



April 15, 2021

**Right-of-Way Consent Agreement (“Consent Agreement”)**

RE: Widening of Benton Road and Reading Road Intersection with Traffic Signal Install TX-116

Fort Bend County  
Attn: County Engineer  
301 Jackson Street  
Richmond, TX 77469

Ladies & Gentlemen:

1C#3244

ExxonMobil Pipeline Company (EMPCo) has reviewed proposed plans to widen Benton Road upto 24ft at the NW corner of the intersection of Benton and Reading roads with the addition of (2) 4ft wide ADA ramps and a traffic signal pole with a footer 48inches wide by 22ft deep in Rosenberg TX. As you are aware, EMPCo owns and/or operates petroleum, petroleum products and chemicals pipelines that must be protected from external damage and maintained in accordance with EMPCo, State and Federal standards to protect the safety of the public and the environment. In order to do this, EMPCo has developed certain terms and conditions that must be agreed to by anyone intending to construct facilities on or within our rights of way. EMPCo consents to the widen Benton Road upto 24ft at the NW corner of the intersection of Benton and Reading roads with the addition of (2) 4ft wide ADA ramps and a traffic signal pole with a footer 48inches wide by 22ft deep in Rosenberg TX. (the “Improvements”) referenced in attached drawings titled Benton Road provided to EMPCo by McDonough Engineering provided Fort Bend County agrees to the following terms and conditions:

1. Fort Bend County and its contractors agree to conduct all activities and operations on, in, over, under, through or near EMPCo’s easement in a manner that will not unreasonably interfere with EMPCo’s operation or maintenance of its pipelines in the easement or pose a hazard to the pipelines. Fort Bend County recognizes its use of the easement area will always be subject to the prior rights of EMPCo to utilize any and all portions of its easement, in any manner that it deems necessary. No facilities, fittings, appurtenances, fixtures or improvements, except for those described in the introductory paragraph of the Consent Agreement as Improvements, may be placed on, in, under, over, or through the easement, without express written consent from EMPCo.
2. Fort Bend County or its contractors will contact EMPCo’s Joe Kammerer, at 281-685-4361 or secondary contact Javier Robles, at 281-922-2059 a minimum of 72 hours prior to performing any activity within the easement, provided however that in the event of emergency operations, such notice may be given as soon as reasonably possible.
3. Excavating or digging within the easement is prohibited without prior consent and an EMPCo inspector on site, except in the event of an emergency, per paragraph 1 of this Agreement.
4. In the event EMPCo shall excavate its pipelines for any reason, or should additional pipelines be installed within the easement, Fort Bend County and its successors and assigns will, at its sole expense be responsible for repairing any damage to the Improvements resulting therefrom. Further, EMPCo shall not be held liable for any business interruption, business loss, loss of revenue, or loss of income, that may result due to the operation, maintenance, repair, replacement, installation, removal, or any pipeline related work within EMPCo’s pipeline easement.

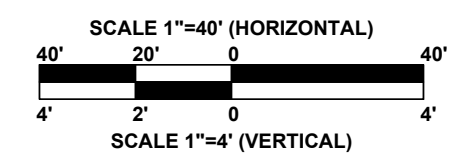
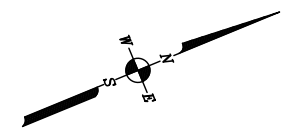
5. Fort Bend County, and its successors and assigns, shall be liable for damages to EMPCo's pipelines resulting from or occurring out of the maintenance and repair of the Improvements to the extent allowed by law.
6. TO THE EXTENT ALLOWED BY LAW, Fort Bend County, AND ITS SUCCESSORS AND ASSIGNS, SHALL INDEMNIFY, DEFEND, RELEASE AND HOLD EMPCO (INCLUDING ITS AFFILIATES, CONTRACTORS, SUBCONTRACTORS, DIRECTORS, OFFICERS, EMPLOYEES, SUCCESSORS, AND ASSIGNS) HARMLESS FROM AND AGAINST ALL CLAIMS, LOSSES, DEMANDS, CAUSES OF ACTION, SUITS, AND LIABILITY OF EVERY KIND, TYPE, AND CHARACTER ARISING OUT OF OR ASSOCIATED WITH THE CONSTRUCTION, EXISTENCE, MAINTENANCE, REPAIR AND REMOVAL OF THE IMPROVEMENTS, WHICH ARE ASSERTED BY ANY PERSON OR ENTITY INCLUDING, WITHOUT LIMITATION, EMPCO'S AND Fort Bend County's EMPLOYEES FOR PERSONAL INJURY, DEATH, OR LOSS OF OR DAMAGE TO PROPERTY.
7. Because the Improvement to be placed in EMPCo's easement by Fort Bend County will obstruct EMPCo's access to its pipelines and impede its use of the easement Fort Bend County agrees to reimburse EMPCo for maintenance/construction expenses incurred as a result of the Improvement being placed in the easement. EMPCo agrees to review maintenance/construction plans with Fort Bend County and to subsequently provide invoices documenting the additional expenses incurred. EMPCo reserves the right to open cut the proposed street in order to repair, maintain or replace the pipeline under the street. No municipal permit, license or bond will be required to open cut the street or to work in the street right of way within the easement. EMPCo reserves the right to open cut the proposed street in order to repair, maintain, replace the pipeline under the street. EMPCo will provide a minimum of thirty (30) calendar days advanced notice to Fort Bend County for any planned projects. In the case of an emergency, EMPCO will provide notice as soon as practicable.
8. Fort Bend County agrees that the terms, conditions and obligations of this Consent Agreement shall be made known to all successors, assigns or transferees of any interest in the property covered by this agreement. All successors, assigns or transferees of any interest in the subject property shall be bound by the terms, conditions and obligations contained herein.
9. Fort Bend County agrees to those pertinent terms and conditions outlined in the attached form, titled "ExxonMobil Pipeline Company Right-of-Way Restrictions", attached hereto. If the ExxonMobil Pipeline Company Right-of-Way Restrictions conflict with any of the provisions in this Consent Agreement, the Consent Agreement provisions will apply.

