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## REVIEW BY FORT BEND COUNTY COMMISSIONERS COURT

On this 12 day of APRIL, 2011, before the Fort Bend Commissioners Court came on to be heard and reviewed the accompanying notice of EWING CONSTRUCTION CO., INC. / LJA ENGINEERING, INC.

Job Location OYSTER CREEK

Dated 04/01/11 BOND NO 1000848713 Permit No. 83930  
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, ADJUDGED 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.

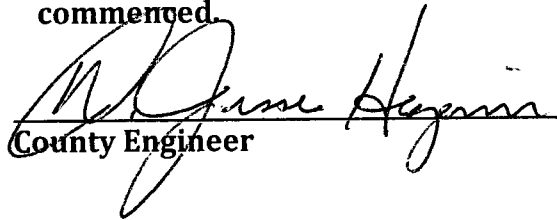
### Notes:

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

  
County Engineer

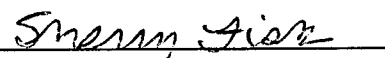
By

Drainage District Engineer/Manager

Presented to Commissioners Court  
and approved.

Recorded in Volume 4-12-11  
Minutes of Commissioners Court.

Clerk of Commissioners Court

By   
Deputy

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

**AUTHORIZED**

BOND NO 1000848713

THE STATE OF TEXAS

§

**KNOW ALL MEN BY THESE PRESENTS:**

COUNTY OF FORT BEND

§

THAT WE, Ewing Construction Co., Inc. whose  
address is P.O. Box 4235, Corpus Christi, Texas 78469, Texas, hereinafter called the Principal,  
and American Contractors Indemnity Company dba Texas Bonding Company, a Corporation existing under and by virtue of  
the laws of the State of California and authorized to do an indemnifying business in the State of  
Texas, and whose principal office is located at 601 S. Figueroa St., #1600, Los Angeles, CA. 90017, whose  
officer residing in the State of Texas, authorized to accept service in all suits and actions brought  
within said State is Tony Yasilli and whose address is 16415 Addison Rd., #200, Addison, Texas 75001,  
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 8th day of March, 2011.

Ewing Construction Co., Inc.

**PRINCIPAL**

[Signature]

BY

American Contractors Indemnity Company dba Texas Bonding Company

**SURETY**

[Signature]

BY Douglas Moore, Attorney-in-fact

# POWER OF ATTORNEY

AMERICAN CONTRACTORS INDEMNITY COMPANY TEXAS BONDING COMPANY  
UNITED STATES SURETY COMPANY U.S. SPECIALTY INSURANCE COMPANY

KNOW ALL MEN BY THESE PRESENTS: That American Contractors Indemnity Company, a California corporation, Texas Bonding Company, an assumed name of American Contractors Indemnity Company of the State of California, a California corporation, United States Surety Company, a Maryland corporation and U.S. Specialty Insurance Company, A Texas corporation (collectively, the "Companies"), do by these presents make, constituted and appoint:

DOUGLAS MOORE, HOLLY A. HART OR JERRY A. KIKER OF DALLAS, TEXAS

its true and lawful Attorney(s)-in-fact, each in their separate capacity if more than one is named above, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver any and all bonds, recognizances, undertakings or other instruments or contracts of suretyship to include riders, amendments, and consents of surety, providing the bond penalty does not exceed \*\*\*\*\*TEN MILLION\*\*\*\*\* Dollars (\$ \*\*\*10,000,000.00\*\*\* ).

This Power of Attorney shall expire without further action on December 8, 2012. This Power of Attorney is granted under and by authority of the following resolutions adopted by the Boards of Directors of the Companies:

*Be it Resolved*, that the President, any Vice-President, any Assistant Vice-President, any Secretary or any Assistant Secretary shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

*Attorney-In-Fact* may be given full power and authority for and in the name of and on behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements or indemnity and other conditional or obligatory undertakings and any and all notices and documents canceling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be binding upon the Company as if signed by the President and sealed and effected by the Corporate Secretary.

