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WOODBURY COUNTY IOWA

2018 OCT 3 6 01 8 14

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: Lewis Byers  
(Name of Individual or Company)

Address: 3823 110th St. Pierson, IA 51048

Applicant hereby requests use of county highway right-of-way to install, operate, and maintain a buried tile line facility. The facility consists of 2-5" tile outlets out of ~~residence~~ residence.  
Outlets to be steel corrugated pipe with a rod rodent guard.

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, cover-up, 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 applicant's facility.
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.

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

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 of 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 the 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 judgments, costs and including attorneys' fees for personal injuries (including death) or property damages 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 constituted an acceptance of all the terms and conditions herein set forth.

APPROVAL OF  
WOODBURY COUNTY BOARD OF SUPERVISORS

BY: [Signature]  
(Chairman)

DATE: 9/25/2018

APPLICANT

Lewis Byers  
(Name of Individual or Company)

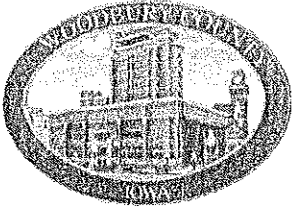
BY: [Signature] (Signature) [Signature] (Title)

3827 110th St. Newton, IA 51048  
(Address)

DATE: 9/10/2018

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



# Woodbury County Secondary Roads Department

759 E. Frontage Road • Merville, Iowa 51039  
Telephone (712) 279-6484 • (712) 873-3215 • Fax (712) 873-3235

COUNTY ENGINEER  
Mark J. Nahra, P.E.  
mnahra@woodburycountyiowa.gov

ASSISTANT TO THE COUNTY ENGINEER  
Benjamin T. Kusler, E.I.T.  
bkusler@woodburycountyiowa.gov

SECRETARY  
Tish Brice  
tbrice@woodburycountyiowa.gov

## WOODBURY COUNTY SECONDARY ROAD DEPARTMENT PERMIT & AGREEMENT TO PERFORM WORK WITHIN WOODBURY COUNTY RIGHT OF WAY

Name of Permittee: Lewis Byers Phone No.: 712-870-1690

Mailing Address: 3823 110th St. Pierson, IA 51048

Township: Union Section: 6

Woodbury County, State of Iowa, and Lewis Byers (hereinafter referred to as property owner, organization or authorized representative) do hereby enter into the following permit and agreement:

1. Woodbury County hereby consents to and grants permission to the property owner, organization or authorized representative, to conduct the following described construction or activities within the right-of-way:

Tile outlets to be placed in north ditch of road. There will be 2-5" outlets dropping water into county ditch. Both are east of house.

2. In consideration of Woodbury County granting said permission and consent, the property owner, organization or authorized representative hereby promises and agrees to the following:

A. The applicant shall carry on the construction, repair and maintenance with serious regard to the safety of the traveling public and adjacent property owners.

B. The property owner, organization or authorized representative, at his/her own expense, shall provide all safety measures and warning devices necessary to protect the traveling public such as but not limited to, signs, lights, and barricades during the day and at night if the roadway will be obstructed. Traffic protection shall be in accordance with Part VI of the current Manual on Uniform Traffic Control Devices for Streets and Highways. The Department will loan the required signs to the applicant who shall be responsible for placing the signs and covering or removing when not in use, removal after the work has been completed, and return of the Department owned signs to the Department maintenance facility from which obtained. The applicant shall be responsible for correctly using signs as needed while work is in progress. Flagging operations are the responsibility of the applicant.

C. In placing any drainage structure, no natural drainage course will be altered or blocked.

D. The finished project shall be left in a satisfactory condition subject to the approval of the County Engineer. The traveled portion of the roadway shall not be damaged or disturbed. The property owner, organization or authorized representative assumes all liability and agrees to reimburse Woodbury County for any damage to the roadway or ditch caused by placement of this structure. Permittee is to call County Engineer for upon completion for final inspection.

E. The property owner, organization or authorized representative shall notify all appropriate telephone and utility companies in advance of any excavation and shall check for underground electric or telephone lines.

F. Woodbury County will not assume any of the cost of the construction of the said improvement or structure nor will Woodbury County assume any future costs for maintenance or replacement of said improvement or structure. If in the best interest of Woodbury County, the said improvement or structure may be removed by the County, or may be caused to be removed, without any obligation by Woodbury County to pay damages or cost of replacement.

G. Property owner, organization or authorized representative will reseed and mulch the disturbed areas. Property owner, organization or authorized representative will be responsible for seed, mulch, and labor unless otherwise provided in section L.

H. The property owner, organization, or authorized representative hereby agrees to hold Woodbury County and the Woodbury County Secondary Road Department, its employees and agents harmless against any and all claims for damages and personal injury arising out of work performed or actions taken by the applicant related to the construction or maintenance of the facility. The applicant further agrees to reimburse the County or the Department for any expenditures that the County or Department may have to make on said highway rights of way on account of said applicant's construction or maintenance activity or other activities or lack thereof. The applicant shall also save Woodbury County and the Woodbury County Secondary Road Department harmless of any damage or losses that may be sustained by the traveling public on account of such construction, repair or maintenance operations, or other activities.

