

SPECIAL ROAD USE AGREEMENT CONTRACT

THE STATE OF TEXAS }

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF UPSHUR }

The undersigned, Traus Burns Logging Inc; 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)

1 mile on Horse Road

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 logging 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.

[Signature]  
First Party Signature

2981 CR 4701  
Street or Box

Tracy TX 75789  
City, State and Zip Code

903 805 6589  
Telephone

\_\_\_\_\_  
Timber Tract / Property Owner

Issued by [Signature] Valid 9-3-24 to 12-3-24

PERMIT ISSUED NOT TO EXCEED 90 DAYS UNLESS OTHERWISE NOTED

COPY OF THIS PERMIT MUST BE IN EVERY TRUCK BEING USED

\*\*\*A TEMPORARY CULVERT MUST BE INSTALLED IN DITCH BEING USED FOR ACCESS TO LAND\*\*\*

14

[Signature]

[Signature]  
First Party Signature

2981 CR 4701  
Street or Box

Trapp TX 75789  
City, State and Zip Code

903 805 6589  
Telephone

\_\_\_\_\_  
Timber Tract / Property Owner

Issued by A. Sullivan Valid 9-3-24 to 12-3-24

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[Handwritten initials]

APPROVAL

TO: Etex Telephone Coop., Inc.  
P.O. Box 130 Gilmer, TX 75644

DATE 9/5/2024

The Upshur County Commissioners Court offers no objections to the location on the right-of-way of your proposed New Fiber Optic line across FM 49 to South Elderberry RD., as shown by accompanying drawings and notice dated Approved, except as noted below:

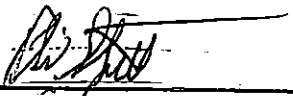
N/A

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:

  
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: 9/30/2024

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

EXPIRES: 10/18/2024

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 Roads Elderberry RD., as follows: Installing new fiber and duct on both sides of said county roads. All construction will be directionally bored at a min depth of 60" within the Upshur county Road and Bridge right-of-way.

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.

7th October 2024

Construction of this line will begin on or after the ~~15th~~ day of April, ~~2023~~ and will be completed within 120 days of the date of approval.

Firm Etex Telephone Coop., Inc.  
By Tae' Blanks  
Title Engineer  
Address 1013 ST HWY 155 N Gilmer, TX 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

