

SPECIAL ROAD USE AGREEMENT CONTRACT

THE STATE OF TEXAS }

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF UPSHUR }

The undersigned, Ward Timber, hereinafter referred to as First Party, enters into an agreement with Upshur County Commissioner of Precinct No. 4, Upshur County, and in order to get material to market it is necessary to use a portion of Upshur County roads located in Precinct No. 4, over which Commissioner has jurisdiction and obligation to maintain in good repair, and both parties being aware of possible damage to said roads as a result of hauling on and over same, enter into the following agreement:

1.

First Party agrees to use only that section of (described exact route, direction and miles in tenths)

3/10 mile on Mule Deer off FM 2454, 3/10 mile on White Tail

2.

First Party agrees to use its vehicles in such a manner as not to block or interfere with other traffic on said road, so that said road will be open to travel by the public at all times.

3.

First Party agrees to grade, maintain and otherwise repair said road, using its own equipment, labor and materials, if any needed, during the duration of time that First Party is hauling logs from lands location in Precinct No. 4, Upshur County.

4.

First Party agrees to put said road back into same condition as it was prior to the commencement of hauling operations on the part of First Party.

5.

First Party agrees to POST PERFORMANCE BOND in the amount of \$-0-, to Upshur County Commissioner's Court to insure performance of agreement.

6.

Nothing herein shall be construed as a waiver by the Commissioner of the authority granted him by Article 6716, V.A.C.S., but the rights and authority granted the Commissioner by the terms of Article 6716, V.A.C.S., are expressly reserved by the Commissioner in the event First Party fails to abide by the conditions above set forth.

FILED
TERRI ROSS
COUNTY CLERK
2018 APR 16 AM 9:24
UPSHUR COUNTY, TX.
DEPUTY

[Signature]
First Party Signature

P.O. Box 360
Street or Box

LINDEN, TX 75563
City, State and Zip Code

903-756-7700
Telephone

Mc BRUDDER
Timber Tract / Property Owner

Issued by [Signature] Valid 4/9/18 to 7/9/18

PERMIT ISSUED NOT TO EXCEED 90 DAYS UNLESS OTHERWISE NOTED

A COPY OF THIS PERMIT MUST BE IN EVERY TRUCK BEING USED

FILED
TERRI ROSS
COUNTY CLERK
2018 APR 16 AM 9:25
UPSHUR COUNTY, TX.
BY [Signature]
DEPUTY

APPROVAL

TO: Etex Telephone Coop Inc.
P.O. 130 Gilmer Tex
75644

FILED
TERRI ROSS
COUNTY CLERK
2018 APR 16 AM 9:22
UPSHUR COUNTY, TX
DATE 4/2/2018
DEPUTY

The Upshur County Commissioners Court offers no objections to the location on the right-of-way of your proposed New Fiber Optic line across Sun Flower Rd and Tulip Road as shown by accompanying drawings and notice dated Approved except as noted below:

N/A

It is expressly understood that the Upshur County Commissioners Court does not purport, hereby, to grant and right, claim, title, or easement in or upon this county road; and it is further understood that in the future should for any reason Upshur County need to work, improve, relocate, widen, increase add to or any manner change the structure of this right-of-way line, this line, if affected, will be moved under the direction of the Upshur County Engineer and shall be relocated at the complete expense of the owner. Upshur County shall be notified a minimum of 48 hours prior to the beginning of any work.

All work on the county right-of-way shall be performed in accordance with the County Engineer's instructions. The installation shall not damage any part of the highway and adequate provisions must be made to cause minimum inconvenience to traffic and adjacent property owners. Special specifications for placing this line are as follows:

1. All ground lines are to be installed a minimum of 36 inches below the flowline of the adjacent drainage or borrow ditch.
2. All excavations within the right-of-way and not under surfacing shall be backfilled by tamping in 6 inch horizontal layers. All surplus material shall be removed from the right-of-way and the excavation finished flush with surrounding natural ground.
3. Lines crossing under surfaced roads and under surfaced cross roads within the right-of-way shall be placed by boring. Boring shall extend from crown line to crown line.
4. All lines under roads carrying pressure in excess of 50 psi shall be enclosed in satisfactory casing extending from right-of-way line to right-of-way line. Pipe used for casing may be of any type approved by the County Engineer and shall be capable of Supporting the load of roadbed and traffic and shall be so constructed that there will be no leakage of any matter through the casing for its entire length. Inside diameter of casing shall be at least 2 inches greater than the largest outside diameter of carrier pipe, joint or couplings. (Encasement is not required on lines installed 48 inches or greater below flowline.)
5. All lines, where practicable, shall be located to cross roadbed at approximately right angles thereto. No lines are to be installed under or within 50 feet of either end of a bridge unless approved by the County Engineer in writing. No lines shall be placed inside any culvert or within 10 feet of the closest point of same.
6. Parallel lines will be installed as near the right-of-way lines as is possible and no parallel line will be installed in the roadbed or between the drainage ditch and roadbed unless approved by the County Engineer in writing.
7. Overhead lines will have a minimum clearance of 18 feet above the road surface at point of crossing.
8. Operations along roadways shall be performed in such a manner that all excavated material be kept off the pavements at all times, as well as all operating equipment and materials. Do not use equipment or installation procedures which will damage any road surface or structure. The cost of any repairs to road surfaces, roadbed, structures or other right-of-way features as direct result of this installation will be borne by the owner of this line.
9. Barricades, warning signs, lights and flagmen, when necessary, shall be provided by the contractor or owner. One half of the traveled portion of the road must be open to traffic at all times. All traffic control shall be in accordance with the requirements of the current version of the Texas MUTCD.
10. Utility company shall install adequate erosion control measures for any excavation work being performed.

