

S&B**INFRASTRUCTURE LTD.**

Engineering & Management & Technology

**PERMISSION FOR RIGHT-OF-ENTRY
FOR ENVIRONMENTAL SURVEYS**

I, Robert Hebert, County Judge, the UNDERSIGNED, being the (owner/renter) of certain real estate, Parcel/Land Tract Identification: 0358-00-006-0050-901, understand that the property may be affected by the transportation project shown in Figure 1, attached.

ACCEPTANCE OF ENTRY TO PROPERTY

I, Robert Hebert, County Judge, understanding the nature and extent of the environmental investigations, do hereby grant permission to TxDOT personnel to enter the above property to conduct the requested surveys and testing.

Signature

Robert Hebert, County Judge, Fort Bend County

Printed Name

401 Jackson Street, Richmond, Texas 77469

Address

March 25, 2014

Date

281-341-8608

Phone Number

You or your representative are cordially invited to be present or may request to be present during field surveys. We will attempt to notify you of the date of the survey. Inclusion of a phone number will facilitate this process. If you have any questions or require additional information, please contact:

Joshua Geyer
S&B Infrastructure, Ltd.
(713) 845-5302

DENY RIGHT-OF-ENTRY

I, _____, deny permission for the requested right-of-entry.

Signature

Date

Please return this form in the pre-addressed envelope to:

Ms. Barbara Castille
S&B Infrastructure, Ltd.
530 Wells Fargo Drive
Houston, Texas 77090

TEXAS DEPARTMENT OF TRANSPORTATION
RIGHT-OF-ENTRY AGREEMENT
FOR ARCHEOLOGICAL EVALUATION

DISTRICT/COUNTY: Houston District/Fort Bend County

HIGHWAY: State Highway 36

CSJ: 0188-01-016

LIMITS (From, To): US 59 to FM 2218

DESCRIPTION OF TRANSPORTATION ACTIVITY: Roadway widening from a two-lane roadway to a four-lane roadway with turning lanes.

PARCEL/LAND TRACT IDENTIFICATION: 0358-00-006-0050-901

TAX MAP INFORMATION: A-128-P, A-128-Q

The Undersigned (hereafter, "Owner") or authorized designee, hereby grants to the Texas Department of Transportation (hereafter, the "State") a right-of-entry (ROE) upon the following terms and conditions:

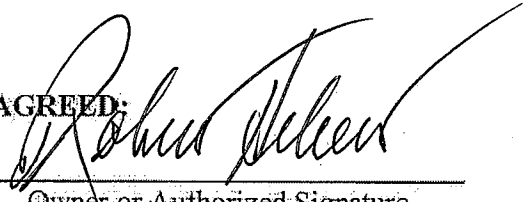
- I The Owner grants to the State ROE to the lands described below in order to conduct archeological investigations required for the above-referenced transportation activity. The investigation is required under Section 106 of the National Historic Preservation Act of 1966 as amended and the Texas Antiquities Code. Investigations will follow federal and state regulations pertaining to the treatment of archaeological sites and materials and required OSHA safety standards.
- II A team of TxDOT personnel or the department's representatives will enter the land on or about one (1) month after this agreement is fully executed. The ROE shall remain valid for a period of two (2) year after signing.
 - (a) Archeological investigation will consist of limited hand excavation (such as a series of shovel-dug probes) in the project area for the presence of historical and prehistoric archeological materials.
 - (b) Point of Contact: The Owner may contact Courtney Blechle, TxDOT, at (713) 802-5245 regarding the progress of the work or for further information.
- III This permit includes the right to cross other lands not described below provided such passage is necessary for access to perform the archeological investigation. The archaeological investigation shall be limited to proposed right-of-way, detours, easements, and other project-related activity areas of the transportation project identified above.
- IV The State and all persons entering upon said lands under this ROE permit accept the premises in an "as-is" condition, acknowledge that
 - (a) the land onto which they are entering may be rough brushland; or
 - (b) the land onto which they are entering may have unevenness, holes, and conditions, both apparent and concealed, which may be dangerous to persons in the area; and
 - (c) they accept the lands in that condition.
- V All tools, equipment, and other property taken onto the land by the State shall remain the property of the State and may be removed by the State at any time within a reasonable period after the expiration of the ROE permit.

