

Item # 5D
A Date: 4-13-26

RESOLUTION NO. 069 (2025/2026)

**A RESOLUTION APPROVING APPLICATION AND AGREEMENT FOR USE OF
HIGHWAY RIGHT-OF-WAY FOR UTILITIES ACCOMMODATION WITH IOWA
DEPARTMENT OF TRANSPORTATION**

WHEREAS, the Iowa Department of Transportation has prepared the Application and Agreement for use of Highway Right-of-Way for Utilities Accommodation; and

WHEREAS, it is in the best interests of the City of Nevada to approve the Application and Agreement.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Nevada, Iowa that:

1. The Application and Agreement for use of Highway Right-of-Way for Utilities Accommodation is hereby approved.
2. The Mayor and City Clerk are hereby authorized to execute the agreement on behalf of the City.

PASSED AND APPROVED this 13th day of April, 2026.

Ryan Condon, Mayor

ATTEST:

Erin Mousel, City Clerk

**APPLICATION AND AGREEMENT FOR USE OF
HIGHWAY RIGHT-OF-WAY FOR UTILITIES ACCOMMODATION**

FOR DEPARTMENT USE ONLY		
Permit Number	Highway Number	County Story
DOT Project Number		Expiration/Completion Date

APPLICANT (INDIVIDUAL OR COMPANY)						
First Name	Elizabeth	Middle Initial	Last Name	Bartley	Phone Number	Ext.
Company Name					Phone Number	Ext.
KPL Northern States, LLC					316-828-4073	
Street Address	4111 EAST 37TH STREET NORTH		City/Town	WICHITA	State	ZIP Code
					KS	67220
e-Mail Address	Elizabeth.Bartley@FHR.com		Secondary e-Mail Address	Gregory.Anderson@FHR.com		

INSTALLATION TO BE ACCOMMODATED
Approval is hereby requested to enter within the state highway right-of-way for the accommodation of a utility installation as detailed on the attachments and further described as follows.

The installation shall consist of:

One (1) 24-inch API 5L PS2 X65 0.500 wall thickness carbon steel pipe that is coated with 14-16 mils of fusion bonded epoxy and 30-40 mils of abrasion resistant overlay. The pipe will be installed via horizontal directional drill (HDD). The HDD will span the entire proposed DOT ROW crossing and the pipe will be at a depth of approximately 60 feet when crossing under the Highway 30 roadway.

and shall be located as shown on the detailed plan attached hereto. (See current Iowa Department of Transportation Utility Accommodation Policy for submittal of detailed plan requirements. See Section 115.8 (3).) <https://iowadot.gov/rightofway/pdfs/UtilityPolicy.pdf>

WORK SITE LOCATION

The proposed work as described above is located in Section 12 & 13, Twp. 183N, Range 23W on Highway No. 30 generally located 0.05 (miles) East (direction) from 610th Avenue & W 18th St (city, county line, or other landmark). Work proposed is more specifically located as being from MM 155.98 (Milepost #) and 2002+40 (Highway Station) to MM 155.98 (Milepost #) and 2002+40 (Highway Station) on the Crossing Highway side of highway.

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 pertinent information will result in denial of the application. Information furnished is public information and copies may be provided to the public upon request.

The utility company, corporation, applicant, permit holder or licensee, (hereinafter referred to as the Permit applicant) agrees with the Iowa Department of Transportation (hereafter referred to as the Department) that the following stipulations and those special requirements as listed on this document shall govern under this permit after it is approved by the Department.

