SPECIAL ROAD USE AGREEMENT CONTRACT

·			!	
THE STATE OF TEXAS	}	OW ATT MEN	BY THESE PRESENTS:	
COUNTY OF UPSHUR	}	OW ALL MILE	BI THESE PRESENTS.	
The undersigned, A Carreferred to as First Party, enters Precinct No. 4, Upshur County use a portion of Upshur County Commissioner has jurisdiction being aware of possible damage enter into the following agreements.	y, and in order roads located and obligation e to said roads	to get material in Precinct No. to maintain in g	to market it is necessary to 4, over which good repair, and both parties	
First Party agrees to use only that	1.	ribad avnot routa	direction and miles in tenths)	
•			i ·	ا نیست ا
The mile on Mule 1.	seer off	FM 2454	3/10 mile on Whit	e laul
First Party agrees to use its veh other traffic on said road, so that times.				
First Party agrees to grade, mail equipment, labor and materials, is Mauling 1095	if any needed	during the dura		
First Party agrees to put said roccommencement of hauling oper				
First Party agrees to POST PER County Commissioner's Court				
Nothing herein shall be construgranted him by Article 6716, V Commissioner by the terms of A Commissioner in the event First	.A.C.S., but the Article 6716, V	rights and auth A.C.S., are exp	hority granted the pressly reserved by the	00
			PR 16 AH 9: DEPUT	FILED ERRI ROSS

Pox 360

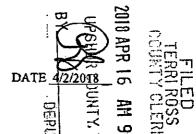
903-756-7700 Telephone

PERMIT ISSUED NOT TO EXCEED 90 DAYS UNLESS OTHERWISE NOTED

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

APPROVAL

TO:	Etex Telephone Coop Inc.	
	D. 130 Gilmer Tex	
756	44	_



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 teasement 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 home 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.

Utility company shall install adequate erosion control measures for any	y excavation work being performed
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APPROVED:

County Engineer

Chairperson, Upshur County Commissioners Court
Revised 11/30/10

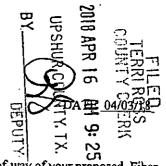
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PAGE 07/07 Waldo @DreamWorks Distribution Limited.

16

APPROVAL

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



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

APPROVED: Chairperson, Upshur County Commissioners Court

Revised 11/30/10

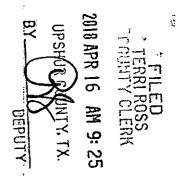
NOTICE OF PROPOSED INSTALLATION NOTICE OF PROPOSED INSTALLATION PIPE AND/OR UTILITY LINES

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.



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 <u>Etex Telephone Coop Inc.</u>

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

DATE: 4/9/2018

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

EXPIRES:7/9/2018

Formal notice is hereby given that Etex Telephone Coop Inc. proposes to bore a New Fiber Ontic 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'



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

TERRI ROSS
TERRI ROSS
2018 APR 16 AM 9: 25
UPSHOR FUNTY 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 <u>New Fiber Optic</u> line across <u>Sun Flower Road</u> as shown by accompanying drawings and notice dated <u>Approved</u>, 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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- 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 easing extending from right-of-way line. Pipe used for easing 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.)
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10. Utility company that install adequate erosion control measures for any excavation work being performed.

APPROVED: County Engineer

APPROVED:

Chairperson, Upshur County Commissioners Court Revised 11/30/10