

145

REVIEW BY FORT BEND COUNTY COMMISSIONERS COURT

On this 06 day of AUGUST, 2013, Commissioners Court came on to be heard and reviewed the accompanying notice of PORTLAND UTILITIES CONSTRUCTION CO., LLC

Job Location WEST AIRPORT BOULEVARD, BROOKWOOD LAKE PLACE, OLD RICHMOND ROAD

Dated 07/29/13 Bond No. 0164602, Permit No. 84401 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 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.

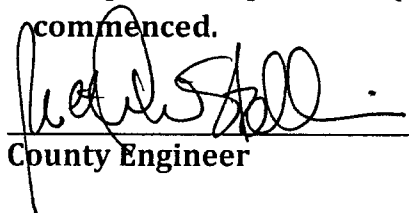
Notes:

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 8613
Minutes of Commissioners Court.

Clerk of Commissioners Court

By Sherry J. [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 0164602

THE STATE OF TEXAS §

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF FORT BEND §

THAT WE, Portland Utilities Construction Co., LLC whose address is 13001 Elaine Rd. Houston Tx 77042, Texas, hereinafter called the Principal, and Westfield Insurance Company, a Corporation existing under and by virtue of the laws of the State of OH and authorized to do an indemnifying business in the State of Texas, and whose principal office is located at Westfield Center, OH, whose officer residing in the State of Texas, authorized to accept service in all suits and actions brought within said State is Plano Office and whose address is 555 Republic Dr., Ste. 450, Plano, Texas 75074, 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 00/100 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 22nd day of July, 20 13.

Portland Utilities Construction Co., LLC

PRINCIPAL

BY

Westfield Insurance Company

SURETY

BY

David A. Bennett, Attorney IN Fact

General
Power
of Attorney

CERTIFIED COPY

POWER NO. 4110092 15

Westfield Insurance Co.
Westfield National Insurance Co.
Ohio Farmers Insurance Co.
Westfield Center, Ohio

Know All Men by These Presents, That WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY, corporations, hereinafter referred to individually as a "Company" and collectively as "Companies," duly organized and existing under the laws of the State of Ohio, and having its principal office in Westfield Center, Medina County, Ohio, do by these presents make, constitute and appoint
FREDERICK M. FISHER, TODD A. THOMPSON, MASON G. POPE, ANGELA BOIE, DAVID A. BENNETT, JOANNA K. YARBROUGH, ANDREA LEACH, JOINTLY OR SEVERALLY

of NASHVILLE and State of TN its true and lawful Attorney(s)-in-Fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver any and all bonds, recognizances, undertakings, or other instruments or contracts of suretyship-

LIMITATION: THIS POWER OF ATTORNEY CANNOT BE USED TO EXECUTE NOTE GUARANTEE, MORTGAGE DEFICIENCY, MORTGAGE GUARANTEE, OR BANK DEPOSITORY BONDS.

and to bind any of the Companies thereby as fully and to the same extent as if such bonds were signed by the President, sealed with the corporate seal of the applicable Company and duly attested by its Secretary, hereby ratifying and confirming all that the said Attorney(s)-in-Fact may do in the premises. Said appointment is made under and by authority of the following resolution adopted by the Board of Directors of each of the WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY:

"Be it Resolved, that the President, any Senior Executive, any Secretary or any Fidelity & Surety Operations Executive or other Executive shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

The Attorney-in-Fact, may be given full power and authority for and in the name of and on behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements of indemnity and other conditional or obligatory undertakings and any and all notices and documents canceling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be as binding upon the Company as if signed by the President and sealed and attested by the Corporate Secretary."

"Be it Further Resolved, that the signature of any such designated person and the seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signatures or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached." (Each adopted at a meeting held on February 8, 2000).

In Witness Whereof, WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY have caused these presents to be signed by their National Surety Leader and Senior Executive and their corporate seals to be hereto affixed this 18th day of FEBRUARY A.D., 2013.