- VI All artifacts and other cultural resources recovered by the State within the proposed right-of-way will become the property of the State and may be removed by the State. Any other artifacts or cultural materials outside of the proposed right-of-way and project activity areas shall remain the property of the Owner. [the owner(s) may assert his or her legal rights to ownership as a condition of ROE. This should be avoided if possible. If the owner(s) wishes to retain artifacts, then this section needs to be deleted or struck out and initialed by the owner(s) and the special conditions below must include a statement that no artifacts will be collected during a survey. This also must be initialed by the landowner(s).]
- VII The lands affected by this right-of-entry permit are described as follows:
Parcel/Land Tract Identification: 0358-00-006-0050-901,
Tax Map Number: A-128-P, A-128-Q
Address: 301 Jackson St, Richmond, TX 77469-3108
- VIII Property is owned by: Fort Bend County
- IX The State will backfill holes, close gates used to access the land and will leave the land in approximately the same condition in which it was found. All efforts will be made to minimize long term disturbance and return the affected area to its previous condition.
- X The State will notify the Owner in person or by telephone of the date that the land is first entered by the archeological personnel. The Owners or Owner's representative shall have the right to be present during the archeological investigations.
- XI The terms and conditions of this right-of-entry may be modified by letter at any time during the right-of-entry period if jointly agreed upon by TxDOT and the Owner or the Owner's representative.

SPECIAL CONDITIONS/COMMITMENTS FOR ROE (State "None" or list):

AGREED:

By:


Owner or Authorized Signature

Robert Hebert, County Judge March 25, 2014

Printed Name/ Title/Date

ADDRESS: 401 Jackson Street

Richmond, Texas 77469

TELEPHONE No.: (281) 341-8608

POINT OF CONTACT: [if different than Owner]

NAME:

ADDRESS:

TELEPHONE No.: () -

**TRANSFER OF OWNERSHIP
ARCHEOLOGICAL ARTIFACTS FROM
FORT BEND COUNTY, TEXAS**

I, Robert Hebert, County Judge, am the owner / legal representative of the owner of the certain real estate located at/described as

Parcel/Land Tract Identification: 0358-00-006-0050-901,

Tax Map Information: A-128-P, A-128-Q,

Address: 301 Jackson St, Richmond, TX 77469-3108

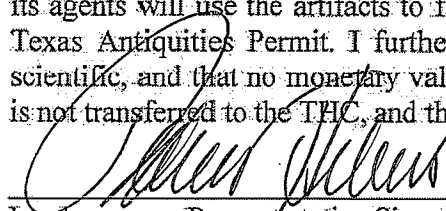
I understand that this property is proposed for use as right-of-way for the construction of **State Highway 36 Roadway Improvement Project (CSJ 0188-01-016)** by the Texas Department of Transportation (TxDOT). I further understand that to comply with federal and state environmental laws associated with its project, TxDOT needs to conduct archeological investigations of any archeological sites in the area of proposed purchase to determine the eligibility (significance) for listing in the National Register of Historic Places or for designation as a State Archeological Landmark. I am willing to allow TxDOT to perform investigations on my property in the area proposed for purchase.

I understand that archeological artifacts on private property are the property of the landowner. I also understand that the Texas Historical Commission (THC) will not allow TxDOT to perform excavations unless TxDOT can assure THC that artifacts recovered from the investigations will become the property of the State of Texas. I understand that donation of artifacts to the State places them under the jurisdiction of the THC.

I understand that TxDOT will perform the proposed investigations under a Texas Antiquities Permit issued by the THC. I understand that the THC Antiquities Permit requires TxDOT to take possession of artifacts from my property in the area of proposed purchase to perform certain analyses and reports. I further understand that TxDOT completes its obligations under the THC Antiquities Permit by submitting the artifacts, at TxDOT expense, for housing at a State approved archeological repository.

TRANSFER OF OWNERSHIP

I understand that archeological artifacts on my land belong to me. I hereby transfer ownership of any artifacts recovered by TxDOT or its agents in the area proposed for purchase from my property to the State of Texas, subject to the approval of the THC. I hereby agree that TxDOT or its agents will use the artifacts to fulfill the purposes of the investigations and the terms of the Texas Antiquities Permit. I further agree that the value of the recovered artifacts is purely scientific, and that no monetary value is assigned. Ownership of artifacts remaining on my land is not transferred to the THC, and they will remain my property.


Landowner or Representative Signature

Robert Hebert, County Judge

Printed Name

March 25, 2014

Date

281-341-8608

Telephone Number