Notice. Any notice required to be sent under this Agreement must be in writing and may be served by depositing same in the United States Mail, addressed to the party to be notified, postage pre-paid and registered or certified with return receipt requested, or by delivering the same in person to such party via a hand delivery service, Federal Express or any courier service that provides a return receipt showing the date of actual delivery of same to the addressee thereof. Notice given in accordance herewith shall be effective upon receipt at the address of the addressee. For purposes of notice, the addresses of the parties shall be as follows:

If to County, to:  
Fort Bend County  
Attn: County Engineer  
301 Jackson Street  
Richmond, Texas 77469

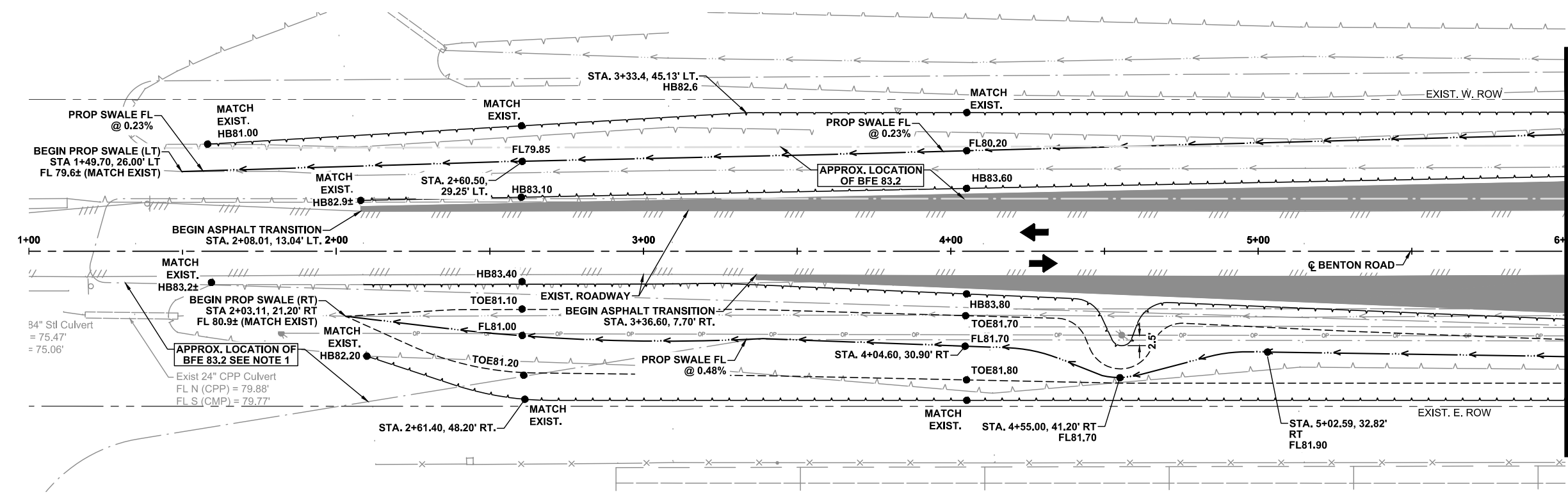
With a copy to:  
Fort Bend County  
Attn: County Judge





