

FOR COUNTY USE ONLY

PERMIT # _____

APPLICATION DATE : _____



**APPLICATION TO FAYETTE COUNTY FOR PERMIT
TO LAY TEMPORARY WATER LINE
IN ROAD RIGHT OF WAY**

TO: THE COMMISSIONERS COURT OF FAYETTE COUNTY, TEXAS

COMES NOW _____ (company name) (hereafter "Company"), a _____ (state) _____ (type – corporation, partnership, sole proprietorship, etc.) with the right to transact business in Texas, acting by and through its duly authorized representative, and hereby petitions Fayette County (hereafter "County") for the right to lay a temporary water line over and/or along certain County Roads and rights of way as shown on map(s) and lists(s) attached hereto in the following manner: (insert description of line, Example "10 inch poly"):

Within a length along the right of way of approximately _____ feet, along (describe and name County roads with length along each road)

We propose to begin our operations on or about _____ (mm/dd/yyyy) and complete our operations by _____ (mm/dd/yyyy) .

Company agrees that:

- 1) To induce the County to grant the requested permit, Company agrees, and stipulates as follows:
 - a. That it is expressly understood that Fayette County does not grant any right, claim, title, or easement in, to, or upon the County right of way.

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- b. The temporary waterline will be laid on the surface, as close to the edge of the County Road right of way or fence line, as is possible.
- c. Where necessary, Company agrees to remove, and dispose of, at its own expense, brush, debris, and other such impediments when installing the temporary water line. Company also agrees, upon request of the Fayette County Commissioner(s) in whose precinct(s) this permit would apply, or his designee, to trim, mow or otherwise control grass and vegetation growth along the temporary water line laid in the County right of way until temporary water line is removed.
- d. Company will cross a County Road right of way, or culvert, only with the permission of the Fayette County Commissioners Court. Temporary water lines crossing a County road may use existing County road drainage structures. If no existing County drainage structure is available, applicant shall bore under the roadway using a steel casing. Open cuts of the roadway will not be permitted. If a bore is used, a separate crossing permit is required, contact the County Permitting Office. If an existing drainage structure is used to cross a roadway, the following is the allowable number and size pipe for each drainage structure. This information shall also be shown on the attached location map.
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|-------------------------|---|
| 24" drainage structure: | one 8" or one 10" temporary water pipe(s). |
| 36" drainage structure: | three 8", two 10", or one 12" temporary water pipe(s). |
| 48" drainage structure: | four 8", three 10", or two 12" temporary water pipe(s). |
- e. The temporary water line shall not be laid or maintained by the Company in such manner as to interfere with the use, construction, maintenance or repair of roads, or utilities, and in the event it shall develop that the line, in the opinion of the Fayette County Commissioner(s) in whose precinct(s) this permit would apply, or his designee, in any manner interferes with the use, construction, maintenance or repair of any existing road, or utility, because of the depth at which the same has been laid, or for any other reason, the Company, upon request of the Fayette County Commissioner(s) in whose precinct(s) this permit would apply, or his designee, shall promptly change or alter, at Company's sole expense, the temporary water line, in such manner that the same will no longer interfere with such construction, maintenance or repair.
- f. Company will not maintain any pump, engines, switch, storage facility, or anything else, except the above described temporary water line, in the County

Road right of way. Any booster pump connected to the temporary water line subject to this application must maintain a minimum distance of twenty (20) feet from the edge of the pavement or traveled portion of the road.

- g. Fayette County may require Company to relocate, or to permanently or temporarily remove the temporary waterline, or any portion of the temporary waterline, when deemed necessary, for any reason, by Fayette County, by the County giving 5 calendar day's notice.
- h. Fayette County may require Company to relocate, or to, permanently or temporarily, immediately remove the temporary waterline, if adverse weather, or other factors, create an emergency condition, or if, in the opinion of the Fayette County Commissioner(s) in whose precinct(s) this permit would apply, or his designee, the Company is in any way in violation of this permit.
- i. That the temporary waterline be maintained in such a manner that is acceptable to the Fayette County Commissioner(s) in whose precinct(s) this permit would apply, or his designee, or its designee.
- j. Adequate signs, barricades, flares, flagmen, etc., shall be maintained as necessary to protect the traveling public during installation, moving, maintenance, or any other situation and or emergency that may arise. Company shall comply with the Texas Manual of Uniform Traffic Control Devices.
- k. Company must not interfere with the free and safe flow of traffic, along the County Road right of way, or to and from driveways. All driveways shall be crossed by using road crossings. The intent is to not cause damage to a driveway. The traveling surface of the road crossing must extend the entire width of the driveway.
- l. When operations are immediately adjacent to the County Road right of way, all equipment should be parked and/or operating on one side of the roadway only.
- m. Operations will be postponed when the ground conditions are such that operations within the County Road right of way would, in the opinion of the Fayette County Commissioner(s) in whose precinct(s) this permit would apply, or his designee, cause extensive rutting and/or tracking of mud onto the roadway surface.
- n. Company agrees to indemnify and hold County harmless from any personal injury, property damage, subservient estate, mineral estate related claims, or other tort claims, against County, its officers, agents or employees, that result from