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X2

ELDERBERRY

FM 49

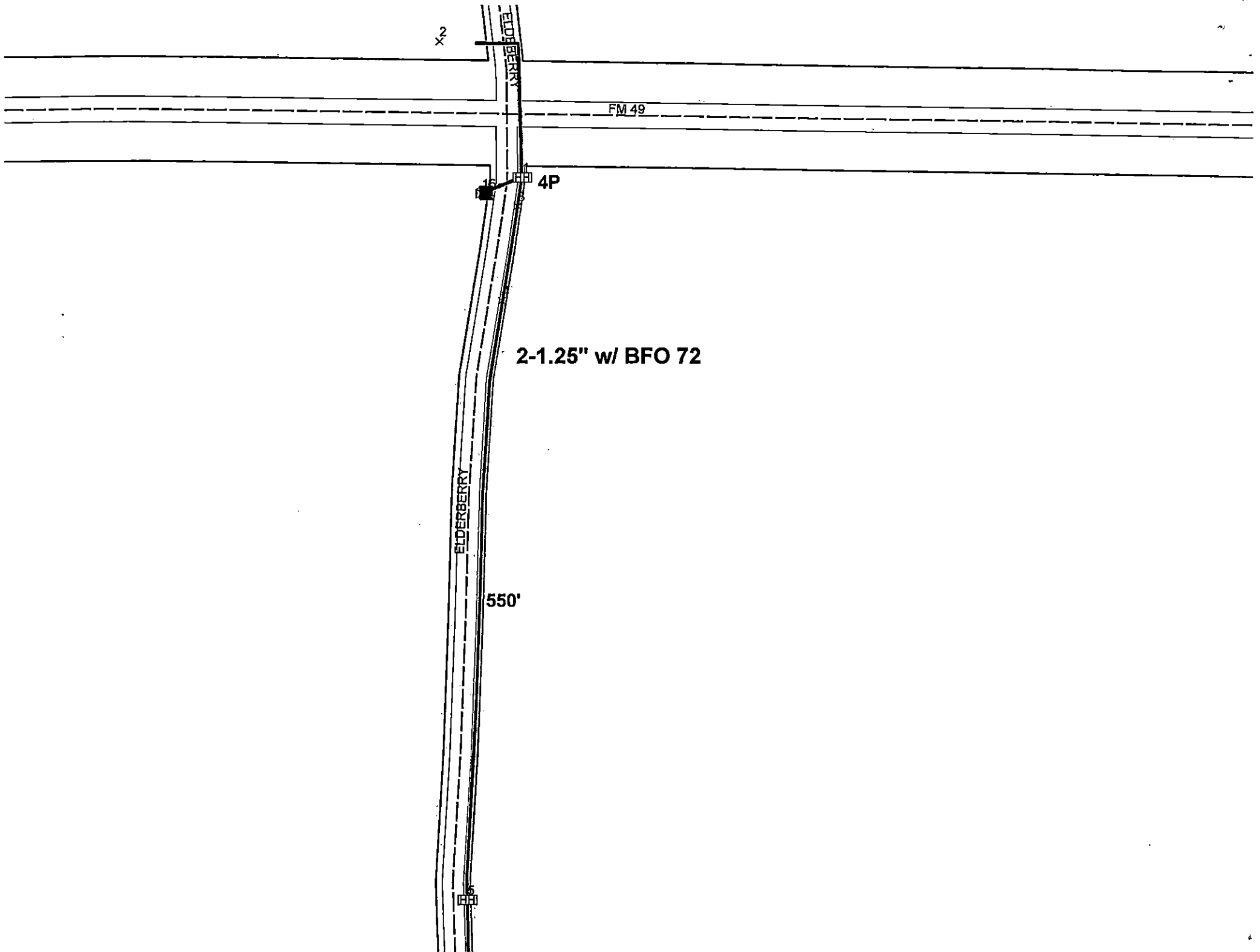
4P

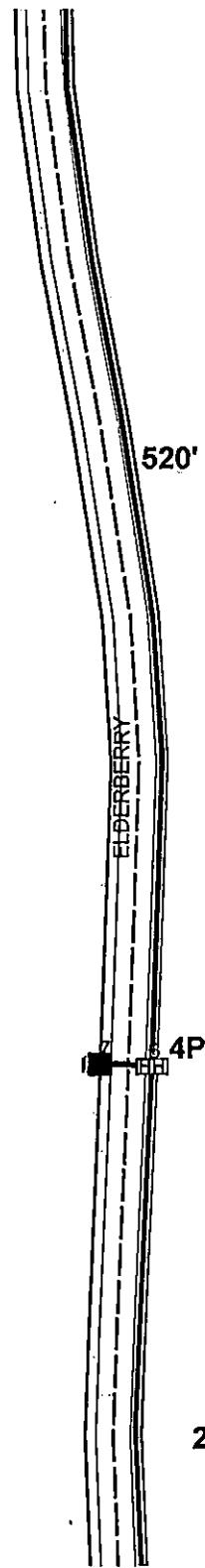
2-1.25" w/ BFO 72

ELDERBERRY

550'

4P





520'

