

9E

**REVIEW BY FORT BEND COUNTY COMMISSIONERS COURT**

On this 9 day of FEBRUARY, 2010, before the Fort Bend Commissioners Court came on to be heard and reviewed the accompanying notice of TOMCO ENT., INC.

Job Location GONYO LANE

Dated 02/01/10 BOND NO. 70858914 Permit No. 83714

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 3<sup>rd</sup> 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 Statutes. 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

Presented to Commissioners Court and approved.

By N/A  
Drainage District Engineer/Manager

Recorded in Volume 2-9-10  
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. 70858914 Effective Date: January 14, 2010

THE STATE OF TEXAS §

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF FORT BEND §

THAT WE, Tomco Ent. Inc., whose address is 4771 Sweetwater Blvd, Sugar Land, TX 77479, Texas, hereinafter called the Principal, and WESTERN SURETY COMPANY, a Corporation existing under and by virtue of the laws of the State of South Dakota 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 57104-6706, whose officer residing in the State of Texas, authorized to accept service in all suits and actions brought within said State is Mark Dalton Insurance Agency and whose address is P.O. Box 1205, Sugar Land, TX 77487-1205, 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.

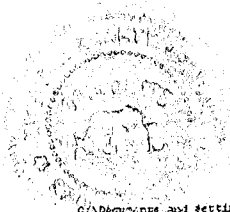
EXECUTED this 20th day of January, 2010

Tomco Ent. Inc.  
PRINCIPAL

BY

WESTERN SURETY COMPANY  
SURETY

E. Whelden E. Whelden, Ass't. Sec.  
BY



STATE OF SOUTH DAKOTA  
County of Minnehaha

} SS

ACKNOWLEDGMENT OF SURETY  
(Corporate Officer)

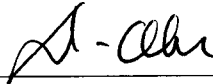
On this 20th day of January, 2010, before me, a Notary Public in

E. Whelden, Asst. Sec.

and for said County, personally appeared \_\_\_\_\_ personally known to me, who being by me duly sworn, did say that he is the aforesaid officer of WESTERN SURETY COMPANY, a corporation duly organized and existing under the laws of the State of South Dakota, that the seal affixed to the foregoing instrument is the corporate seal of said corporation, that the said instrument was signed, sealed and executed on behalf of said corporation by authority of its Board of Directors, and further acknowledge that the said instrument and the execution thereof to be the voluntary act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last above written.

My commission expires D. OBR  
My Commission Expires 6-22-2015



\_\_\_\_\_  
Notary Public

# 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 DRIVEWAY CULVERT, 245-247 GONYO LN., RICHLAND, TX 77469

bond with bond number 70858914

for TOMCO ENT. 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 20th day of January, 2010.

ATTEST

A. Vietor

A. Vietor, Assistant Secretary

WESTERN SURETY COMPANY

By

Paul T. Bruflat

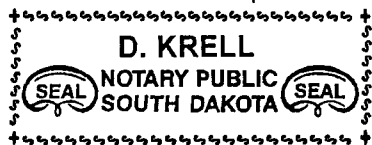
Paul T. Bruflat, Senior Vice President



STATE OF SOUTH DAKOTA }  
COUNTY OF MINNEHAHA } ss

On this 20th day of January, 2010, 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.



D. Krell

Notary Public

My Commission Expires November 30, 2012



**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. 83714  
 (County Use Only)

Applicant Name TOMCO ENT. INC.  
 Applicant Mailing Address 4771 Sweetwater Blvd  
 City Sugar Land State TX. Zip 77479  
 Work Phone 281-239-8000 Daytime Phone 281-239-8000  
 Property Owner's Name POWELL R E INVESTMENTS Phone 281-239-8000  
 Property Owner's Mailing Address 4771 Sweetwater Blvd  
 City Sugar Land State TX Zip 77479

**LOCATION OF PROPERTY**

Subdivision \_\_\_\_\_ Sec \_\_\_\_\_ Lot \_\_\_\_\_ Blk \_\_\_\_\_  
 Physical Address 245 Gonyo Ln. Richmond TX. 77469

(ATTACH A SITE MAP)

**SITE USE**

Driveway Curb & Gutter Section \_\_\_\_\_ Driveway - Open Ditch Section

Culvert Only add 12' to existing 18" concrete culvert.

**DRIVEWAY REQUIREMENTS**

Length 20' minimum and 40' maximum Number of drives 2  
 (Sec - Fort Bend County Procedures to be followed for Commercial Driveway, and Median Openings or Modifications)  
 Available on website [www.co-fort-bend.tx.us](http://www.co-fort-bend.tx.us)

Does project comply with Fort Bend County Lighting Regulation Yes ( ) No ( )  
 (Sec- Fort Bend County Outdoor Lighting Regulation on website [www.co.fort-bend.tx.us](http://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.

Signature of Applicant, Agent or Attorney [Signature] Date 1-18-10  
 Printed Name Wm. T. Powell

# **TRAFFIC CONTROL PLAN**

**247 GONYO LANE, RICHMOND, TX 77469**

Gonyo is a low traffic, dead end street. Our backhoe can do all the work from our property side of the ditch. We will place Large Orange cones with yellow caution ribbon, to alert traffic of construction, however we will not obstruct any traffic flow.

\_\_\_\_\_  
William T. Powell  
TOMCO ENT. INC.

Date: \_\_\_\_\_