

WOODBURY COUNTY IOWA

Application for use of Highway Right-of-Way for Underground tile line Facility

Permit No. _____

Woodbury County Board of Supervisors
Court House
Sioux City, Iowa

Re: Permit request for use of County Highway right-of-way for underground tile line facility.

Applicant: Larry Flier / Lundell Const. Co., Inc.
(Name of Individual or Company) Box 538
Cherokee Iowa

Address: Moulle IA
Applicant hereby requests use of county highway right-of-way to install, operate, and maintain a buried tile line facility. The facility consists of a 6" open cut tile crossing across 140th, just east of Hancock Ave. Between sections 22 & 27, Arlington Township

The above named applicant is hereby granted permission and authority to lay, construct, operate and maintain the above described facility in County road right-of-way at said location and as set forth in Exhibit "A" attached hereto and made a part of this permit as fully as if set out in length herein.

AGREEMENT: The applicant agrees that the following stipulations shall govern under this permit.

1. The applicant will at any time subsequent to placing said facility, agree to relay, replace, reconstruct or relocate said facility and appurtenances thereto as may become necessary to conform to new grades, alignment or widening of right-of-way resulting from maintenance or construction operations by the Board of Supervisors irrespective of whether or not additional right-of-way is acquired in connection with such highway improvement. The applicant agrees to do this promptly on order by the Board of Supervisors. If the applicant is unable to comply promptly, the Board of Supervisors may cause the work to be done.

2. The Board of Supervisors will endeavor to give the applicant sufficient notice of any proposed construction or maintenance work on either existing or newly acquired right-of-way that is likely to expose, coverup, or disturb any part of the facility belonging to the applicant in order that the applicant may arrange to protect the facility. The Board of Supervisors will inform contractors and others working on the right-of-way of the location of the facility so that reasonable care may be taken to avoid damaging the facility. The County and the Board of Supervisors assume no responsibility, however, for failure to give such notice.

3. The County and the Board of Supervisors assume no responsibility for damages to the applicant's property occasioned by any construction or maintenance operations on said highways, including new or additional right-of-way acquired in connection therewith, subsequent to the building of the applicants facility.

Over

Application for use of highway right-of-way for
underground tile line facility continued

4. The applicant shall take all reasonable precaution during the construction of said facility to protect and safeguard the lives and property of the traveling public and adjacent property owners and shall indemnify and hold the County and the Board of Supervisors harmless of any damage or losses that may be sustained by the traveling public or adjacent property owners on account of such construction operations.

5. Operations in the construction and maintenance of said facility shall be carried on in such a way as not to interfere with, or interrupt traffic on said highway.

6. The applicant shall hold the County and the Board of Supervisors harmless from any damage that may result to said highway because of the construction, maintenance or operation of said facility and shall reimburse the County or the Board of Supervisors for any expenditures that the County or the Board of Supervisors may have to make on said highway on account of applicant's facility having been constructed thereon, including bridge and culvert repairs.

7. If approved by the County Engineer, an open trench may be dug and the facility placed therein, and the trench backfilled over the facility. All backfill of tunnels and trenches shall be thoroughly compacted in layers of 6" or less in depth. Backfilling of trenches within the right-of-way but not under the traveled roadway shall be tamped sufficiently to avoid settlement. The Applicant agrees to give the County forty-eight hours notice of its intention to start work on the highway right-of-way. Said notice shall be made in writing to the County Engineer.

All work shall be done in a workmanlike manner; the surrounding ground, slopes and ditch bottoms shall be reshaped to conform to the area and left in a neat condition satisfactory to the County Engineer and all areas where sod has been destroyed or damaged shall be reseeded.

Applicant agrees to assume responsibility for all damages that may arise, and to this end, indemnify and hold the County and all authorized representatives thereof harmless from any and all claims, damages, loss and expense including judgements, costs and including attorneys' fees, for personal injuries (including death) or property damage arising or resulting from the activities of the Applicant in connection herewith, now and at all times in the future.

Engagement in the operations as herein applied for by the applicant shall be considered and constitute and acceptance of all the terms and conditions herein set forth.