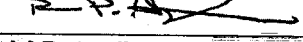
*Be it Resolved*, that the signature of any authorized officer and seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signature or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached.

IN WITNESS WHEREOF, The Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 15<sup>th</sup> day of June, 2009.

AMERICAN CONTRACTORS INDEMNITY COMPANY TEXAS BONDING COMPANY  
UNITED STATES SURETY COMPANY U.S. SPECIALTY INSURANCE COMPANY

Corporate Seals



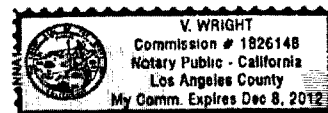
By:   
Daniel P. Aguilar, Vice President

State of California  
County of Los Angeles SS:

On this 15<sup>th</sup> day of June, 2009, before me, V. Wright, a notary public, personally appeared Daniel P. Aguilar, Vice President of American Contractors Indemnity Company, Texas Bonding Company, United States Surety Company and U.S. Specialty Insurance Company who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Signature  (Seal)



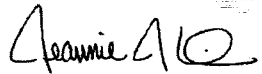
I, Jeannie J. Kim, Assistant Secretary of American Contractors Indemnity Company, Texas Bonding Company, United States Surety Company and U.S. Specialty Insurance Company, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Companies, which is still in full force and effect; furthermore, the resolutions of the Boards of Directors, set out in the Power of Attorney are in full force and effect.

In Witness Whereof, I have hereunto set my hand and affixed the seals of said Companies at Los Angeles, California this 8<sup>th</sup> day of March, 2011.

Corporate Seals



Bond No. 1000848713  
Agency No. 17027

  
Jeannie J. Kim, Assistant Secretary

# TEXAS BONDING COMPANY



## IMPORTANT NOTICE

To obtain information or make a complaint:

You may call the Surety Company's toll-free telephone number for information or to make a complaint at:

1-800-486-6695

Your notice of claim against the attached bond may be given to the Surety Company that issued the bond by sending it to the following address:

TEXAS BONDING COMPANY  
601 S. Figueroa St., Suite 1600  
Los Angeles, CA 90017

You may contact the Texas Department of Insurance to obtain information on companies, coverages, rights or complaints at:

1-800-252-3439

You may write the Texas Department of Insurance:

P.O. Box 149104  
Austin, TX 78714-9104  
Fax: (512) 475-1771  
Web: <http://www.tdi.state.tx.us>  
E-mail: [ConsumerProtection@tdi.state.tx.us](mailto:ConsumerProtection@tdi.state.tx.us)

### **PREMIUM OR CLAIM DISPUTES:**

Should you have a dispute concerning your premium or about a claim you should contact the company first. If the dispute is not resolved, you may contact the Texas Department of Insurance.

### **ATTACH THIS NOTICE TO YOUR POLICY:**

This notice is for information only and does not become a part or condition of the attached document.

# 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. 083930

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.

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

- (2) Bond:
- District Attorney, approval when applicable.
- Perpetual bond currently posted.
- No.
- Amount
- X       Performance bond submitted.
- No. 1000848713
- Amount \$5,000.00
- Cashier's Check.
- No.
- Amount

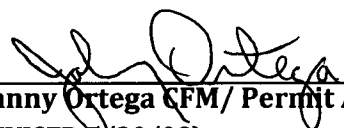
- (3) Verbal permission given for emergencies, to start construction before approved in Commissioner's Court.

   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)

03/24/2011  
Date

**NOTICE OF PROPOSED CABLE, CONDUIT AND/OR POLE LINE ACTIVITY  
IN, UNDER, ACROSS OR ALONG ROADS, STREETS, HIGHWAYS AND DRAINAGE DITCHES  
IN FORT BEND COUNTY**

APPLICANT'S JOB NO. \_\_\_\_\_  
 PERMIT No. 43932 PCT. No. 4  
 BOND No. 1000848713

Formal notice is hereby given that \_\_\_\_\_  
 proposes to lay, construct, maintain and/or repair cable, conduit and/or pole line, in, under,  
 across, or along roads, streets, highways and drainage ditches in Fort Bend County, as follows:

