

# REVIEW BY FORT BEND COUNTY COMMISSIONERS COURT

14-0

On this 25 day of JUNE, 2013, Commissioners Court came on to be heard and reviewed the accompanying notice of COMANCHE CONTRACTORS, L.P.

Job Location CINCO PARK ROAD

Dated 06/07/13 Bond No. 0176275, Permit No. 84372 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, 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 625-13  
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 0176275

THE STATE OF TEXAS §

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF FORT BEND §

THAT WE, Comanche Contractors, L.P. whose address is 10450 Westoffice Dr., Houston, TX 77042, Texas, hereinafter called the Principal, and Berkley Regional Insurance Company, a Corporation existing under and by virtue of the laws of the State of Delaware and authorized to do an indemnifying business in the State of Texas, and whose principal office is located at Urbandale, Iowa, whose officer residing in the State of Texas, authorized to accept service in all suits and actions brought within said State is Tin Champagne and whose address is 12400 Coit Rd., #625, Dallas, TX 75251, 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 and No/100 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 31st day of May, 20 13.

Comanche Contractors, L.P.

PRINCIPAL

BY 

Berkley Regional Insurance Company

SURETY

BY  Mary M. Rifaat, Attorney-in-Fact

POWER OF ATTORNEY  
BERKLEY REGIONAL INSURANCE COMPANY  
WILMINGTON, DELAWARE

NOTICE: The warning found elsewhere in this Power of Attorney affects the validity thereof. Please review carefully.

KNOW ALL MEN BY THESE PRESENTS, that BERKLEY REGIONAL INSURANCE COMPANY (the "Company"), a corporation duly organized and existing under the laws of the State of Delaware, having its principal office in Urbandale, Iowa, has made, constituted and appointed, and does by these presents make, constitute and appoint: **Lori Ellis, Edward L. Moore, Roxanne G. Hebert, Bruce C. DeHart, David R. Groppell, Beverly A. Ireland, Mary M. Rifaat or Sharen R. Groppell of Elsey and Associates Surety/Insurance Agency, Inc. of Spring, TX** its true and lawful Attorney-in-Fact, to sign its name as surety only as delineated below and to execute, seal, acknowledge and deliver any and all bonds and undertakings, with the exception of Financial Guaranty Insurance, providing that no single obligation shall exceed **Fifty Million and 00/100 U.S. Dollars (U.S.\$50,000,000.00)**, to the same extent as if such bonds had been duly executed and acknowledged by the regularly elected officers of the Company at its principal office in their own proper persons.

This Power of Attorney shall be construed and enforced in accordance with, and governed by, the laws of the State of Delaware, without giving effect to the principles of conflicts of laws thereof. This Power of Attorney is granted pursuant to the following resolutions which were duly and validly adopted at a meeting of the Board of Directors of the Company held on August 21, 2000:

**"RESOLVED**, that the proper officers of the Company are hereby authorized to execute powers of attorney authorizing and qualifying the attorney-in-fact named therein to execute bonds, undertakings, recognizances, or other suretyship obligations on behalf of the Company, and to affix the corporate seal of the Company to powers of attorney executed pursuant hereto; and further

**RESOLVED**, that such power of attorney limits the acts of those named therein to the bonds, undertakings, recognizances, or other suretyship obligations specifically named therein, and they have no authority to bind the Company except in the manner and to the extent therein stated; and further

**RESOLVED**, that such power of attorney revokes all previous powers issued on behalf of the attorney-in-fact named; and further

**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, recognizance, or other suretyship obligation of the Company; and such signature and seal when so used shall have the same force and effect as though manually affixed. The Company may continue to use for the purposes herein stated the facsimile signature of any person or persons who shall have been such officer or officers of the Company, notwithstanding the fact that they may have ceased to be such at the time when such instruments shall be issued."

IN WITNESS WHEREOF, the Company has caused these presents to be signed and attested by its appropriate officers and its corporate seal hereunto affixed this 13 day of February, 2013.

