

REVIEW BY FORT BEND COUNTY COMMISSIONERS COURT

On this 22 day of MAY, 20 12, before the Fort Bend Commissioners Court came on to be heard and reviewed the accompanying notice of TIDAL CONSTRUCTION, INC.

Job Location OYSTER CREEK

Dated 5/14/12 Bond No. TXC 101609, Permit No. 84145

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 Prestage, 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 _____
Drainage District Engineer/Manager

Presented to Commissioners Court and approved.
Recorded in Volume 5-22-12
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 TXC 101609
THE STATE OF TEXAS §
COUNTY OF FORT BEND §

KNOW ALL MEN BY THESE PRESENTS:

THAT WE, Tidal Construction, Inc. whose address is PO Box 1209, Sealy, TX 77474 Texas, hereinafter called the Principal, and Merchants Bonding Company, a Corporation existing under and by virtue of the laws of the State of Iowa and authorized to do an indemnifying business in the State of Texas, and whose principal office is located at _____, whose officer residing in the State of Texas, authorized to accept service in all suits and actions brought within said State is Texas and whose address is PO Box 26720, Austin, TX 78755 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 Seventy-Seven* Dollars (\$ 77,000.00) 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. *Thousand & No/100

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;

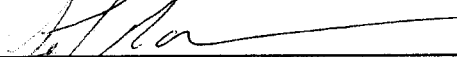
NOW, THEREFORE, if the above bounden principal shall faithfully perform all its cable, conduit and/or pole line activity (including, but not limited to the laying, construction, maintenance and/or repair of cables, conduits and/or pole lines) in, under, across and/or along roads, streets and highways 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.

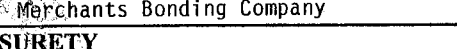
It is understood that at any time Fort Bend County deems itself insecure under this bond, it may require further and/or additional bonds of the principal.

EXECUTED this 10th day May of, 20 12 .

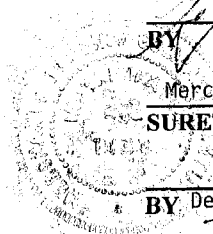
Tidal Construction, Inc.
PRINCIPAL


BY _____

Merchants Bonding Company
SURETY


BY _____

BY Dennis M. Descant, Jr., Attorney-in-Fact



MERCHANTS
BONDING COMPANY™
POWER OF ATTORNEY

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

Dennis M Descant Jr; Edwin W Chapman; Jeffrey L Brady; Sharon L Nail; Timothy J Brady

of Houston and State of TX their true and lawful Attorney-in-Fact, with full power and authority hereby conferred in their name, place and stead, to sign, execute, acknowledge and deliver in their behalf as surety any and all bonds, undertakings, recognizances or other written obligations in the nature thereof, subject to the limitation that any such instrument shall not exceed the amount of:

FIVE MILLION (\$5,000,000.00) DOLLARS

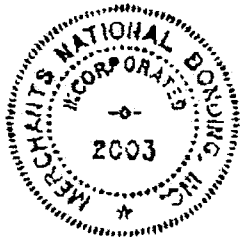
and to bind the Companies thereby as fully and to the same extent as if such bond or undertaking was signed by the duly authorized officers of the Companies, and all the acts of said Attorney-in-Fact, pursuant to the authority herein given, are hereby ratified and confirmed.

This Power-of-Attorney is made and executed pursuant to and by authority of the following By-Laws adopted by the Board of Directors of the Merchants Bonding Company (Mutual) on April 23, 2011 and adopted by the Board of Directors of Merchants National Bonding, Inc., on October 24, 2011.

"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 Witness Whereof, the Companies have caused this instrument to be signed and sealed this 1st day of January, 2012.



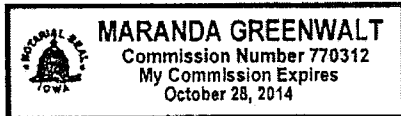
MERCHANTS BONDING COMPANY (MUTUAL)
MERCHANTS NATIONAL BONDING, INC.

By Larry Taylor
President

STATE OF IOWA
COUNTY OF POLK ss.

On this 1st day of January, 2012, before me appeared Larry Taylor, to me personally known, who being by me duly sworn did say that he is President of the MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC.; and that the seals affixed to the foregoing instrument is 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.

