

Prepared By: Todd R. Hagan, P.E., Madison County Engineer, 1105 E. Court Ave., Winterset, Iowa 50273, Telephone: (515) 462-1136

TEMPORARY CONSTRUCTION TENANT AGREEMENT CONTRACT

THIS AGREEMENT made and entered into this 14TH of MAY, 20 18 A.D.
by and between GARRY NABERHAUS AND ANDY NABERHAUS of the County of Madison, State of Iowa,
party of the first part and the Madison County Board of Supervisors acting for Madison County, party of the second
part.

WITNESSETH:

For good and valuable consideration, the party of the first part hereby agrees to convey all leasehold interest
in the following real estate, hereinafter referred to as temporary construction area, to Madison County for the
construction of a Public Highway, the real estate situated in the County of Madison, State of Iowa, to wit:

In Section 5 Township 77N Range 29W Beginning
at:
Station 96+50.00 to Station 97+56.26 a strip 145.00 feet wide Left side, from
Station 97+56.26 to Station 97+95.51 a strip 200.00 feet wide Left side, from
Station 98+75.00 to Station 100+25.00 a strip 175.00 feet wide Left side, from
Station 125+25.00 to Station 102+25.00 a strip 125.00 feet wide Left side, from

Measured from centerline of proposed highway as shown on plans for Project No. BROS-C061(104)--8J-61.

Party of the first part consents to any changes of grade of the public Highway and accepts payment under this
agreement for any and all damages arising therefrom. Party of the first part acknowledges full settlement and
payment from the County for all claims per the terms of this agreement and discharges the County from liability
because of this agreement and the construction of this public improvement project.

The party of the first part is a tenant on the real estate of ROBERT BRUCE HAXTON of the County of
Madison, State of Iowa. The real estate is situated in the County of Madison, State of Iowa, and listed above.

Party of the first part agrees that the County may take immediate possession of the above-described real
estate on or before the _____ day of _____, 20____.

The County agrees to purchase all leasehold interest of the temporary construction area for the above-
described real estate. Settlement and payment is as follows:

Approximately <u>1.17</u> acres at \$ <u>250.00</u> per acre	\$ <u>292.50</u>
General Damage <u>Any and All</u>	\$ <u>500.00</u>
TOTAL.....	\$ <u>792.50</u>

It is agreed that the all leasehold interest in the temporary construction area granted by this agreement shall
terminate upon the completion of this highway project.

Should the acreage taken for highway be more or less than shown above, same is to be paid for at the agreed
unit prices. Should the highway as finally located require none of the real estate described, this contract becomes
null and void. Party of the first part agrees to pay all liens and assessments against the property including taxes
payable to the date agreed. Party of the first part is hereby notified of their right of renegotiation pursuant to the
provisions of Iowa Code Chapter 6B.

This contract will be null and void if a construction contract for the project is not entered into by Madison County by
July 1, 2022.

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IN WITNESS WHEREOF, Party of the First Part, does hereby set his/her/their hands to this instrument on this 14th day of May, 2018, at Earlham, Iowa.


Name: GARRY NABERHAUS

AND

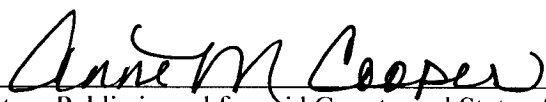

Name: ANDY NABERHAUS

Party of the First Part

STATE OF IOWA)
) ss
COUNTY OF MADISON)

On this 14th day of May, 2018, before me, the undersigned a Notary Public in and for said County and State personally appeared GARRY NABERHAUS and ANDY NABERHAUS, to me known to be the identical person(s) named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.




Notary Public in and for said County and State of Iowa

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IN WITNESS WHEREOF, the Party of the Second Part, does hereby set their hand to this instrument on this 3rd day of July, 2018, at Winterset, Iowa.

MADISON COUNTY
BOARD OF SUPERVISORS

BY: [Signature]
PHILLIP CLIFTON, CHAIRMAN

BY: [Signature]
HEIDI L. BURHANS, Madison County Auditor

Party of the Second Part

STATE OF IOWA)
) ss
COUNTY OF MADISON)

On this 3rd day of July, 2018, before me, Payton Eads, a Notary Public in and for the State of Iowa, personally appeared PHILLIP CLIFTON and HEIDI L. BURHANS, to me personally known, and who, being by me duly sworn, did say that they are the Chairperson of the Board of Supervisors and County Auditor, respectively, of the County of Madison, Iowa; that the seal affixed to the foregoing instrument is the corporate seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation, by authority of its Board of Supervisors, under Roll Call Vote of the Board of Supervisors on the 3rd day of July, 2018, and PHILLIP CLIFTON and HEIDI L. BURHANS, acknowledged the execution of the instrument to be their voluntary act and deed, and the voluntary act and deed of the corporation, by it voluntarily executed.

Payton Eads
Notary Public in and for said County and State of Iowa

