

182

**REVIEW BY FORT BEND COUNTY COMMISSIONERS COURT**

On this 26 day of FEBRUARY, 2013, Commissioners Court  
came on to be heard and reviewed the accompanying notice  
of DENBURY RESOURCES / ALCOTT, INC. dba TCH

Job Location THOMPSON OILFIELD ROAD

Dated 02/11/13 Bond No. 70083614, Permit No. 84297  
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 Mayers, seconded  
by Commissioner Morrison, 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

  
\_\_\_\_\_  
County Engineer

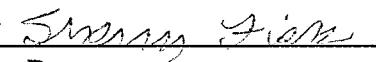
By

\_\_\_\_\_  
Drainage District Engineer/Manager

Presented to Commissioners Court  
and approved.

Recorded in Volume 2-26-13  
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 70083614

THE STATE OF TEXAS       §

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF FORT BEND       §

THAT WE, ALCOTT, INC. dba TCH whose  
address is P.O. Box 1250, Friendswood, TX 77549, Texas, hereinafter called the Principal,  
and THE GUARANTEE COMPANY OF NORTH AMERICA USA, a Corporation existing under and by virtue of  
the laws of the State of MICHIGAN and authorized to do an indemnifying business in the State of  
Texas, and whose principal office is located at SOUTHFIELD, MICHIGAN, whose  
officer residing in the State of Texas, authorized to accept service in all suits and actions brought  
within said State is \*\* and whose address is 12600 Northborough, #190, Houston, TX 77067  
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  
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.       \*\*Bill King

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.

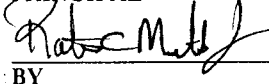
It is understood that at any time Fort Bend County deems itself insecure under this bond,  
it may require further and/or additional bonds of the principal.

EXECUTED this 4th day of February, 2013.

Houstoun, Woodard, Eason, Gentle,  
Tomforde, and Anderson, Inc.  
dba Insurance Alliance  
1776 Yorktown, Suite 200  
Houston, Texas 77056-4114  
TDI License #1381 FEIN #760362043

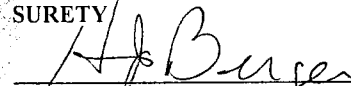
ALCOTT, INC. dba TCH

PRINCIPAL



BY

THE GUARANTEE COMPANY OF NORTH  
AMERICA USA  
SURETY



BY Harlan J. Berger #1011366  
Attorney-in-Fact



# THE GUARANTEE COMPANY OF NORTH AMERICA USA

Southfield, Michigan

## POWER OF ATTORNEY

**KNOW ALL BY THESE PRESENTS:** That **THE GUARANTEE COMPANY OF NORTH AMERICA USA**, a corporation organized and existing under the laws of the State of Michigan, having its principal office in Southfield, Michigan, does hereby constitute and appoint

*C.W. Adams, Andrew J. Janda, Sharon Cavanaugh, Sue Kohler, Leland L. Rauch, Jo Ann Parker, Michael Cole, Cheryl R. Colson,  
Harlan J. Berger*

*Houstoun Woodard Eason Gentle Tomforde & Anderson Inc. dba Insurance Alliance*

its true and lawful attorney(s)-in-fact to execute, seal and deliver for and on its behalf as surety, any and all bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof, which are or may be allowed, required or permitted by law, statute, rule, regulation, contract or otherwise.

The execution of such instrument(s) in pursuance of these presents, shall be as binding upon **THE GUARANTEE COMPANY OF NORTH AMERICA USA** as fully and amply, to all intents and purposes, as if the same had been duly executed and acknowledged by its regularly elected officers at the principal office.

We, **THE GUARANTEE COMPANY OF NORTH AMERICA USA**, duly authorized to do business under the laws of Florida, having heretofore executed a performance and payment bond for the Contractor covering the contract described above, hereby consent to the State of Florida Department of Transportation making full payment of the final estimate, including the retained percentage, to the Contractor.

It is fully understood that consenting to the State of Florida Department of Transportation making payment of the final estimate to the Contractor and/or its assignee, shall not relieve this surety company of any of its obligations under its bond.

The Power of Attorney is executed and may be certified so, and may be revoked, pursuant to and by authority of Article IX, Section 9.03 of the By-Laws adopted by the Board of Directors of **THE GUARANTEE COMPANY OF NORTH AMERICA USA** at a meeting held on the 31<sup>st</sup> day of December, 2003. The President, or any Vice President, acting with any Secretary or Assistant Secretary, shall have power and authority:

1. To appoint Attorney(s)-in-fact, and to authorize them to execute on behalf of the Company, and attach the Seal of the Company thereto, bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof; and
2. To revoke, at any time, any such Attorney-in-fact and revoke the authority given, except as provided below
3. In connection with obligations in favor of the Kentucky Department of Highways only, it is agreed that the power and authority hereby given to the Attorney-in-Fact cannot be modified or revoked unless prior written personal notice of such intent has been given to the Commissioner – Department of Highways of the Commonwealth of Kentucky at least thirty (30) days prior to the modification or revocation.

Further, this Power of Attorney is signed and sealed by facsimile pursuant to resolution of the Board of Directors of the Company adopted at a meeting duly called and held on the 31<sup>st</sup> day of December 2003, of which the following is a true excerpt:

RESOLVED that the signature of any authorized officer and the seal of the Company may be affixed by facsimile to any Power of Attorney or certification thereof authorizing the execution and delivery of any bond, undertaking, contracts of indemnity and other writings obligatory in the nature thereof, and such signature and seal when so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, **THE GUARANTEE COMPANY OF NORTH AMERICA USA** has caused this instrument to be signed and its corporate seal to be affixed by its authorized officer, this 15th day of September, 2011.

