

**REVIEW BY FORT BEND COUNTY COMMISSIONERS COURT**

On this 26 day of JULY, 2011, before the Fort Bend Commissioners Court came on to be heard and reviewed the accompanying notice of CLEARWATER UTILITIES, INC.

Job Location EVERGREEN

Dated 07/14/11 BOND NO. 6766229 Permit No. 83983

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 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 7-26-11  
Minutes of Commissioners Court.

Clerk of Commissioners Court  
By [Signature]  
Deputy



This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

AMERICAN STATES INSURANCE COMPANY  
INDIANAPOLIS, INDIANA  
POWER OF ATTORNEY

That **AMERICAN STATES INSURANCE COMPANY**, an Indiana corporation, does hereby appoint  
\*\*\*\*\* MICHELLE ULERY \*\*\*\*\*

Its true and lawful attorney(s)-in-fact, with full authority to execute on behalf of the company the following surety bond:

Surety Bond Number: **6766229**

Principal: CLEARWATER UTILITIES, INC. OBO FRESNO ENERGY L.L.C.

Bond Amount: Five Thousand Dollars And Zero Cents  
DOLLARS (\$ 5,000.00 )

, and to bind **AMERICAN STATES INSURANCE COMPANY** thereby as fully as if such instruments had been duly executed  
its regularly elected officers at its home office.

That this power is made and executed pursuant to and by authority of the following By-law and Authorization:

ARTICLE IV - Execution of Contracts: Section 12. Surety Bonds and Undertakings.

Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitations as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and executed, such instruments shall be as binding as if signed by the president and attested by the secretary.

By the following instrument the chairman or the president has authorized the officer or other official named therein to appoint attorneys-in-fact:

Pursuant to Article IV, Section 12 of the By-laws, Gregory W. Davenport, Vice President of American States Insurance Company, is authorized to appoint such attorneys-in-fact as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

That the By-law and the Authorization set forth above are true copies thereof and are now in full force and effect.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Corporation and the corporate seal of American States Insurance Company has been affixed thereto in Seattle, Washington this 2nd day of December, 2010



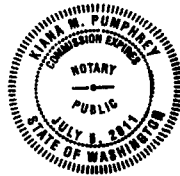
AMERICAN STATES INSURANCE COMPANY

By *Gregory W. Davenport*  
Gregory W. Davenport, Vice President

STATE OF WASHINGTON ss  
COUNTY OF KING

On this 2nd day of December, 2010, before me, a Notary Public, personally came Gregory W. Davenport, to me known and acknowledged that he is a Vice President; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of American States Insurance Company thereto with the authority and at the direction of said corporation.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at Seattle, Washington, on the day and year first above written.



By *Kiana M. Pumphrey*  
Kiana Pumphrey, Notary Public

CERTIFICATE

I, the undersigned, Assistant Secretary of American States Insurance Company, do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy, is in full force and effect on the date of this certificate; and I do further certify that the officer or official who executed the said power of attorney is an Assistant Secretary specially authorized by the chairman or the president to appoint attorneys-in-fact as provided in Article IV, Section 12 of the By-laws of American States Insurance Company.

This certificate and the above power of attorney may be signed by facsimile or mechanically reproduced signatures under and by authority of the following vote of the board of directors of American States Insurance Company at a meeting duly called and held on the 18th day of September, 2009.

VOTED that the facsimile or mechanically reproduced signature of any assistant secretary of the company, wherever appearing upon a certified copy of any power of attorney issued by the company in connection with surety bonds, shall be valid and binding upon the company with the same force and effect as though manually affixed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said company, this 6th day of July, 2011



By *David M. Carey*  
David M. Carey, Assistant Secretary

Not valid for mortgage, note, loan, letter of credit, bank deposit, currency rate, interest rate or residual value guarantees.

To confirm the validity of this Power of Attorney call 1-888-844-2663 between 8:00 am and 7:30 pm EST on any business day.