A. General

- The installation shall meet the requirements of local municipal, county, state, and federal franchise rules and regulations, regulations and directives of the Iowa State Commerce Commission; the Iowa Department of Natural Resources, all rules and regulations of the Department and any other laws or regulations applicable.
- ~~The Permit Holder shall be fully responsible for any future adjustments of the facilities within the established highway right of way caused by highway construction or maintenance operations.~~
- As per Section 115.8(8) of the Utility Accommodation Policy, As-Built plans are due within 90 days after completion of construction, the utility owner shall submit to the district representative an as-built plan.
- The work described in this permit shall be completed as proposed in compliance with the stipulations and special requirements within one year from the date Department approval is received for said request. Failure on the part of the Permit Holder to abide by the stipulations or in constructing the work described as stipulated and within the time frame stated shall render this agreement and request null and void. The Permit Holder also agrees to save the State of Iowa and the Department harmless of any damages or losses that may be sustained by any person, or persons, on account of the conditions and requirements of this agreement.
- Non-compliance with any of the terms of the Department's policy, permit, or agreement, may be considered cause for shut-down of construction operations, revocation of the permit, or withholding of relocation reimbursement and/or withholding of future application approvals until compliance is confirmed. The cost of any work deemed necessary to be performed by the State in removal of non-complying construction will be assessed against the Permit Holder.

B. Construction and Maintenance

1. The location, construction and maintenance of the utility installation covered by this application shall be in accordance with the current Department's Utility Accommodation Policy. <https://iowadot.gov/rightofway/pdfs/UtilityPolicy.pdf>
2. Before beginning any work in the highway right-of-way, it is the responsibility of the Permit Holder to obtain an easement from the drainage district if necessary. The Department assumes no responsibility for advising the Permit Holder of each location of a drainage district crossing. It is the Permit Holder's responsibility to locate these crossings and obtain any necessary easements or permission from the drainage district. See Code of Iowa, Chapter 468 for additional information.
3. A copy of the approved permit shall be available on the job site at all times for examination by Department personnel.
4. Operations in the construction and maintenance of this utility installation shall be carried on in such a manner as to cause minimum interference to or distraction of traffic on said highway.
5. Traffic protection shall minimally be in accordance with Part VI of the current Manual on Uniform Traffic Control Devices for Streets and Highways. The applicant shall be responsible for correctly using traffic control devices including signs, warning lights, and channelizing devices as needed while work is in progress or the clear zone is impacted. Flagging operations are the responsibility of the applicant. The Department's TC XXX Series Standards are the preferred traffic control specification plans. http://www.iowadot.gov/design/stdplne_tc.htm
6. The applicant shall seed and mulch all disturbed areas within the highway right-of-way and shall be responsible for the vegetative cover until it becomes well established. Any surfaced areas such as driveways or shoulders and sodded waterways and plantings which are disturbed shall be restored to their original condition. Any damage to any other underground facilities during installation shall be repaired at the permit holder's expense.
7. All personnel in the highway right-of-way shall wear ANSI 107 Class 2 apparel at all times when exposed to traffic or construction equipment.
8. As per Policy Section 115.4(9) parking or storage in the clear zone is prohibited. When not in actual use, vehicles, equipment and materials shall not be parked or stored within the clear zone or median.
9. Unless specifically noted in Special Requirements section, all work performed within the right-of-way shall be restricted to 30 minutes after sunrise to 30 minutes before sunset.
10. Pedestals shall be placed within 12 inches of the right-of-way line.
11. All above and below ground appurtenances (pedestals, hydrants, drains, accesses, etc.) shall be marked with high visibility posts and signs. The minimum height requirement for the signs shall be 5 foot. Urban Roadway Sections may be exempted with department approval.

C. Liability

1. To the extent allowable by law, the Permit Holder agrees to indemnify, defend, and hold the Department harmless from any action or liability arising out of the design, construction, maintenance, placement of traffic control devices, inspection, or use of the Permit Holder's facilities. This agreement to indemnify, defend, and hold harmless applies to all aspects of the Department's application review and approval process, plan and construction reviews, and funding participation.
2. The Permit Holder 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 the Permit Holder's use or occupancy of the public highway.
3. The State of Iowa and the Department assume no responsibility for damages to the Permit Holder's property occasioned by any construction or maintenance operations on said highway if the facilities are not located in accordance with this permit.
4. The State of Iowa, its agencies or employees, will be liable for expense incurred by the Permit Holder in its use and occupancy of the highway right-of-way only when negligence of the State, its agencies or employees, is the sole proximate cause of such expense. Whether in contract, tort or otherwise, the liability of the State, its agencies and employees, is limited to the reasonable, direct expense to repair damaged utilities, and in no event will such liability extend to loss of profits or business, indirect, special, consequential or incidental damages.