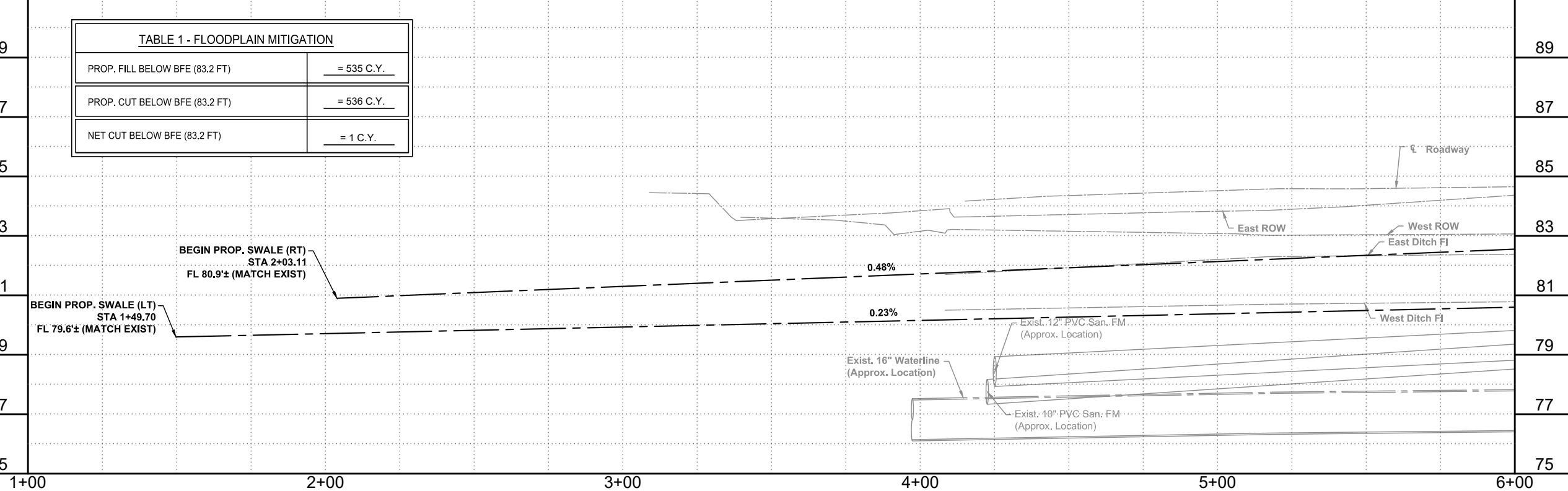
**LEGEND**

- 2" HMA C TY D
- W/ 6" BLACK BASE



**BENTON ROAD**

| TABLE 1 - FLOODPLAIN MITIGATION |            |
|---------------------------------|------------|
| PROP. FILL BELOW BFE (83.2 FT)  | = 535 C.Y. |
| PROP. CUT BELOW BFE (83.2 FT)   | = 536 C.Y. |
| NET CUT BELOW BFE (83.2 FT)     | = 1 C.Y.   |

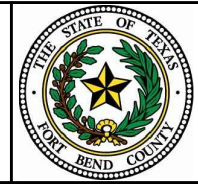


- NOTES:
- PER DIS BY BGE DATED MARCH 2019, A PORTION OF THE ROADWAY IMPROVEMENTS LIE WITHIN A FEMA ZONE AE FLOODPLAIN. THE PROPOSED FILL ASSOCIATED WITH THIS PROJECT IN THE ABOVE REFERENCED FLOODPLAIN HAS BEEN MITIGATED WITH PROPOSED CUT BENEATH THE BFE OF 83.2 FT. PLEASE SEE TABLE 1 THIS SHEET FOR SUMMARY.
  - ALL EXISTING UTILITIES ARE SHOWN APPROXIMATELY IN BOTH VERTICAL AND HORIZONTAL LOCATION. CONTRACTOR IS RESPONSIBLE FOR FIELD VERIFYING ALL UTILITIES PRIOR TO CONSTRUCTION.
  - ALL PAVING OFFSET CALLOUTS TO FACE OF CURB OR EDGE OF PAVING.
  - ELEVATIONS SHOWN HEREON ARE BASED ON GPS OBSERVATIONS TAKEN JUNE 20, 2018, AND PROCESSED USING THE NGS OPUS ONLINE PROGRAM AND WAS REFERENCED TO CORS STATIONS WHARTON CORS, ROSENBERG CORS, AND HOUSTON WAAS 1 CORS (NAVD88).
  - HORIZONTAL CONTROL IS BASED ON GPS OBSERVATIONS AND IS BASED ON THE TEXAS COORDIANTE SYSTEM OF 1983, SOUTH CENTRAL ZONE. SCALE FACTOR USED = 1.00013.
- CAUTION EX. GAS FACILITIES IN AREA
- All Lines Must Be Field Verified
- NOTE: NO OPEN CUT OR BORE PIT CLOSER THAN 20' FROM ANY TREE TRUNK.