Attest:

Berkley Regional Insurance Company

(Seal)

By

Ira S. Lederman  
Senior Vice President & Secretary

By

Jeffrey M. Hafter  
Senior Vice President

**WARNING: THIS POWER INVALID IF NOT PRINTED ON BLUE "BERKLEY" SECURITY PAPER.**

STATE OF CONNECTICUT )

) ss:

COUNTY OF FAIRFIELD )

Sworn to before me, a Notary Public in the State of Connecticut, this 13 day of February, 2013, by Jeffrey M. Hafter and Ira S. Lederman who are sworn to me to be the Senior Vice President, and the Senior Vice President and Secretary, respectively, of Berkley Regional Insurance Company.

EILEEN KILLEEN

NOTARY PUBLIC, STATE OF CONNECTICUT  
MY COMMISSION EXPIRES JUNE 30, 2017

Eileen Killeen  
Notary Public, State of Connecticut

**CERTIFICATE**

I, the undersigned, Assistant Secretary of BERKLEY REGIONAL INSURANCE COMPANY, DO HEREBY CERTIFY that the foregoing is a true, correct and complete copy of the original Power of Attorney; that said Power of Attorney has not been revoked or rescinded and that the authority of the Attorney-in-Fact set forth therein, who executed the bond or undertaking to which this Power of Attorney is attached, is in full force and effect as of this date.

Given under my hand and seal of the Company, this 31st day of May, 2013.

(Seal)

Andrew M. Aduma

WARNING - Any unauthorized reproduction or alteration of this document is prohibited. This power of attorney is void unless seals are readable and the certification seal at the bottom is embossed. The background imprint, warning and confirmation (on reverse) must be in blue ink.

## **IMPORTANT NOTICE**

To obtain information or make a complaint:

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

**1-866-245-1973**

You may also write to Berkley Surety Group at:

Berkley Surety Group, Inc.  
412 Mt. Kemble Avenue  
Suite 310N  
Morristown, NJ 07960  
Attention: Surety Claims Department

OR

E-mail: [BSGClaim@wrbcsurety.com](mailto:BSGClaim@wrbcsurety.com)

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

**1-800-252-3439**

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)

### **PREMIUM OR CLAIM DISPUTES:**

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

### **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:

Usted puede llamar al numero de telefono gratis de Berkley Surety Group's para informacion o para someter una queja al:

**1-866-245-1973**

Usted tambien puede escribir a Berkley Surety Group:

Berkley Surety Group, Inc.  
412 Mt. Kemble Avenue  
Suite 310N  
Morristown, NJ 07960  
Attention: Surety Claims Department

OR

E-mail: [BSGClaim@wrbcsurety.com](mailto:BSGClaim@wrbcsurety.com)

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 78714-9104  
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 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. 081272

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. 0176275
    - 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)

06/07/2013  
Date

Pd \$3,000.00

**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. 84372  
(County Use Only)

Applicant Name Comanche Contractors, L.P.  
Applicant Mailing Address 10450 Westoffice Dr.  
City Houston State Texas Zip 77042  
Work Phone 713.862.4545 Daytime Phone \_\_\_\_\_  
Property Owner's Name Ballard House Foundation Phone 832.448.3700  
Property Owner's Mailing Address 14800 St. Mary's Ln., Ste. 175  
City Houston State Texas Zip 77079

**LOCATION OF PROPERTY**

Subdivision \_\_\_\_\_ Sec \_\_\_\_\_ Lot \_\_\_\_\_ Blk \_\_\_\_\_  
Physical Address 5909 S. Mason Rd, Katy, TX 77450

(ATTACH A SITE MAP)

**SITE USE**

Driveway Curb & Gutter Section 1 - 18" culvert. Driveway - Open Ditch Section 1  
Culvert Only \_\_\_\_\_

