

105

REVIEW BY FORT BEND COUNTY COMMISSIONERS COURT

On this 12 day of MARCH, 2013, Commissioners Court came on to be heard and reviewed the accompanying notice of CML EXPLORATION LLC.

Job Location POWELL POINT SCHOOL ROAD

Dated 03/05/13 Bond No. TX 805604, Permit No. 84312 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 Statutes. Upon Motion of Commissioner Meyers, seconded by Commissioner Probst, 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

[Signature]
County Engineer

By

Drainage District Engineer/Manager

Presented to Commissioners Court
and approved.

Recorded in Volume 3-12-13
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. TX 805604

THE STATE OF TEXAS §

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF FORT BEND §

THAT WE, CML Exploration LLC whose address is PO Box 890-Synder, TX 79550, 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 PO Box 26720-Austin, TX 78755, whose officer residing in the State of Texas, authorized to accept service in all suits and actions brought within said State is Nick, and whose address is PO Box 53910-Lubbock, TX 79453, 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.

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 14th day of February, 2013.

CML Exploration LLC
PRINCIPAL

BY 

Merchants Bonding Company (Mutual)
SURETY

BY  Cara D. Hancock, 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,

Harold Binggeli, D.N. Broyles, Angela S. Goff, Cara D. Hancock, Carroll Mayfield,
Ron Stroman, Jennifer Winters

of Lubbock and State of Texas 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:

THREE MILLION (\$3,000,000.00) DOLLARS

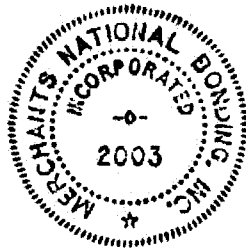
and to bind the Companies thereby as fully and to the same extent as if such bond or undertaking was signed by the duly authorized officers of the Companies, and all the acts of said Attorney-in-Fact, pursuant to the authority herein given, are hereby ratified and confirmed.

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 3rd day of August, 2012.



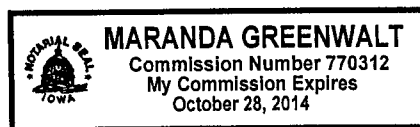
MERCHANTS BONDING COMPANY (MUTUAL)
MERCHANTS NATIONAL BONDING, INC.

By *Larry Taylor*
President

STATE OF IOWA
COUNTY OF POLK ss.

On this 3rd day of August, 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.

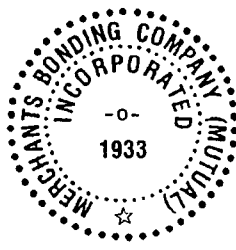


Maranda Greenwalt
Notary Public, Polk County, Iowa

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 14th day of February, 2013.



William Warner Jr.
Secretary

POA 0014 (11/11)

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. 084312

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. TX 805604

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

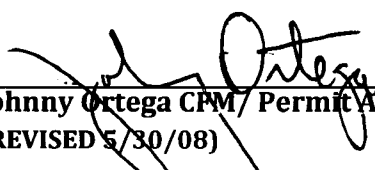
Date

Precinct Commissioner Acknowledgment

Date

_____ (4) _____
Drainage District Approval when applicable

We have reviewed this project and agree it meets minimum requirements.


Johnny Ortega CPM/ Permit Administrator
(REVISED 5/30/08)

03/05/2013
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. 84312
(County Use Only)

Applicant Name CML Exploration LLC
Applicant Mailing Address Barton Oaks Plaza One Ste 430 901 Mopac Expwy South
City Austin State TX Zip 78746
Work Phone 512-328-8085 Daytime Phone Same as work
Property Owner's Name Franklin D. Melton Phone (323) 382-4311
Property Owner's Mailing Address 2950 Vista Del Mar
City Ranchos Palos Verdes State California Zip 90275

LOCATION OF PROPERTY

Subdivision _____ Sec _____ Lot _____ Blk _____

Physical Address Take Hwy 59 S from Rosenberg to Kendleton. Take a right on 2919.
Go to Powell School rd. and take a right. Site is a quarter of a mile down
(ATTACH A SITE MAP) Powell School rd. on left.

SITE USE

Driveway Curb & Gutter Section _____ Driveway - Open Ditch Section _____
Culvert Only ☒