I. **FAILURE TO CONFORM TO OR TO ACQUIRE A PERMIT IS A VIOLATION OF SECTION 318.8, 2009 CODE OF IOWA.** This permit is subject to any laws now in effect or any laws that may be hereafter enacted and all applicable rules and regulations of local, state and federal agencies. This permit is subject to all the rules and regulations of Woodbury County and the Woodbury County Secondary Road Department.

J. This permit is subject to revocation by the Department at any time and at no cost to the Department, when in the judgment of the Department it is necessary in the improvement or maintenance of the highway or for other reasonable cause.

K. All proposed work covered by this permit shall be at the applicant's expense. The applicant shall reimburse the Woodbury County Secondary Road Department for any materials removed from the highway right of way described as follows:

\_\_\_\_\_  
\_\_\_\_\_

L. Woodbury County agrees to provide the following contribution toward completion of this project:

\_\_\_\_\_ *none* \_\_\_\_\_

M. All work done by property owner, organization or authorized representative pursuant to this agreement shall be completed prior to the 10 day of December, 2018.

Entered into this 10th day of September, 2018.

*Kevin Ryan*  
Signature of Property Owner or Authorized Representative

*Mark J. Stahn*  
Woodbury County Engineer

*[Signature]*  
Chair, Woodbury County Board of Supervisors

# UNION

T-89N-R-42W

1. Sec.7 Nancy Burright-3
2. Sec.3 Larry Brosamle
3. Sec.24 Joseph Grell-10
4. Sec.35 Pamela Palmer-2
5. Sec.35 John Jacobs -6,12
6. Sec.35 Robert Dixon,etal-8
7. Sec.35 Martin L.lames,etux-8
8. Sec.28 Paul Flemming,etux-18,5
9. Sec.35 Monty Clark,etux-5
10. Sec.35 Stoney Cobb, etux-35
11. Sec.35 Beverly Thomas, etal
12. Sec.26 Michael Schaefer,etux
13. Sec.34 Fred Brauningr-17,98
14. Sec.34 State of Iowa-6,5
15. Sec.35 Town of Correctionville-5,187
16. Sec.27 P. E. Zahnley,etux

17. Sec.3 Craig Utesch,etux-2,23
18. Sec.33 Iowa's Rooster Ridge LLC
19. Sec.7 Town of Pierson-10,91
20. Sec.33 Lloyd Byers -4,85
21. Sec.26 Phillip Seving,etux-13
22. Sec.27 Sylvester Gagnon, etux-4
23. Sec.29 Roger Heath,etux(LE)-2
24. Sec.34 Kathleen Hoffman,etal-2
25. Sec.34 Lucille McCormick
26. Sec.35 Douglas Thomas, etux-4,46
27. Sec.36 Gene Wortman-9,97
28. Sec.34 Fred Briense,etux-14,25
29. Sec.34 Correctionville City Park
30. Sec.34 Daniel Brauningr
31. Sec.34 Robert Brauningr
32. Sec.35 Correctionville Golf Club Inc.-40
33. Sec.1 Harold Crocker,etux-36,56
34. Sec.2 Triple "U" Ranch Inc.-24,8
35. Sec.6 Forest, LLC-5,12
36. Sec.13 Mary Pansegrau Trust
37. Sec.35 Larry Meyer,etux
38. Sec.27 Gary Westover,etux-10

39. Sec.27 Gaylen Knaack, etux-5,99
40. Sec.27 Michael Smith,etux-13
41. Sec.35 Woodbury County
42. Sec.35 Patrick Langschwager,etux
43. Sec.27 Mark DeMarest,etux-3,47
44. Sec.32 Cory Edwards,etux
45. Sec.30 James Reis-11,08
46. Sec.36 Cole Cobb,etux-10,5
47. Sec.6 Merlyn Hanson,etux-10,00
48. Sec.32 Robert Knaack-13,45
49. Sec.5 Robert Ludwig,etux-6,65
50. Sec.33 Keith Pry-5,02
51. Sec.28 Kim Wortman -19,28
52. Sec.15 Frank Hoppe,etux/6. Hoppe,etux@
53. Sec.6 Terry Knaack,etux-3,87
54. Sec.6 Lewis Byers,etux-5,09
55. Sec.8 David Riordan,etux
56. Sec.8 William Anderson-4,64
57. Sec.33Phirman Zahnley, etux
58. Sec.35 Larry Kielhorn,etux
59. Sec. 7 Taymond Knaack-4,59

60. Sec. 8 Patricia Flann
61. Sec. 10 Jeffrey Alit
62. Sec. 6 Joshua Gray,
63. Sec. 27 William Holt
64. Sec. 27 Todd Brinke
65. Sec.28 Layne Todd, i
66. Sec. 28 Tandy Halbu