**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)

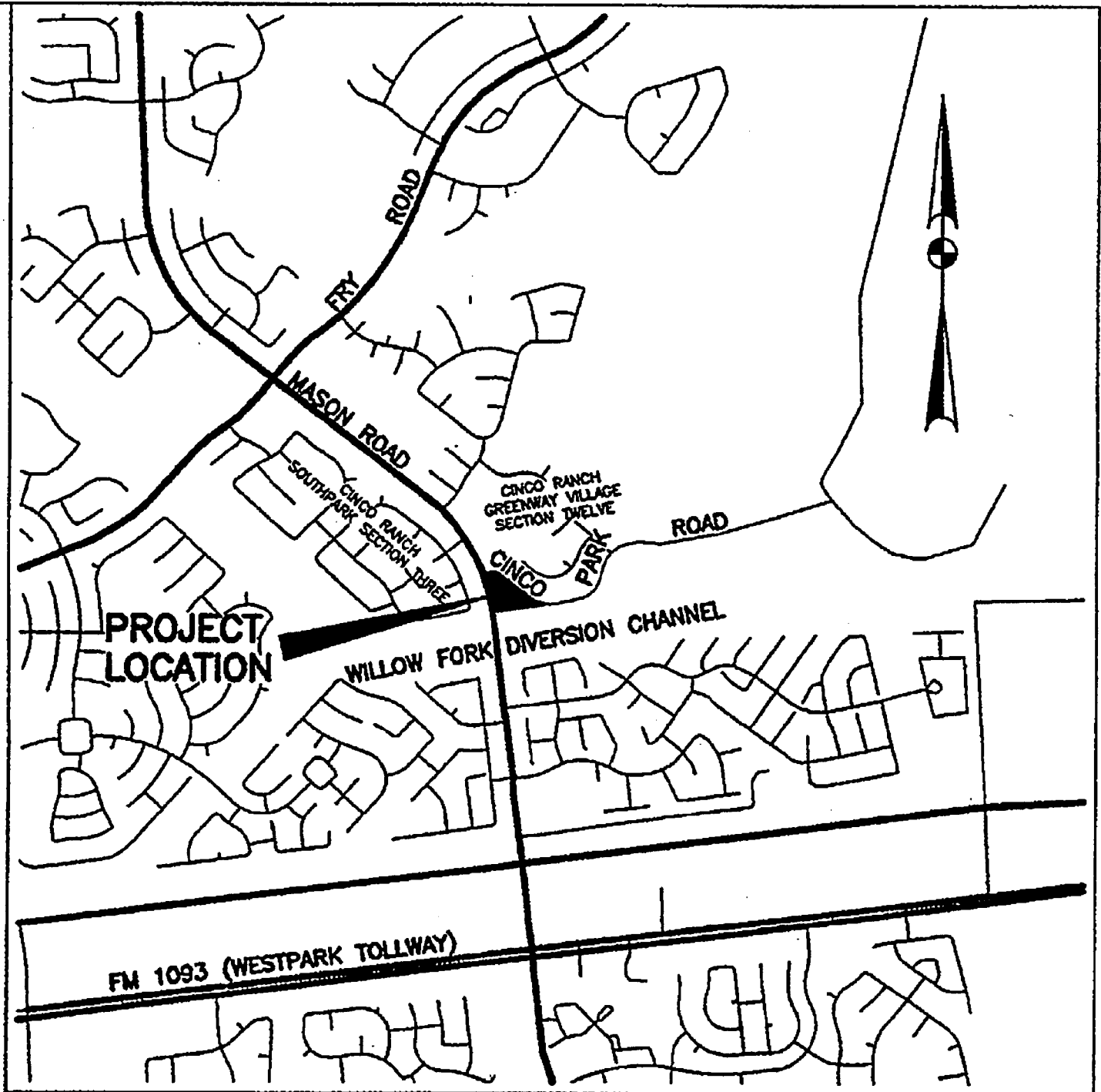
Does project comply with Fort Bend County Lighting Regulation Yes ( ) No ( )  
(See- Fort Bend County Outdoor Lighting Regulation on website [www.co.fort-bend.tx.us](http://www.co.fort-bend.tx.us))

- 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.

Greg Walla  
Signature of Applicant, Agent or Attorney

6/04/13  
Date

Greg Walla  
Printed Name



**VICINITY MAP**  
1" = 1/2 MILE  
KEY MAP: 526A



03-05-2013  
11 Greenway Plaza, 22nd Floor  
Houston, Texas 77046-1104  
Phone: 713-965-0608  
Fax: 713-961-4571  
TX Firm: F-3709

[illegible]

# C-1.1

## SITE PLAN