Figure: 28 TAC §1.601(a)(3)

**1 IMPORTANT NOTICE**

To obtain information or make a complaint:

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

**1-888-844-2663**

3 You may also write to Liberty Mutual Surety at:

1001 4th Avenue, Suite 1700  
Seattle, WA 98154

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

**(800) 252-3439**

5 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)

**6 PREMIUM OR CLAIM DISPUTES:**

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

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

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

**AVISO IMPORTANTE**

Para obtener información o para someter una queja:

Usted puede llamar gratis a Liberty Mutual Surety's para obtener información o para registrar una queja al número

**1-888-844-2663**

Usted también puede escribir a Liberty Mutual Surety:

1001 4th Avenue, Suite 1700  
Seattle, WA 98154

Puede comunicarse con el Departamento de Seguros de Texas para obtener información acerca de compañías, coberturas, derechos o quejas al:

**(800) 252-3439**

Puede escribir al Departamento de Seguros de Texas:

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)

**DISPUTAS SOBRE PRIMAS O RECLAMOS:**

Si tiene una disputa concerniente a su prima o a un reclamo, debe comunicarse con el (agente) (la compañía) (agente o la compañía) primero. Si no se resuelve la disputa, puede entonces comunicarse con el departamento (TDI).

**UNA ESTE AVISO A SU POLIZA:**

Este aviso es sólo para propósito de información y no se convierte en parte o condición del documento adjunto.

# 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. 033983

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. 6766229
- 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)

07/14/2011  
\_\_\_\_\_  
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. 82983 PCT. No. 1  
BOND No. 6266229

Formal notice is hereby given that Clearwater Utilities Inc.  
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: Case
<u>Evergreen St.</u>	<u>at Kentucky St</u>	<u>40'</u>	<input checked="" type="checkbox"/>		

Along Roads and/or Drainage Ditches

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

General Description

We propose boring a 8" HDPE Methane Gas line under Evergreen Street at the intersection of Kentucky St.

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.

COMPANY NAME: Clearwater Utilities Inc.  
AGENT and/or OWNER

Curt Bile  
(Signature)

NAME & TITLE: Cortland Fellers Estimator  
(Please Print)