ELDERBERRY

4P

2-1.25" w/ BFO 72

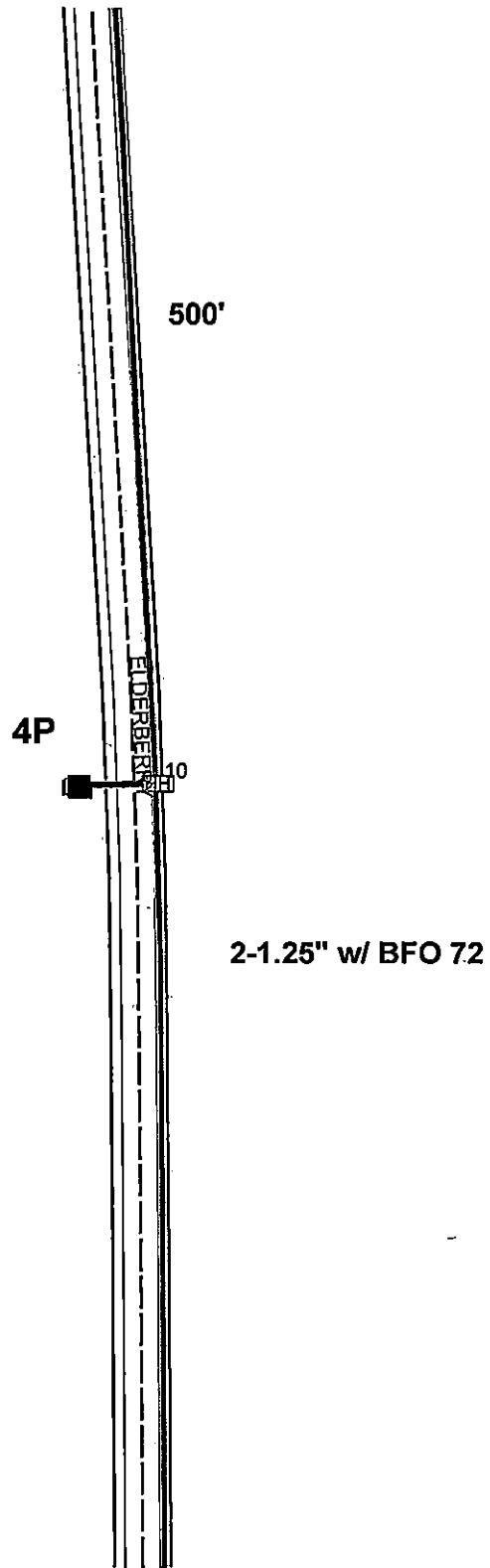


780'

ELDERBERRY

6P





850'

