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Polk County Iowa
TIMOTHY J. BRIEN RECORDER
File# 2006-00017798

BK 11233 PG 757-762



Iowa Department of Transportation
Form 810123 (05-05)
Highway Division | Ames, IA 50010

Agreement for Revision of Access

(Use when upgrading or relocating existing access previously reserved)

FOR DEPARTMENT USE ONLY (AUTHORIZED HIGHWAY DIVISION REPRESENTATIVE)

Permit Number 77-2005-013	Parcel Number	Highway Number IA 415
County Polk	Project Number F-415-1(11)--20-77	Access Priority Rating 3
Requester Name Linda	Middle Initial	Last Name Castillo
		Phone Number (515) 986-5729
Street Address 2300 SE 17th Street	City/Town Grimes	State IA
		Zip Code 50111

RETURN

THIS AGREEMENT, MADE AND ENTERED BY AND BETWEEN

Owner or Owners of Record Tradition, L.C.	Phone Number (515) 273-9500
Street Address 6600 Westown Parkway, Suite 200	City/Town West Des Moines
	State IA
	ZIP Code 50266

the present owner(s) of land adjacent to the above referenced highway, (hereinafter 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 Sec. (or lot) NE 1/4 of Sec. (or block) 34 and parts of Sec. (or lot) NW 1/4 of Sec. (or Blk.) 35 in Twp. 80, Rge. 24, or (Sub Div.) (in the City of) Ankeny, County of Iowa, 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.) 4938 Page 985 (Instrument No.) -- in the Office of the Polk County Recorder.

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

The said Owners now desire to change the type _____ of the type C entrance (right of access) reserved at 4.99+ (Milepost#) or 662+50 (station) east _____ (side) to a Type A entrance (right of access) at 4.99+ (Milepost#) or 662+50 (station) east _____ (side) of Primary Highway substituting the latter for the former. The new entrance will be constructed 37 (ft.) in width with 35 (ft.) radius returns or 2:1 tapers as noted in the attached exhibits.

Applicant Signature and Agreement

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 4.78+ (Milepost #) or 651+50 (station) and 5.20+ (Milepost #) or 673+58 (station) on the east side and agree that we shall save the State and the 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.

Applicant Name (First, M.I., Last-Print or Type) Bill Spencer	Applicant Signature (Handwritten) 	Date 6/8/05
Street Address 6600 Westown Parkway, Suite 200	City/Town West Des Moines, IA	State IA
		ZIP Code 50266
Applicant Name (First, M.I., Last-Print or Type)	Applicant Signature (Handwritten)	Date
Street Address	City/Town	State
		ZIP Code

NOTARY PUBLIC ACKNOWLEDGMENT

State of Iowa County of Polk On this 8th
 day of June A.D. 2005, before me Alicia Eickstaedt a Notary Public
 in and for said State of Iowa, personally appeared Bill Spencer
 and _____ to be known to be the person(s) named in and who execute the
 foregoing instrument, and acknowledge, that Bill Spencer executed the same
 as a voluntary act and deed.

Notary Public in and for said State <u>Alicia D. Eickstaedt</u>	
--	--

CITY OR COUNTY ACTION REQUIRED

If desired location is within 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 Do Not Recommend Approval

Authorized City Official Signature (Handwritten) <u>John G. Belzung</u>	Date <u>6/17/05</u>
City Official Name (Typed or Printed) <u>John L. Belzung</u>	For the City of <u>Ankeny</u>

Recommend Approval Recommend Denial

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

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 9TH day of AUGUST A.D. 2005 by:

Authorized Highway Division Representative (Handwritten) <u>David Widick</u>	Title <u>ACCESS POLICY ADMINISTRATOR</u>
Authorized Highway Division Representative (Typed or Printed) <u>DAVID WIDICK</u>	

C. General

- 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.
- 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.
- 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 line of the primary highway to the right-of-way line.
 - 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.
 - 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.
- 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 Department standards. These may include, but would not necessarily be limited to, the constructing of turn lanes and/or signalization.
- 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

- 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.
- 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.
 - 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.