X:\Engineering\2018\18110 BENTON ROAD - FORT BEND\21 BENTON ROAD PLAN AND PROFILE STA 1+00 TO 6+00.dwg Gabriel Martinez

| NO. | REVISIONS | DATE | NAME |
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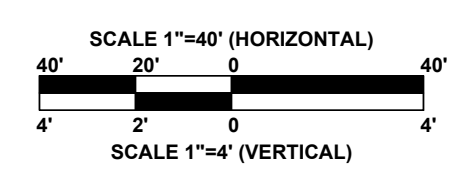
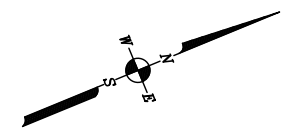
FORT BEND COUNTY  
TEXAS



**MCDONOUGH**  
Civil Engineers & Project Managers  
TBPLS Firm Registration No. 10103900  
TBPE Registration No. F-000340  
5625 Schumacher Lane Houston, Texas 77057 (713) 975-9990 www.mecbx.com  
PROJ. 18110



|                            |   |
|----------------------------|---|
| PROJECT TITLE: BENTON ROAD |   |
| DRAWN BY: CAH              | FM 762 TO 300' SOUTH OF READING ROAD            |
| CK'D BY: CM                | SHEET DESCRIPTION: BENTON ROAD PLAN AND PROFILE |
| SCALE: 1" = 40'            | STA 1+00 TO 6+00                                |
| DATE: 1/15/21              | APPROVED BY:                                    |
| SHEET NO: 21 / 218         |   |



**LEGEND**

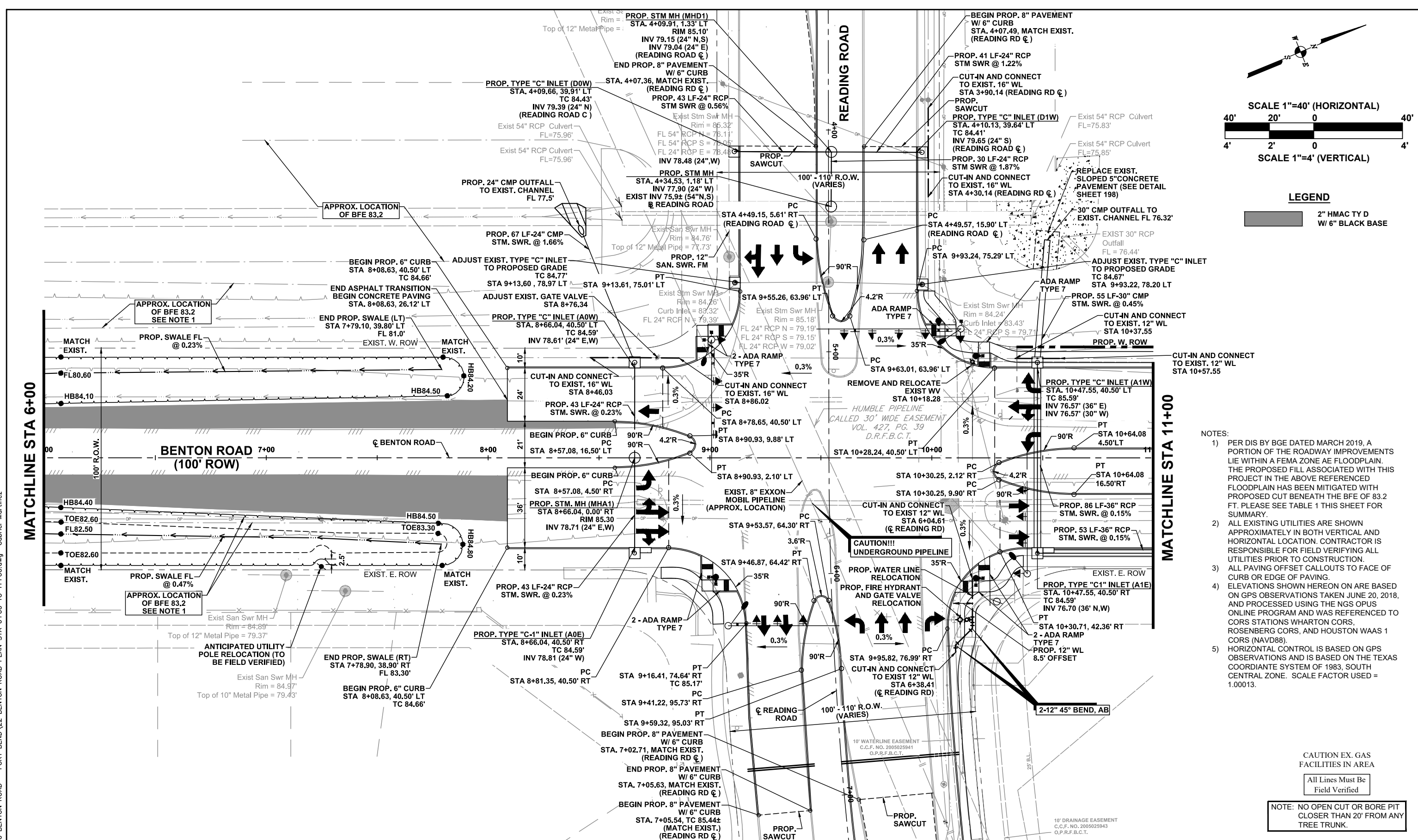
2" HMAC TY D  
W/ 6" BLACK BASE

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CAUTION EX. GAS FACILITIES IN AREA

