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Polk County Iowa
JULIE M. HAGGERTY RECORDER
File# 2012-00026835
BK 14006 PG 603-612



Iowa Department of Transportation
Form 840004 (10-08)
Highway Division | Ames, IA 50010

Access Connection/Entrance Permit

(Application for Permit to Construct Entrance from Private Property to
Primary Road or Primary Road Extension)

FOR DEPARTMENT USE ONLY (PREPARED BY AND RETURNED TO AUTHORIZED HIGHWAY DIVISION REPRESENTATIVE)

Permit Number 77-2011-004	Highway (check US or IA) (number) (Indicate route direction) <input type="checkbox"/> US <input type="checkbox"/> IA 28	County Polk
DOT Project Number		Expiration Date 08/11/12
Authorized Highway Division Representative (Typed or Printed) Deanna Smyth-Peters		Phone Number 515-986-5460
Street Address 2300 SE 17th St	City/Town Grimes	State Ia
		ZIP Code 50311

NOTICE: Construction of the entrance shall be completed within one year from date of Department approval. (If not constructed by this date or if an extension is not granted in writing by the Department, this permit is null and void.)

Check forms that are attached as part of the permit: ☐ 640010 ☐ 640011 ☐ 640012 ☐ 640013
☐ 640014 ☐ 640015 ☐ 640016

1/4 Sec. SW	Sec. 19	Twn. 79	Range 24	Milepost 20.94	Station Location 103+16.63
Access Use (Joint or Single) JOINT	Access Type (A, B or C) B	Access Width 25	Access Side (Indicate direction) (side) <input type="checkbox"/> N <input type="checkbox"/> S <input checked="" type="checkbox"/> E <input type="checkbox"/> W <input type="checkbox"/> LT <input checked="" type="checkbox"/> RT		
Special Location Description 316.63' NORTH OF THE SW COR. SEC. 19, 79, 24 ON HIGHWAY 28					
Special Requirements/Stipulations Close existing entrances @ Sta. 101+00 + 101+94					

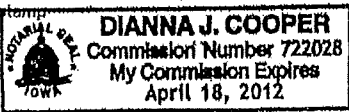
APPLICANT (OWNER OR OWNERS OF RECORD) (Typed or Printed) 3801 LLC				Phone Number 515-820-8204
Street Address 3839 MERLE HAY ROAD		City/Town Des Moines	State IA	ZIP Code 50305
JOINT APPLICANT (JOINT OWNER OR OWNERS OF RECORDS) (Typed or Printed) SAME				Phone Number
Street Address		City/Town	State	ZIP Code

48 HOUR NOTICE (REQUIRED)			
Notice of the construction start date is to be given by the applicant 48 hours in advance of actual construction to the following DOT personnel:			
DOT Contact Person (Typed or Printed) Eric Lack		Title DSM North Maintenance Supervisor	Phone Number 515-261-9514
Street Address 1530 NE 53rd Ave.		City/Town Des Moines	State Ia
			ZIP Code 50313

Access Connection/Entrance Permit (cont'd)

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 Station 100+00 (MP# 20.88) and Station 103+10 (MP# 20.94) on the EAST side and agree that we shall save the State and the 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 or if the entrance is not constructed within one year from date of Department approval as noted below, shall render this agreement and request null and void. The applicant, by signing this application, acknowledges he or she has read the requirements of the Department as stated on pages 1 and 2 of this application, understands and agrees with all of the stipulations and will abide by each in the construction and maintenance of the access location requested.

SIGNATURES

APPLICANT		
First Name (Type or Printed) <u>Rich</u>	Middle Initial <u>AS</u>	Last Name <u>ETCHAMBER Burton</u>
Signature <u>AL AS</u>		Date <u>6/14/11</u>
JOINT APPLICANT		
First Name (Type or Printed)	Middle Initial	Last Name
Signature		Date
NOTARY PUBLIC		
NOTE: APPLICANT SHALL BE RESPONSIBLE FOR OBTAINING "ACKNOWLEDGMENT NOTARIZATION"		
State of <u>Iowa</u>	County of <u>Polk</u>	On this <u>14th</u>
day of <u>June</u>	A.D. <u>2011</u>	before me <u>Dianna Cooper</u> a Notary Public
In and for said State of <u>Iowa</u> , personally appeared <u>Andy Burton</u>		
and _____ to be known to be the person(s) named in and who execute the foregoing instrument, and acknowledge, that <u>Andy Burton</u> executed the same as a voluntary act and deed.		
Notary Public in and for said State		
		
Notary Public Signature <u>Dianna J. Cooper</u>		Date <u>June 14, 2011</u>

LOCAL JURISDICTION REQUIRED		
NOTE: Applicant shall be responsible for presenting this application to an authorized city representative when the request is located within the city's jurisdiction or to county zoning official when located outside a city's jurisdiction and the county has a zoning authority and for obtaining the governmental recommendation as noted below:		
<input checked="" type="checkbox"/> Recommend Approval <input type="checkbox"/> Recommend Denial <input type="checkbox"/> None Required		
Authorized City or County Official Signature <u>Gary L Fox</u>		Date <u>6-22-11</u>
City or County Official Name <u>Gary L Fox</u>	City or County Official Title <u>City Traffic Engineer</u>	For the City or County of <u>Des Moines</u>
FINAL ACTION AS TAKEN BY THE DEPARTMENT		
DEPARTMENT OF TRANSPORTATION ACTION <input checked="" type="checkbox"/> Application Approved <input type="checkbox"/> Application Denied		
On behalf of the Department of Transportation, Highway Division, the above action has been taken on this application		
this <u>11</u> day of <u>Aug</u> A.D. <u>2011</u> by:		
Authorized Highway Division Representative (Typed or Printed) <u>Deanna Smyth-Peters</u>		Title <u>Engineering Operations Tech</u>
Authorized Highway Division Representative (Handwritten) <u>Deanna Smyth-Peters</u>		

Access Connection/Entrance Permit (cont'd)

AGREEMENTS

The applicant(s) 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 acknowledgment hereof, shall be construed as in the singular or plural, and as masculine, feminine, or 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 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 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.
9. To be recorded by State for applications on all Primary Highways except the Priority VI System. On the Priority VI System the applicant may record the approved application, if desired.

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. 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. Contact the Department's Representative as noted near the bottom of page 1, a minimum of 48 hours in advance of intention to start construction.

D. CONSTRUCTION AND MAINTENANCE

1. 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.
2. 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.
3. 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.
4. That no filling will be permitted in the right-of-way primary road other than that necessary to construct the proposed entrance or as specifically stated herein.
5. 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 whether the pipe would normally be placed shall be lower than the highway.
 - a. If required, the culvert pipe under the entrance shall be constructed as shown on the attached (Form 640010, 640011, 640012, 640013, 640014, 640015 and 640016) 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.
6. 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.
7. Applicant will take necessary precautions to prevent the tracking of dirt and mud onto the highway during construction. If such tracking 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. VISIBILITY REQUIREMENTS

After November 24, 2008, all personnel in the highway right-of-way shall wear ANSI 107 Class 2 apparel at all times when exposed to traffic or construction equipment.

