

D.O.V. # _____
MTG. _____
REF. PCDW/BLK/A

2002 AUG 29 A 11:47

CAROL HOL. RECORDER
DALLAS COUNTY, IOWA 150/100

Edward M. Fletcher # of PAGES (3) 701 East Taylor Creston, IA 50801 (641) 782-4310
Authorized Highway Division Representative Address Telephone Number

ENTER PREPARER'S NAME ADDRESS AND TELEPHONE NUMBER ON BLANK LINES ABOVE. LEAVE REMAINING TOP PORTION BLANK FOR COUNTY RECORDERS USE.

Form 810123
3-00



Bill \$16.00 Acct #44
Iowa Department of Transportation
HIGHWAY DIVISION

Permit No. 25-2002-9
Parcel No. 103 & 109
Highway No. U.S. 6
County Dallas
Project No. STP-6-3(53)--2C-25
Access Priority Rating Priority III

Agreement for Revision of Access

(Use when upgrading or relocating existing access previously reserved)

This Agreement, made and entered into by and between Glen-Mar, LLP and (515) 265-7361
(Type name) (Telephone No.)
James A. McNabb, Revocable Trust
(Address of Owner) July 10 2002 (Date)

the present owner(s) of land adjacent to the above referenced highway, (hereafter 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 Sec. (or lot) NW 1/4 of Sec. (or Blk.) 35 and parts of 1/4 Sec. (or lot) _____ of Sec. (or Blk.) _____ in Twp. 79 N. Rge. 26 W. or (Sub Div.) (in the City of) Waukee, Iowa, County of Dallas, 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.) 844, Page 601, (Instrument No.) _____ in the Office of the Dallas County Recorder. Book 1989 Page 6412

B. Requested Access Revision (Use when upgrading or relocating existing access previously reserved)

The said Owners now desire to change the width of the Joint Type "B" entrance (right of access) reserved at 123.85 (Milepost #) or 150+87.9 (station) south (side) to a Type A, Type B, or Type C entrance (right of access) at 123.85 (Milepost #) or 150+87.9 (station) south (side) of Primary Highway substituting the later for the former. The new entrance will be constructed 31 (ft.) in width with 50 (ft.) radius returns or 2:1 tapers as noted in the attached exhibits.

APPLICANT'S SIGNATURE

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 123.75 (Milepost #) or 149+35.5+/- (station) and 123.98 (Milepost #) or 153+0.87+/- (station) on the south side and agree that we shall save the State and 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.**

Signature Marvin Perry Address P.O. Box A Des Moines IA 50316
Signature James A. McNabb Address 4400 73rd St. Urbandale, IA 50322
Type or Print Name Marvin Perry Type or Print Name James A. McNabb Revocable Trust
Type or Print Name See Exhibit A

NOTARY PUBLIC

ACKNOWLEDGEMENT:
State of Iowa County of Polk
On this 12th day of July, A.D. 2002, before me a Notary Public in and for said State of Iowa, personally appearing Marvin Perry and James A. McNabb to be known to be the person(s), named in and who execute the foregoing instrument and acknowledge that she executed the same as a voluntary act and deed.
GLENDA R. HOLLAND
Notarial Seal - Iowa
Commission # 208307
My Commission Expires 8/26/03
Notary Public in and for said State

If desired location is with 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 Recommend Approval Recommend Denial
Authorized City Official Signature Mark J. Arentsen Date 7/12, 2002
Authorized County Official Signature _____ Date 20
(Type or Print Name) (Type or Print Name)

APPLICANT RESPONSIBLE FOR FILLING THIS SECTION OF APPLICATION. ASSISTANCE FROM DEPARTMENT AVAILABLE UPON REQUEST.

PLEASE SEE PAGE 2 FOR ADDITIONAL DETAILS

DEPARTMENT ACTION

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 on this 20th day of AUGUST, A.D., 2002

BY: David Widick DAVID WIDICK
Director of Highway Division or Authorized Designee (Type or Print Name)

BOOK 2002
PAGE 12061
OF 3

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 substituted for and in lieu of the entrance (*right of access*) formerly reserved. *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 acknowledgement 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.
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 or 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.

Pete Wonders	3354 Overton Circle Adel, IA 50003	(515) 834-2368
Name	Address	Telephone Number

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 filing will be permitted in the right of way of primary road No. U.S. 6 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 where the pipe would normally be placed shall be N/A inches lower than the highway shoulder elevation.
 - a. If required, the culvert pipe under the entrance shall be N/A inches in diameter and 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 Standard and Specifications, Series 1997, 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 or 6 to 9 inches from the street gutter at the entrance to a point 6 feet) behind the gutter. This will prevent runoff 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 permit includes the removal and reconstruction of existing median. Constructing of a left turn lane for westbound traffic (150' turn bay with 120' (15:1) taper) and grading and construction of a storm sewer on the east side of this access.

BOOK 2002
PAGE 12061
2 OF 3

NOTARY PUBLIC

ACKNOWLEDGEMENT:

State of Iowa County of Polk
 On this 30th day of July A.D. 2002 before me a Notary Public in and for said State of Iowa,
 personally appeared James McHagg and Cindy Sierzant to be known to be the person(s), named in and who
 executed the foregoing instrument, and acknowledge, that James McHagg executed the same as a voluntary act and deed.



Notary Public in and for said State

BOOK 2002
 PAGE 12061
3 OF 3