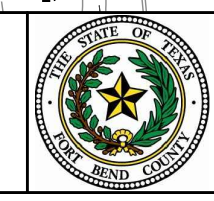
All Lines Must Be Field Verified

NOTE: NO OPEN CUT OR BORE PIT CLOSER THAN 20' FROM ANY TREE TRUNK.



| NO. | REVISIONS | DATE | NAME |
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# FORT BEND COUNTY TEXAS

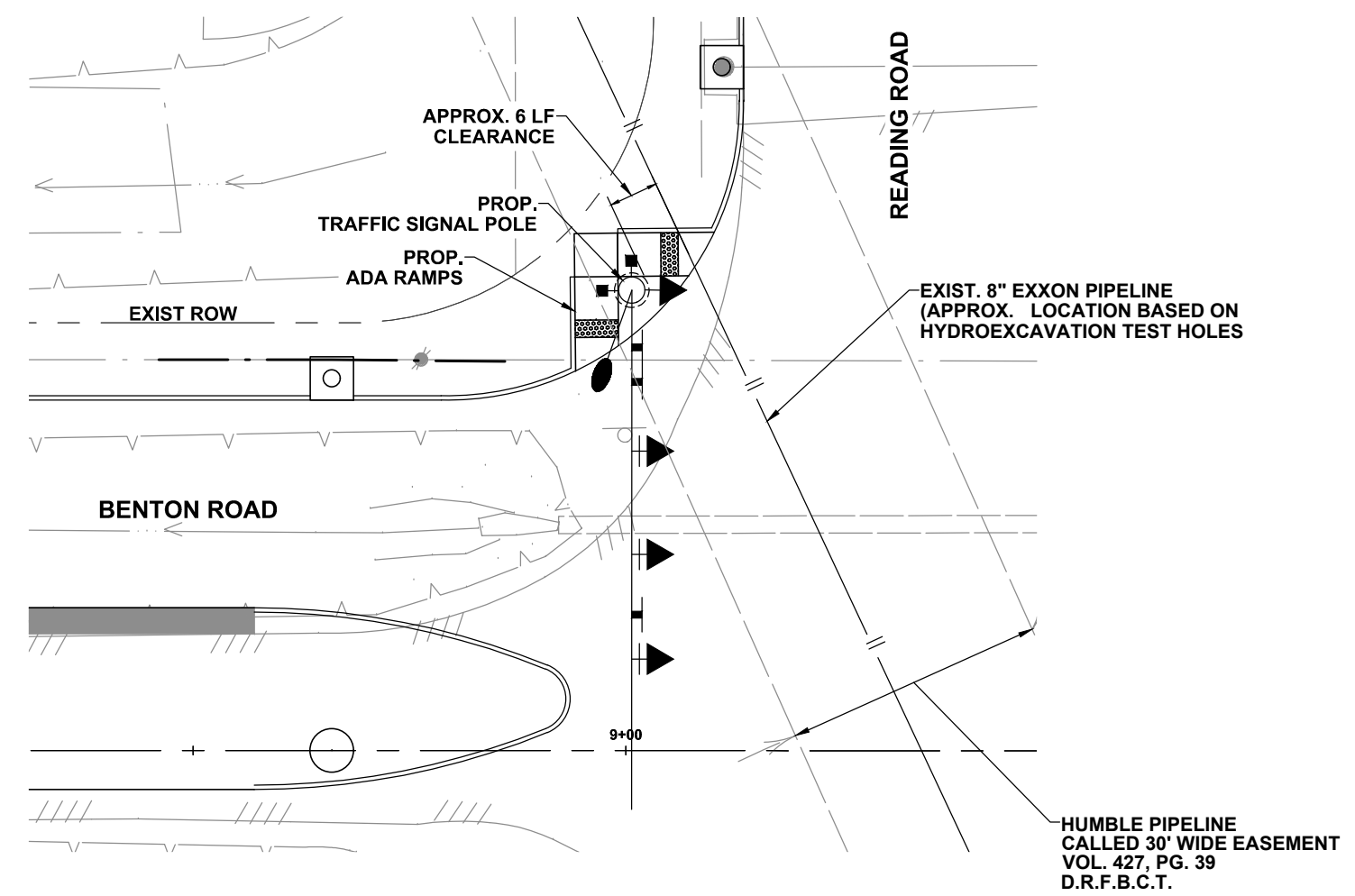
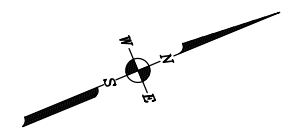


