

J. Marie Gilman, Deputy
LORI M. KLIEGL, COUNTY RECORDER
PALO ALTO IOWA

Lonnie Wilson Box 1166 Storm Lake IA 50588 712-7324514
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 810124
3-00



Iowa Department of Transportation
HIGHWAY DIVISION

Establishment of a Special Access Connection

(Use when establishing a new access location where none previously reserved)

Connection No. 1440
Parcel No.
Highway No. Iowa 4
County Palo Alto
Project No. F-17-5(2)--20-74
Access Priority Rating V

This Agreement, made and entered into by and between Howard Chism Trust Roger Chism Trustee 712-424-3751
3636 510th Ave Cylinder IA 50528 (Type name) (Telephone No.)
5/4 20 04
(Address of Owner) (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) SW 1/4NW1/4 of Sec. (or Blk.) 31 and parts of 1/4 Sec. (or lot) of Sec. (or Blk.) in Twp. 96N, Rge. 32W, or (Sub Div.) (in the City of), County of Palo Alto, 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.) 47, Page 279, (Instrument No.) in the Office of the Palo Alto County Recorder.

B. Establishment of a Special Access Connection (Use when establishing a new access location)

The said Owners have title to property as described above and more particularly to which the Department has acquired the access rights and now request authorization to establish an access opposite 111.64 (Milepost #) or 759+93 (station) on the Right (side) of the Primary Highway. The access requested shall be constructed in compliance with Department Standards adopted for a Type A, Type B, or Type C and shall be constructed 30 (ft.) in width and with 20 (ft.) radius returns or 2:1 tapers as noted in the attached exhibits. In the establishment of this access location, the Owners agree that the following existing entrance(s) will be permanently removed or extinguished including all rights as previously reserved.

Station	Side	Type

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 111.56 (Milepost #) or 756+12 (station) and 111.73 (Milepost #) or 764+70 (station) on the right (East) 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.

X Roger Chism 3636 510th Ave
Signature Address Cylinder Ia.
X ROGER CHISM
Type or Print Name
Trustee for Howard Chism Trust

Signature Address
Type or Print Name

NOTARY PUBLIC

ACKNOWLEDGEMENT:
State of Iowa County of Palo Alto
On this 10 day of May A.D. 2004, before me a Notary Public in and for said State of Iowa, personally appeared Roger Chism and Joel Faute to be known to be the person(s), named in and who execute the foregoing instrument, and acknowledge, that they executed the same as a voluntary act and deed.

John W. Wright
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 Date 20
Authorized County Official Signature Date 10 MAY 2004
JOEL D. FAUTE, P.E.
(Type or Print Name)

DEPARTMENT ACTION

Department of Transportation Action:

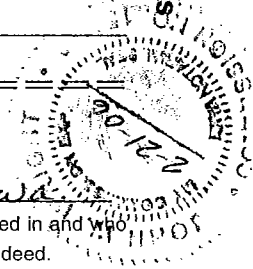
APPLICATION APPROVED APPLICATION DENIED

On behalf of the Department of Transportation, Highway Division, the above action has been taken on this application on this

19TH day of MAY A.D., 20 04

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

PLEASE SEE PAGE 2 FOR ADDITIONAL DETAILS



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 an *additional access location authorized to the property ownership*. 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.

Roger Vidgal 1405 Adams St Emmetsburg IA 50536 712-852-4886
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. IA 4 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 4 inches lower than the highway shoulder elevation.
 - a. If required, the culvert pipe under the entrance shall be 24 inches in diameter and 48 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 of 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:
Refer to drawing RS-2 for recommended traffic control. Required signs are
available at the Emmetsburg Maintenance Garage. Applicant is responsible
for picking up and returning signs to the Emmetsburg Shop.