APPROVED: 
County Engineer

APPROVED: _____
Chairperson, Upshur County Commissioners Court
Revised 11/30/10

Water Lily
FILED
TERRI ROSS
COUNTY CLERK

2018 APR 16 AM 9:25

UPSHUR COUNTY, TX.

BY TR
DEPUTY

04/13/2018 10:06 9036808345

Tulip Rd

Tulip Rd

Tulip Rd

Water Lily Rd

Water Lily Rd

Tulip Rd

Tulip Rd

Tulip Rd

Sun Flower Rd

Sun Flower Rd

Willow Oak Cemetery

Sun Flower Rd

Sun Flower Rd

Sun Flower Rd

Google

(77)

APPROVAL

TO: Marty Thompson
P.O. Box 130
Gilmer, TX 75644

FILED
TERRILL
COUNTY CLERK
2018 APR 16 AM 9:25
UPSHUR COUNTY, TX.
BY [Signature]
DEPUTY

The Upshur County Commissioners Court offers no objections to the location on the right-of-way of your proposed Fiber Optic line along Sun Flower and Tulip Road as shown by accompanying drawings and notice dated 04/03/18, except as noted below:

N/A

It is expressly understood that the Upshur County Commissioners Court does not purport, hereby, to grant and right, claim, title, or easement in or upon this county road; and it is further understood that in the future should for any reason Upshur County need to work, improve, relocate, widen, increase add to or any manner change the structure of this right-of-way line, this line, if affected, will be moved under the direction of the Upshur County Engineer and shall be relocated at the complete expense of the owner. Upshur County shall be notified a minimum of 48 hours prior to the beginning of any work.

All work on the county right-of-way shall be performed in accordance with the County Engineer's instructions. The installation shall not damage any part of the highway and adequate provisions must be made to cause minimum inconvenience to traffic and adjacent property owners. Special specifications for placing this line are as follows:

1. All ground lines are to be installed a minimum of 36 inches below the flowline of the adjacent drainage or borrow ditch.
2. All excavations within the right-of-way and not under surfacing shall be backfilled by tamping in 6 inch horizontal layers. All surplus material shall be removed from the right-of-way and the excavation finished flush with surrounding natural ground.
3. Lines crossing under surfaced roads and under surfaced cross roads within the right-of-way shall be placed by boring. Boring shall extend from crown line to crown line.
4. All lines under roads carrying pressure in excess of 50 psi shall be enclosed in satisfactory casing extending from right-of-way line to right-of-way line. Pipe used for casing may be of any type approved by the County Engineer and shall be capable of Supporting the load of roadbed and traffic and shall be so constructed that there will be no leakage of any matter through the casing for its entire length. Inside diameter of casing shall be at least 2 inches greater than the largest outside diameter of carrier pipe, joint or couplings. (Encasement is not required on lines installed 48 inches or greater below flowline.)
5. All lines, where practicable, shall be located to cross roadbed at approximately right angles thereto. No lines are to be installed under or within 50 feet of either end of a bridge unless approved by the County Engineer in writing. No lines shall be placed inside any culvert or within 10 feet of the closest point of same.
6. Parallel lines will be installed as near the right-of-way lines as is possible and no parallel line will be installed in the roadbed or between the drainage ditch and roadbed unless approved by the County Engineer in writing.
7. Overhead lines will have a minimum clearance of 18 feet above the road surface at point of crossing.
8. Operations along roadways shall be performed in such a manner that all excavated material be kept off the pavements at all times, as well as all operating equipment and materials. Do not use equipment or installation procedures which will damage any road surface or structure. The cost of any repairs to road surfaces, roadbed, structures or other right-of-way features as direct result of this installation will be borne by the owner of this line.
9. Barricades, warning signs, lights and flagmen, when necessary, shall be provided by the contractor or owner. One half of the traveled portion of the road must be open to traffic at all times. All traffic control shall be in accordance with the requirements of the current version of the Texas MUTCD.
10. Utility company shall install adequate erosion control measures for any excavation work being performed.