D. Notification

1. The Permit Holder is responsible for contacting **Iowa One-Call (1-800-292-8989)** and request the location of all underground utilities forty-eight (48) hours before excavation. Before beginning work in the highway right-of-way, the Permit Holder shall also contact any other known utility located in the area of the proposed work.
2. The Permit Holder agrees to give the Department forty-eight (48) hour notice of its intention to start construction or to perform routine maintenance on the highway right-of-way. Said notice shall be made to the local DOT contact person whose name is shown on Page 3.
3. **511 Notification** - The Permit Holder or their contractor **may not obstruct or close** primary highways or primary highway extensions (state highways within city limits) **without prior consent of the department**, except in emergency situations. Before setting up a lane closure or vertical/horizontal restriction of any kind on a primary highway, call the local DOT Maintenance Garage **AND** the Traffic Management Center per attached documents. Except in emergency situations, a 10-day advance notice is required. <http://www.iowadot.gov/traffic/utility/pdfs/511UtilityNotification.pdf>

E. Buy America

Buy America applies to relocations of utility facilities that must move due to highway projects under certain specific conditions that include reimbursable locations and relocations due to interstate projects. Please contact the Department's District Engineering Operation Technician (EOT) for more information on Buy America requirements or visit the following link: <https://iowadot.gov/rightofway/Utility-Accommodation-and-Coordination#533652456-buy-america>

Permit Number: _____

FOR DEPARTMENT USE ONLY

Special Requirements - in addition to the stipulations above, the following special requirements shall apply to this permit:

The term of this permit shall be perpetual pursuant to Section 115.7 (10) of the Iowa Code. The Permit Holder and the Department agree that stipulation General A.2 is null and void for this permit. The Permit Holder shall remain entitled to reimbursement for eligible costs related to any future adjustments or relocations of the utility facilities referenced in this permit which are necessary for future construction or maintenance operations by the Department. This stipulation applies to only this permit. The Department agrees that Permit Holder shall not be required to use casings for the project under this permit. In the event that this permit conflicts with Department policies, this permit will govern.

Applicant Signature and Agreement

The undersigned have read the stipulations of this permit agreement as stated, as well as attachments which may be included, and by signing this application agree to abide by all stipulations and to complete the work as proposed in compliance with the stipulations and attachments within one year from the date Department approval is granted for said request. Failure on the part of the applicant to abide by the stipulations or to construct the work desired as stipulated and within the time frame stated shall render this agreement and request null and void. The undersigned also agrees to save harmless the State of Iowa and the Iowa Department of Transportation from any damage or losses that may be sustained by any person or persons on account of the conditions and requirements of this agreement.

Name of Agent (Print or Type) Elizabeth Ebert (Bartley)	Agent/Owner (Signature) <i>Elizabeth Ebert</i>	Title Sr. Right of Way Agent
Name of Owner (Print or Type) KPL Northern States, LLC	Date March 26, 2026	
e-Mail Address Elizabeth.Bartley@fhr.com		

CITY ACTION (IF PROPOSED WORK IS WITHIN AN INCORPORATED CITY, CITY ACTION IS REQUIRED)

"The undersigned city joins in the grants embodied in the above permit executed by the Iowa Department of Transportation on condition that all of the covenants and undertakings therein running to the Iowa Department of Transportation shall inure to the benefit of the undersigned city and recommends action on said permit application as noted below by the delegated city official".