Company's operations under this permit, or the County's action in granting this permit, EVEN IF SUCH CLAIMS RESULT IN WHOLE OR PART FROM THE NEGLIGENCE (INCLUDING FAILING TO TAKE AN ACTION REQUIRED BY THE TEXAS UTILITY CODE) OF COUNTY, ITS OFFICERS, AGENTS OR EMPLOYEES, OR FROM THE INTENTIONAL CONDUCT OF THE COUNTY, ITS OFFICERS, AGENTS OR EMPLOYEES, IN RELOCATING, OR REMOVING, THE LINE, OR ANY ASSOCIATED EQUIPMENT OR MATERIAL, IF AN EMERGENCY CONDITION EXISTS, OR IF COMPANY IS, IN THE OPINION OF THE FAYETTE COUNTY COMMISSIONER(S) IN WHOSE PRECINCT(S) THIS PERMIT WOULD APPLY, OR HIS DESIGNEE, IN VIOLATION OF THIS PERMIT, OR IF COMPANY HAS NOT COMPLIED WITH A STOP WORK ORDER, OR IF COMPANY HAS NOT COMPLIED WITH A NOTICE TO REMOVE, OR RELOCATE, THE TEMPORARY WATERLINE, OR OTHER OBJECTS PLACED IN THE COUNTY ROAD RIGHT OF WAY.

- o. Company agrees to release the County, its officers, agents and employees, any utility, or the officers, agents and employees of such utility, and any emergency services organization, or emergency services personnel, operating on behalf of the County, from any and all claims for damages done to Company's property, during emergency operations, road maintenance operations, or utility installation, removal or maintenance operations.
- p. Company will promptly and fully reimburse the injured party for any damage to utility lines, utility property, or other real or personal property, or personal injury, arising out of the installation, use or removal of the temporary waterline.
- q. Company will submit with this application a current Certificate of Insurance in the amount of not less than \$1,000,000.00, naming Fayette County, Texas as an additional insured, and a certificate of Workers Compensation insurance. Company will insure, and shall demonstrate to the County, that such insurance remains in full force and effect, while any operations continue under the permit. Such insurance policy will list Fayette County, Texas as an additional insured.
- r. The permit, if granted, will give Company permission to conduct allowed operations within County Road rights of way only, and does not authorize Company to conduct any operations on other property.
- s. Company shall arrange an onsite inspection of the proposed route of the temporary water line, by the Fayette County Commissioner(s) in whose

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- precinct(s) this permit would apply, or his designee, before approval may be granted.
- t. Company shall notify the Fayette County Commissioner(s) in whose precinct(s) this permit would apply, or his designee, at least 48 hours before any operations begin under this permit. Notice shall be face-to-face or by direct voice communication, no voice-mail notice shall be accepted.
- u. Posting of Permit. A copy of the permit, including the full Application, shall be posted, in a rain proof form, at the jobsite, before any work is begun, and shall remain posted until after all operations have been completed. If the line runs along the County Road right of way for more than 100 feet, additional copies of the permit shall be posted at each location where the line enters, or leaves, the County Road right of way.
- v. Education about Permit. Company shall insure that all of its employees, agents, contractors, and sub-contractors, are familiar with all terms of the permit.
- w. Issuing Stop Work Order. If, at any time the Fayette County Commissioner(s) in whose precinct(s) this permit would apply, or his designee, believes that Company is in violation of the terms of the permit, they may issue a Stop Work Order. A Stop Work Order shall be in writing, shall include the date, and time, it was issued, shall describe generally the violation, and shall include the name, and telephone number, of the Fayette County Commissioner(s) in whose precinct(s) this permit would apply, or his designee, who is empowered to release it. The Stop Work Order shall be either delivered personally to the Company representative at the job site, or to any employee, or agent, of the Company, or any contractor, or subcontractor, present at the job site. If no one is present to accept the Stop Work Order, a copy will be sent by electronic mail to the Company addresses listed below.
- x. Effect of Stop Work Order. No work, except emergency operations designed to protect human life, or property, shall take place under the permit, until the Stop Work Order is released.
- y. Release of Stop Work Order. When the Company has presented a satisfactory plan to the Fayette County Commissioner(s) in whose precinct(s) this permit would apply, or his designee, to remediate the violation, both the Company, and the Fayette County Commissioner(s) in whose precinct(s) this permit would

