

SPECIAL ROAD USE AGREEMENT CONTRACT

THE STATE OF TEXAS

COUNTY OF UPSHUR

KNOW ALL MEN BY THESE PRESENTS:

The undersigned, Kollin Hurt, hereinafter referred to as First Party, enters into an agreement with Upshur County Commissioner of Precinct No. __, 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. __, 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)

Lantana 5 miles

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. 2 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.

Kelli Hunt
First Party Signature

P.O. Box 211
Street or Box

Gilmer, TX 75644
City, State and Zip Code

903-790-0317
Telephone

Foster Henson Trust
Timber Tract / Property Owner

Issued by A. Leeller Valid 11-14-24 to 2-14-25

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***

APPROVAL

TO: Durus LLC
PO Box 1782
Montgomery, TX 77356

DATE 11/1/2024

The Upshur County Commissioners Court offers no objections to the location on the right-of-way of your proposed 1" service line inside a 2" PVC casing line across Jaguar Road as shown by accompanying drawings and notice dated 10/24/2024, 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
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:

EXPIRES: _____

Formal notice is hereby given that Durus LLC proposes to bore a 1" line within the right-of-way of County Road 1189 Jaguar Rd as follows:

From the intersection of State HWY 154 W and Jaguar Rd. , Durus, LLC will travel North approximately 1,141. 8ft to 1189 Jaguar Rd. (Harmony VFD) and bore the road going approximately 93.4ft across and install a 1" service inside a 2" PVC casing Schedule 40.

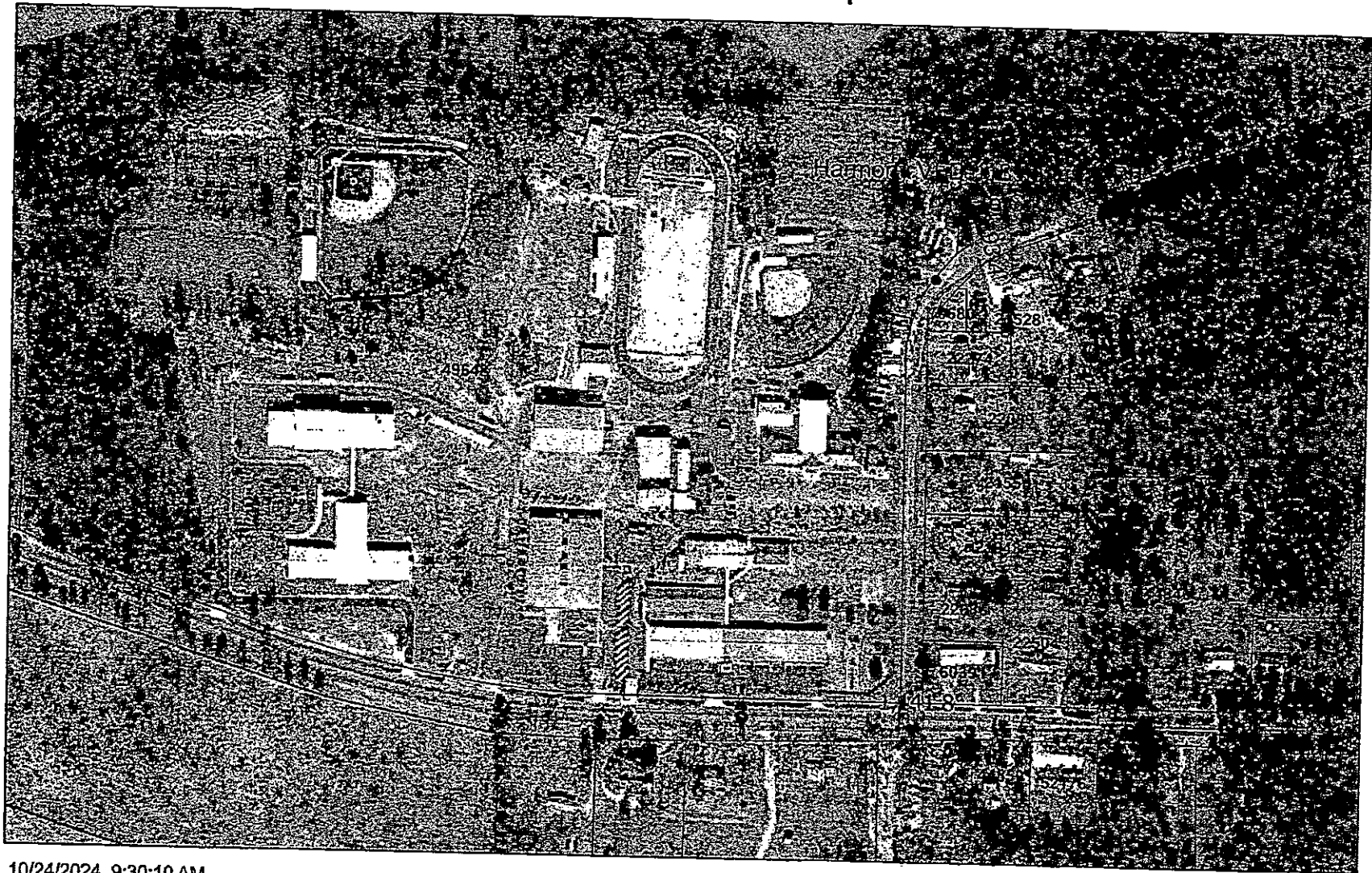
The location and description of the proposed line and appurtenances is more fully shown by three copies of drawings attached to this notice. The line will be constructed and maintained on the County right-of-way as directed by the County Engineer in accordance with current Upshur County specifications.

