

**APPLICATION FOR PIPELINE PERMIT**

Precinct \_\_\_\_\_

DATE SUBMITTED: \_\_\_\_\_

TO: COMMISSIONERS' COURT OF LAVACA COUNTY, TEXAS

APPLICANT:

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_

PHONE NUMBER: \_\_\_\_\_ FAX: \_\_\_\_\_

REPRESENTATIVE: \_\_\_\_\_

Applicant does hereby make application to use the lands described in the attached Exhibit "A", for the purpose of constructing, maintaining, operating or repairing pipe lines for the transportation of liquids or gaseous materials.

If the county grants permission for construction of such pipeline, the Applicant agrees that such construction and use shall be subject to the following terms, covenants, and conditions:

**I.**

**PUBLIC'S USE OF ROAD**

The public's use of the road for travel shall be of primary importance. No crossing or line, using material of any type, shall ever be laid or maintained by the Applicant in such manner as to interfere with the construction, maintenance, or repair of roads or the public's use of the road for travel. If any material or line laid by the Applicant in any manner interferes with the construction, maintenance or repair of any existing road, or travel thereon, because of the depth at which same has been laid, or for any other reason, the Applicant, upon request of the Commissioners' Court, shall promptly change or alter, at Applicant's sole expense, such material or lines, in such manner so that the same will no longer interfere with such construction, maintenance or repair or travel. No crossing or line shall be laid to interfere with the traffic, present and future water drainage, or in such manner as to constitute a danger or hazard, or to become a nuisance of any kind to anyone using any road, or to anyone living in the vicinity thereof. Any rights granted by approval of this application shall be subordinate to the public's use of the road.

**II.**

**CONSTRUCTION**

- (a) All pipeline(s) that cross each roadway shall be bored, jacked or driven under such roadway extending from bore pit to bore pit. Bore pits are to be located at a reasonable distance from the roadway.
- (b) All pipeline(s) placed along right-of-ways must have at least thirty (30) inches of cover with permanent type signs placed at each point where line enters the right-of-way and where line exits the right-of-way.
- (c) Pipeline(s) shall be covered with at least thirty-six (36) inches of cover with permanent type signs

placed on each side of roadway showing line owner and owner's telephone number.

- (d) Detailed drawings to be furnished showing location of pipeline on county roads, along with depiction of the encasement with risers and all dimensions, arrangements and line pressure of the pipeline.
- (e) No variations from above specifications will be allowed unless special permission, in writing, is granted by the Lavaca County Commissioners' Court.

### **III.**

#### **NOTICE AND INSPECTION**

Applicant must submit an application for pipeline permit at least seven (7) days prior to the beginning of any work. A representative of Lavaca County must be at job site when work begins, and must approve the job upon its completion. A representative of the Applicant must be on the job site whenever work is in progress. Applicant agrees to have a representative at job site to direct traffic, and to install warning and traffic control signs insuring safety of the public before work begins.

### **IV.**

#### **INDEMNITY**

Applicant or its agents must assume all responsibility in connection with the installation and maintenance of all lines; for any damage to the public, and damage to any and all adjoining property owned by others.

Lavaca County shall not be liable for any damages, loss or injury to the person or property or effects of Applicant or any other person or persons whomsoever suffered on, in or about the said premises or upon the streets and roads in front of or adjoining same by reason of present or future form, character or condition of the said premises or any part of portion of same or from the use and the manner of use made of the premises by Applicant or from any negligence of Applicant or Applicant's servants, agents, employees or contractors; and Applicant agrees to indemnify, protect and save harmless Lavaca County against any and all such damages or things to be paid off and to discharge any judgment secured against Lavaca County by reason of any such matters, acts and things. Additionally, Applicant agrees to indemnify, protect and save harmless Lavaca County against any and all attorney fees and/or other costs and expenses incurred by Applicant in the defense of any claim or lawsuit brought against Lavaca County as a direct result of any such matters, acts and things. In case of any action or proceedings brought against Lavaca County by reason of such claim, Applicant covenants to defend, upon notice from Lavaca County, such action or proceeding by counsel acceptable to Lavaca County.

### **V.**

#### **RESTORATION**

All excavations with the right-of-way must be backfilled to their original condition, and all surplus materials must be removed and the excavation finished flush with surrounding natural ground. Applicant shall leave the right-of-way and surrounding area in as good, or better condition as existed prior to installation of these materials or lines.

Applicant will commence the restoration of the right-of-way, in accordance with the terms agreed upon, within forty-eight (48) hours after the receipt of such notice from Lavaca County.

**VI.**

**MATERIALS LOCATION**

Under this agreement as a temporary instrument, materials for lines, according to present safety standards, may be placed along inside of the outer edge of right-of-way from point of production for the transfer of fuel to a new drilling location, upon approval of the Lavaca County Commissioners' Court. Lines must be removed within thirty (30) days after the completion of operations, or use of fuel is terminated. A map describing the exact location of the pipeline crossing or in the road right-of-way must be attached.

**VII.**

**CONSIDERATION**

Applicant agrees to pay Lavaca County \$500.00 for each roadway crossing and \$2.50 per foot for use of right-of-way to lay a pipeline. Payment must be made in the form of a check made payable to *Lavaca County Treasurer*, P.O. Box 383, Hallettsville, Texas 77964, and must be attached to application when submitted.

**VIII.**

**TERM**

The construction permit shall be effective only for a period of 90 days from the date that this application is approved.

**IX.**

**ADJACENT LAND OWNERS**

If agreement cannot be reached between owners of property along county roads for the laying of the pipeline, the county may choose to allow pipeline along county road right-of-way. Attached as Exhibit "B" is a list of all owners of land adjacent to the county road.

**X.**

**CERTIFICATE OF INSURANCE**

A Certificate of Insurance is attached hereto and made a part of this application for all pertinent purposes.

**PLAT**

Attached is a map of the subject area depicting the county road(s), the location of the proposed pipeline, the tracts of land adjacent to the county road and the location of houses on such tracts.

**CONTENTS OF PIPELINE**

Each gas, liquid or substance that may be introduced into the pipeline is fully described in the attached Exhibit "C", along with the amount of pressure that will be exerted within the pipeline.

**SPECIFICATIONS OF THE PIPELINE**

The material specifications and limitations of the pipe are fully set forth in the attached Exhibit "C".

**Applicant:**

BY: \_\_\_\_\_

NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

SUBSCRIBED AND SWORN TO BEFORE ME, on this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Notary Public, \_\_\_\_\_ County, Texas

This application (permit) is approved by Lavaca County Commissioners' Court this the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Approved By: \_\_\_\_\_  
Lavaca County Commissioner, Pct. No. \_\_\_\_

Attest:

\_\_\_\_\_  
Lavaca County Clerk

\_\_\_\_\_  
Lavaca County Judge