



**REVIEW BY FORT BEND COUNTY
COMMISSIONERS COURT**

**Fort Bend County
Engineering Department**
301 Jackson Suite 401
Richmond, Texas 77469
281.633.7500
Permits@fortbendcountytexas.gov

- Right of Way Permit
 Commercial Driveway Permit

Permit No: 2019-27336

Applicant: Legion Development, LLC

Job Location Site: 210 Brand Lane, Stafford, TX 77477

Bond No. **Date of Bond:** 4/10/2019 **Amount:** \$496,142.75

The above applicant came to make use of certain Fort Bend County property subject to, "The 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, of the Minutes of the Commissioners Court of Fort Bend County, Texas, to the extent that such order is not inconsistent with Chapter 181, Vernon's Texas Statutes and Codes Annotated.

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, submit notification to Permit Administrator thru MyGovernmentOnline.org portal.
3. This permit expires one (1) year from date of permit if construction has not commenced.
4. This permit applies to work performed within right-of-ways owned and maintained by Fort Bend County only, and it is the responsibility of the applicant to acquire all other necessary permits.

On this 7th day of May, 2019, Upon Motion of Commissioner Meyers, seconded by Commissioner Morales, 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.

Signature

Presented to Commissioners Court and approved.

By: Sean Eglinton

Date Recorded 5-14-2019 Comm. Court No. 134

County Engineer

Clerk of Commissioners Court

By: Mark Vogel

By: Arnda Willis

Drainage District Engineer/Manager

Deputy



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

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Richmond, Texas 77469
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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:

- County Attorney, approval when applicable.
- Perpetual bond currently posted. Bond No: _____ Amount: _____
- Performance bond submitted. Bond No: XXXXXXXXXX Amount: \$496,142.75
- Cashier's Check Check No: _____ Amount: _____

(3) DRAINAGE DISTRICT APPROVAL (WHEN APPLICABLE):

Adam Wright
Drainage District Approval

4-29-19
Date

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

Sean Epton
Permit Administrator

4/29/2019
Date



**PERFORMANCE BOND COVERING ALL CABLE, CONDUIT AND/OR POLE LINE
ACTIVITY IN, UNDER, ACROSS OR ALONG FORT BEND COUNTY ROAD,
COMMERCIAL DRIVEWAY AND MEDIAN OPENINGS OR MODIFICATIONS
(AUTHORIZED)**

BOND

THE STATE OF TEXAS §
COUNTY OF FORT BEND §

KNOW ALL MEN BY THESE PRESENTS:

THAT WE, Legion Development, LLC., whose (address, phone) is 2522A Shell Road, Georgetown, Texas, 512-688-5125, hereinafter called the Principal, and The Guarantee Company of North America USA, a Corporation existing under and by virtue of the laws of the state of Michigan and authorized to do an indemnifying business in the state of Texas, and whose principal office (address, phone) is located at The Guarantee Company of North America USA, One Towne Square, Suite 1470, Southfield, Michigan 48076. 248-281-0281, whose officer residing in the State of Texas, authorized to accept service in all suits and actions brought within said state is CT Corporation System and whose address is 1999 Bryan Street Suite 900, Dallas, TX 75201-3136, hereinafter called the Surety, and held and firmly bound unto, KP George, County Judge of Fort Bend County, Texas, or his successors in office, in the full sum of Four Hundred Ninety Six Thousand One Hundred Forty Two Dollars and Seventy Five Cents (\$496,142.75) current, lawful money of the United States of America, to be paid to said KP George, 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, commercial driveway and median openings or modifications 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, commercial driveway and median openings or modifications;

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, commercial driveway and median openings or modifications 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 10th day of April, 2019.

Legion Development, LLC.
PRINCIPAL

BY

The Guarantee Company of North America USA
SURETY

BY Kenneth Nitsche, Attorney-In-Fact

CCM 5-7-2019 # 13H
Fort Bend County Clerk
Return Admin Serv Coord - RAC
Permit # 2019-2736



The Guarantee Company of North America USA
Southfield, Michigan

POWER OF ATTORNEY

KNOW ALL BY THESE PRESENTS: That **THE GUARANTEE COMPANY OF NORTH AMERICA USA**, a corporation organized and existing under the laws of the State of Michigan, having its principal office in Southfield, Michigan, does hereby constitute and appoint

Robert James Nitsche, Robert K. Nitsche, David P. Ferguson, Violet Frosch, Nina K. Smith, Craig Parker, Kenneth Nitsche, Gary Nitsche
The Nitsche Group

its true and lawful attorney(s)-in-fact to execute, seal and deliver for and on its behalf as surety, any and all bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof, which are or may be allowed, required or permitted by law, statute, rule, regulation, contract or otherwise.

The execution of such instrument(s) in pursuance of these presents, shall be as binding upon **THE GUARANTEE COMPANY OF NORTH AMERICA USA** as fully and amply, to all intents and purposes, as if the same had been duly executed and acknowledged by its regularly elected officers at the principal office.