(Agreements continued on next page)

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:

First Name		Last Name		Phone Number	
Ed		Mahoney		(515)	265-1614
Street Address			City/Town	State	ZIP Code
1530 NE 53rd Avenue			Des Moines	IA	50313

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 filling will be permitted in the right-of-way primary road No 415 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 whether the pipe would normally be placed shall be _____ inches lower than the highway shoulder elevation.
 - a. If required, the culvert pipe under the entrance shall be _____ inches in diameter and _____ 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.

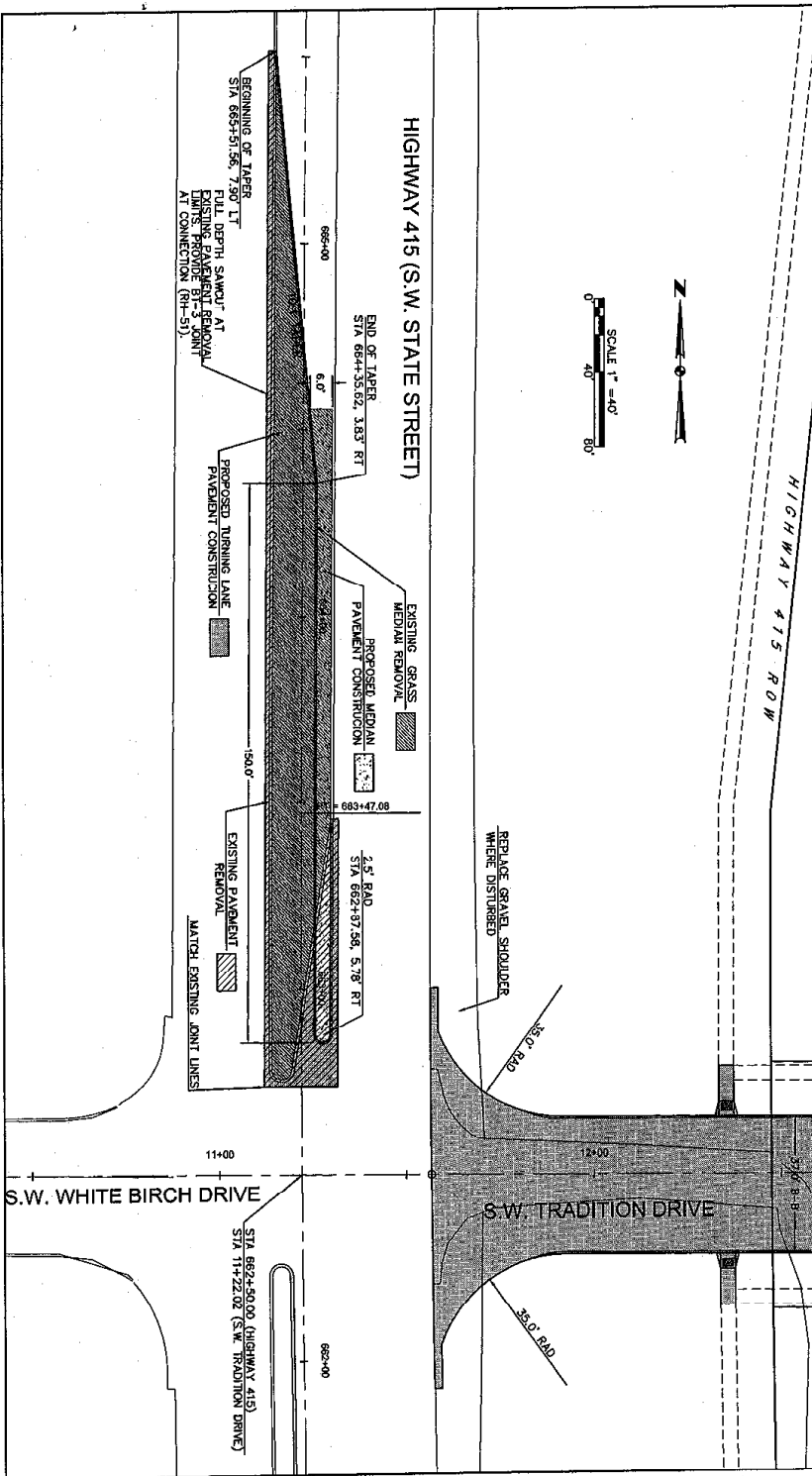
In an urban-designed area, where drainage is carried along an existing curb, the entrance shall be constructed with a rise in elevation of 6 to 9 inches from the street gutter at the entrance to a point 6 feet behind the gutter. This will prevent run-off from spilling onto private property.
7. Side slope 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.

