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REVIEW BY FORT BEND COUNTY COMMISSIONERS COURT

On this 24th day of November, 2015, Commissioners Court came on to be heard and reviewed the accompanying notice of CH2M HILL Engineers, Inc. / El Paso Energy Partners / El Paso South Texas, LP Job Location latitude: 29.598857, longitude: -95.47217002 / Sims Bayou Lateral VII-B-2-A, Houston, TX 77053

Date 11/13/2015 Bond No. k06914627, Permit No. 2015-4128 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 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 Patterson, seconded by Commissioner Meyers, 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
 301 Jackson Street
 Richmond, Texas 77469
 281-633-7500
3. This permit expires one (1) year from date of permit if construction has not commenced.

By: [Signature]
County Engineer

Presented to Commissioners Court and approved.
Recorded in Volume 11124/15
Minutes of Commissioners Court

By: [Signature]
Drainage District Engineer/Manager

Clerk of Commissioners Court
By: [Signature]
Deputy

RENEE MICHULKA

RECEIVED
NOV 25 2015
EBC DRAINAGE DIST.

County of Fort Bend
Engineering Department

301 Jackson Street
Richmond, Texas 77469

Johnny Ortega
Permit Administrator

Phone: (281) 633-7500

**Permit Application Review Form For
Cable, Conduit, and Pole Line Activity
In Fort Bend County**

Permit No. 2015-4128

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.

(1) Complete Application Form:

a. Name of road, street, and/or drainage ditch affected.

b. Vicinity map showing course of directions

c. Plans and specifications

(2) Bond:

District Attorney, approval when applicable.

Perpetual bond currently posted.

No: k06914627

Amount: \$50,000.00

Performance bond submitted.

No:

Amount:

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

11/24/15

Date



CH2M

14701 St. Mary's Lane

Ashford V, Suite 300

Houston, TX 77079

Tel 281-721-8400

Fax 281-7218401

Johnny Ortega
Permit Supervisor
Fort Bend County Engineering
301 Jackson
Richmond, Texas 77469

November 9, 2015

Subject: Application to Permit Kinder Morgan Pipeline Repair Project within Fort Bend Drainage District Right-of-Way

Dear Mr. Wright:

On behalf of Kinder Morgan, CH2M has prepared this letter and permit request for pipeline maintenance activities that will occur within a Kinder Morgan pipeline easement adjacent to the Fort Bend County Drainage District Right-of-Way (ROW) containing the drainage ditch Sims Bayou Lateral (VII-B-2-A) southwest of Houston, Texas in Fort Bend County. Current project understanding is that Kinder Morgan has recently discovered three anomalies in close proximity liquids pipeline. Specifically, the dig sites are located approximately at latitude: 29.59955 longitude: -95.47396373 (MC-OT_24_09-14_5910_K), latitude: 29.598857 longitude: -95.47217002 (MC-OT_24_09-14_6230_K), and latitude: 29.598051 longitude: -95.47009264 (MC-OT_24_09-14_6590_K). The location of each proposed dig location is shown on the attached figure (Figure 1) and subsequent site plans (**Drawing G2-Sheet 2**).

The current repair plan is to begin during November 2015 and conclude within approximately 30 days. Access to the project location will be via Samoa Way to the Kinder Morgan pipeline ROW. Access via Samoa Way is adequate to accommodate construction equipment and will not require widening or other alterations to the road. Access within the existing pipeline ROW will not require improvements and all access rights have been obtained. Construction methodology to be utilized throughout the duration of the project are as follows:

- Expose the pipe and inspect the anomalies to determine whether repairs are needed. The pipe will be exposed by excavating a short trench to identify the joint weld and then extending the trench from the joint weld to the identified anomaly.
- The pipe then will be inspected to determine whether the anomaly reflects damage to the pipe (actual pipe wear/ damage versus a foreign object lying against the pipe) and whether the damage is sufficient to warrant repair.
- Appropriate repairs will be implemented, if required.
- Maintenance activities for anomalies typically are of short duration, generally requiring 1 to 5 days from the time trenching starts until a site has been restored.
- Trench excavation for each Project location will be the minimum length necessary to inspect and repair the anomaly, typically 30 feet, although the exact length of the excavation cannot be known until the pipe is exposed and the anomaly is found and

inspected. Regardless, approximately 2 feet of clearance will be required below and along the sides of the pipe at the anomaly to complete the inspection and any required repairs.