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- apply, or his designee, shall sign a Release of Stop Work Order that allows operations to resume under the permit.
- z. The provisions about Stop Work Orders, and Release of Stop Work Orders, do not in any way impair the County's right to take any action under any other section of the permit.
- aa. Revocation of Permit. The County may revoke the permit at any time for failure to pay permit fees, failure to comply with any sections of this permit application, failure to maintain insurance, or any other violation which may arise regarding the temporary water lines.
- bb. Company shall, on or before _____(mm/dd/yyyy), remove the temporary water line, such date not to exceed ninety calendar days from date of permit issuance. Company shall restore the right-of-way to its original condition, free of any damage, with any ruts or any injury to vegetation repaired to the satisfaction of the Fayette County Commissioner(s) in whose precinct(s) this permit would apply, or his designee, except that brush, debris and other impediments need not be restored. Any costs incurred by the County for replacement signs, delineators, etc., for the removal of debris, or for any other necessary restoration work performed by the County to place the County right-of-way into a condition equal to that prior to survey operations will be billed to the company at cost.
- cc. "Company" includes the Company, and all officers, agents, employees, contractors and sub-contractors, and its heirs, assigns and successors.
- dd. Renewal of temporary water line permit. In the event Company anticipates exceeding the ninety day issuance of the temporary water line permit, the Company shall apply to renew permit with the Fayette County Permitting Office. The renewal notice must be submitted to the Fayette County Permitting Office no later than ten days (10) before the expiration of the existing permit. If all information in existing permit remains the same, Company shall just sign declaration page certifying to all information in previous application. In the event information from original application has changed, Company shall be required to complete application again in full.
- ee. Renewal Fees and Insurance. In the event Company applies for a renewal of the existing permit, Company shall provide at time of renewal notice an updated Certificate of Insurance and shall submit the renewal fees as listed below.

- ff. Private Land Owners: In the event that any of the permitted temporary water lines cross real property owned by a private citizen of Fayette County, Company agrees that it will properly notify and obtain the right from all necessary land owners prior to laying the temporary waterlines.
- gg. The Company agrees that the public's use of the public county road for travel and transportation shall be of primary importance. The rights granted to Company by subsequent acceptance and approval of this Application shall be subordinate to the rights of the public to use the road.
- hh. No temporary waterline shall ever be laid, constructed, installed, maintained, operated, used and/or repaired in such a manner as to interfere with the use, operation, construction, maintenance, drainage, or repair of an existing public county or state road. Company agrees that, should a temporary water line interfere with public use, Company will, at the request of Fayette County Commissioners Court, or the Fayette County Commissioner(s) in whose precinct(s) this permit would apply, or his designee, and at its own expense, make all changes, alterations, and modifications to said temporary waterline subject to this Application.
- ii. The Company agrees to give the County Commissioner of the Precinct in which is located the temporary water line(s) which is subject to this Application, at least forty-eight (48) hours actual notice prior to the time of beginning any work with reference to any such public right of way, road, or highway.
- jj. Company agrees that it will adhere to all County, State, and federal laws, statutes, codes, orders, rules, and regulations applicable to the laying, constructing, installing, maintaining, and operating the temporary waterline that is subject to this Application.
- 2) On the attached maps (three copy sets attached, each with a maximum size of 8.5" x 14"), Company has:
- a. Outlined the area of proposed operations
 - b. Highlighted, in color, the county right of way(s) to be used.
 - c. Labeled each County Road with its road name.
 - d. Depicted and listed all private driveways the temporary water line will cross.

3) On the attached list(s), Company has listed in sequential order each County Road where company plans to lay temporary water lines.

4) The application fee is \$1,000.00 for temporary water lines occupying up to one mile of County Road right of way, plus \$500.00 for each additional mile, or portion of a mile. If Company has installed any portion of the proposed temporary waterline on a County Road right of way without an approved permit, the application fee is \$6,000.00 for temporary water lines occupying up to one mile of County Road right of way, plus \$500.00 for each additional mile, or portion of a mile.

