

10/7/15

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Tax Address Statement: Bard Materials, 801 Kerper Ct., Dubuque, IA 52001

### TEMPORARY CONSTRUCTION ACCESS EASEMENT

For and in consideration of the sum of \$1,890.00 and other good and valuable consideration, the receipt whereof is hereby acknowledged,

Bard Materials (Grantor)  
801 Kerper Ct.  
Dubuque, Iowa 52001

of Dubuque County, State of Iowa, for themselves, their heirs and assigns, do hereby grant, sell and convey to the CITY OF DUBUQUE, IOWA (Grantee), a municipal corporation, its agents and contractors, in perpetuity, from the date hereof, a right-of-way and easement through, under and across the following described real estate situated in Dubuque, Iowa, to wit:

LOT 1-2 AND LOT 2A KERPER IND. PARK all in the City of Dubuque, Iowa

Said easements shall be as shown on the attached Bard Easement Exhibit prepared by IIW, P.C. dated 3/30/15 for the purpose of:

Constructing a Sanitary sewer interceptor as part of the Contract #7 Railroad Sewer Crossing Project and in accordance with the plans and specifications on file in the office of the City Engineer.

It is understood and agreed that the Grantee herein shall protect existing structures, pavement & utilities and restore any areas that may become disturbed or damaged as a result of using the easement.

Grantee will coordinate access to minimize disruption of Grantor's operations, and Grantee's vehicles and equipment will not exceed legal highway loading without prior written approval of the Grantor.

Grantor shall not erect any structure, in the easement area that will inhibit the access of the Grantee.

Grantee shall notify Grantor at least 48 hours in advance of when the easement will be utilized; and provide the Grantor with the beginning and end use dates. Grantor shall not park or store equipment within the easement during the specified period of use by Grantee.

Grantee's Contractor shall clean the easement area at the end of each day that the easement is utilized with a power sweeper broom or equivalent.

Grantee's Contractor shall also install a rock track pad at the west end of the easement and sweep at additional times during the day if necessary.


Grantor shall not change the grade, elevation, contour or perform any construction or excavation in easement area that will inhibit Grantee's access and the ability to use the easement that is in place without prior written approval of the Grantee.

The construction access easement period for the Contract #7 Railroad Sewer Crossing Project shall commence on the date the Notice to Proceed is issued for the Project and the duration of the easement use shall be 12 months to allow for the interceptor sewer and pipe casing to be installed through the railroad right of way. Construction access shall be limited to use by official City of Dubuque vehicles and construction equipment and its Contractors vehicles to access the project site, and for delivery of equipment, and materials to and from the site. When using the site Grantee shall not exceed a 5 MPH vehicle speed.

Grantee agrees to indemnify and hold harmless Grantor from and against any and all claims of any kind related to or arising out of the negligence of Grantee, its agents and contractors in the use of the easement.

To have and to hold unto the said City of Dubuque, Iowa, and the undersigned do hereby expressly covenant that they are the owners in fee of said real estate and have good right to execute this agreement, and that the Grantee, its agents or contractors, shall at all times have free access to and egress from and over said real estate thereon or therein.

Dated at Dubuque, Iowa this 5<sup>th</sup> day of August, 2015.

  
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Signature  
CHAD C. THIER  
\_\_\_\_\_  
Printed Name

NOTARY PUBLIC

STATE OF IOWA,

COUNTY OF DUBUQUE, SS:



On this 5<sup>th</sup> day of August, A.D., 2015 before me, the undersigned, a Notary Public in and for said County, in said State, personally appeared Chad C Thier to me known to be the identical person(s) named in and who executed the within and foregoing instrument, to which this is attached, and acknowledged that they executed the same as their voluntary act and deed.

  
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Notary Public In and For Said State

Attachment: Exhibit EX-BARD