- Excavated materials typically will be stockpiled and returned to the trench following completion of work at each location, with the topsoil segregated so it can be returned to the top of the trench.
- Silt fencing will surround all spoil piles to prevent sedimentation of adjacent on-ROW and off-ROW areas.
- All excavated material will be returned to the trench, and surface contours will be returned as near as practicable to pre-excitation conditions.
- Initial backfill will be stacked a few inches higher than the surrounding area to allow for compaction/settling back to the original contours, a process that may take a few weeks, depending on rain events.
- Typically, only native soil removed from the trench will be returned to the trench.
- Additional fill materials will be used only if additional protection of the pipe is required, but this requirement is not considered to be likely for the Project locations.
- Bare areas resulting from construction will be reseeded.

In order to remain in compliance with Fort Bend County Right-of-Way Regulations, Kinder Morgan is herein submitting the following forms, maps, and applications to Fort Bend County for review and approval:

- 1) Perpetual Construction Bond (No. KO6914627) filed by Kinder Morgan (previously El Paso Energy Partners) totaling \$50,000.00 (executed November 18, 2002) is located in **Attachment 1**.
- 2) Commercial driveways, median openings, median modifications, new street crossings, connections to existing streets, or any other street construction or modification activities will not be part of this project scope of work. Therefore, the permit fee of \$150 is not included in this application.
- 3) A vicinity map of the project is located in **Attachment 2, Figure 1**.
- 4) Signed plan view drawings of the project are located in **Attachment 3, Sheet 1-3**.
- 5) Construction activities will occur entirely within the Kinder Morgan pipeline easement and adjacent Fort Bend County Drainage ROW. No impacts to traffic are expected. Therefore, no traffic control plan is included in this application package.
- 6) All Construction activities are expected to occur during daylight hours. Therefore, no outdoor lighting plan is included in this application package.
- 7) Throughout this project, Kinder Morgan fully expects to remain in compliance with regulations set forth in the Revised Order Regulation the Laying, Construction, Maintenance and Repair of 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 approved August 3, 1887.

Kinder Morgan will also notify Fort Bend County Engineering 48 hours prior to project start up and when the project is ready for final inspection.

CH2M respectfully requests that your office review the information provided in this application package and issue a permit for the pipeline maintenance activities set to occur within the Fort Bend County drainage ROW. Because of the expedited schedule for this project, we would appreciate a response at your earliest possible convenience. If you have any questions concerning this project, please feel free to contact me at (281) 721-8579.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jake Trahan', with a long horizontal flourish extending to the right.

Jake Trahan
CH2M Project Manager

Attachment: 1) Perpetual Construction Bond
2) Figures
3) Plan View Drawings

Attachment 1

PERPETUAL BOND COVERING CABLE, CONDUIT AND/OR POLE LINE
ACTIVITY IN, UNDER, ACROSS OR ALONG FORT BEND COUNTY ROADS
(AUTHORIZED)

BOND NO K06914627

THE STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF FORT BEND

THAT WE, El Paso Energy Partners/ El Paso South Texas, L.P., 4 Greenway Plaza, Houston, TX 77046, whose address is the Principal, and, Westchester Fire Insurance Company, a Corporation existing under and by virtue of the laws of the State of New York and authorized to do an indemnifying business in the State of Texas, and whose principal office is located at 1601 Chestnut Street, Philadelphia, PA 19103, whose officer residing in the State of Texas, authorized to accept service in all suits and actions brought within said State is Ms. Marie Tithof, and whose address is ACE USA, 2716 Birmingham Briar Dr., Crowley, TX 76036, hereinafter called the Surety, are held and firmly bound unto, James C. Adolphus, County Judge of Fort Bend County, Texas, or his successors in office, in the full sum of Fifty Thousand and 00/100 Dollars (\$50,000.00) current, lawful money of the United States of America, to be paid to said James C. Adolphus, 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 perpetual 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, constructing, maintaining 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.

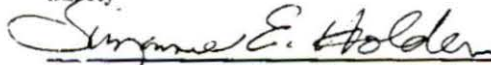
It is understood that at any time Fort Bend County deems itself insecure under this bond, it may require further and/or additional bonds of the principal.

EXECUTED this 18th day of November, 2002.

El Paso Energy Partners/El Paso South Texas, L.P.
Principal

By

Westchester Fire Insurance Company
Surety


By: Suzanne E. Holden, Attorney-In-Fact

**All-Purpose
Certificate of Acknowledgment**

State of Washington
 County of King }

On November 18, 2002 before me, Kathie L. Wiegens,
DATE NAME OF NOTARY PUBLIC

personally appeared Suzanne E. Holden
NAME(S) OF SIGNER(S)

- personally known to me - **OR** proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



Witness my hand and official seal.