5) The renewal fee is \$1,000.00, for temporary water lines occupying up to one mile of County Road right of way, plus \$500.00 for each additional mile, or portion of a mile. The renewal fee is due ten days prior to the expiration of the existing permit.

6) Violation of permit requirements. In the event Company fails to perform permit requirements as listed above, the following administrative penalties are due and payable, and must be paid prior to when the Company applies for ANY application or renewal permit for ANY right of way:

ADMINISTRATIVE PENALTY:

- 1. Failure to place required signs as required. up to \$500.00
- 2. Failure to repair water leaks within 24 hours of notification. up to \$500.00
- 3. Failure to remove pipe and other materials when complete. up to \$500.00
- 4. Failure to meet other requirements of the permit. up to \$500.00

6a) This application for Temporary Water Line Permit is for use of fresh water or storm water only. Should the Company violate this permit by pumping any other liquid including but not limited to, any produced water from an oil well, any material, solvent, solution, chemical, additives, “frac sand water”, etc. or any fluid other than fresh water or storm water, the Company will be in violation of this Permit, and the County will have the right to revoke this permit, and Company will be subject to a \$100,000.00 fine per day that County discovers Company has been in violation of this permit under this section.

7) In the event the Company, during the existence of the Permit, violates a provision of the Permit a second, or more, time, the penalty for the violation doubles in amount of the previous penalty amount, so that the Company is required to pay the following amounts:

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ADDITIONAL ADMINISTRATIVE PENALTIES :

1. Failure to place required signs as required. up to \$1,000.00
2. Failure to repair water leaks within 24 hours of notification. up to \$1,000.00
3. Failure to remove pipe and other materials when complete. up to \$1,000.00
4. Failure to meet other requirements of the permit. up to \$1,000.00

8) Permit application, supporting documentation, and fee are to be submitted to the Fayette County Permitting Office, 151 N. Washington Street #307, La Grange, Texas 78945. Incomplete applications will not be accepted.

CONTACT PERSON FOR PERMIT APPLICATION

Questions regarding the Temporary Waterline Permit Application should be addressed to:

Print or type name _____

Title _____

Office Telephone _____

Office Fax _____

Cell Phone _____

Address _____

City, State, Zip _____

Email Address _____

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PRIMARY 24 HOUR CONTACT PERSON(S) FOR EMERGENCIES

During the period of operation under the permit, Fayette County may contact this agent of Company at any time:

Print or type name _____

Title _____

Office Telephone _____

Office Fax _____

Cell Phone _____

Address _____

City, State, Zip _____

Email Address _____

SECONDARY 24 HOUR CONTACT PERSON(S) FOR EMERGENCIES

During the period of operation under the permit, Fayette County may contact this agent of Company at any time the primary contact cannot be reached:

Print or type name _____

Title _____

Office Telephone _____

Office Fax _____

Cell Phone _____

Address _____

City, State, Zip _____

Email Address _____

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SWORN TO, SUBSCRIBED, AND ALL TERMS AND CONDITIONS AGREED TO ON THIS THE ___ DAY OF _____, 20__.

Company Name _____

Print or type Representative Name _____

Title _____

Office Telephone _____

Office Fax _____

Cell Phone _____

Address _____

City, State, Zip _____

Email Address _____

Signature of Company Applicant
Signature of Officer or Authorized
Representative of Company

THE STATE OF TEXAS §
COUNTY OF _____ §

BEFORE ME, the undersigned authority on this day personally appeared _____ (Name), _____ (Title) known to me to be the person and officer whose name is subscribed to the foregoing instrument and after being sworn, acknowledged to me that the same was the act of _____ (Company) of _____ (City and State), and that he/she executed the same as the act of such Company for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this ___ day of _____, 20__ .

Notary Public Signature

FOR COUNTY USE ONLY

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APPLICATION DATE: _____

**ACTION OF THE FAYETTE COUNTY COMMISSIONERS COURT
CONCERNING THE APPLICATION**

The Foregoing Application is Approved and granted by Order of the Fayette County Commissioners Court on this the _____ day of _____, 20__:

Dan Mueller
Fayette County Judge

ATTEST:

Brenda Fietsam
Fayette County Clerk and
Clerk of Commissioners Court

FOR COUNTY USE ONLY:

_____ with _____ notified the permitting office of the official start date of operations on _____. The expiration date of this permit will be (90 days after the official start date) _____.