Iowa Department of Transportation
Maintenance Division
ACCESS EXHIBIT

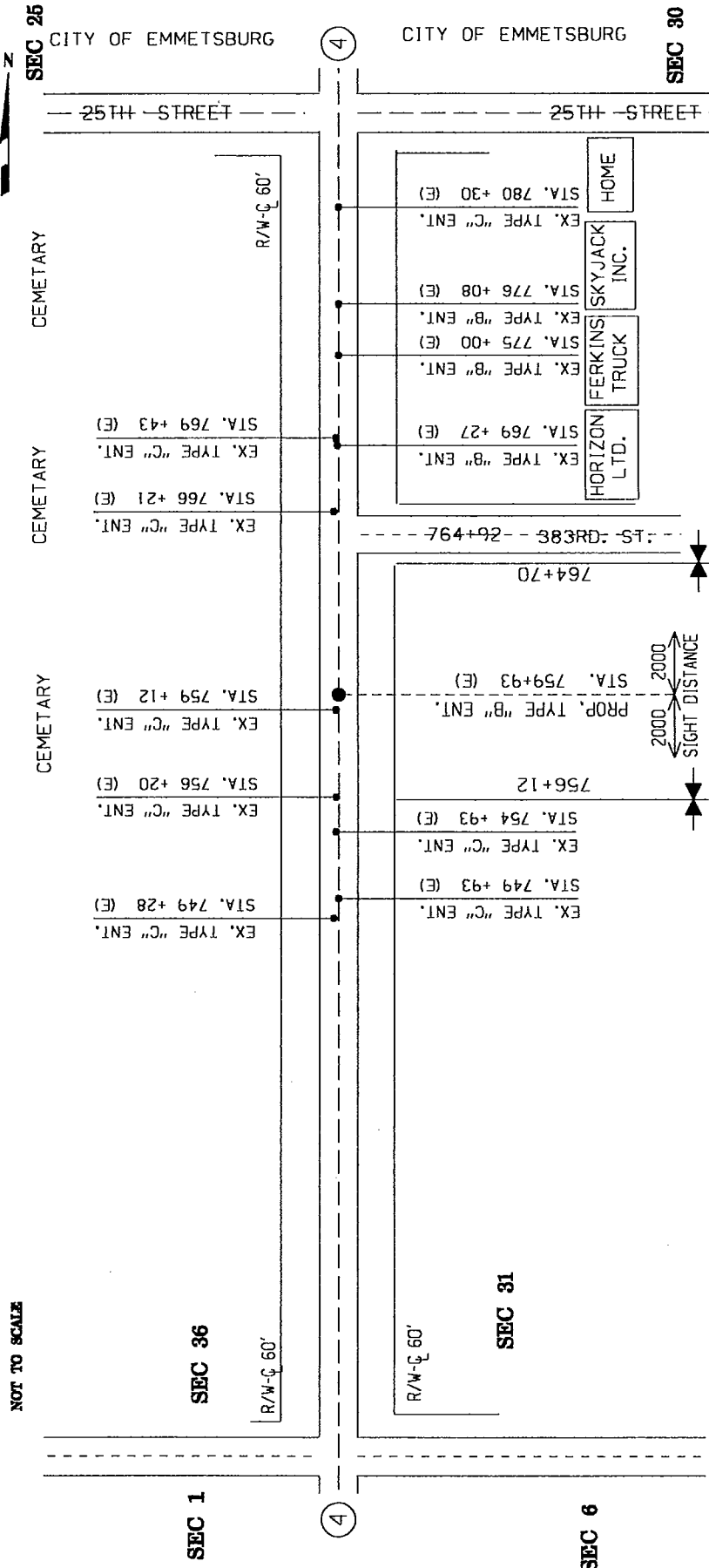
No. 1440
County PALO ALTO
Proj.No. F-17-5(2)--20-74

SPECIAL ACCESS CONNECTION
Access Rights Acquired
Attach to Form 810052

REVISION OF ACCESS
Access Rights Acquired
Attach to Form 810052

ENTRANCE PERMIT APPLICATION
Access Rights Not Acquired
Attach to Form 840004

Location Description: Primary Road No. IOWA 4, Sec. 31, T. 96N, R. 32W, PALO ALTO County,
Being 0.42 Miles SOUTH From EMMETSBURG SOUTH CORP. LINE, More specifically described as:
499' SOUTH FROM 383RD. STREET ^{direction} COUNTY INDUSTRIAL PAVED ROAD.
2238' SOUTH FROM THE NW CORNER OF SEC. 31-96-32, IN FREEDOM TWP.



504 - 3

Applicant HOWARD CHISM TRUST - ROGER CHISM TRUSTEE Telephone Number 712-424-3751
Address 3636 510TH. AVE. Date 5-4-04
CYLINDER, IOWA 50528

Disclosure Statement: The information furnished on this form will be used by the Department of Transportation to determine approval or denial of the application. Failure to provide all information will result in denial of the application. Information furnished is public information and copies may be provided to the public upon request.