Kathie L. Wiegens
SIGNATURE OF NOTARY PUBLIC

Though the data below is not required by law, it may prove valuable to persons relying on the document and prevent fraudulent reattachment of this form.

| CAPACITY CLAIMED BY SIGNER | DESCRIPTION OF ATTACHED DOCUMENT(S) |
|--|---|
| <input type="checkbox"/> Individual(s) <input type="checkbox"/> Corporate Officer: <input type="checkbox"/> Title(s) | Type of Document Perpetual Bond Covering Cable, Conduit and/or Pole Line Activity In, Under, Across Or Along Fort Bend County Roads |
| <input type="checkbox"/> Partner(s) <input checked="" type="checkbox"/> Attorney-in-Fact <input type="checkbox"/> Trustee(s) <input type="checkbox"/> Subscribing Witness <input type="checkbox"/> Guardian/Conservator <input type="checkbox"/> Other: | Number of Pages <p style="text-align: center;">One (1)</p> |
| | Date of Document <p style="text-align: center;">November 18, 2002</p> |
| SIGNER IS REPRESENTING: <small>NAME OF PERSON(S) OR ENTITY(IES)</small> <p style="text-align: center;">Westchester Fire Insurance Company</p> | Signer(s) Other Than Named Above <p style="text-align: center;">El Paso Energy Partners/El Paso South Texas, L.P.</p> |


VERIFICATION CERTIFICATE

THIS IS TO CERTIFY that Bond No. K06914627 issued by Westchester Fire Insurance Company dated this 18th day of November, 2002, in the amount of Fifty Thousand and 00/100 Dollars (\$50,000.00), on behalf of El Paso Energy Partners/El Paso South Texas, L.P. (as Principal), and in favor of County Judge of Fort Bend County, Texas (as Obligee) , covers a term which began on the 18th day of November , 2002, and ends only with the cancellation of said bond or other legal termination thereof; and that the said bond remains in effect, subject to all its agreements, conditions and limitations.

BOND TERM: Continuous Until Cancelled

Signed, sealed and dated November 4, 2015.

Westchester Fire Insurance Company

BY: 
Richard Covington
Attorney-in-Fact



Power of Attorney

WESTCHESTER FIRE INSURANCE COMPANY

Know all men by these presents: That WESTCHESTER FIRE INSURANCE COMPANY, a corporation of the Commonwealth of Pennsylvania pursuant to the following Resolution, adopted by the Board of Directors of the said Company on December 11, 2006, to wit:

"RESOLVED, that the following authorizations relate to the execution, for and on behalf of the Company, of bonds, undertakings, recognizances, contracts and other written commitments of the Company entered into the ordinary course of business (each a "Written Commitment"):

- (1) Each of the Chairman, the President and the Vice Presidents of the Company is hereby authorized to execute any Written Commitment for and on behalf of the Company, under the seal of the Company or otherwise.
- (2) Each duly appointed attorney-in-fact of the Company is hereby authorized to execute any Written Commitment for and on behalf of the Company, under the seal of the Company or otherwise, to the extent that such action is authorized by the grant of powers provided for in such persons written appointment as such attorney-in-fact.
- (3) Each of the Chairman, the President and the Vice Presidents of the Company is hereby authorized, for and on behalf of the Company, to appoint in writing any person the attorney-in-fact of the Company with full power and authority to execute, for and on behalf of the Company, under the seal of the Company or otherwise, such Written Commitments of the Company as may be specified in such written appointment, which specification may be by general type or class of Written Commitments or by specification of one or more particular Written Commitments.
- (4) Each of the Chairman, the President and Vice Presidents of the Company is hereby authorized, for and on behalf of the Company, to delegate in writing any other officer of the Company the authority to execute, for and on behalf of the Company, under the Company's seal or otherwise, such Written Commitments of the Company as are specified in such written delegation, which specification may be by general type or class of Written Commitments or by specification of one or more particular Written Commitments.
- (5) The signature of any officer or other person executing any Written Commitment or appointment or delegation pursuant to this Resolution, and the seal of the Company, may be affixed by facsimile on such Written Commitment or written appointment or delegation.

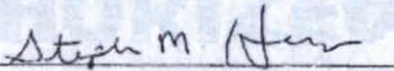
FURTHER RESOLVED, that the foregoing Resolution shall not be deemed to be an exclusive statement of the powers and authority of officers, employees and other persons to act for and on behalf of the Company, and such Resolution shall not limit or otherwise affect the exercise of any such power or authority otherwise validly granted or vested.