**McDONOUGH**  
Civil Engineers & Project Managers  
TBPLS Firm Registration No. 10103900  
TBPE Registration No. F-000340  
5625 Schumacher Lane Houston, Texas 77057 (713) 975-9990 www.mcdonough.com  
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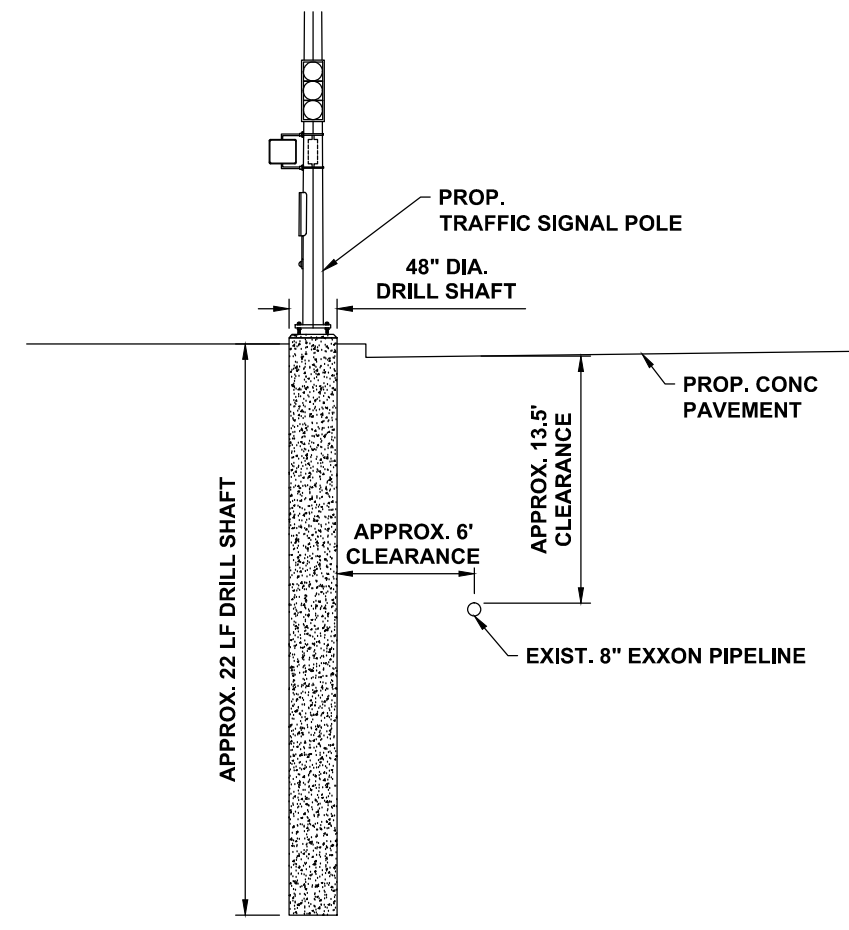


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| CK'D BY: CM                | SHEET DESCRIPTION: BENTON ROAD PLAN  |
| SCALE: 1" = 40'            | STA 6+00 TO 11+00                    |
| DATE: 1/15/21              | APPROVED BY:                         |
| SHEET NO: 22 / 218         |                                      |

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**PLAN VIEW**  
N.T.S.

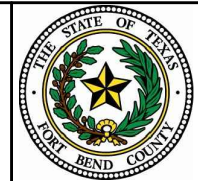


**PROFILE VIEW**  
N.T.S.

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FORT BEND COUNTY  
TEXAS



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Houston, Texas 77057 www.mectx.com  
PROJ. 18110

**INTERIM REVIEW ONLY**  
This document is **INCOMPLETE** and is released for the purpose of **INTERIM REVIEW ONLY**. It is not to be used for **BIDDING, PERMIT or CONSTRUCTION**.  
Engineer: Connor McBride, P.E.  
License No. 122323  
TX Firm Registration No. F-000340

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| PROJECT TITLE: BENTON ROAD |                                      |                 |
| DRAWN BY: CAH              | FM 762 TO 300' SOUTH OF READING ROAD |                 |
| CK'D BY: CM                | SHEET DESCRIPTION: BENTON RD EXXON   |                 |
| SCALE: N.T.S.              | EXHIBIT                              | SHEET NO: 1 / 1 |
| DATE: 3/9/21               | APPROVED BY:                         |                 |

## RIGHT-OF-WAY RESTRICTIONS & REQUIREMENTS

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In a continuing effort to provide a safe environment for persons working on or near pipelines operated by ExxonMobil Pipeline Company (EMPCo), the following restrictions will apply to all work. Deviations from these restrictions will not be allowed without the express written consent of EMPCo. EMPCo operates its pipelines in accordance with the regulations of the U.S. Department of Transportation and other state and local agencies and will enforce any restrictions necessary to protect the pipelines, properties, and safety of the public.