Sincerely,

APPROVAL OF
WOODBURY COUNTY BOARD OF SUPERVISORS

BY *Mark M. M...*
Chairman

Date 03/18/15

APPLICANT

Lundell Const. Co. Inc
(Name of Individual or Company)

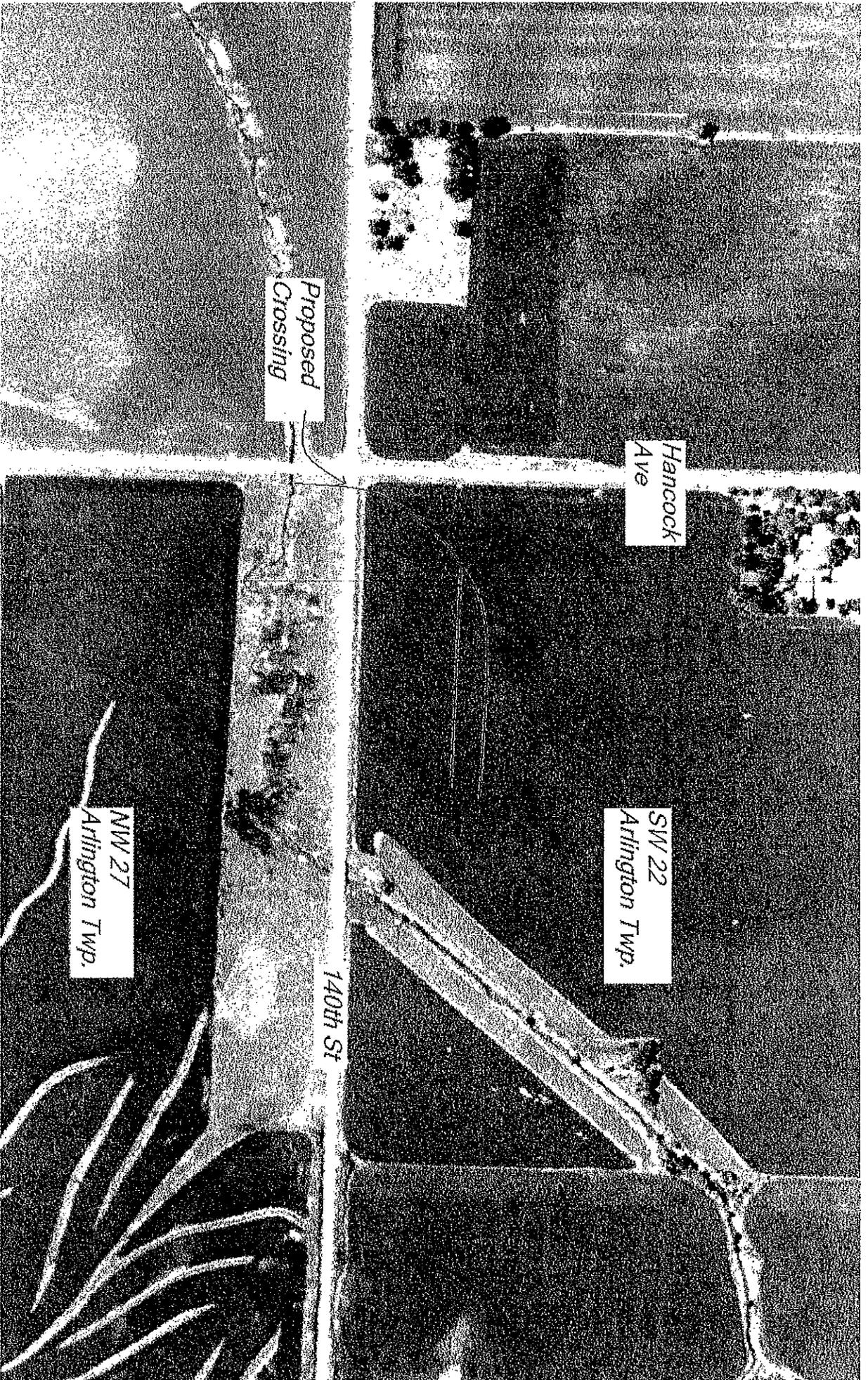
BY *Steve Puzg* (Title)
(signature)

Box 538 Cherokee IA
(Address)

Date March 4, 2015

Note: Applicant is to complete the original and two copies and mail to the County Engineer for his distribution as follows:

- 1 - Applicant
- 1 - County Engineer
- 1 - County Auditor



Proposed
Crossing

Hancock
Ave

SW 22
Arlington Twp.

140th St

NW 27
Arlington Twp.