**In, Under, or Across Roads and/or Drainage Ditches**

Road or Ditch Name	Distance & Direction From Nearest Intersection	Length of Crossing	Type of Construction Bored: Jacked: Driven: Cased
Oyster Creek	600' NE of Intersection of Township Lane & FM 1092	50	Open Cut (Trenched)

**Along Roads and/or Drainage Ditches**

Road or Ditch Name	Distance & Direction From Nearest Intersection	To	Distance

**General Description**

The Location and description of the proposed installation and appurtenances is more fully shown on the attached detail drawings. The laying, construction, maintenance and/or repair of the proposed installation shall be subject to "A Revised Order Regulating the Laying, Construction, Maintenance and/or Repair of Cables, Conduits, and/or 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 Commissioners Court of Fort Bend County, Texas, dated the 3rd. day of August, 1987, recorded in Volume 639 of the Minutes of the Commissioners Court of Fort Bend County, Texas.

Written notices are required: 1) 48 hours in advance of start of construction and  
 2) when construction is complete and ready for final inspection.

Mail to: Permit Administrator/Fort Bend County Engineering  
 P.O. Box 1449, Rosenberg, TX 77471.

Violation of requirements shall constitute grounds for job shut down.

<p align="center"><b>Does project comply with Fort Bend County Outdoor Lighting Ordinance?</b></p> <p>Yes (<input checked="" type="checkbox"/>)</p> <p>No ( )</p>
---

COMPANY NAME: LJA Engineering, Inc.  
 AGENT and/or OWNER  
Randy Bowles  
 (Signature)  
 NAME & TITLE RANDY BOWLES, PE, PROJECT MANAGER  
 (Please Print)  
 DATE FEBRUARY 18, 2011  
 ADDRESS 2929 BRIARPARK DR., STE. 600  
 (Street/P.O. Box)  
HOUSTON TEXAS 77042  
 City State Zip  
 TELEPHONE NO: 832.771.2529  
 (accessible 24 hrs/day, 7 days/week)