4P

12

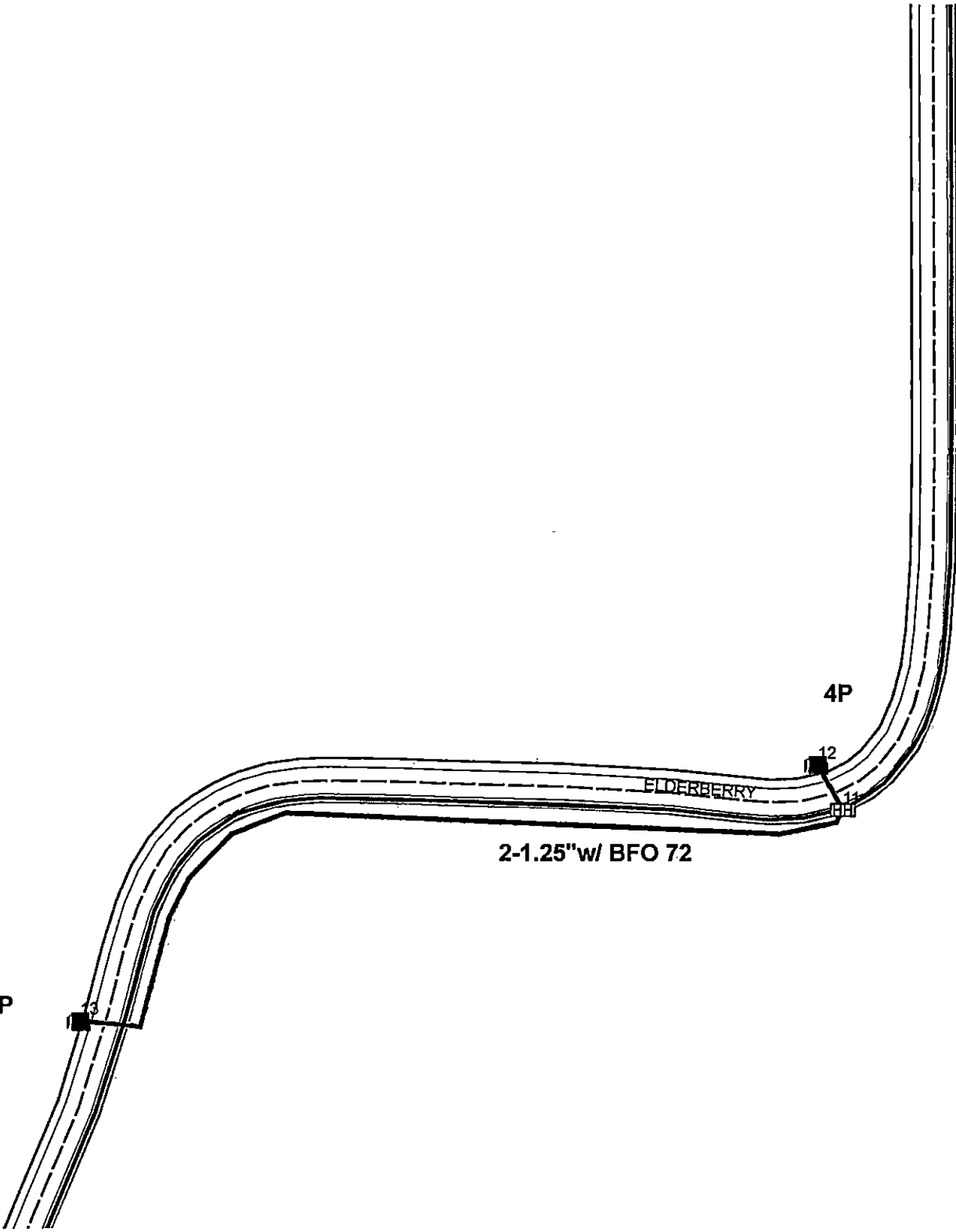
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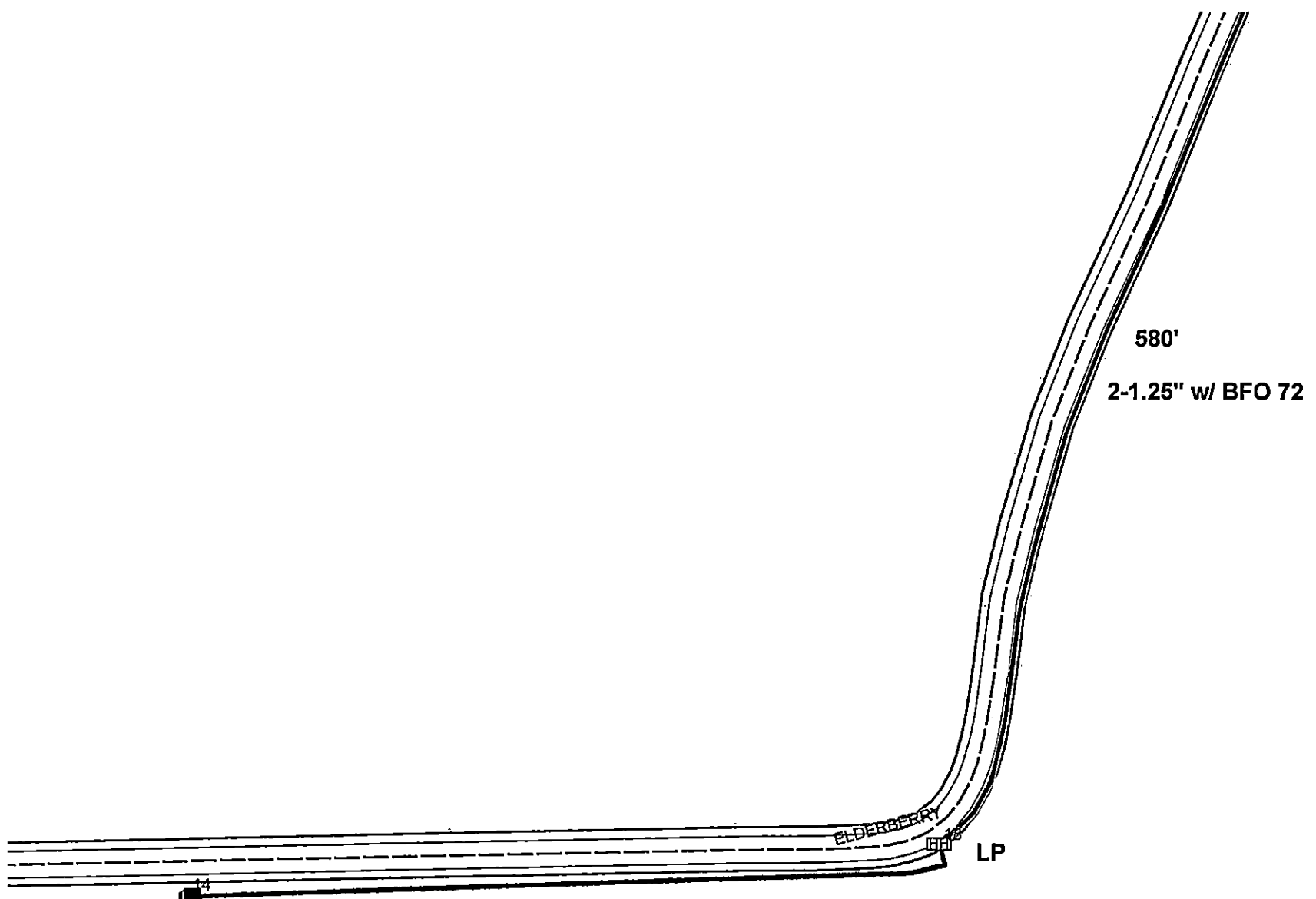
ELDERBERRY

2-1.25"w/ BFO 72

4P

13





2-1.25" w/ 6P

580'  
2-1.25" w/ BFO 72

ELDERBERRY  
LP