

McMullen County Pipeline/Road Crossing Permit
501 River St., Tilden, TX 78072 - (361) 274-3900
countycourt@mcmullencounty.org

ORIGINAL APPLICATION OR _____ AMENDMENT

ON THIS THE ____ day of _____ 20 __, A.D., the

Undersigned: _____
 herein referred to as "the Company".

The Commissioners Court of McMullen County, Texas, acting pursuant to Article V, Section 18 of the Texas Constitution, Chapter 81, Texas Local Government Code, Chapter 251 of the Texas Transportation Code, and Chapters 121 and 181 of the Texas Utilities Code" hereby enters into this Pipeline/Road Crossing Permit with the "Company", which does hereby take up for consideration the Company's application to use the hereinafter described lands being under the jurisdiction of McMullen County, Texas, for the purposes of constructing, maintaining, operating or repairing mains of lines for the transportation of natural gas or other hydrocarbons across said lands as shown on plat attached hereto and made a part hereof.

The location of land affected by this Application, and the identity of any road under the jurisdiction of McMullen County, Texas is described as follows: _____
 _____.

GPS Coordinates _____

Station Plus Number: _____

In consideration of the \$500.00 application fee, the undersigned Company agrees that such use shall be subject to the following terms, covenants and conditions, to-wit:

- I. No main or line shall ever be laid or maintained by the Applicant in such manner as to interfere with the construction, maintenance or repair of roads, (STATE or COUNTY) and in the event it shall develop, that any main or line hereafter to be laid by the Applicant which in any manner interferes with the construction, maintenance or repair of any existing road (STATE or COUNTY), because of the depth at which the same has been laid, or for any other reason, the Applicant, upon request of the Commissioners Court, so to do, shall promptly change or alter, at Applicant's sole expense, such main or line, in such manner that the same will no longer interfere with such construction, maintenance or repair.

- II. It is understood that no main or line shall ever be laid by Applicant in such a way or manner as to interfere with traffic, so as to interfere with any drainage now or hereafter to be affected on or along such road and that no main or line shall ever be laid or maintained by the Applicant in such a way as to constitute a danger or hazard, or to become a nuisance of any kind to anyone using any road or living in the vicinity thereof.

- III. The Applicant further agrees that it shall in no way enter upon any property hereby affected for the purpose of constructing, laying or repairing any main or line now existing or hereafter to exist unless it shall have first submitted to the Commissioners Court of McMullen County, plans, sections and such description of construction, laying, maintenance or repair, as to full describe the same.
- IV. It is further understood and agreed that all lines crossing any County Road shall be either jacked, bored or driven under surfaced portion of the roadway; and that the section of line placed through boring shall extend the full width of the surfacing; and that all pipelines under such roads shall be placed through an iron or other approved casing of approximately two inches larger in diameter than the pipeline; or, as an alternative to casing. Applicant may install a heavier walled carrier pipe beneath the roadway; provided, however, that in either instance the installation shall meet all the requirements of the Department of Transportation as set forth in Title 49, Code of Federal Regulations, Part 192, and/or those same regulations as adopted by The Texas Railroad Commission and any other regulations promulgated by the Texas Railroad Commission; and provided further that the County Commissioner in whose precinct the crossing is being made, with the concurrence with the Commissioners Court, may require that the carrier pipe be cased beneath the roadway when in his opinion the best interests of McMullen County would be served thereby. Said pipeline shall have at least forty-eight (48) inches of cover unless special permission to the contrary is obtained from the Commissioners Court of McMullen County.
- V The applicant further agrees, in connection herewith, to save and hold harmless the said County against any and all liability that it may have or appear to have to any person whomsoever by reason of any act or thing that Applicant, its agents, servants, employees and contractors may do or cause to be done in the premises.
- VI. In consideration of the granting of the privilege hereby petitioned for, Applicant agrees that whenever it shall in any manner damage any County Road or other structure by reason of any operation hereunder, it will immediately, at its own expense, restore the same to the condition that the same was in before the damage took place. Applicant further especially agrees that whenever the County Commissioners Court shall notify it in writing that it, its agents, servants, employees and contractors have damaged any road, or other structure. Applicant will commence the restoration thereof, in accordance with the terms hereof, within forty-eight (48) hours after the receipt of such notice, and prosecute such restoration to completion, diligently and continuously, and that in the event of its failure in such event to begin such restoration or repair within the time aforesaid, or in the event of its failure to therefore prosecute the same to completion, diligently and continuously, the Commissioners Court or its representative of said County, may take over the making of such restoration or repair with County employees, or through a private contractor, and complete and effect such repair or restoration at the expense of the Applicant and that the action of the County Commissioners Court, or its representative, in making such restoration or repair shall be binding upon the Applicant, and such Commissioners Court estimate or statement of the cost and expense incurred in making such repair or restoration shall be final, conclusive and binding upon the Applicant.

- VII. It is further agreed that in the event Applicant enters upon any property hereby affected for the purpose of construction, laying or repairing any main or line of Applicant, now existing or hereafter to exist, in connection with any State road or highway, that Applicant shall comply with all conditions and requirements of the Texas State Highway Department or its authorized representative with reference to any matter pertaining to any such purposes.
- VIII. Applicant shall give the Commissioners Court of McMullen County, with reference to a County Road, and the State Highway Department, with reference to State Highway, twenty- four (24) hour notice prior to the time of beginning of any work with reference to any such road or highway. The County expressly reserves the right to conduct regular and routine maintenance upon said road, and all rights or exceptions afforded counties to conduct such routine road maintenance operations within that area identified by §251.156(a)(7) of the Texas Utilities Code, i.e. within 24 inches of the surface of the ground cover.
- IX. It is further agreed that the order of the Commissioners Court granting this application shall be and does constitute acceptance on the part of the County of the offer hereby made, and said order and this application shall constitute a contract between the parties hereto their heirs, assigns, representatives and successors according to the terms hereof.
- X. This application for pipeline permit shall expire 90 days after the same is approved by motion and order entered into Commissioners Court Records of McMullen County, Texas. After expiration of the same, a new applicant for pipeline permit and payment of fees shall be required from the applicant if the pipeline has not been installed prior to the expiration date of this permit.

IN WITNESS WHEREOF, the Applicant has caused this instrument to be executed

on this the _____ day of _____ 20____ A.D

Company: _____

CORPORATE ACKNOWLEDGEMENT

THE STATE OF TEXAS

COUNTY OF

BEFORE ME, the undersigned authority, in and for said County, Texas, on this day personally appeared _____, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the corporation, and that he/she executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the _____ day of _____, 20_____, to certify which witness my hand and seal.
Notary Public, State of Texas

Printed Name:

Commission expires: _____

After approval the fully executed permit should be returned to: