

# PERMIT APPLICATION REVIEW FORM FOR CABLE, CONDUIT, AND POLE LINE ACTIVITY IN FORT BEND COUNTY

### Fort Bend County Engineering Department 301 Jackson Suite 401

301 Jackson Suite 401 Richmond, Texas 77469 281.633.7500

Permits@fortbendcountytx.gov

	Right of Way Permit
X	<b>Commercial Driveway Permit</b>

	Permit No: 2022-51911						
Appl	icant: Gatew	ay 359, LLC/Civil-Con Cons	ultants, LLC				
Job	Location Site:	32202 Hunt Rd - Warehous	se, Brookshir	e, TX 77423			
Bone	d No.	Date of Bond:	10/15/2021	Amount:	\$10,000.00		
Layin Road Comi Texa	ng, Construction ls, Streets, High missioners Cour s, of the Minute	Maintenance, and Repair of ways, and Drainage Ditches in tof Fort Bend County, Texas,	Buried Cables Fort Bend Co " as passed by t of Fort Bend	, Conduits, and unty, Texas, Ur the Commissio County, Texas,	ubject to, "The Order Regulatir Pole Lines, In, Under, Across of Ider the Jurisdiction of the Oners Court of Fort Bend Count to the extent that such order i	or Along	
Note 1. 2. 3. 4.	Evidence of regrounds for jo Written notice permits@fbct This permit ex This permit ap	b shutdown. es are required, via email, for x.gov for a copy of the notific pires one (1) year from date	certain constr ation procedu of permit if co nin right-of-wa	ruction activitie ire applicable to instruction has ays owned and	not commenced. maintained by Fort Bend Coun	act	
Com	missioner e of said above	, duly	put and carri lged by the Co	ed, it is ORDERI mmissioners C	, seco ED, ADJUDGED AND DECREED to ourt of Fort Bend County, Texa	that said	
Signa By:	ature Lan	Eghten			issioners Court and approved Comm. Court No		
Ву:	N/A	er 🦊	Clerk	of Commission	ners Court		
	Drainage Distri	ct Engineer/Manager		Deputy			



# REVIEW BY FORT BEND COUNTY COMMISSIONERS COURT

# Fort Bend County Engineering Department 301 Jackson Suite 401 Richmond, Texas 77469

281.633.7500 Permits@fortbendcountytx.gov

	Right of Way Permit					
X	Commercial Driveway Permit					
Perr	mit No: 2022-51911					

The following "Notice of Proposed Cable, Condu attachments have been reviewed and the notic of Fort Bend County, Texas.			
(1) COMPLETE APPLICATION FORM:			
X a. Name of road, street, and/or	drainage ditch affect	ed.	
X b. Vicinity map showing course of			
X c. Plans and specifications			
(2) BOND:			
County Attorney, approval wher applicable.	ı		
Perpetual bond currently posted.	Bond No:	Amount:	
<u></u> .	Bond No:	Amount: \$5,000.00	
X Performance bond submitted.	Bond No:	Amount: \$5,000.00	
Cashier's Check	Check No:	Amount:	
	Check No:	Amount:	
(3) DRAINAGE DISTRICT APPROVAL (WHE	-	Date	
We have reviewed this project and agree it m	neets minimum requ	irements.	
Permit Administrator		11/8/20. Date	
1 Chille Administrator		Date	

# 2022-51911

# PERFORMANCE BOND COVERING ALL CABLE, CONDUIT AND/OR POLE LINE ACTIVITY IN, UNDER, ACROSS OR ALONG FORT BEND COUNTY ROAD, COMMERCIAL DRIVEWAY AND MEDIAN OPENINGS OR MODIFICATIONS (AUTHORIZED)

	8	BOND NO				
THE STATE OF TEXAS	§					
COUNTY OF FORT BEND	§	KNOW ALL ME	N BY THESE PRESE	NTS:		
THAT WE, Gateway	359, LLC			whose (address, phone)		
is 6510 FM 359 South	, Suite 100 Fulsh	ear, TX 77441	(281) 944-9660	_, hereinafter called the Principal, and		
	Merchants Bonding	(Company (Mutual)	. a C	orporation existing under and by virtue		
of the laws of the state of	Iowa	and authorize	ed to do an indemnify	ing business in the state of Texas, and		
whose principal office is local	ted at (name/add	dress/phone) 6700	Westown Parkway, West	Des Moines, IA 50266 , whose d actions brought within said state is		
Keenan Lehmann and	whose address	s is 9500 Arboretum Bo	ulevard, Suite 100, Austin, T	X 78759 haroineffer colled the County		
and neid and firmly bound ui	nto , KP George,	, County Judge of Fo	rt Bend County, Texa	s, or his successors in office, in the full		
to be made and done, we, the assigns, and legal representant THE CONDITION Of constructing, maintaining and	e undersigned, atives, jointly an THIS BOND IS	t Bend County, Texas bind ourselves and a d severally, by these S SUCH THAT, WHI se or more cables, co	s, or his successors in each of us, our heirs, presents. EREAS, the above be	ey of the United States of America, to be n office, to which payment well and truly executors, administrators, successors, bunden principal contemplates laying, es in, under, across and/or along roads,		
order adopted on the 1st day County, Texas, regulating san as though fully set out herein AND WHEREAS, the	or the Commiss of <u>December</u> , A. ne, which Comm ; principal desire	D. 1980, recorded in hissioners' Court of Fort orders to provide Fort Be	Bend County, Texas, folume 13, of the Comer is hereby referred to	ne County of Fort Bend, and the State of pursuant to the Commissioners' Court Imissioners' Court Minutes of Fort Bend and made a part hereof for all purposes ormance bond covering all such cable,		
conduit and/or pole line activ	ity, commercial	driveway and media	n openings or modific	ations;		
(including, but not limited to t across and/or along roads, st Fort Bend and State of Texas in accordance with minimum specified to be by said princi make good and reimburse Fo	ne laying, consti reets and highw , under the juris requirements at pal done and pe ort Bend County	ruction, maintenance ays, commercial driv diction of the Comm nd conditions of the erformed, at the time v. all loss and dama	and/or repair of cable eway and median ope issioners Court of For above mentioned Co- and in the manner the des which Fort Rend	s cable, conduit and/or pole line activity es, conduits and/or pole lines) in, under, enings or modifications in the County of t Bend County, Texas, pursuant to and mmissioners' Court order set forth and erein specified, and shall pay over and County may sustain by reason of any d, otherwise to remain in full force and		
This bond is payable	at the County C	ourthouse in the Co	inty of Fort Bend and	State of Texas.		
It is understood that at any time Fort Bend County deems itself insecure under this bond, it may require further and/or additional bonds of the principal.						
EXECUTED this _15th	day of	October , 2021				
			Gateway 359, LEC PRINCIPAL			
			BY Beny	Evens		
			Merchants Bonding			
			BY Alyson Carmicha	ael Attorney-in-Fact		



Know All Persons By These Presents, that MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC., both being corporations of the State of Iowa (herein collectively called the "Companies") do hereby make, constitute and appoint, individually,

#### **Alyson Carmichael**

their true and lawful Attorney(s)-in-Fact, to sign its name as surety(ies) and to execute, seal and acknowledge any and all bonds, undertakings, contracts and other written instruments in the nature thereof, on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

This Power-of-Attorney is granted and is signed and sealed by facsimile under and by authority of the following By-Laws adopted by the Board of Directors of Merchants Bonding Company (Mutual) on April 23, 2011 and amended August 14, 2015 and adopted by the Board of Directors of Merchants National Bonding, Inc., on October 16, 2015.

"The President, Secretary, Treasurer, or any Assistant Treasurer or any Assistant Secretary or any Vice President shall have power and authority to appoint Attorneys-in-Fact, and to authorize them to execute on behalf of the Company, and attach the seal of the Company thereto, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof."

"The signature of any authorized officer and the seal of the Company may be affixed by facsimile or electronic transmission to any Power of Attorney or Certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligations of the Company, and such signature and seal when so used shall have the same force and effect as though manually fixed."

In connection with obligations in favor of the Florida Department of Transportation only, it is agreed that the power and aut hority hereby given to the Attorney-in-Fact includes any and all consents for the release of retained percentages and/or final estimates on engineering and construction contracts required by the State of Florida Department of Transportation. It is fully understood that consenting to the State of Florida Department of Transportation making payment of the final estimate to the Contractor and/or its assignee, shall not relieve this surety company of any of its obligations under its bond.

In connection with obligations in favor of the Kentucky Department of Highways only, it is agreed that the power and authority hereby given to the Attorney-in-Fact cannot be modified or revoked unless prior written personal notice of such intent has been given to the Commissioner-Department of Highways of the Commonwealth of Kentucky at least thirty (30) days prior to the modification or revocation.

In Witness Whereof, the Companies have caused this instrument to be signed and sealed this 15th day of

October

, 2021

MERCHANTS BONDING COMPANY (MUTUAL) MERCHANTS NATIONAL BONDING, INC.

President

STATE OF IOWA COUNTY OF DALLAS ss.

On this 15th day of October , 2021 , before me appeared Larry Taylor, to me personally known, who being by me duly sworn did say that he is President of MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC.; and that the seals affixed to the foregoing instrument are the Corporate Seals of the Companies; and that the said instrument was signed and sealed in behalf of the Companies by authority of their respective Boards of Directors.



#### **POLLY MASON**

Commission Number 750576 My Commission Expires January 07, 2023

tolly mason

Notary Public

(Expiration of notary's commission does not invalidate this instrument)

I, William Warner, Jr., Secretary of MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC., do hereby certify that the above and foregoing is a true and correct copy of the POWER-OF-ATTORNEY executed by said Companies, which is still in full force and effect and has not been amended or revoked.

In Witness Whereof, I have hereunto set my hand and affixed the seal of the Companies on this 15th day of

2003

William Harner Jo.



### **IMPORTANT NOTICE**

# Have a complaint or need help?

If you have a problem with a claim or your premium, call your insurance company first. If you can't work out the issue, the Texas Department of Insurance may be able to help.

Even if you file a complaint with the Texas Department of Insurance, you should also file a complaint or appeal through your insurance company. If you don't, you may lose your right to appeal.

Merchants Bonding Company (Mutual)

To get information or file a complaint with your insurance company:

Call: Compliance Officer at 800-678-8171

Toll-free: 1-800-678-8171

Email: regulatory@merchantsbonding.com

Mail: P.O. Box 14498, Des Moines, IA 50306-3498

To get insurance information you may also contact your agent:

Bowen Miclette & Britt Insurance Agency LLC

Call: 713-880-7100

Mail: PO Box 922022 Houston, TX 77292

#### The Texas Department of Insurance

To get help with an insurance question or file a complaint with the state:

Call with a question: 1-800-252-3439

File a complaint: www.tdi.texas.gov

Email: ConsumerProtection@tdi.texas.gov

Mail: MC 111-1A, P.O. Box 149091, Austin, TX 78714-9091



### **TEXAS ENDORSEMENT**

The following has been added, and supersedes any provision to the contrary.

The following actions shall be commenced within 2 years and 1 day from the date the cause of action first accrues:

1. Any claim, action, suit or proceeding against the Surety.

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# PERFORMANCE BOND COVERING ALL CABLE, CONDUIT AND/OR POLE LINE ACTIVITY IN, UNDER, ACROSS OR ALONG FORT BEND COUNTY ROAD, COMMERCIAL DRIVEWAY AND MEDIAN OPENINGS OR MODIFICATIONS (AUTHORIZED)

		BOND NO_						
THE STATE OF TEXAS	§	KNOW	ALL MENIO	THESE PRESI	ENTO.			
COUNTY OF FORT BEND	§	KNOW	ALL MEN B	T THESE PRESI	:N19:			
THAT WE, Gatewa	y 359, LLC					whose (addre	ss sharel	
is6510 FM 359 Sou		shear, TX 77441		(281) 944-9660	, hereinafter	Whose (addres		
	Merchants Bondi	ng Company (Mut	ual)		Corporation exis			
of the laws of the state of	Iowa	and au	thorized to		fying business i			
whose principal office is loc	cated at (name/a	ddress/phone)	6700 Weste	wn Parkway, Wes	st Des Moines, IA 5	0266	whose	
officer residing in the Sta	te of Texas, au	thorized to acc	cept service	in all suits a	nd actions brou	ight within sai	d state is	
Keenan Lehmann ar and held and firmly bound	nd whose addre unto, KP Georg	ss is <sup>9500</sup> Arbo je, County Judg	e of Fort Be	d, Suite 100, Austin, and County, Tex	TX 78759, here	inafter called to	he Surety,	
sum of Five Thousand Dollars		Dollars (\$5,000.0	0 ) cu	rent lawful mo	nev of the United	States of Amo	rice to be	
paid to said KP George, Co to be made and done, we, t assigns, and legal represen THE CONDITION ( constructing, maintaining a	unty Judge of Fo the undersigned statives, jointly a DF THIS BOND nd/or repairing o	ort Bend County I, bind ourselve and severally, by IS SUCH THA	y, Texas, or s and each y these pres T, WHEREA les. conduit	his successors of us, our heirs ents.  S, the above I s, and/or pole li	in office, to which, executors, adm	ch payment wel	I and truly accessors, es laying,	
streets and nignways, comi Texas, under the jurisdictio order adopted on the <u>1st</u> da County, Texas, regulating s	constructing, maintaining and/or repairing one or more cables, conduits, and/or pole lines in, under, across and/or along roads, streets and highways, commercial driveway and median openings or modifications in the County of Fort Bend, and the State of Texas, under the jurisdiction of the Commissioners' Court of Fort Bend County, Texas, pursuant to the Commissioners' Court order adopted on the 1st day of December, A.D. 1980, recorded in Volume 13, of the Commissioners' Court Minutes of Fort Bend County, Texas, regulating same, which Commissioners' Court order is hereby referred to and made a part hereof for all purposes as though fully set out herein;							
AND WHEREAS, the conduit and/or pole line act	e principal desi ivity, commercia	res to provide F al driveway and	ort Bend C median ope	ounty with a pe nings or modifi	rformance bond cations;	covering all su	ıch cable,	
NOW, THEREFORE, if the above bounden principal shall faithfully perform all its cable, conduit and/or pole line activity including, but not limited to the laying, construction, maintenance and/or repair of cables, conduits and/or pole lines) in, under, across and/or along roads, streets and highways, commercial driveway and median openings or modifications in the County of Fort Bend and State of Texas, under the jurisdiction of the Commissioners Court of Fort Bend County, Texas, pursuant to and n accordance with minimum requirements and conditions of the above mentioned Commissioners' Court order set forth and specified to be by said principal done and performed, at the time and in the manner therein specified, and shall pay over and make good and reimburse Fort Bend County, all loss and damages which Fort Bend County may sustain by reason of any affect.								
This bond is payab	le at the County	Courthouse in t	the County	of Fort Bend an	d State of Texas	Le		
It is understood that at any time Fort Bend County deems itself insecure under this bond, it may require further and/or additional bonds of the principal.								
EXECUTED this _15	th_day of	October ,	2021					
			Gar	eway 359, LLC				
			PR	NCIPAL				
			BY	Bo	ion tren			
			M		g Company (Muta	ual)		
			-	Myn (1	Mul			
			БТ	Alyson Carmic	hael Attorney-in-	Fact		



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October . 2021 .

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STATE OF IOWA COUNTY OF DALLAS ss.

On this 15th day of October , 2021 , before me appeared Larry Taylor, to me personally known, who being by me duly sworn did say that he is President of MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC.; and that the seals affixed to the foregoing instrument are the Corporate Seals of the Companies; and that the said instrument was signed and sealed in behalf of the Companies by authority of their respective Boards of Directors.



POLLY MASON

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Notary Public

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, 2021 .

William Warner S.



## **IMPORTANT NOTICE**

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