Corporate
Seals
Affixed



WESTFIELD INSURANCE COMPANY
WESTFIELD NATIONAL INSURANCE COMPANY
OHIO FARMERS INSURANCE COMPANY

By: *Dennis P. Baus*

Dennis P. Baus, National Surety Leader and Senior Executive

State of Ohio
County of Medina ss.:

On this 19th day of FEBRUARY A.D., 2013, before me personally came Dennis P. Baus to me known, who, being by me duly sworn, did depose and say, that he resides in Wooster, Ohio; that he is National Surety Leader and Senior Executive of WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY, the companies described in and which executed the above instrument; that he knows the seals of said Companies; that the seals affixed to said instrument are such corporate seals; that they were so affixed by order of the Boards of Directors of said Companies; and that he signed his name thereto by like order.

Notarial
Seal
Affixed



State of Ohio
County of Medina ss.:

William J. Kahelin

William J. Kahelin, Attorney at Law, Notary Public
My Commission Does Not Expire (Sec. 147.03 Ohio Revised Code)

I, Frank A. Carrino, Secretary of WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Companies, which is still in full force and effect; and furthermore, the resolutions of the Boards of Directors, set out in the Power of Attorney are in full force and effect.

In Witness Whereof, I have hereunto set my hand and affixed the seals of said Companies at Westfield Center, Ohio, this 22nd day of July A.D., 2013.



Frank A. Carrino
Frank A. Carrino, Secretary

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

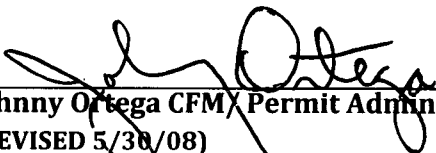
PERMIT APPLICATION REVIEW FORM FOR CABLE, CONDUIT, AND POLE LINE ACTIVITY IN FORT BEND COUNTY

PERMIT NO. 084401

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. 0164602
- 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)

07/29/2013
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. 84401 PCT. No. 4
 BOND No. 0164602

Formal notice is hereby given that _____
 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
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- | | | | |
|--------------------------------|-------------------------------|--------------------|----------------------------------|
| A. <u>W. Airport</u> | : <u>@Ginger Run</u> | : <u>20'</u> | : <u>✓</u> : <u>Street Cut</u> |
| B. <u>Brookwood Lake Place</u> | : <u>W. Airport 5' South</u> | : <u>30'</u> | : <u>✓</u> : <u>Road Closure</u> |
| C. <u>Cobbler Crossing</u> | : <u>W. Airport 15' South</u> | : <u>30'</u> | : <u>✓</u> : <u>under road</u> |
| D. <u>Old Richmond Rd.</u> | : <u>W. Airport 25' South</u> | : <u>36' + 26'</u> | : <u>✓</u> : <u>under road</u> |
- Along Roads and/or Drainage Ditches**

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

General Description

Item A is for a Point Repair, Items B, C, D are for a sewer bypass system to allow for repair of sewer line. Item A will require remove & replace concrete.

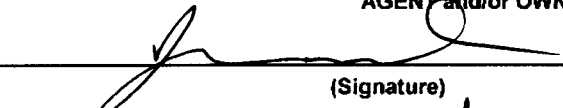
The Location and description of the proposed installation and appurtenances is more fully shown on the attached detail drawings. The laying, construction, maintenance and/or repair of the proposed installation shall be subject to "A Revised Order Regulating the Laying, Construction, Maintenance and/or 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.

COMPANY NAME: Portland Utilities Construction
 AGENT and/or OWNER


 (Signature)
 NAME & TITLE Jeffrey Ward Project Manager
 (Please Print)

DATE 7/2 /2013

ADDRESS 117 Demase St.
 (Street/P.O. Box)
Portland TN 37148
 City State Zip

TELEPHONE NO: 713-434-1924
 (accessible 24 hrs/day, 7 days/week)