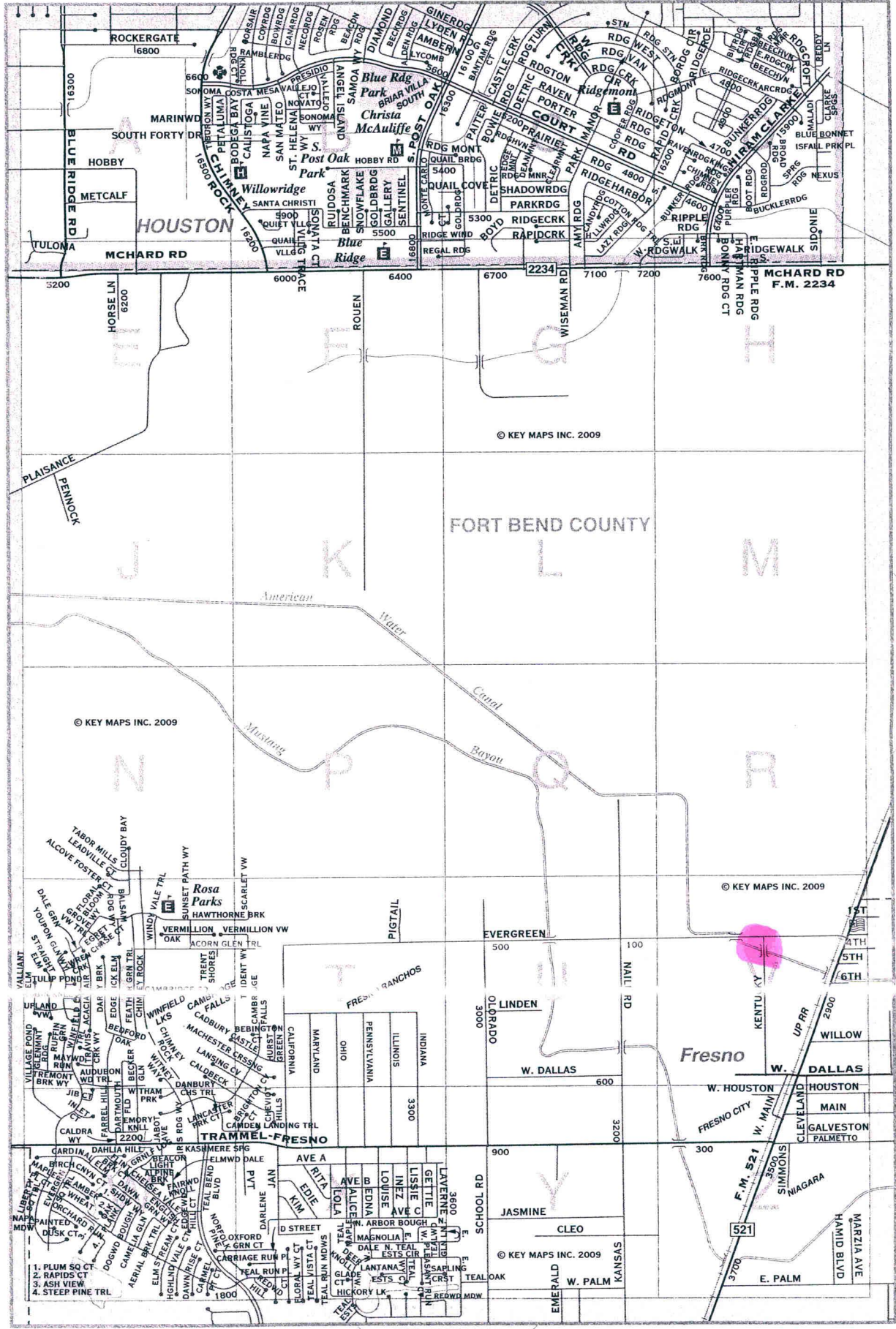
DATE: July 11, 2011

ADDRESS: 22803 Schiel Rd  
(Street/P.O. Box)

Cypress TX 77433  
City State Zip

TELEPHONE NO: (281) 373-0367  
(ACCESSIBLE 24 hrs/day, 7 days/week)

SEE 571 MAP



© KEY MAPS INC. 2009

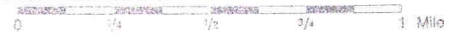
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SEE FB 651 MAP