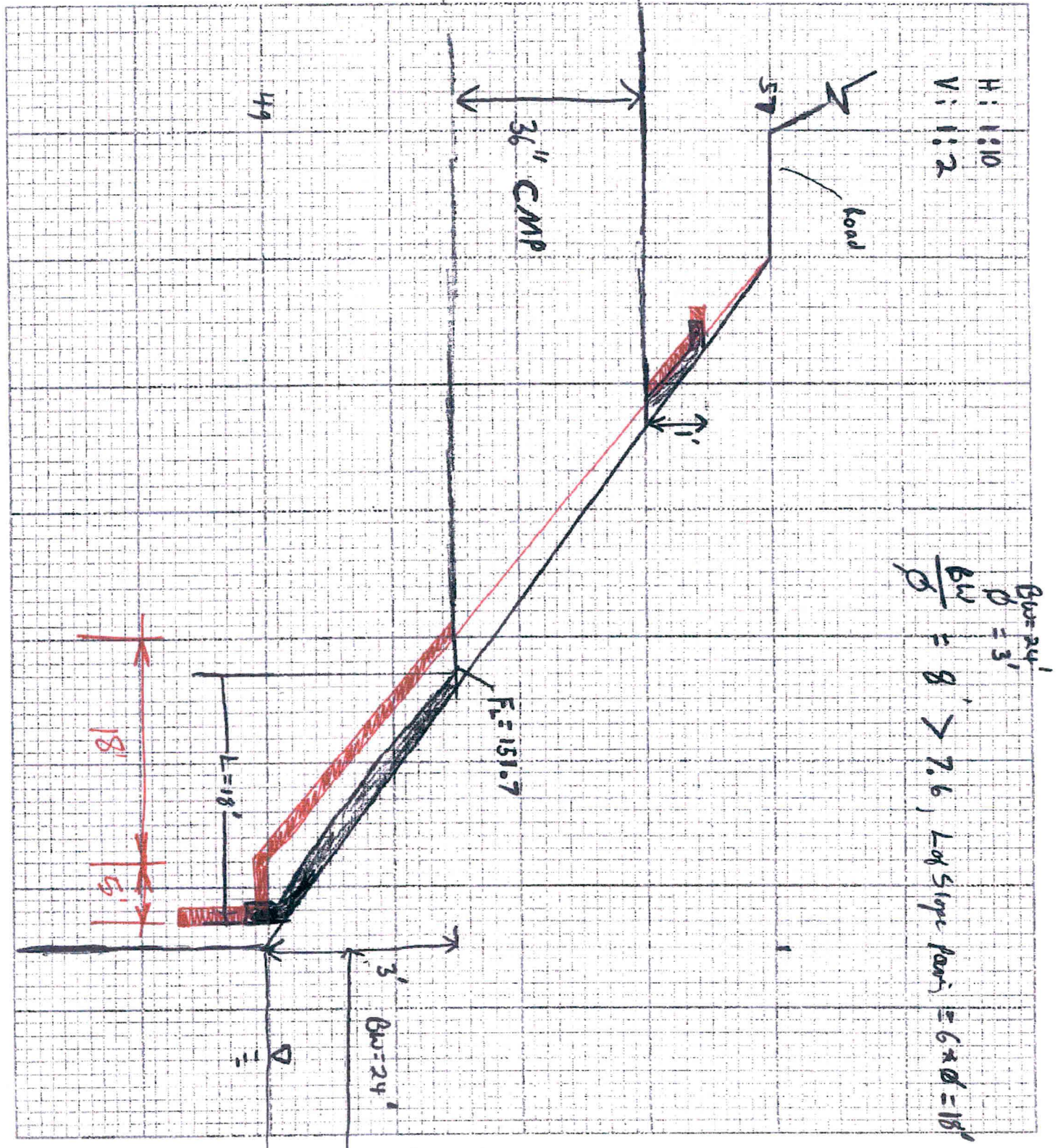
# COMPUTATION SHEET

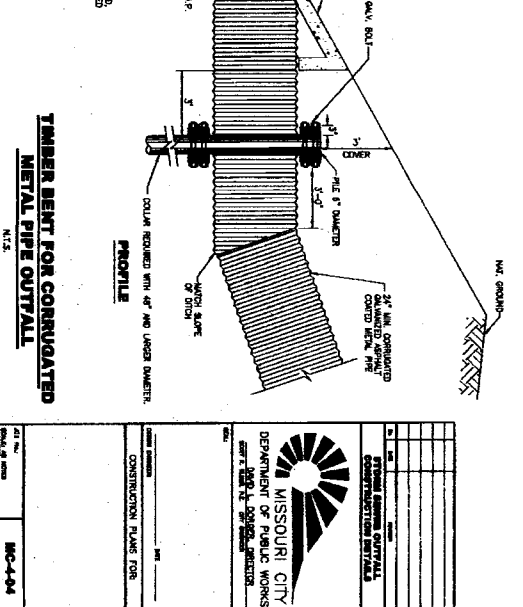
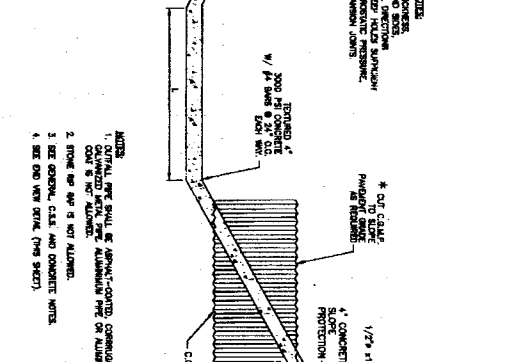
**LJA Engineering & Surveying, Inc.**