Recommend Approval Do Not Recommend Approval None Required

Signature	Title	Date
Type or Print Name	Authorized Official for the City of	
e-Mail Address		

COUNTY ACTION (IF PROPOSED WORK CROSSES COUNTY RIGHT-OF-WAY, COUNTY ACTION IS REQUIRED)

"The undersigned county joins in the grants embodied in the above permit executed by the Iowa Department of Transportation on condition that all of the covenants and undertakings therein running to the Iowa Department of Transportation shall inure to the benefit of the undersigned county and recommends action on said permit application as noted below by the delegated county official".

Recommend Approval Do Not Recommend Approval None Required

Signature	Title	Date
Type or Print Name	Authorized Official for the County of	
e-Mail Address		

FEDERAL HIGHWAY ADMINISTRATION ACTION (WHEN REQUIRED)

Recommend Approval Do Not Recommend Approval None Required

Authorized FHWA Representative Signature	Date
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DEPARTMENT OF TRANSPORTATION FINAL ACTION

Application Approved Application Denied Permit Number: _____

Authorized Highway District Representative	Signature	Date
e-Mail Address		

Notice of Intention to commence activities on the highway right-of-way shall be submitted by the applicant a minimum of 48 hours prior to actually commencing the activities as herein granted by this approved application. Notice is to be given to the following Iowa Department of Transportation representative. Except in emergencies, a 10 day advance notice is required for lane restrictions of any kind.

Local DOT Contact Person (Type or Print Name)	Phone Number		
Street Address	City/Town	State IA	ZIP Code
e-Mail Address		Permit Number: _____	

Site Plan & Attachments Checklist for Utilities Accommodation Permit

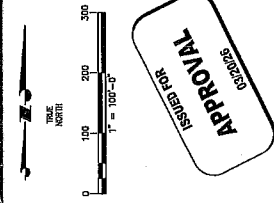
Last updated 10-30-2023

- Plans showing highway centerline, route number, stationing and milepost.
- Visible orientation (north arrow) and identifying landmarks.
- Clearly identify right-of-way (ROW) lines and include with horizontal distance from highway centerline shown, including all breakpoints and changes in the ROW distances.
- Provide Iowa One Call design request information (minimally the list of utility owners).
- List all the existing utilities in the installation area. Describe how your installation will address existing utilities that are in conflict, and show all observable existing features, such as power poles, pedestals, markers, handholes, trees, etc.
- Show all construction features/bore pits with the running line and horizontal distance from roadway edge or centerline (showing clear zone compliance). <https://iowadot.gov/rightofway/pdfs/UtilityPolicy.pdf>
- Show the start/stop stationing and depths or elevations for all bores, longitudinal and transverse.
- Show the start/stop stationing and depths or elevations for all plowing locations.
- Show casing start/stop locations, lengths, diameter, and material if casings are used.
- Show all facilities that are to be installed on the site plan including but not limited to pedestals, wire conduit, poles, guy anchors, junction boxes, handholes and manholes. ALL MUST BE REFERENCED BY highway stationing and distance from centerline.
- Show where installation starts and stops, leave the ROW, stops at existing pedestal, pole, etc. Use highway stationing and distance from centerline of the start and stops.
- Identify any physical focal points, posts, pedestals, shutoffs, overflow valves, hydrants, etc.
- Describe any other work to accomplish installation before, during or after installation, including but not limited to removal of brush/trees, removal of underbuild, construction of access, fence removal, fence replacement, etc.
- Identify unusual issues to be pointed out on the site plan. CLARITY IS THE KEY. It will not be assumed to be included in the permit or that the permit holder will perform certain work if it is not included in the plan.

Attachments

- Proper Traffic Control Standards (Iowa DOT TCxxx Series Standard plans preferred)
Available at: http://iowadot.gov/design/stdplne_tc.htm
- Required Height / Depth Typical (supplied by the department)
- Tile Repair Guide (rural locations) (supplied by the department)
- Special Seeding Requirements and Erosion Control (supplied by the department)
- 511 Lane Restriction Requirements (if any lane restriction is anticipated) (supplied by the department)

