

# REVIEW BY FORT BEND COUNTY COMMISSIONERS COURT

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On this 26 day of FEBRUARY, 2013, Commissioners Court came on to be heard and reviewed the accompanying notice of US BUILDERS, L.P.

Job Location WEST BELLFORT

Dated 02/18/13 Bond No. 32S392292, Permit No. 84300 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 Morrison, 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 2-26-13  
Minutes of Commissioners Court.

Clerk of Commissioners Court

By Sherry Fisk  
Deputy

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

AUTHORIZED

BOND NO **32S392292**

THE STATE OF TEXAS           §  
COUNTY OF FORT BEND       §           KNOW ALL MEN BY THESE PRESENTS:

THAT WE, **U.S. BUILDERS, L.P.**

whose address is **7600 SAN FELIPE HOUSTON, TX 77063**

, Texas, hereinafter called the Principal, and **The Ohio Casualty Insurance Company**, a Corporation existing under and by virtue of the laws of the State of **New Hampshire** and authorized to do an indemnifying business in the State of Texas, and whose principal office is located at **62 Maple Avenue, Keene, New Hampshire 03431**,

whose officer residing in the State of Texas, authorized to accept service in all suits and actions brought within said State is **The Ohio Casualty Insurance Company** and whose address is **62 Maple Avenue, Keene, New Hampshire 03431**

, 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 **Fifty Thousand Dollars And Zero Cents**

**Dollars (\$50,000.00)** 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 13th day of February, 2013.

**U.S. BUILDERS, L.P.**

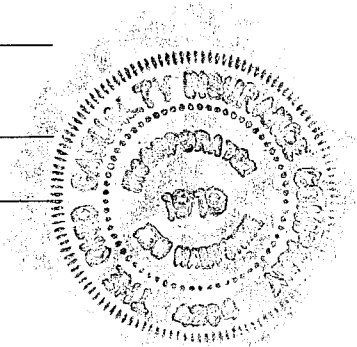
PRINCIPAL

BY **CHARLES MORMINO**



**The Ohio Casualty Insurance Company**  
SURETY

BY **LARRY D. SNIDER - Attorney-in-Fact**



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.

THE OHIO CASUALTY INSURANCE COMPANY  
KEENE, NEW HAMPSHIRE  
POWER OF ATTORNEY

KNOW ALL PERSONS BY THESE PRESENTS that The Ohio Casualty Insurance Company, a New Hampshire corporation, does hereby appoint  
\*\*\*\*\* LARRY D. SNIDER \*\*\*\*\*

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: 32S392292

Principal: U.S. BUILDERS, L.P.

Bond Amount: Fifty Thousand Dollars And Zero Cents

DOLLARS ( \$50,000.00 )

and to bind The Ohio Casualty Insurance Company thereby as fully as if such instruments had been duly executed by 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, Assistant Secretary of The Ohio Casualty 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 The Ohio Casualty Insurance Company has been affixed thereto in Seattle, Washington 1st day of December, 2012



The Ohio Casualty Insurance Company

By

*Gregory W. Davenport*

Gregory W. Davenport, Assistant Secretary

STATE OF WASHINGTON ss  
COUNTY OF KING

On this 1st day of December, 2012, before me, a Notary Public, personally came Gregory W. Davenport, to me known and acknowledged that he is a Assistant Secretary; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of The Ohio Casualty 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

*KD Riley*

KD Riley, Notary Public

CERTIFICATE

I, the undersigned, Assistant Secretary of The Ohio Casualty 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 The Ohio Casualty 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 The Ohio Casualty Insurance Company effective the 15th day of February, 2011.

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 13th day of February, 2013



By

*David M. Carey*

David M. Carey, Assistant Secretary

## 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:

888-844-2663

3 You may also write to Liberty Mutual Surety at:

62 Maple Avenue  
Keene, NH 03431

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

888-844-2663

Usted también puede escribir a Liberty Mutual Surety:

62 Maple Avenue  
Keene, NH 03431

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. 084300

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. 32S392292  
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

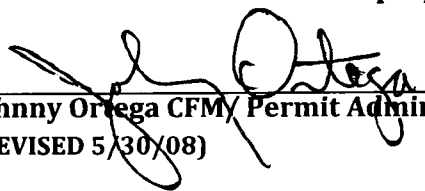
\_\_\_\_\_ Date

\_\_\_\_\_ 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)

02/18/2013  
Date

**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. 84300

(County Use Only)

Applicant Name LS Builders  
Applicant Mailing Address 7600 San Felipe  
City Houston State TX Zip 77063  
Work Phone 713-661-1987 Daytime Phone 832-435-7080  
Property Owner's Name Aldi (Texas) LLC Phone \_\_\_\_\_  
Property Owner's Mailing Address 2500 Westcourt Rd  
City Denton State TX Zip 76207

**LOCATION OF PROPERTY**

Subdivision \_\_\_\_\_ Sec \_\_\_\_\_ Lot \_\_\_\_\_ Blk \_\_\_\_\_  
Physical Address 10402 S Hwy 6 Sugar Land TX 77498

(ATTACH A SITE MAP)

**SITE USE**

Driveway Curb & Gutter Section ☐ Driveway - Open Ditch Section ☐  
Culvert Only ☐ Other ☐

**DRIVEWAY REQUIREMENTS**

Length 20' minimum and 40' maximum Number of drives \_\_\_\_\_  
(See - 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 ( )  
(See- 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

Hunter Landers  
Printed Name

Date 2/13/13