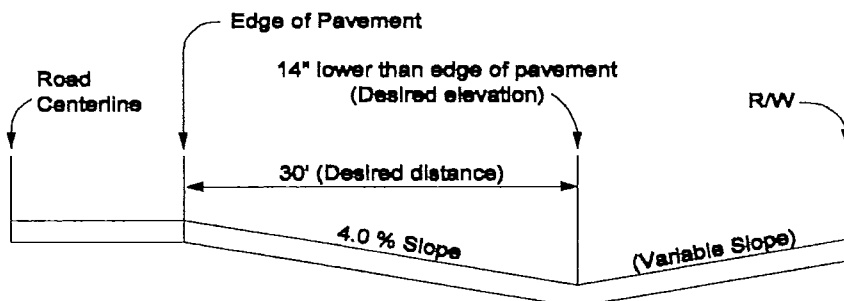
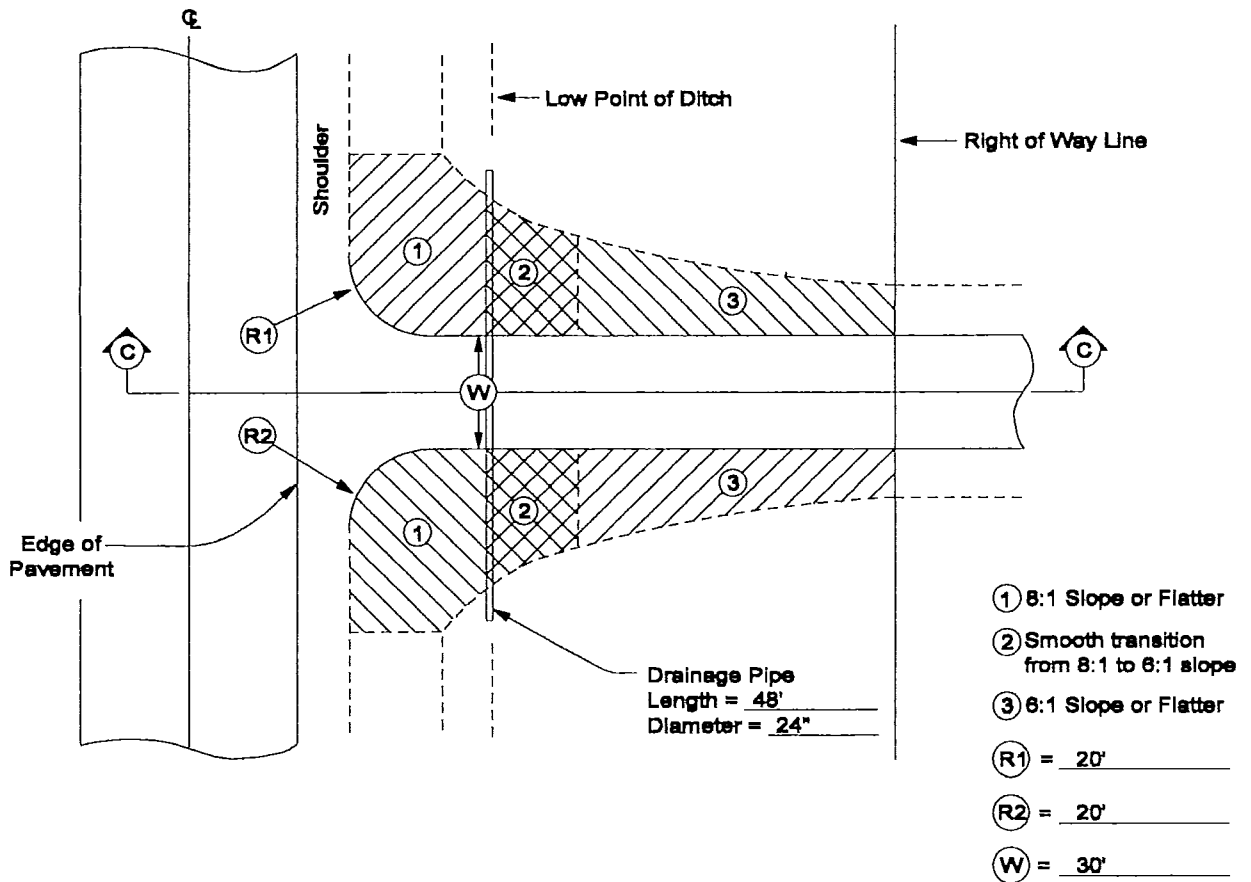
Form 640012
Rev. 6-98