APPROVED: [Signature]
Road Administrator

APPROVED: _____
Chairperson, Upshur County Commissioners Court

Revised 11/30/10


NOTICE OF PROPOSED INSTALLATION
NOTICE OF PROPOSED INSTALLATION
PIPE AND/OR UTILITY LINES

DATE: 4/2/2018

TO: UPSHUR COUNTY COMMISSIONERS COURT
c/o UPSHUR COUNTY ENGINEER
UPSHUR COUNTY ROAD & BRIDGE DEPARTMENT
P. O. BOX 730
Gilmer, TX 75644

EXPIRES: 7/2/2018

Formal notice is hereby given that Etex Telephone Coop Inc. proposes to bore a Fiber Optic line within the right-of-way of County Road Sun Flower and Tulip Rd. as follows: Boring new Fiber Optic Cable on both sides of county roads from Willow Oak Church to Hwy 271. All construction will be Direction Bored in at min depth of 4' feet.

FILED
TERRI ROSS
COUNTY CLERK
2018 APR 16 AM 9:25
UPSHUR COUNTY, TX.
BY  DEPUTY

The location and description of the proposed line and appurtenances is more fully shown by three copies of drawings attached to this notice. The line will be constructed and maintained on the County right-of-way as directed by the County Engineer in accordance with current Upshur County specifications.

Construction of this line will begin on or after the 2 day of April, 2018 and will be completed within 90 days of the date of approval.

Firm Etex Telephone Coop Inc.
By Martin Thompson
Title Right of way solicitor
Address P.O. Box 130 Gilmer Tex 75644

- NOTE: 1. This form to be submitted in triplicate for each proposed installation.
2. The permit shall be in effect until the utility line is removed from the right of way.
3. Inform the County Engineer if work is not completed within this time

Revised 11/30/10

NOTICE OF PROPOSED INSTALLATION
NOTICE OF PROPOSED INSTALLATION
PIPE AND/OR UTILITY LINES

TO: UPSHUR COUNTY COMMISSIONERS COURT
c/o UPSHUR COUNTY ENGINEER
UPSHUR COUNTY ROAD & BRIDGE DEPARTMENT
P. O. BOX 730
Gilmer, TX 75644

DATE: 4/9/2018

EXPIRES: 7/9/2018

Formal notice is hereby given that Etex Telephone Coop Inc. proposes to bore a New Fiber Optic line within the right-of-way of County Road Sun Flower Rd as follows: Boring new Fiber Optic Cable on both sides of county road Sun Flower from intersection of Hwy 271 to intersection of county Rd Tulip. All construction will be Directional Bored in at min depth of 4'

FILED
TERRI ROSS
COUNTY CLERK
2018 APR 16 AM 9:25
BY [Signature]
UPSHUR COUNTY, TX.
DEPUTY

The location and description of the proposed line and appurtenances is more fully shown by three copies of drawings attached to this notice. The line will be constructed and maintained on the County right-of-way as directed by the County Engineer in accordance with current Upshur County specifications.

Construction of this line will begin on or after the 9 day of April, 2018 and will be completed within 90 days of the date of approval.

Firm Etex Telephone Coop Inc.
By Martin Thompson
Title Right of way solicitor
Address P.O. Box 130 Gilmer Tex


- NOTE:
1. This form to be submitted in triplicate for each proposed installation.
 2. The permit shall be in effect until the utility line is removed from the right of way.
 3. Inform the County Engineer if work is not completed within this time

Revised 11/30/10

FU 0101
PA 10001/105

PA 10001/105

PA 10001/105

FILED
TERRI ROSS
CLERK
2018 APR 16 AM 9:25
UPSHUR COUNTY, TX.
BY  DEPUTY

APPROVAL

TO: Etex Telephone Coop Inc.
P.O. 130 Gilmer
Tex 75644

DATE 4/9/2018


The Upshur County Commissioners Court offers no objections to the location on the right-of-way of your proposed New Fiber Optic line across Sun Flower Road as shown by accompanying drawings and notice dated Approved, except as noted below:

N/A

It is expressly understood that the Upshur County Commissioners Court does not purport, hereby, to grant and right, claim, title, or easement in or upon this county road; and it is further understood that in the future should for any reason Upshur County need to work, improve, relocate, widen, increase add to or any manner change the structure of this right-of-way line, this line, if affected, will be moved under the direction of the Upshur County Engineer and shall be relocated at the complete expense of the owner. Upshur County shall be notified a minimum of 48 hours prior to the beginning of any work.

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APPROVED: 
County Engineer

APPROVED: _____
Chairperson, Upshur County Commissioners Court
Revised 11/30/10