

REVIEW BY FORT BEND COUNTY COMMISSIONERS COURT

On this 24 day of NOVEMBER, 2009, before the Fort Bend Commissioners Court came on to be heard and reviewed the accompanying notice of WESSON SAND COMPANY, INC.

Job Location LOCKWOOD

Dated 11/17/09 BOND NO. 70804844 Permit No. 83700

to make use of certain Fort Bend County property subject to, "A Revised Order Regulating the Laying, Construction, Maintenance, and Repair of Buried Cables, Conduits, and Pole Lines, In, Under, Across or Along Roads, Streets, Highways, and Drainage Ditches in Fort Bend County, Texas, Under the Jurisdiction of the Commissioners Court of Fort Bend County, Texas," as passed by the Commissioners Court of Fort Bend County, Texas, date the 3rd day of August, 1987, recorded in Volume _____ of the Minutes of the Commissioners Court of Fort Bend County, Texas, to the extent that such order is not inconsistent with Article 1436a, Vernon's Texas Civil Statues. Upon Motion of Commissioner Meyers, seconded by Commissioner Patterson, duly put and carried, it is ORDERED, ADJUGED AND DECREED that said notice of said above purpose is hereby acknowledged by the Commissioners Court of Fort Bend County, Texas, and that said notice be placed on record according to the regulation order thereof.

Notes:

1. Evidence of review by the Commissioners Court must be kept on the job site and failure to do so constitutes grounds for job shutdown.
2. Written notices are required:
 - a. 48 hours in advance of construction start up, and
 - b. When construction is completed and ready for final inspection

Mail notices to: Permit Administrator
Fort Bend County Engineering
P.O. Box 1449
Rosenberg, Texas 77471
281-633-7500

3. This permit expires one (1) year from date of permit if construction has not commenced.

By [Signature]
County Engineer

By N/A
Drainage District Engineer/Manager

Presented to Commissioners Court and approved.
Recorded in Volume 11-24-09
Minutes of Commissioners Court.

Clerk of Commissioners Court
By [Signature]
Deputy

**PERFORMANCE BOND COVERING ALL CABLE, CONDUIT AND/OR POLE LINE
ACTIVITY IN, UNDER, ACROSS OR ALONG FORT BEND COUNTY ROADS**

AUTHORIZED

BOND NO 70804844 Effective Date: October 8, 2009

THE STATE OF TEXAS §
COUNTY OF FORT BEND §

KNOW ALL MEN BY THESE PRESENTS:

THAT WE, Wesson Sand Company, Inc. whose address is 3800 Halik, #3, Pearland, TX 77581, Texas, hereinafter called the Principal, and WESTERN SURETY COMPANY, a Corporation existing under and by virtue of the laws of the State of SD and authorized to do an indemnifying business in the State of Texas, and whose principal office is located at 101 S. Phillips Ave, Sioux Falls SD 57104-6708, whose officer residing in the State of Texas, authorized to accept service in all suits and actions brought within said State is Catherine M. Dalley and whose address is P.O. Box 57513, Webster, TX 77598-7513, hereinafter called the Surety, and held and firmly bound unto, Robert E. Hebert, County Judge of Fort Bend County, Texas, or his successors in office, in the full sum of Five Thousand and no/100 Dollars (\$5,000.00) current, lawful money of the United States of America, to be paid to said Robert E. Hebert, County Judge of Fort Bend County, Texas, or his successors in office, to which payment well and truly to be made and done, we, the undersigned, bind ourselves and each of us, our heirs, executors, administrators, successors, assigns, and legal representatives, jointly and severally, by these presents.

THE CONDITION OF THIS BOND IS SUCH THAT, WHEREAS, the above bounden principal contemplates laying, constructing, maintaining and/or repairing one or more cables, conduits, and/or pole lines in, under, across and/or along roads, streets and highways 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 principal desires to provide Fort Bend County with a performance bond covering all such cable, conduit and/or pole line activity;

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 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 in 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 failure or default on the part of said principal, then this obligation shall be null and void, otherwise to remain in full force and effect.