The Power of Attorney is executed and may be certified so, and may be revoked, pursuant to and by authority of Article IX, Section 9.03 of the By-Laws adopted by the Board of Directors of **THE GUARANTEE COMPANY OF NORTH AMERICA USA** at a meeting held on the 31st day of December, 2003. The President, or any Vice President, acting with any Secretary or Assistant Secretary, shall have power and authority:

1. To appoint Attorney(s)-in-fact, and to authorize them to execute on behalf of the Company, and attach the Seal of the Company thereto, bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof; and
2. To revoke, at any time, any such Attorney-in-fact and revoke the authority given, except as provided below
3. In connection with obligations in favor of the Florida Department of Transportation only, it is agreed that the power and authority hereby given to the Attorney-in-Fact includes any and all consents for the release of retained percentages and/or final estimates on engineering and construction contracts required by the State of Florida Department of Transportation. It is fully understood that consenting to the State of Florida Department of Transportation making payment of the final estimate to the Contractor and/or its assignee, shall not relieve this surety company of any of its obligations under its bond.
4. In connection with obligations in favor of the Kentucky Department of Highways only, it is agreed that the power and authority hereby given to the Attorney-in-Fact cannot be modified or revoked unless prior written personal notice of such intent has been given to the Commissioner – Department of Highways of the Commonwealth of Kentucky at least thirty (30) days prior to the modification or revocation.

Further, this Power of Attorney is signed and sealed by facsimile pursuant to resolution of the Board of Directors of the Company adopted at a meeting duly called and held on the 6th day of December 2011, of which the following is a true excerpt:

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, contracts of indemnity and other writings obligatory in the nature thereof, and such signature and seal when so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, **THE GUARANTEE COMPANY OF NORTH AMERICA USA** has caused this instrument to be signed and its corporate seal to be affixed by its authorized officer, this 2nd day of October, 2015.

THE GUARANTEE COMPANY OF NORTH AMERICA USA

Stephen C. Ruschak, President & Chief Operating Officer

Randall Musselman, Secretary

STATE OF MICHIGAN
County of Oakland



Cynthia A. Takai
Notary Public, State of Michigan
County of Oakland
My Commission Expires February 27, 2024
Acting in Oakland County

IN WITNESS WHEREOF, I have hereunto set my hand at The Guarantee Company of North America USA offices the day and year above written.

I, Randall Musselman, Secretary of **THE GUARANTEE COMPANY OF NORTH AMERICA USA**, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney executed by **THE GUARANTEE COMPANY OF NORTH AMERICA USA**, which is still in full force and effect.



IN WITNESS WHEREOF, I have thereunto set my hand and attached the seal of said Company this 10th day of April, 2019

Randall Musselman, Secretary



TEXAS CONSUMER NOTICE

<p>1. IMPORTANT NOTICE To obtain information or make a complaint:</p> <p>2. You may contact your agent at:</p> <p>3. You may call The Guarantee Company of North America USA's toll-free telephone number for information or to make a complaint at: 1-866-328-0567</p> <p>4. You may also write to The Guarantee Company of North America USA at:</p> <p>One Towne Square, Suite 1470 Southfield, Michigan 48076 Web: www.thegaranteeus.com E-mail: Info@thegaranteeus.com Fax: 248-750-0431</p> <p>5. You may contact the Texas Department of Insurance to obtain information on companies, coverages, rights or complaints at: 1-800-252-3439</p> <p>6. You may write the Texas Department of Insurance: 333 Guadalupe Street P.O. Box 149104 Austin, TX 78701 Fax: (512) 490-1007 Web: http://www.tdi.texas.gov E-mail: ConsumerProtection@tdi.texas.gov</p> <p>7. PREMIUM OR CLAIM DISPUTES: Should you have a dispute concerning your premium or about a claim you should contact the (agent) (company) (agent or the company) first. If the dispute is not resolved, you may contact the Texas Department of Insurance.</p> <p>8. ATTACH THIS NOTICE TO YOUR POLICY: This notice is for information only and does not become a part or condition of the attached document.</p>	<p>AVISO IMPORTANTE Para obtener informacion o para someter una queja:</p> <p>Puede comunicarse con su agent al</p> <p>Usted puede llamar al numero de telefono gratis de The Guarantee Company of North America USA's para informacion o para someter una queja al: 1-866-328-0567</p> <p>Usted tambien puede escribir a The Guarantee Company of North America USA;</p> <p>One Towne Square, Suite 1470 Southfield, Michigan 48076 Web: www.thegaranteeus.com E-mail: Info@thegaranteeus.com Fax: 248-750-0431</p> <p>Puede comunicarse con el Departamento de Seguros de Texas para obtener informacion acerca de companies, coberturas, derechos o quejas al: 1-800-252-3439</p> <p>Puede escribir al Departamento de Seguros de Texas: 333 Guadalupe Street P.O. Box 149104 Austin, TX 78701 Fax: (512) 490-1007 Web: http://www.tdi.texas.gov E-mail: ConsumerProtection@tdi.texas.gov</p> <p>DISPUTAS SOBRE PRIMAS O RECLAMOS: Si tiene una disputa concierne a su prima o a un reclamo, debe comunicarse con el (agente) (la compania) agente o la compania) primero. Si no se resuelve la disputa, puede entonces comunicarse con el departamento (TDI).</p> <p>UNA ESTE AVISO A SU POLIZA: Este aviso es solo para proposito de informacion y no se convierte en parte o condicion del document adj unto.</p>
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FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Laura Richard

Laura Richard, County Clerk

Fort Bend County Texas

May 13, 2019 01:41:35 PM



FEE: \$0.00

RMM

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