<p>G. Special Requirements or Additional Stipulations</p> <p>The following special requirements or additional stipulations shall apply to this permit:</p> <p style="text-align: center;">Standard Road Plans RS-62 and RS-63A, as applicable, shall be used for traffic control with adjustments as necessary for field conditions.</p>

IOWA DEPARTMENT OF TRANSPORTATION ACCESS EXHIBIT

REVISION OF ACCESS
ACCESS ACQUIRED

APPLICATION DESCRIPTION: PRIMARY ROAD NO. 415, SEC. 34, TWP. 80N, RGE. 24W, POLK COUNTY, IOWA, BEING 1.65 MILES EAST FROM THE WEST CORPORATE LINE OF THE CITY OF ANKENY, MORE SPECIFICALLY DESCRIBED AS: CONSTRUCTION OF 37' WIDE PAVED PUBLIC STREET ENTRANCE TO REPLACE EXISTING GRAVEL ENTRANCE. RECONSTRUCTION OF THE MEDIAN TO PROVIDE A SOUTH BOUND LEFT TURN LANE.



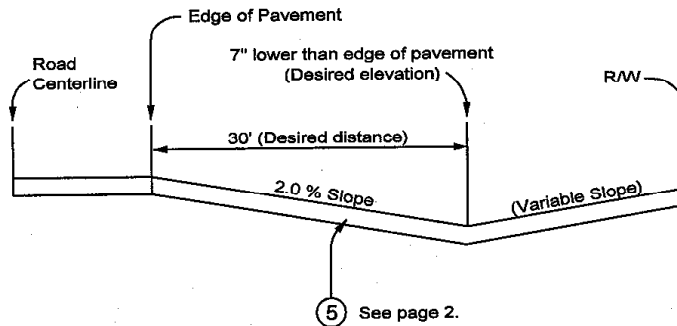
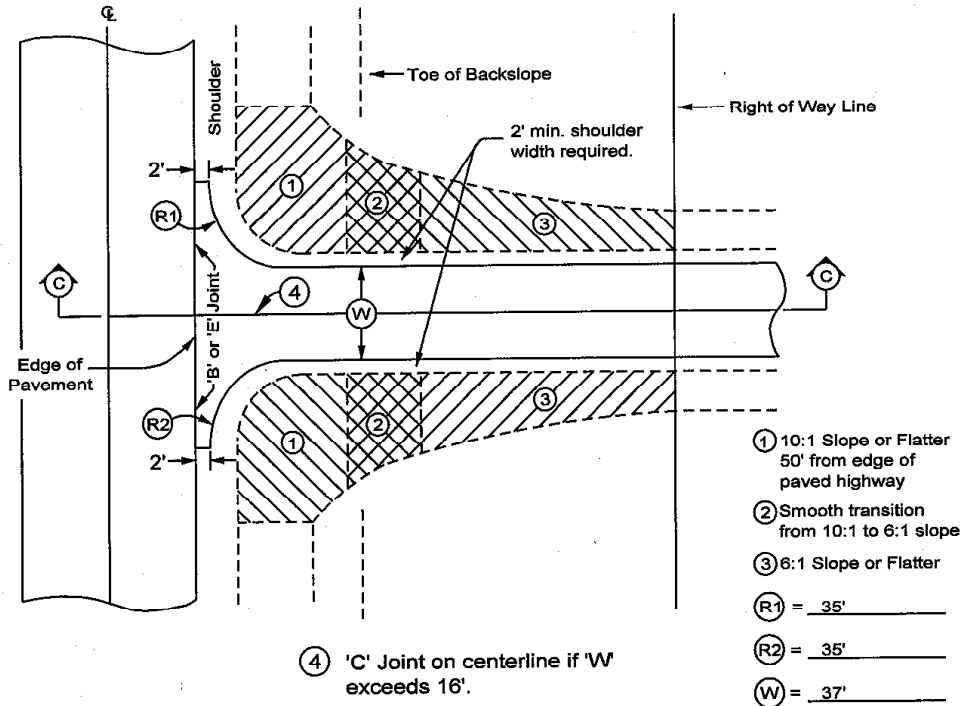
APPLICANT
TRADITION, L.C.
6600 WESTOWN PKWY STE 200
WEST DES MOINES, IA 50266