This bond is payable at the County Courthouse in the County 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 13th day of October, 2009

Wesson Sand Company, Inc.
PRINCIPAL

[Signature]
BY

WESTERN SURETY COMPANY
SURETY

[Signature] E. Whelden, Asst. Sec.
BY

Western Surety Company

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

That WESTERN SURETY COMPANY, a corporation organized and existing under the laws of the State of South Dakota, and authorized and licensed to do business in the States of Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the United States of America, does hereby make, constitute and appoint

E. Whelden of Sioux Falls, State of South Dakota, with limited authority, its true and lawful Attorney-in-Fact, with full power and authority hereby conferred to sign, execute, acknowledge and deliver for and on its behalf as Surety and as its act and deed, the following bond:

One CABLE, CONDUIT AND/OR POLE LINE ACTIVITY IN COUNTY OF FORT BEND

bond with bond number 70804844

for WESSON SAND COMPANY, INC.

as Principal in the penalty amount not to exceed: \$5,000.00

Western Surety Company further certifies that the following is a true and exact copy of Section 7 of the by-laws of Western Surety Company duly adopted and now in force, to-wit:

Section 7. All bonds, policies, undertakings, Powers of Attorney, or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys-in-Fact or agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile.

In Witness Whereof, the said WESTERN SURETY COMPANY has caused these presents to be executed by its Senior Vice President with the corporate seal affixed this 13th day of October, 2009.

ATTEST

A. Vietor

A. Vietor, Assistant Secretary

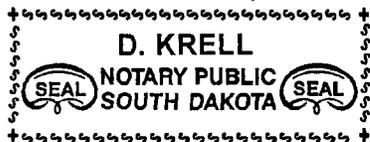
WESTERN SURETY COMPANY

By Paul T. Bruflat
Paul T. Bruflat, Senior Vice President

STATE OF SOUTH DAKOTA }
COUNTY OF MINNEHAHA } ss

On this 13th day of October, 2009, before me, a Notary Public, personally appeared Paul T. Bruflat and A. Vietor

who, being by me duly sworn, acknowledged that they signed the above Power of Attorney as Senior Vice President and Assistant Secretary, respectively, of the said WESTERN SURETY COMPANY, and acknowledged said instrument to be the voluntary act and deed of said Corporation.



My Commission Expires November 30, 2012

D. Krell

Notary Public

COUNTY OF FORT BEND

Engineering Department

P.O. BOX 1449
Rosenberg, Texas 77471-1449

Johnny Ortega
Permit Administrator

1124 Blume Road
Phone: (281) 341-7500

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

PERMIT NO. 083700

The following "Notice of Proposed Cable, Conduit, and/or Pole Line activity in Fort Bend County" and accompanying attachments have been reviewed and the notice conforms to appropriate regulations set by Commissioner's Court of Fort Bend County, Texas.

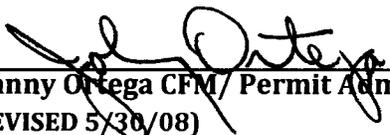
- (1) Complete Application Form.
- a. Name of road, street, and/or drainage ditch affected.
 - b. Vicinity map showing course of direction.
 - c. Plans and specifications.

- (2) Bond:
- District Attorney, approval when applicable.
 - Perpetual bond currently posted.
No. _____
Amount _____
 - Performance bond submitted.
No. 70804844
Amount \$5,000.00
 - Cashier's Check.
No. _____
Amount _____

- (3) Verbal permission given for emergencies, to start construction before approved in Commissioner's Court.
- | | |
|---|---------------|
| _____
Precinct Engineer Acknowledgment | _____
Date |
| _____
Precinct Commissioner Acknowledgment | _____
Date |

- (4) _____
Drainage District Approval when applicable

We have reviewed this project and agree it meets minimum requirements.



Johnny Ortega CFM/ Permit Administrator
(REVISED 5/30/08)

11/17/2009
Date

**FORT BEND COUNTY ENGINEERING
PERMIT DEPARTMENT**
**CONSTRUCTION OF DRIVEWAYS AND CULVERTS ON COUNTY EASEMENTS AND RIGHT OF WAYS
COMMERCIAL PIPE PERMIT APPLICATION**
P.O. BOX 1449 • 1124 BLUME ROAD
ROSENBERG, TX 77471
(Phone) 281-633-7502 or 7503 • (Fax) 281-342-7366

APPLICANT INFORMATION

Application No. 83700
(County Use Only)