ALL ITEMS MUST BE LEGIBLE FOR REVIEW BY THE DEPARTMENT



APPROVAL
 FOR RECORD
 3/20/28

WOOD RIVER PIPELINE HWY 30 HDD	
IOWA 24" PIPELINE	
HWY30 MILEPOST 36.286	
DES. BY	DATE 3/20/28
DR. BY	SCALE AS SHOWN
CHK. BY	OLD DWS NO.
APP. BY	PERMIT FIG 1
	A

FLINT HILLS
 resources
 NEVADA
 IOWA

REFERENCE	DATE	BY	REVISIONS

This drawing has not been published and is the sole property of FLINT HILLS resources. It is not to be used for any other project without the written consent of Flint Hills resources. The user of this drawing warrants that the user has the right to use the drawing for the purpose intended and agrees to indemnify and hold Flint Hills resources harmless from any claims or damages of any nature that may arise from the use of this drawing.

DATE	BY	REVISIONS	DATE	BY	REVISIONS

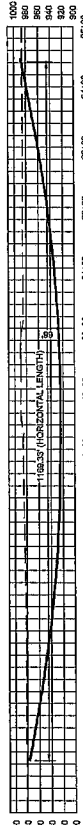
DATE	BY	REVISIONS	DATE	BY	REVISIONS

DATE	BY	REVISIONS	DATE	BY	REVISIONS

DATE	BY	REVISIONS	DATE	BY	REVISIONS

DATE	BY	REVISIONS	DATE	BY	REVISIONS

- LEGEND:**
- EXISTING PIPE CENTERLINE
 - PROPOSED RIGHT OF WAY (EASEMENT)
 - PROPOSED TEMPORARY ROADWAY
 - CONTOUR MAJOR
 - CONTOUR MINOR
 - DOT PROPOSED CONTOUR MAJOR
 - DOT PROPOSED CONTOUR MINOR
- NOTES:**
- EXISTING 24" PIPELINE LOCATIONS AND DEPTHS SHOWN ARE APPROXIMATE. THE EXISTING PIPELINE IS LOCATED UNDER THE TOWNSHIP EIGHTY-THREE (83) NORTH, RANGE TWENTY-SIX (26) WEST, STORY COUNTY IOWA.
 - COORDINATE SYSTEM CORRESPONDS TO NAD83 (FEMA STATE PLANE NORTH ZONE). VERTICAL DATUM CORRESPONDS TO NORTH AMERICAN VERTICAL DATUM OF 1985 (NAVD 85).



Do not allow work to interfere with the flow of traffic.

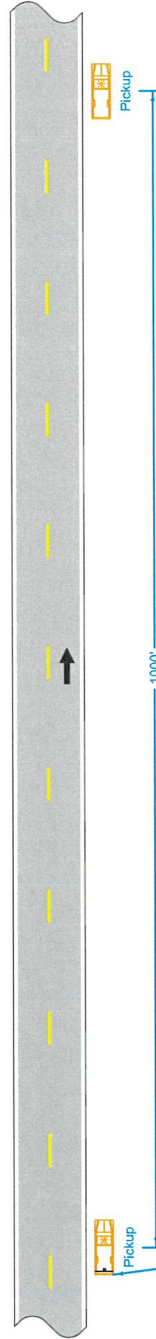
When parked, locate vehicles as far from the open traffic lane as possible. Entrances and driveways should be used whenever appropriate.

Equip all vehicles with an amber revolving light or amber strobe light.

① For work lasting longer than one hour, refer to TC-202 or TC-402.



① VEHICLE STOPPED ON SHOULDER FOR LESS THAN ONE HOUR



SLOW-MOVING OPERATION

Possible Contract Item:
Traffic Control

IOWA DOT	REVISION
	3 10-15-19
STANDARD ROAD PLAN	TC-1
REVISIONS: New Logo.	SHEET 1 of 1
APPROVED BY DESIGN METHODS ENGINEER	
<i>John P. ...</i>	
WORK NOT AFFECTING TRAFFIC (TWO-LANE OR MULTI-LANE)	

LEGEND
↑ Traffic Sign
→ Direction of Traffic