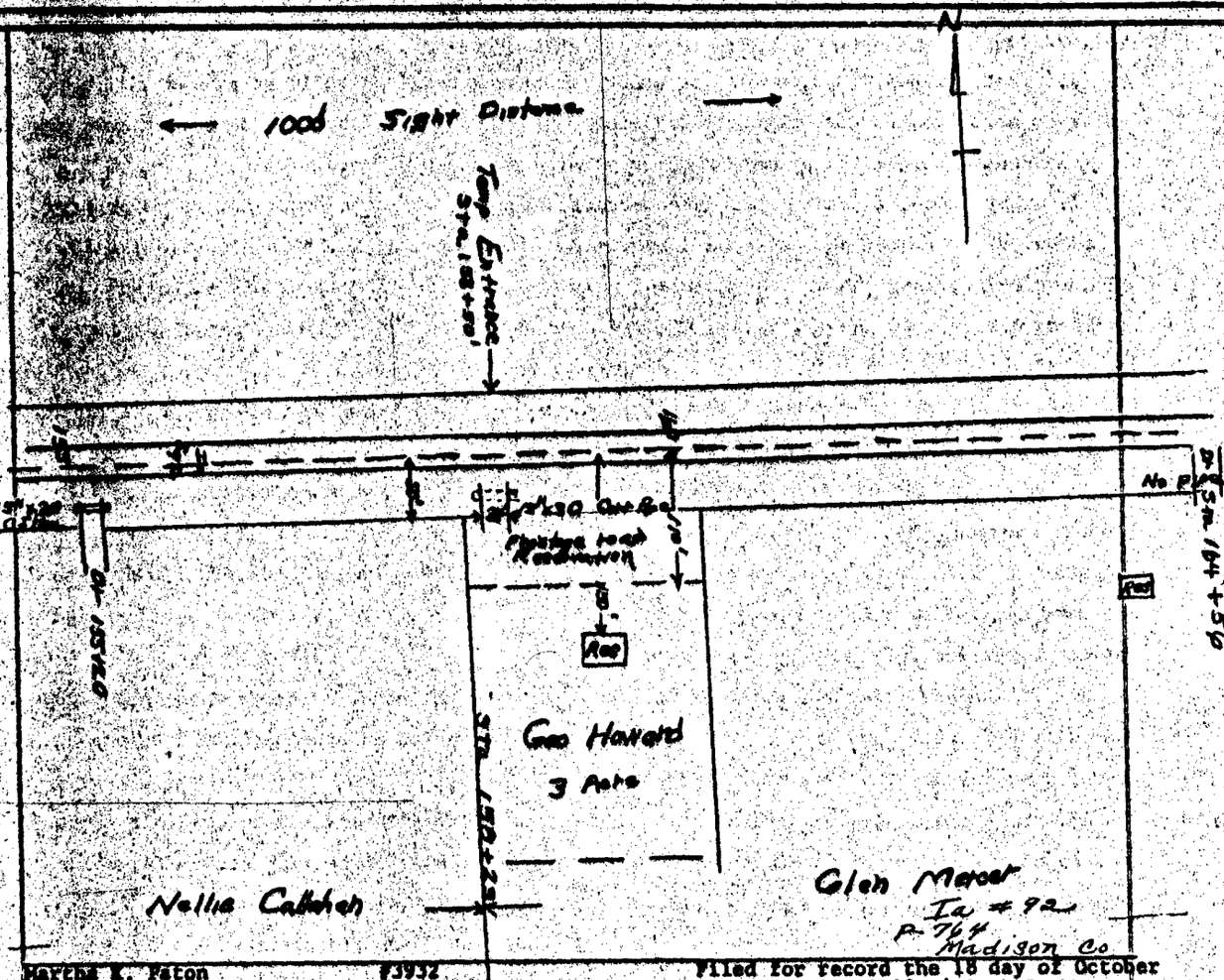
IOWA STATE HIGHWAY COMMISSION

By Edward J. O'Connor
Edward J. O'Connor Maintenance Permit Engineer

COMPARED

(For plat see next page)

Miscellaneous Record, No. 27, Madison County, Iowa



Martha K. Paton
To
The Public

#3932
Fee $1.50

Filed for record the 18 day of October A. D. 1961 at 2:03 o'clock P. M.
Mary E. Welty, Recorder
Shirley G. Henry, Deputy

AFFIDAVIT

STATE OF IOWA MADISON COUNTY) SS

I, Martha K. Paton, being first duly sworn, on oath depose and state that I am well and personally acquainted with the following described real estate, to-wit:

Commencing at the Northwest corner of the East 21.12 acres of the Northwest Fractional Quarter of the Northwest Quarter of Section 1, in Township 75 North, Range 28, West of the 5th P. M., Madison County, Iowa, and at a point on the center line of Highway No. 92, running thence South 17.77 rods, thence East 9 rods, thence North 17.77 rods, thence West 9 rods to the place of beginning.

Commencing at a point 145 feet North of the Southeast corner of the Southeast Quarter of the Southwest Quarter of Section 36 in Township 76 North, Range 28, West of the Fifth P. M., Madison County, Iowa, and running thence West 152 feet, thence North 86 feet, thence East 152 feet, thence South 86 feet to the place of beginning.

and with the ownership and occupancy thereof. That I know of my own personal knowledge that Ivan W. Hart and Ivan Hart, referred to in the chain of title to said real estate, are one and the same identical person. That I further know of my own personal knowledge that Maxine Hart and Z. Maxine Hart, referred to in the chain of title to said real estate, are one and the same identical person.

I further state that I make this affidavit merely for the purpose of setting out the true facts as above stated.

Martha K. Paton
Martha K. Paton

Subscribed and sworn to before me by the said Martha K. Paton this 18 day of October 1961.

(NOTARIAL SEAL) Gordon K. Darling

CERTIFICATE OF RECORD

I, Mary E. Welty, Recorder of Madison County, Iowa, do hereby certify that the foregoing