Does hereby nominate, constitute and appoint Joseph R Aulbert, Marc W Boots, Maria D Zuniga, P.T. Osburn, Richard Covington, Vickie Lacy, all of the City of HOUSTON, Texas, each individually if there be more than one named, its true and lawful attorney-in-fact, to make, execute, seal and deliver on its behalf, and as its act and deed any and all bonds, undertakings, recognizances, contracts and other writings in the nature thereof in penalties not exceeding Ten million dollars & zero cents (\$10,000,000.00) and the execution of such writings in pursuance of these presents shall be as binding upon said Company, as fully and amply as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its principal office,

IN WITNESS WHEREOF, the said Stephen M. Haney, Vice-President, has hereunto subscribed his name and affixed the Corporate seal of the said WESTCHESTER FIRE INSURANCE COMPANY this 22 day of January 2015.

WESTCHESTER FIRE INSURANCE COMPANY

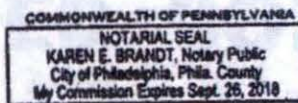


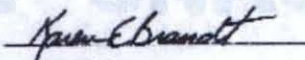

Stephen M. Haney, Vice President

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF PHILADELPHIA ss.

On this 22 day of January, AD. 2015 before me, a Notary Public of the Commonwealth of Pennsylvania in and for the County of Philadelphia came Stephen M. Haney, Vice-President of the WESTCHESTER FIRE INSURANCE COMPANY to me personally known to be the individual and officer who executed the preceding instrument, and he acknowledged that he executed the same, and that the seal affixed to the preceding instrument is the corporate seal of said Company; that the said corporate seal and his signature were duly affixed by the authority and direction of the said corporation, and that Resolution, adopted by the Board of Directors of said Company, referred to in the preceding instrument, is now in force.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at the City of Philadelphia the day and year first above written.

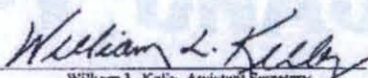



Notary Public

I, the undersigned Assistant Secretary of the WESTCHESTER FIRE INSURANCE COMPANY, do hereby certify that the original POWER OF ATTORNEY, of which the foregoing is a substantially true and correct copy, is in full force and effect.

In witness whereof, I have hereunto subscribed my name as Assistant Secretary, and affixed the corporate seal of the Corporation, this 4th day of November, 2015




William L. Kelly, Assistant Secretary

THIS POWER OF ATTORNEY MAY NOT BE USED TO EXECUTE ANY BOND WITH AN INCEPTION DATE AFTER January 22, 2017.