**THE GUARANTEE COMPANY OF NORTH AMERICA USA**



**Stephen C. Ruschak, Vice President**

**Randall Musselman, Secretary**

**STATE OF MICHIGAN  
County of Oakland**

On this 15th day of September, 2011 before me came the individuals who executed the preceding instrument, to me personally known, and being by me duly sworn, said that each is the herein described and authorized officer of The Guarantee Company of North America USA; that the seal affixed to said instrument is the Corporate Seal of said Company; that the Corporate Seal and each signature were duly affixed by order of the Board of Directors of said Company.



*Cynthia A. Takai  
Notary Public, State of Michigan  
County of Oakland  
My Commission Expires February 27, 2012  
Acting in Oakland County*

IN WITNESS WHEREOF, I have hereunto set my hand at The Guarantee Company of North America USA offices the day and year above written.

I, Randall Musselman, Secretary of **THE GUARANTEE COMPANY OF NORTH AMERICA USA**, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney executed by **THE GUARANTEE COMPANY OF NORTH AMERICA USA**, which is still in full force and effect.

IN WITNESS WHEREOF, I have thereunto set my hand and attached the seal of said Company this 4<sup>th</sup> day of February, 2013.



**Randall Musselman, Secretary**



## The Guarantee Company of North America USA

One Towne Square, Suite 1470

Southfield, Michigan 48076

Phone: 248-281-0281 Fax: 248-750-0431

### Texas Consumer Notice

#### 1 IMPORTANT NOTICE

To obtain information or make a complaint:

2 You may contact your **agent** at:

3 You may call The Guarantee Company of North America USA's toll-free telephone number for information or to make a complaint at: 1-866-328-0567

4 You may also write to The Guarantee Company of North America USA at:

One Towne Square, Suite 1470

Southfield, Michigan 48076

Web: [www.gcna.com](http://www.gcna.com)

E-mail: [Info@gcna.com](mailto:Info@gcna.com)

Fax: 248-750-0431

5 You may contact the Texas Department of Insurance to obtain information on companies, coverages, rights or complaints at: 1-800-252-3439

6 You may write the Texas Department of Insurance:

P.O. Box 149104

Austin, TX 78714-91 04

Fax: (512) 475-1771

Web: <http://www.tdi.state.tx.us>

E-mail: [ConsumerProtection@tdi.state.tx.us](mailto:ConsumerProtection@tdi.state.tx.us)

#### 7 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.

#### 8 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 informacion o para someter una queja:

Puede comunicarse con su **agent** al

Usted puede llamar al numero de telefono gratis de The Guarantee Company of North America USA's para informacion o para someter una queja al: 1-866-328-0567

Usted tambien puede escribir a to The Guarantee Company of North America USA:

One Towne Square, Suite 1470

Southfield, Michigan 48076

Web: [www.gcna.com](http://www.gcna.com)

E-mail: [Info@gcna.com](mailto:Info@gcna.com)

Fax: 248-750-0431

Puede comunicarse con el Departamento de Seguros de Texas para obtener informacion acerca de companias, coberturas, derechos o quejas al: 1 - 800-252-3439

Puede escribir al Departamento de Seguros de Texas:

P.O. Box 149104

Austin, TX 78714-91 04

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 compania) (agente o la compania) primero. Si no se resuelve la disputa, puede entonces comunicarse con el departamento (TDI).

UNA ESTE AVISO A SU POLIZA: Este aviso es solo para proposito de informacion y no se convierte en parte o condicion 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. 084297

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.  
X c. Plans and specifications.

X (2) Bond:

District Attorney, approval when applicable.

Perpetual bond currently posted.

No. \_\_\_\_\_

Amount \_\_\_\_\_

X Performance bond submitted.

No. 70083614

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)

02/11/2013  
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. 84297 PCT. No. 1  
 BOND No. 70083614

Formal notice is hereby given that DENBURY  
 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
THOMPSON OIL FIELD RD:	2,300' SSE of TEXAS COUNTY RD:	200'	X : : :
:	:	:	:
:	:	:	:

**Along Roads and/or Drainage Ditches**

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

**General Description**

DENBURY IS PROPOSING TO BORE UNDER THOMPSON OIL  
FIELD RD

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 1443, Rosenberg, TX 77471.

Violation of requirements shall constitute grounds for job shut down.

Does project  
comply with Fort  
Bend County  
Outdoor Lighting  
Ordinance?

Yes (✓)  
 No ( )

COMPANY NAME: DENBURY RESOURCES

Kelly Richmond  
AGENT and/or OWNER  
(Signature)

NAME & TITLE Kelly Richmond, Facilities Engineer  
(Please Print)

DATE 2/7/2013

ADDRESS 5320 LEGACY DRIVE  
(Street/P.O. Box)

PLANO TX 75024  
City State Zip

TELEPHONE NO: (972) 673-2000  
(accessible 24 hrs/day, 7 days/week)



## **DENBURY RESOURCES THOMPSON FIELD TRAFFIC CONTROL PLAN**

Denbury Resources Thompson Field is requesting a road bore permit from the County of Fort Bend. The work will include boring of pipe under Thompson Oil Field Road. In compliance with Fort Bend County Denbury proposes the following traffic control plan.

The traffic control plan includes:

- Road will be kept open to traffic and contractor will provide adequate flagmen and signals while work is in progress, for the safety of the public.
- Any excess excavation will be removed from the road at the end of each day.
- If any equipment operates on a portion of the pavement, precautions will be taken to prevent any damages to the pavement.

The contractor shall agree to be fully responsible for all damages caused by his failure to abide by proposed traffic control plan.