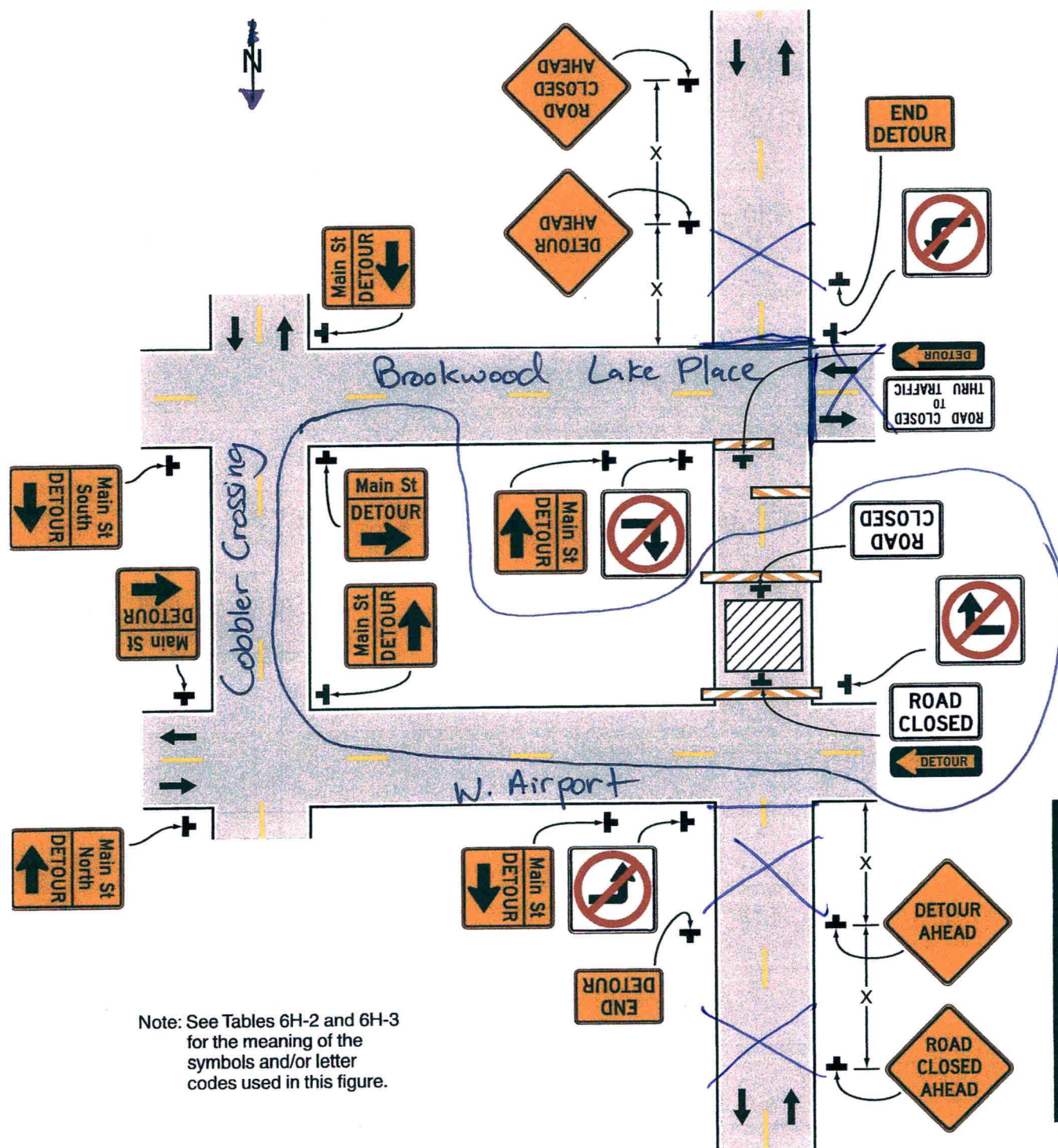
281-733-7425 (C) Superintendent 24 hrs.

**Does project
comply with Fort
Bend County
Outdoor Lighting
Ordinance?**

Yes (☒)

No (☐)

Figure 6H-20. Detour for a Closed Street (TA-20)



Typical Application 20

*Note: TCP for lane closures in W. Airport in plans.



SEE 527 MAP



SEE 568 MAP