Detailed plans (plan and profile) for proposed construction must be submitted to ExxonMobil Pipeline Company (EMPCo) for review and approval to determine to what extent, if any, the pipeline right-of-way will be affected by the proposed construction or development. See submission addresses below.

These restrictions apply only to EMPCo operated pipelines. Other ExxonMobil affiliates should be contacted to determine requirements for their rights-of-way.

### GENERAL RESTRICTIONS & REQUIREMENTS

1. In accordance with law, constructors must contact the appropriate ONE CALL system(s) prior to work and comply with all applicable laws and regulations.
2. No work may commence in or around EMPCo's right of way until an EMPCo representative has authorized it to begin. Notice of desired work start date should be given to EMPCo a minimum of 72 hours in advance.
3. A Third Party Excavation Safe Work Checklist should be signed each day prior to beginning work on EMPCo's right of way.
4. If it is determined that your project impacts EMPCo's facilities a non-refundable advance fee may be required to conduct preliminary engineering design work. Any work performed by EMPCo to remedy such impacts will be entirely at the requestor's expense, which will first require the full execution of EMPCo's standard Reimbursement Agreement. Any necessary inspection, protection, lowering, adjustment, casing, re-coating, and/or relocation of the pipelines will not be scheduled until: (A) all prerequisite data is compiled; (B) the appropriate agreements are executed; and (C) sufficient funds are received. It is EMPCo's minimum practice to inspect and recondition the pipeline(s) at proposed driveway, roadway or railroad crossings, the costs for which will be borne by the developer or owner.
5. EMPCo's right of way should not be used as temporary workspace (which includes its use for the staging, storage or laydown of equipment, materials or spoil) without proper approval from EMPCo.
6. No encroachments of any kind, including but in no way limited to signs, monuments, buildings, parking lots, structures, patios, decks, slabs, trees, shrubs, manholes, swimming pools, wells, leach beds, septic systems, cesspools, impoundments or large debris (such as cars, boats, trailers, tanks, scrap metal or boulders) shall be located within the pipeline right of way. The intention of this restriction is to maintain an unobstructed right of way.
7. A driveway, roadway, or railroad may be allowed to cross the right-of-way perpendicular, and will require an agreement to be signed by the party responsible for the crossing.
8. Any change in the surface grade or elevation over or along the pipeline(s) and right-of-way must be approved in advance.

9. Blasting activities within 500 feet of an EMPCo pipeline will require an approved blasting plan in advance.
10. Any crossings of EMPCo's pipelines with vehicles or heavy equipment shall be approved by EMPCo and may require ramping, matting or air bridging at requestor's expense. An EMPCo inspector should be present when temporary materials are installed and removed on EMPCo right of way.
11. The constructor shall assume full liability for any damages to EMPCo facilities due to construction /excavation activities. Be advised that our pipelines are cathodically protected and may have an effect on utility lines that are made of electrically conductive material

## **EXCAVATION/CONSTRUCTION RESTRICTIONS & REQUIREMENTS**

12. No holes are to be bored or excavated within the boundaries of the right of way without prior approval of EMPCo.
13. All heavy equipment will have a spotter with it at all times while working within 10 feet of EMPCo's pipeline or on EMPCo's right of way.
14. The excavator shall install a bar across the teeth of the bucket to be used during excavation.
15. Excavation to initially expose the pipeline shall be parallel with the pipeline.
16. Mechanical excavation will cease once the earth has been removed to within (24") twenty-four inches of EMPCo pipeline, appurtenances and at all valve/stopples sites until exposed.
17. Shovels or other soft digging techniques will be used to manually clean the area above and below the line. After the line has been initially located, the line shall be kept visible to the equipment operator during the excavation process.
18. No excavations shall be made on land adjacent to the pipeline that will in anyway impair or withdraw the lateral support and cause any subsidence or damage to the pipeline.
19. Driving of sheet piling or any other vibration inducing activities in the vicinity of EMPCo Right of Way must be reviewed and approved by EMPCo.
20. All backfill on EMPCo's right of way shall be approved by EMPCo's on-site inspector.
21. If EMPCo's line is exposed during the excavation, the excavation will be made safe for entry and left open until EMPCo installs test leads or performs other visual inspection that may be required.
22. Constructor shall abide by all State & Federal Safety Rules and Regulations and shall operate equipment that is in good working condition and in a manner that is conducive to a safe working environment while working in or around EMPCo's facilities. An ExxonMobil representative has the authority to suspend all excavation/construction activities in and around EMPCo facilities if the equipment operator appears to be unqualified or equipment maintenance is not in accordance with applicable regulations.