TYPICAL ACCESS DETAIL

Page 1 of 2

RURAL DESIGNED AREA
PAVED ENTRANCE
NO DRAINAGE STRUCTURE

77-2005-013
Permit No. _____



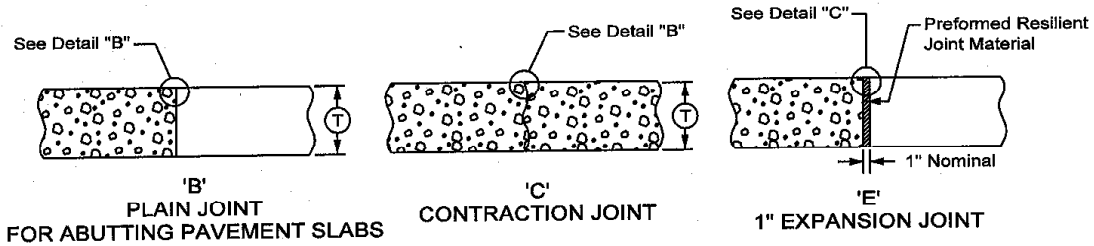
SECTION C - C

TYPICAL ACCESS DETAIL

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RURAL DESIGNED AREA
PAVED ENTRANCE
NO DRAINAGE STRUCTURE

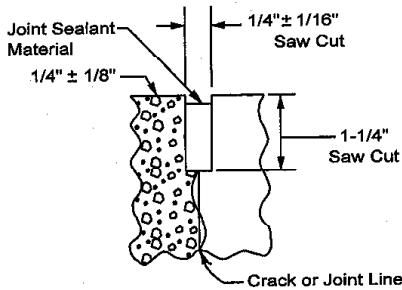
77-2005-013
Permit No. _____



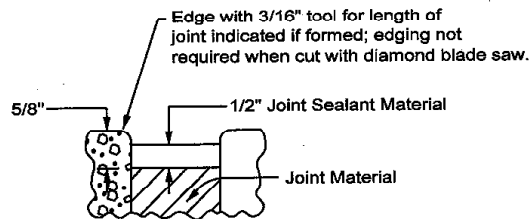
'B'
PLAIN JOINT
FOR ABUTTING PAVEMENT SLABS

'C'
CONTRACTION JOINT

'E'
1" EXPANSION JOINT



DETAIL "B"
HOT POUR SEALANT



DETAIL "C"

- ⑤ ENTRANCE PAVING CRITERIA: (MIX REQUIREMENTS)
 PCC PAVEMENT = CLASS "C"
 ACC PAVEMENT = TYPE "B" BASE,
 CLASS 1 WITH 2" SURFACE MIX ON
 ITEMS #2 AND #3 AS LISTED BELOW.

Total thickness of pavement mix shall be determined by the the Department's Engineering Staff based on usage of the entrance by trucks or larger equipment. The recommended thickness is based on the Average Daily Traffic as follows:

- 1) Less than 100 ADT = 6" of PCC or 7" of ACC
- 2) More than 101 but less than 300 ADT = 8" of PCC or 10" of ACC
- 3) In excess of 301 ADT = 10" of PCC or 12" of ACC (should use 75% blow mix).

As a minimum, the entrance shall be paved the full thickness of the existing highway and may transition to 6" PCC or 7" ACC thickness, 10 ft. back from edge of existing highway pavement. Pavement shall remain at that thickness to a point 30 ft. from edge of existing highway pavement. The balance of the entrance lying within the highway right of way limits shall be no less than 4" in thickness but may be required to be thicker depending on usage.