DRIVEWAY REQUIREMENTS

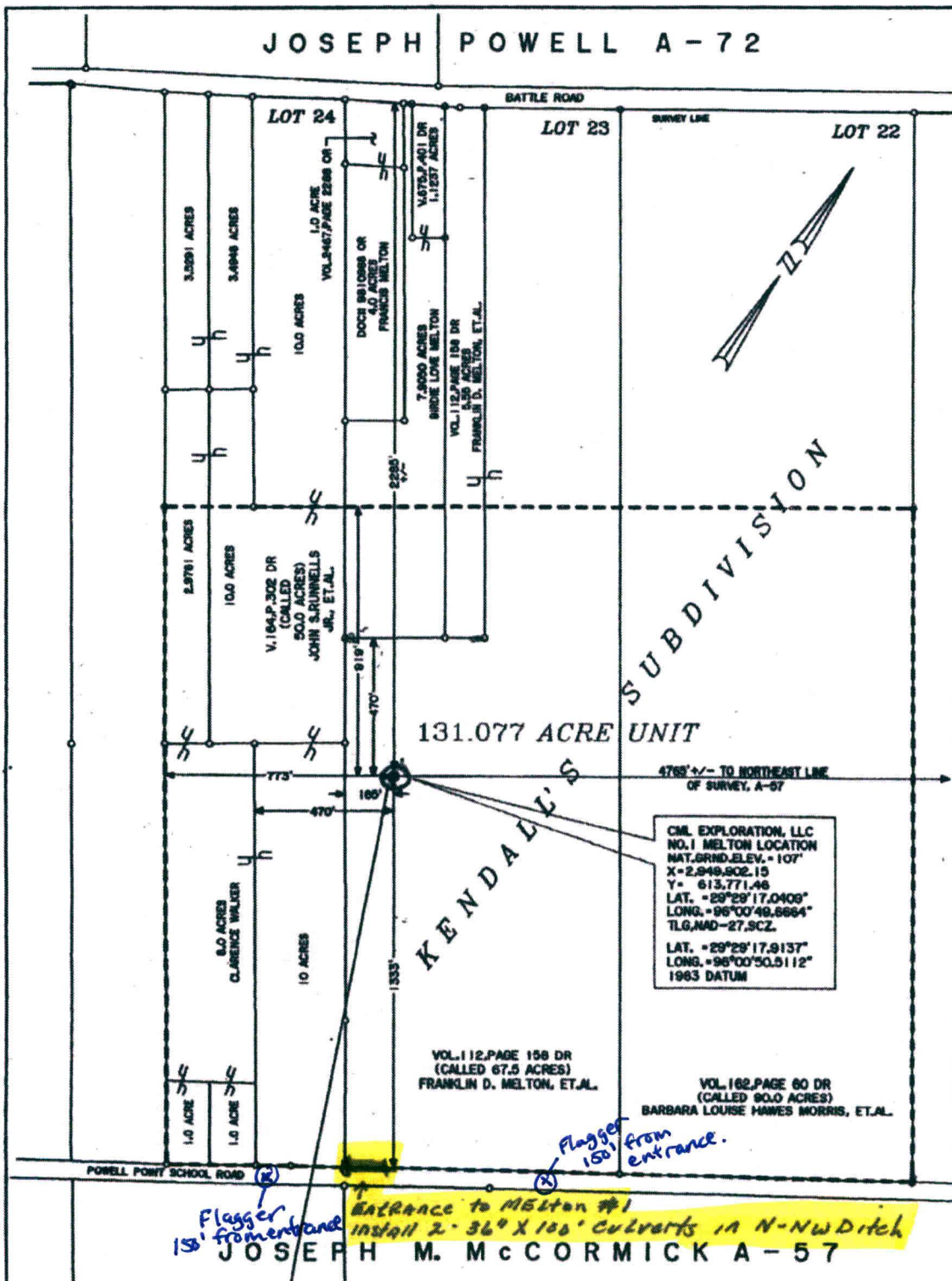
Length 20' minimum and 40' maximum Number of drives 1
(See - Fort Bend County Procedures to be followed for Commercial Driveway, and Median Openings or Modifications)
Available on website www.co.fort-bend.tx.us

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)

- 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.

Cory Jeter 02/13/13
Signature of Applicant, Agent or Attorney Date
Cory Jeter
Printed Name

JOSEPH POWELL A-72



CML EXPLORATION, LLC
NO.1 MELTON LOCATION
NAT. GRID ELEV. = 107'
X = 2,948,902.15
Y = 613,771.46
LAT. = 29°28'17.0408"
LONG. = 96°00'49.8664"
T.L.G. NAD-27, SCZ.
LAT. = 29°28'17.9137"
LONG. = 96°00'50.5112"
1983 DATUM

VOL. 112, PAGE 156 DR
(CALLED 67.5 ACRES)
FRANKLIN D. MELTON, ET AL.

VOL. 162, PAGE 60 DR
(CALLED 90.0 ACRES)
BARBARA LOUISE HAWES MORRIS, ET AL.

POWELL PONY SCHOOL ROAD

S.23°E. APPROX. 2.8 MILES
TO KENDALTON, TEXAS



A MEASUREMENT HAS BEEN PERFORMED, AND
PLAY HAS NOT BEEN ALIGNED, CULVERTS OR
OTHER OBSTRUCTIONS. THE SURVEYOR HAS
ADVISED THE CLIENT OF ANY OBSTRUCTIONS IN LOCATING ANY OF
THESE OBSTRUCTIONS.

THE ABOVE PLAT IS PREPARED FROM AN ACTUAL SURVEY ALONG WITH
FURNISHED AND RECEIVED INFORMATION. THIS ABOVE PLAT IS TRUE AND CORRECT
TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS 9TH DAY OF NOVEMBER, 2012.

BY *Kenneth L. Blodgett*
KENNETH L. BLODGETT
STATE OF TEXAS
JUL 13 2012
3996

CML EXPLORATION, LLC

NO.1 LOCATION
FRANKLIN D. MELTON, ET AL. 131.077 ACRE UNIT
JOSEPH M. McCORMICK SURVEY, A-57
FORT BEND COUNTY, TEXAS

FORD SURVEYING FIRM - VICTORIA, TEXAS - 361-973-3249

SCALE: 1"=400' DATE: 11-9-12 JOB NO: 13-1012-C

F.BEND 12-1

DRAWN BY: JRG
CHECKED BY: DMH