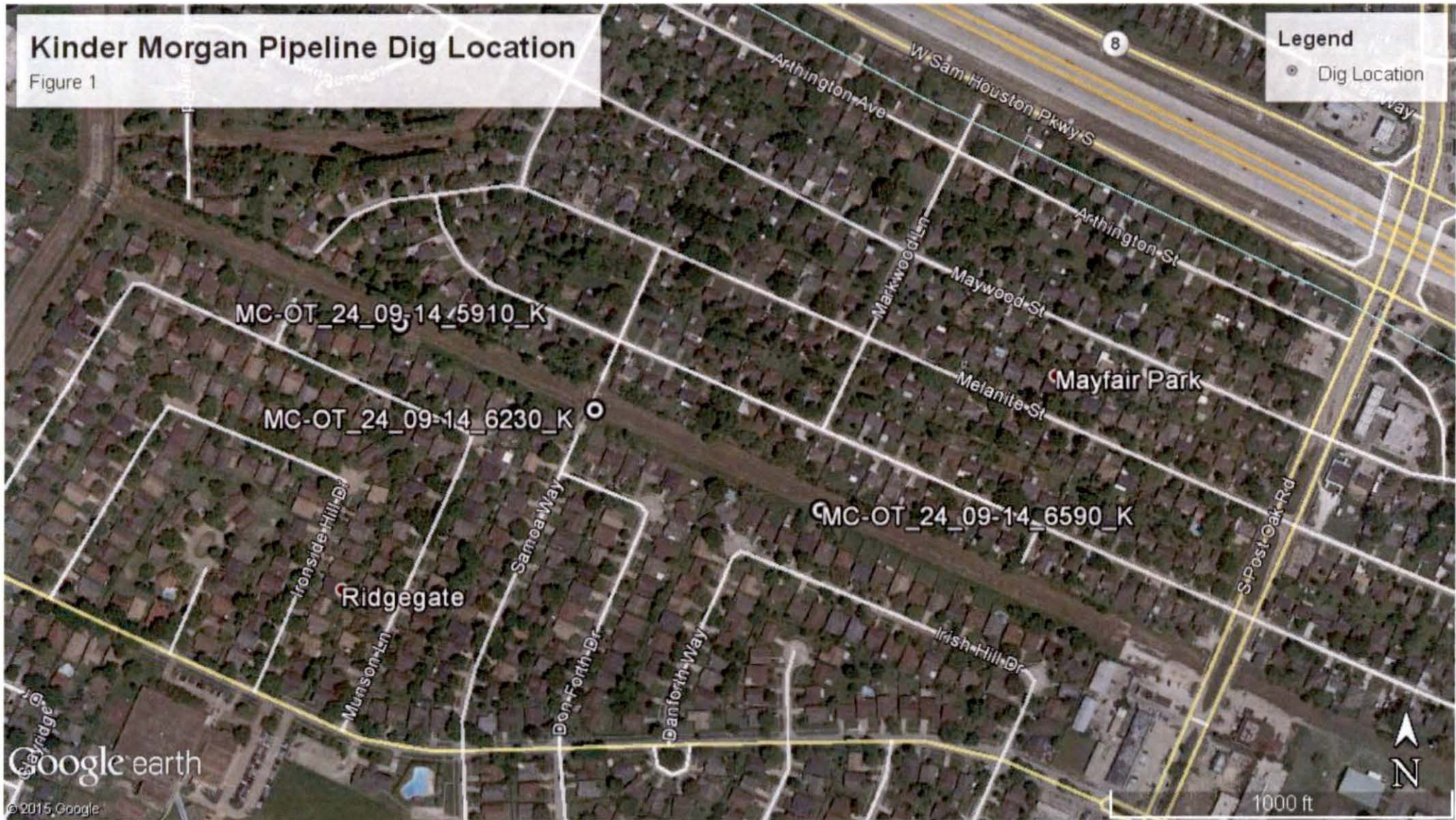
Attachment 2

Kinder Morgan Pipeline Dig Location

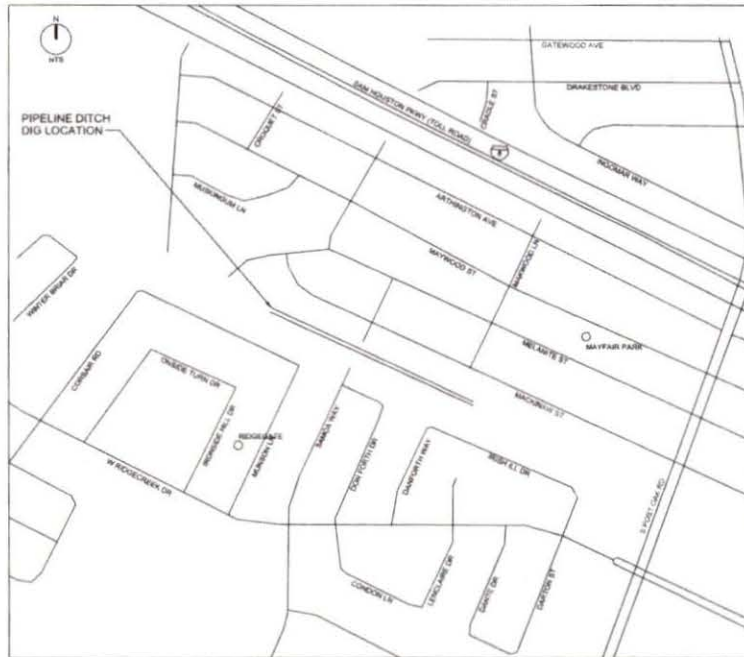
Figure 1

Legend

- Dig Location



Attachment 3



LOCATION MAP



| | | | | | | | |
|--------|----|-----|------|----------|----|------|--|
| DESIGN | JR | | | | | | |
| DR | BD | | | | | | |
| CHK | JX | | | | | | |
| APVD | XX | NO. | DATE | REVISION | BY | APVD | |

VERIFY SCALE
 BAR IS ONE INCH ON
 CROSSING DRAWING
 IF NOT ONE INCH ON
 THIS SHEET, ADJUST
 SCALES ACCORDINGLY

CH2MHILL
 14701 ST. MARY, SUITE 300
 HOUSTON, TEXAS 77079
 281-721-8401

KINDER MORGAN

FORT BEND COUNTY - SIMS BAYOU LATERAL
 MC-OT PIPELINE ANOMALY AND REPAIR
 SITE LOCATION MAP

| | |
|------|----------------|
| TSWG | G-2 |
| DATE | SEPTEMBER 2011 |
| PROJ | 484912 |

DESIGN DEVELOPMENT

RECEIVED
NOV 25 2015
FBC DRAINAGE DIST.