SEE 612 MAP



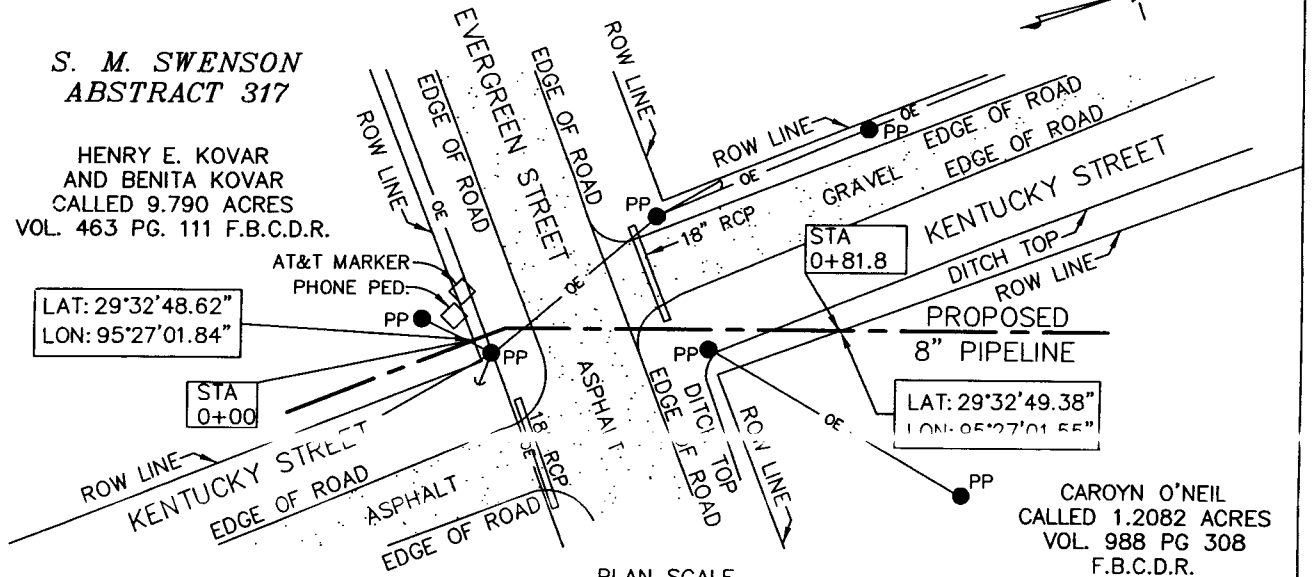
FORT BEND COUNTY, TEXAS

S. M. SWENSON  
ABSTRACT 317

HENRY E. KOVAR  
AND BENITA KOVAR  
CALLED 9.790 ACRES  
VOL. 463 PG. 111 F.B.C.D.R.

LAT: 29°32'48.62"  
LON: 95°27'01.84"

STA  
0+00

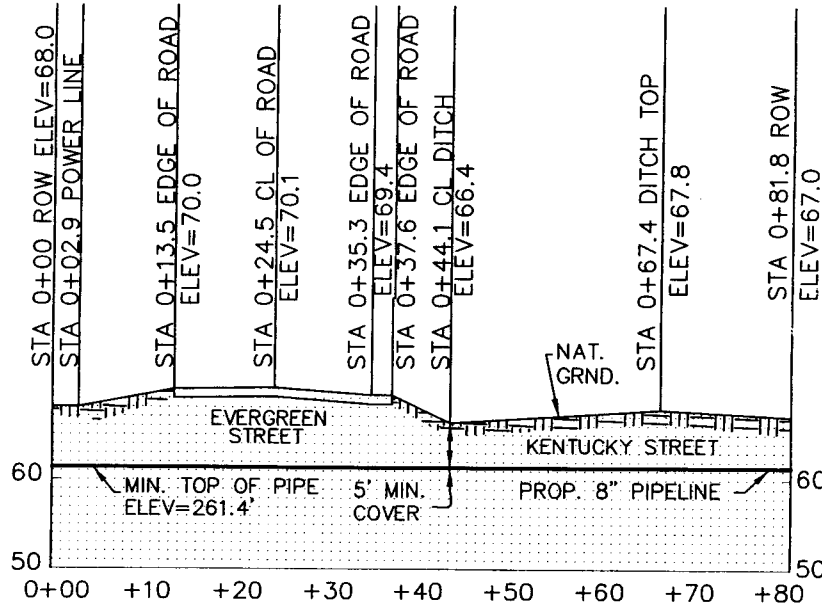


CAROYN O'NEIL  
CALLED 1.2082 ACRES  
VOL. 988 PG 308  
F.B.C.D.R.

PLAN SCALE  
1" = 40' HORIZONTAL

LEGEND

PP ● = POWER POLE



PROFILE SCALE  
1" = 20' HORIZONTAL  
1" = 20' VERTICAL

TYPE OF CONSTRUCTION:  
HORIZONTAL DIRECTIONAL DRILL

CARRIER PIPE:  
8.625" OD X 0.507" WT  
DR 17, HDPE  
SERVICE: NATURAL GAS  
OPERATING PRESSURE: 20 PSIG

**PROPOSED 8" PIPELINE  
FRESNO ENERGY, L.L.C.  
INTERSECTION OF EVERGREEN STREET  
AND KENTUCKY STREET CROSSING  
FORT BEND COUNTY, TEXAS**

**PERCHERON**  
SURVEYING, L.L.C.

521 N. Sam Houston Pkwy E  
Suite 100  
Houston, Texas 77060  
(281) 272-6677

Bearings and coordinates shown are based on the Texas State Plane Coordinate System, South Central Zone, NAD 83 (GRID) established by GPS Static Surveys from NGS Control Designation La Marque CORS ARP (PID=TXLM): N 13711671.029 & E 3234409.233. Elevations were also established by GPS Static Surveys from NGS Control Designation M 668 RESET (Vertical First Order, Class II) that had a published elevation of 70.70 feet (NAVD 88).

JUNE 30, 2011