## PIPELINE & UTILITY CROSSINGS

23. All pipelines, utility lines and other underground facilities constructed across EMPCo facilities shall cross the pipeline easement at an angle as close to 90 degrees as is possible but not less than 45 degrees, must be installed under the pipelines with a minimum vertical separation of 24 inches between structures, and installed in a manner acceptable to EMPCo's on-site representative. If the installer elects to install its pipelines/utilities across EMPCo's easement by any method of boring, then the installer at the request of EMPCo's representative, shall verify the vertical separation between EMPCo's facilities and the installer's pipelines/utilities. (See Bore Crossings)
24. An approved crossing ABOVE an EMPCo pipeline will need to clear EMPCo's pipeline by 24 inches and require a crossing agreement to be signed by the company responsible for that crossing.
25. When approved by EMPCo, all electrical, fiber optic, and communications cables crossing above an EMPCo pipeline should be cased across the width of EMPCo's right of way and covered with concrete 6" to 8" thick and a minimum width of 6 inches on each side and above the conduit.
26. Permanent aboveground markers identifying the crossing pipeline or utility shall be installed and maintained at the limits of EMPCo's right of way and/or at the crossing.
27. If it is impractical to install and maintain aboveground markers due to the crossing location, plastic marker tape shall be installed below cultivation level and over EMPCo's pipeline, extending the width of the right of way.

## BORE CROSSINGS

28. Bored crossings without a wire guide or with a clearance of 10' or less will require the installation of peepholes on the incoming sides of EMPCo's pipeline, at the point of intersection as to view the drill stem clearance prior to crossing.

## HYDRO-VAC EXCAVATION

29. Hydro-Excavation (Hydro-Vac) may be required in some situations to reduce the risk of damage to a pipeline if so deemed by EMPCo.
30. Grounding of the vacuum truck and wand is required and should be tested; downwind venting of the vacuum truck is required.
31. The water wand tip is to be an oscillation type (circular pattern) to prevent a concentrated water stream; stream nozzles are not allowed. The vacuum wand tip must have a neoprene or equivalent tip to prevent damage to the pipeline coating and surrounding structures.
32. If the excavation site is suspected to contain hydrocarbon-impacted soil, a plan must be developed for testing and disposal of soil/water slurry (e.g., lined roll-off bin.) at requestor's expense.

## FENCE POST/UTILITY POLES

33. Fences may be allowed to cross EMPCo's easement, but will not be allowed along and within EMPCo's easement. Fence posts shall not be placed within 4 feet horizontally of the pipeline(s). Fences should not be installed in manner that would obstruct EMPCo's line of sight or access to EMPCo's facilities. Flag poles, Utility poles and guy wires shall not be placed within EMPCo's right of way or within 8 feet horizontally of EMPCo's pipeline(s).



34. Overhead electrical or telephone lines shall be installed so that a minimum of 20 feet vertical clearance is maintained between the lowest point of the overhead crossing and the natural ground level above EMPCo's pipeline.

**OFFSHORE/OPEN WATER CROSSINGS**

35. EMPCo should be notified of any crossings of EMPCo pipelines located offshore or in open water. Upon notification of a proposed offshore or open water crossing an EMPCo representative will inform you of the crossing requirements.

**NOTIFICATIONS**

All improvement, construction, or encroachment notifications and/or requests for information pertaining to assets operated by ExxonMobil Pipeline Company must be directed, in writing, to the appropriate address noted below:

Requests should include:

1. A brief description of the project or work to be performed
2. Appropriate vicinity map page(s) and coordinates
3. Three (3) copies of pertinent plan and profile drawings
4. Estimated timing of your project or special timing requirements
5. A contact name, company name, mailing address, and telephone number

Once received, your request will be logged, researched and responded to as soon as possible (minimum 45 days). Large requests for information may require substantially more time. Inclusion of all of the above information will help to expedite your request.

**Submission Address by Area**

| State  | Company   | Area       | Address   |
|--|---|------------|---|
| MT   | ExxonMobil Pipeline Company                             | All        | ROW & Claims: ENCROACHMENTS<br>22777 Springwoods Village Parkway<br>E3.5A.552<br>Spring, TX 77389<br>Phone (406) 670-3979 |
| AR, IL, MA, MO, RI,<br>TN, IN, MI, MN, OK,<br>CA, TX | Mobil Pipe Line Company<br>ExxonMobil Pipe Line Company | All<br>All | ROW & Claims: ENCROACHMENTS<br>22777 Springwoods Village Parkway<br>E3.5A.552<br>Spring, TX 77389<br>Phone (281) 922-2024 |
| LA   | ExxonMobil Pipeline Company                             | All        | ROW& Claims: ENCROACHMENTS<br>18440 Highland Rd<br>Baton Rouge, LA 70809<br>Phone (225) 715-9381                          |