TYPICAL ACCESS DETAIL

Permit No. 1440

Page 1 of 1

RURAL DESIGNED AREA
GRANULAR ENTRANCE
CULVERT REQUIRED



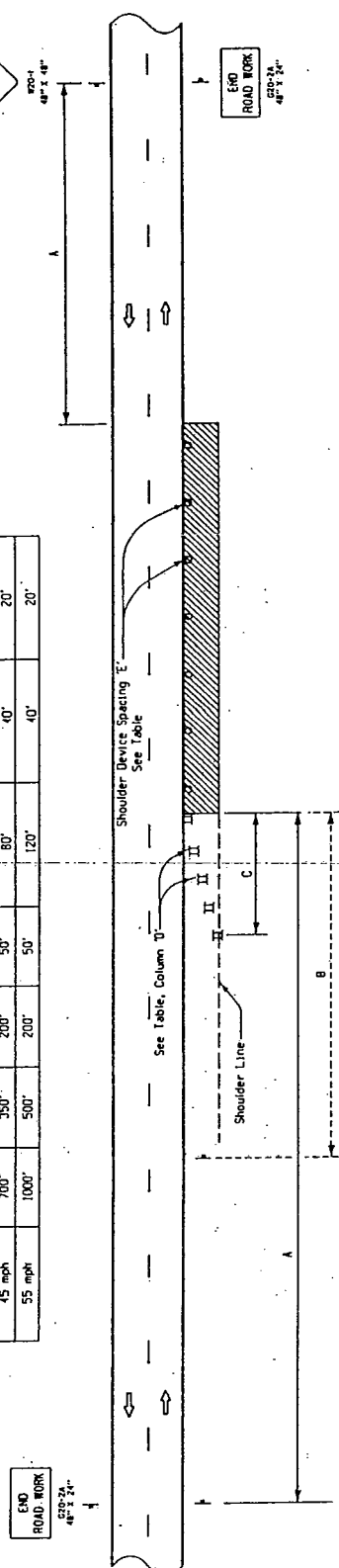
SECTION C - C

TWO-LANE ROADWAY

TYPICAL APPLICATIONS

- Culvert Work
- Bridge Operations
- Guardrail Installation
- Island Modification
- Side Road Intersection

SPEED LIMIT	Sign Spacing		Shoulder Closure Taper		Shoulder Device Spacing 'E'	
	'A'	'B'	Taper Length 'C'	Device Spacing 'D'	Greater Than 1000'	Horizontal Curve Radius 300' To Less Than 300'
35 mph	500'	250'	100'	25'	40'	20'
45 mph	700'	350'	200'	50'	40'	20'
55 mph	1000'	500'	200'	50'	120'	20'



GENERAL NOTES:

1. This layout represents traffic controls required for workers and equipment operating within 15' feet of the edge of the traveled way for more than 1 hour. For work lasting less than 1 hour, refer to RS-1.
2. No signs or barricades are required for equipment operating or work in progress more than 15' feet from the traveled way.
3. Signs and barricades shall be covered or removed during nonworking hours unless a drop-off or physical obstruction remains within 15' feet of the edge of the traveled way.
4. Cones may be used as channelizing devices in the taper and along the work area during daylight hours only.
5. Where no shoulder drop-off exists:
 - a. Work or equipment confined to a spot location (less than 200 feet) shall be marked by channelizing devices spaced at 25 feet or by a vehicle with a yellow revolving light or yellow strobe light visible to oncoming traffic.
 - b. Work extending more than 200 feet of roadway length shall be marked with barricades as noted in the Table.
6. Shoulder Drop-offs (2' or greater):
 - a. When a shoulder drop-off exists, a "Shoulder Drop-off" sign will follow the "Road Work Ahead" sign. When the drop-off exceeds 6", the "Shoulder Drop-off" sign shall be replaced by a "No Shoulder" sign.
 - b. Channelizing devices shall be spaced at 50 feet or in accordance with the Table, whichever is less. Device height shall be measured from the pavement surface. A temporary edgeline shall be placed at the pavement edge adjacent to the drop-off during nonworking hours.
 - c. No drop-offs greater than a nominal 10 inches shall be permitted during nonworking hours.
7. Parking will not be allowed on the opposite shoulder within 500' of the work area.

LEGEND

- I Traffic Sign
- II Type II Barricade
- o Channelizing Device (Vertical Panel, Type I or Type II Barricade)
- Work Area

Iowa Department of Transportation
Project Development Division

STANDARD ROAD PLAN RS-2

REVISION: Iowa Barricade and Channelizing Device Requirements

REVISION NO. 6

REVISION DATE 05-26-98

APPROVED BY: *David P. Roth* 10-27-98

TRAFFIC CONTROL LAYOUT FOR WORK LESS THAN 15' FROM THE TRAFFIC LANE