In Testimony Whereof, I have hereunto set my hand and affixed my Official Seal at the City of Des Moines, Iowa, the day and year first above written.

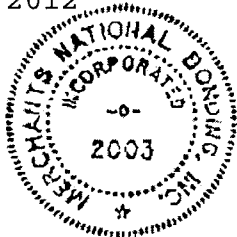


Maranda Greenwalt
Notary Public, Polk County, Iowa

STATE OF IOWA
COUNTY OF POLK ss.

I, William Warner, Jr., Secretary of the 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 10th day of May 2012.



William Warner Jr.
Secretary

POA 0014 (11/11)



Merchants Bonding Company

Please send all notices of claim on this bond to:

Merchants Bonding Company (Mutual)
6850 Austin Center Blvd., Suite 200
P. O. Box 26720
Austin, TX 78755-0720
(512) 343-9033



DRAINAGE DISTRICT

Fort Bend County, Texas

October 17, 2011

Mr. Jon R. VanderWilt, P.E.
Costello, Inc.
9990 Richmond Avenue, Suite 450
North Building
Houston, Texas 77042

**Re: First Colony MUD No. 9
Remote Water Well No. 2 and Improvements to Water Plant No. 1**

Dear Mr. VanderWilt:

The Fort Bend County Drainage District staff has received the referenced construction plans for review and comment. The proposed project is located within the Stafford Run - Middle Oyster Creek - Flat Bank Creek Service Area, which is subject to drainage impact fees on new development. The fee was paid in 1988; therefore the drainage impact fee is not due to the Drainage District.

The project is also located within the incorporated boundary of the City of Missouri City, which is the responsible entity for plat and plan review, approval and permitting. If, during the City's review, it is determined that the project meets all requirements of the *Fort Bend County Drainage Criteria Manual*, the Drainage District will interpose no objection.

If you should have any questions, please do not hesitate to contact me at 281.342.2863 or by email at dwayne.grigar@co.fort-bend.tx.us.

Sincerely,

Dwayne G. Grigar, CFM
Assistant to the Engineer
Fort Bend County Drainage District

xc: Mr. Gary Smith - City of Missouri City
Mr. Scott Elmer, P.E. - City of Missouri City
File/First Colony MUD No. 9
File/Lexington Colony, Section 1

FCMUD9RemoteWW2WtrPlant1_IFPd

**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. 2011006
 PERMIT No. Pending 84145 PCT. No. 4
 BOND No. TXC101600

Formal notice is hereby given that Tidal Construction, Inc. on behalf of First Colony MUD No. 9
 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

Along Roads and/or Drainage Ditches

Road or Ditch Name	Distance & Direction From Nearest Intersection	To	Distance
Oyster Creek	North of Cartwright Road (West Edge)	FCMUD 9 Water Plant	1,412 feet

General Description

Install 16-inch water well collection line by open cut along the west edge of Oyster Creek ROW north of Cartwright Road
 to First Colony MUD No. 9 water plant. Approximately 1,400 feet.

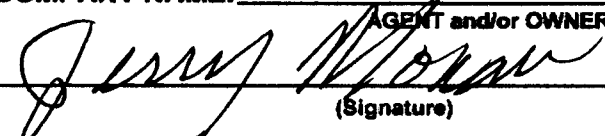
The Location and description of the proposed installation and appurtenances is more fully shown on the attached detail drawings. The laying, construction, maintenance and/or repair of the proposed installation shall be subject to "A Revised Order Regulating the Laying, Construction, Maintenance and/or 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>Does project comply with Fort Bend County Outdoor Lighting Ordinance?</p> <p>Yes (<input checked="" type="checkbox"/>)</p> <p>No (<input type="checkbox"/>)</p>

COMPANY NAME: Tidal Construction, Inc.
 AGENT and/or OWNER

 (Signature)
 NAME & TITLE Jerry Moreau - President
 (Please Print)
 DATE May 8, 2012
 ADDRESS PO Box 1209
 (Street/P.O. Box)
Sealy TX 77474-1209
 City State Zip
 TELEPHONE NO: 979-627-7866
 (accessible 24 hrs/day, 7 days/week)