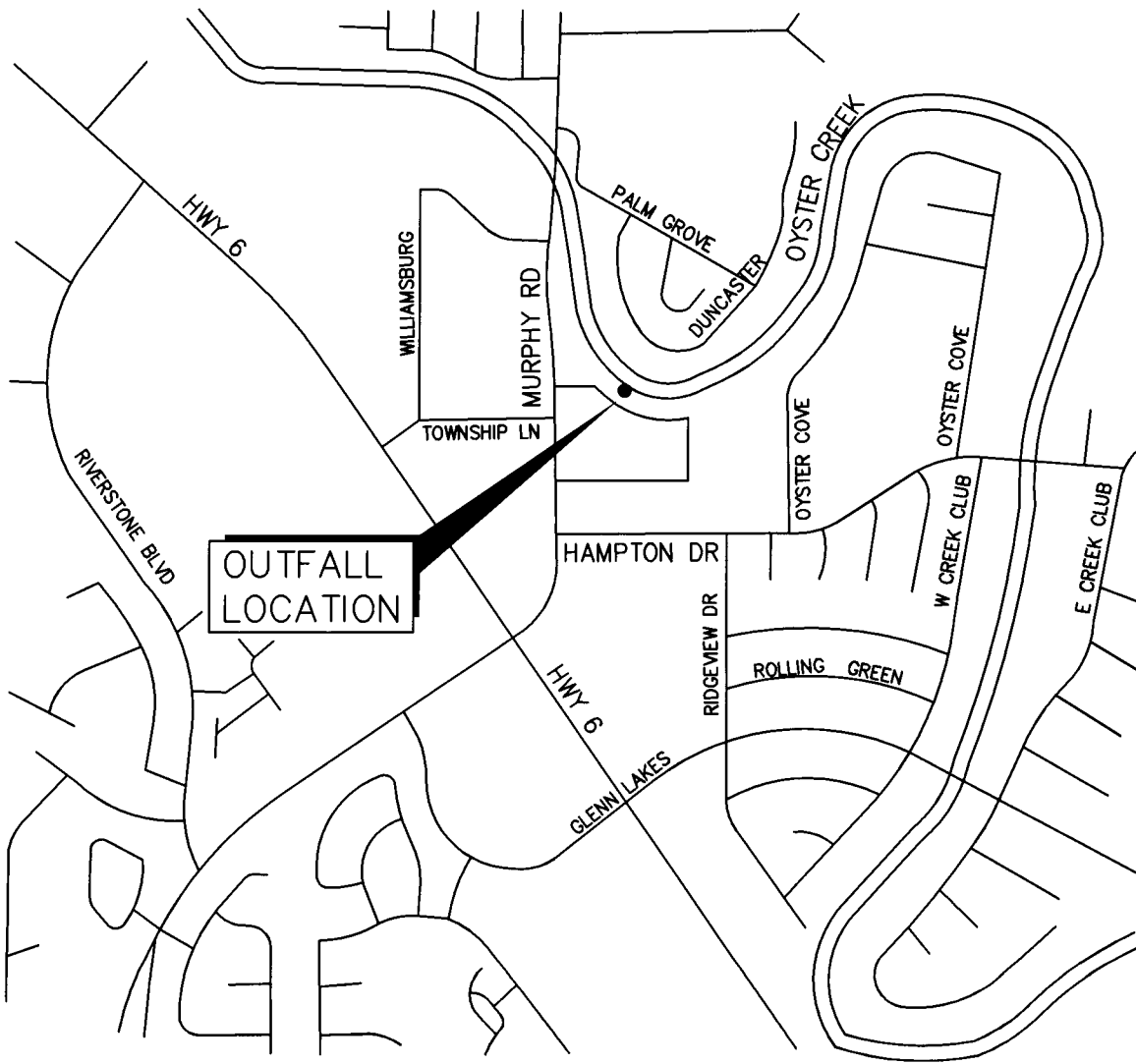


Austin • Houston • San Antonio • The Woodlands  
www.ljaengineering.com

SUBJECT \_\_\_\_\_  
JOB NO. \_\_\_\_\_ SHEET NO. \_\_\_\_\_ OF \_\_\_\_\_  
BY \_\_\_\_\_ DATE \_\_\_\_\_  
CHKD BY \_\_\_\_\_ DATE \_\_\_\_\_



[illegible]



VICINITY MAP  
KEY MAP 609L