Applicant Name WESSON SAND CO. INC.
Applicant Mailing Address 3800 HAHK #3
City PEARLAND State TX Zip 77561
Work Phone 281-412-9916 Daytime Phone 281-762-4937
Property Owner's Name BRUCE MENDEL Phone _____
Property Owner's Mailing Address 12241 GUBBELS F.L.
City RICHMOND State TX Zip 77469

LOCATION OF PROPERTY

Subdivision _____ Sec _____ Lot _____ Blk _____
Physical Address 4403 LOCKWOOD RICHMOND, TX

(ATTACH A SITE MAP)

SITE USE

Driveway Curb & Gutter Section _____ Driveway - Open Ditch Section _____
Culvert Only

DRIVEWAY REQUIREMENTS

Length 20' minimum and 40' maximum Number of drives 1
(See - Fort Bend County Procedures to be followed for Commercial Driveway, and Median Openings or Modifications)
Available on website www.co-fort-bend.tx.us

Does project comply with Fort Bend County Lighting Regulation Yes () No ()
(See- Fort Bend County Outdoor Lighting Regulation on website www.co.fort-bend.tx.us)

- *By signing and submitting this permit application, I am stating that I am the owner of this property and I am aware of and agree to abide by the Fort Bend County Regulations of Subdivisions and I am aware of Section 2, Item F in the Permits for the Construction of Driveways & Culverts on County Easements and Right of Ways in Fort Bend County, and am responsible to obtain all other required permits associated with the above mentioned property. Driveway and Pipe Permits shall provide that construction pursuant to the permit will be commenced within six months and be completed within nine months from the date of the permit and that fees collected for said permits shall not be refundable or transferable. I further understand the permit fee, in the form of CASH or PERSONAL CHECK or COMPANY CHECK or a CASHIERS CHECK or MONEY ORDER payable to FORT BEND COUNTY, must be attached.*
- *The undersigned applicant, agent or attorney hereby certifies to Commissioners' Court to be strictly bound to Commissioners' Court to construct the driveway and/or culvert in strict conformity with the plans, specifications, terms, provisions and conditions of the permit and any other written material incorporated by reference in this application.*
- *Other permits may be required for development. Please contact the Fort Bend County Road & Bridge Department for pipe sizing or the Fort Bend County Health Department for information on On-Site Sewage Facility permits prior to planning construction.*
- *Failure to possess or obtain required permits will result in legal action against the property owner as allowed by law.*

Herb Wesson _____ Date _____
Signature of Applicant, Agent or Attorney
HERB WESSON
Printed Name

Wesson Sand Company Inc.
3800 Halik #3
Pearland, TX 77581
Phone: 281-412-9916
Fax: 281-412-9880

Safety worksheet

Note: this is for the installation of culverts on the address of 4403 Lockwood Dr. Richmond, TX.

What will be on the job site:

- One operator with excavator installing culverts
- One supervisor also acting as the safety coordinator
- One flagman operating on Lockwood Dr. acting as the traffic controller

The flag man that will be operating on Lockwood Dr. will be wearing the necessary reflective gear.

These individuals will be working the hours of 7:00 a.m. till 5:00 p.m. (daylight hours only)

Contact Numbers in case of an emergency:

Herb Wesson: 281-782-4937

Regards,



Herb Wesson
Owner
Cell: 281-782-4937

LOCKWOOD RD

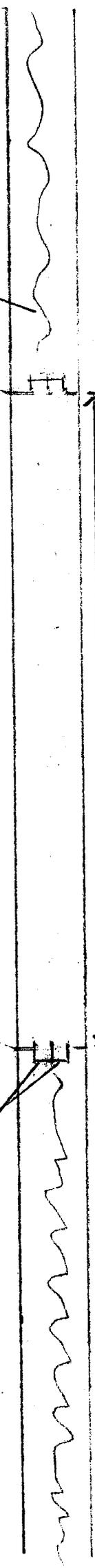


PITCH

PITCH



48'



PITCH

DRIVE WAY

CRUSHED CONCRETE



40'



2- 36" CULVERTS COVERED WITH

15 STABILIZED SAND THEN COVERED WITH HEAVY CLAY TOPPED WITH 4" OF CRUSHED CONCRETE

CRUSHED CONCRETE