Construction of this line will begin on or after the 28TH day of OCT., 2024 or completed within 90 days of the date of approval.

Firm _____
By _____
Title _____
Address _____

- 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.

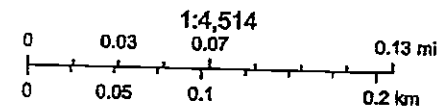
Upshur CAD Web Map



10/24/2024, 9:30:10 AM

☐ Parcels

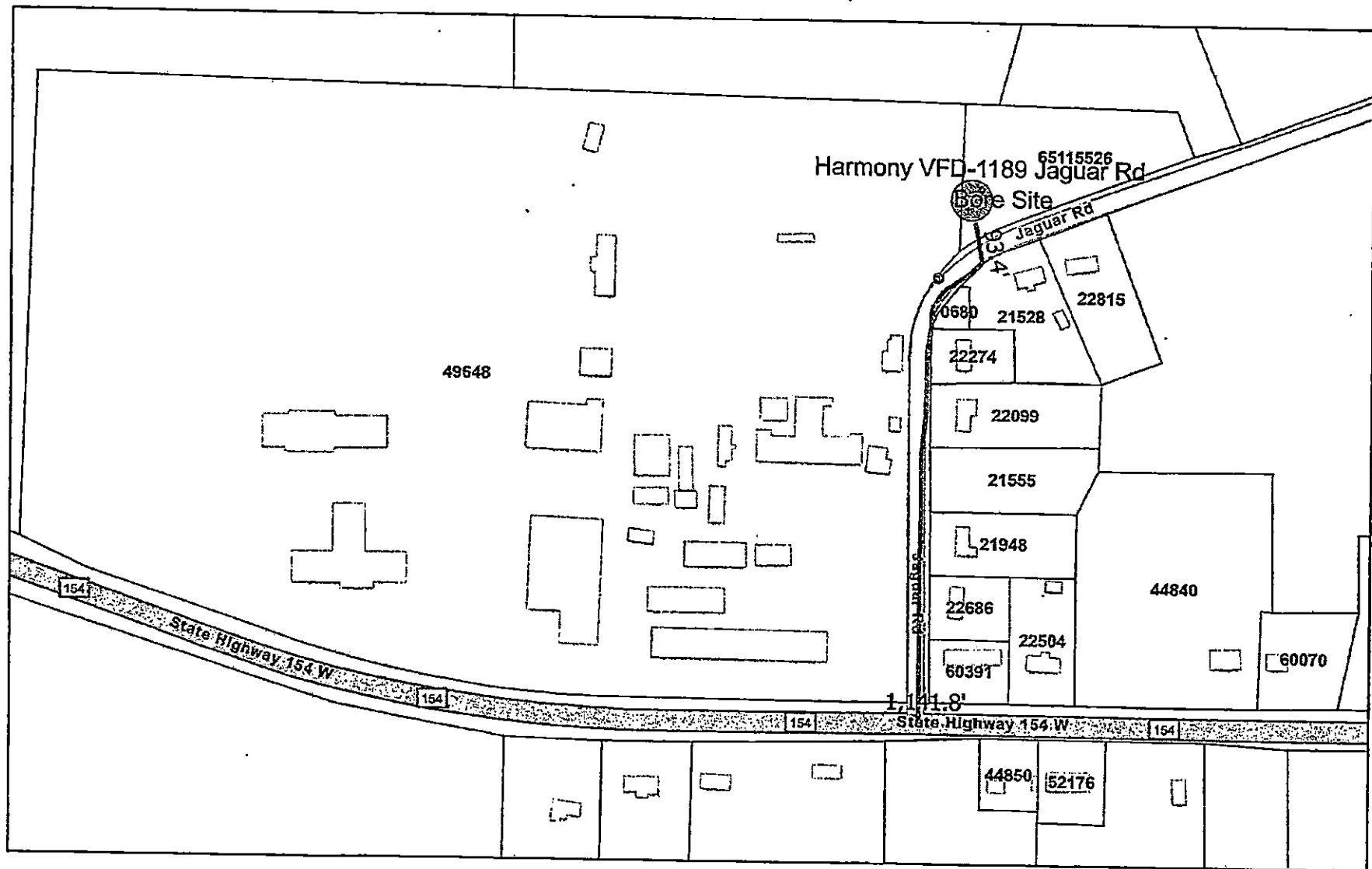
Abstracts





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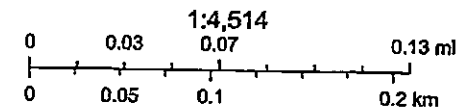
Disclaimer: This product is for informational purposes only and has not been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of boundaries.

Upshur CAD Web Map



10/24/2024, 9:27:44 AM

-  Parcels
-  Abstracts



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Upshur County Appraisal District, BIS Consulting - www.bisconsulting.com
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APPROVAL

TO: Durus, LLC

DATE November 5, 2024

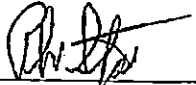
The Upshur County Commissioners Court offers no objections to the location on the right-of-way of your proposed service line across Jaguar Road as shown by accompanying drawings and notice dated 10/29/2024, except as noted below:

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.)
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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
PIPE AND/OR UTILITY LINES

DATE: 10/29/24

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

EXPIRES: _____

Formal notice is hereby given that Durus, LLC. SERVICE
proposes to bore a _____ line within the right-of-way of County Road 1189
JAGUAR RD as follows:

WE WILL PLACE BARRICADES AND WARNING SIGNS PRIOR TO WORK BEING DONE

FROM THE INTERSECTION OF STATE HWY 154 WEST & JAGUAR RD WE WILL TRAVEL NORTH
APPROXIMATELY 1037 FT. TO JOB SITE @1189 HAGUAR RD, BIG SANDY, TX AND BORE THE
ROAD FROM PROPERTY LINE TO PROPERTY LINE TO JOB SITE.
WE WILL BE LAYING 2" SCHEDULE 40 PVC CASING AND RUN 1" SERVICE LINE WITH A 1" METER
FOR HARMONY VOLUNTEER FIRE DEPT.

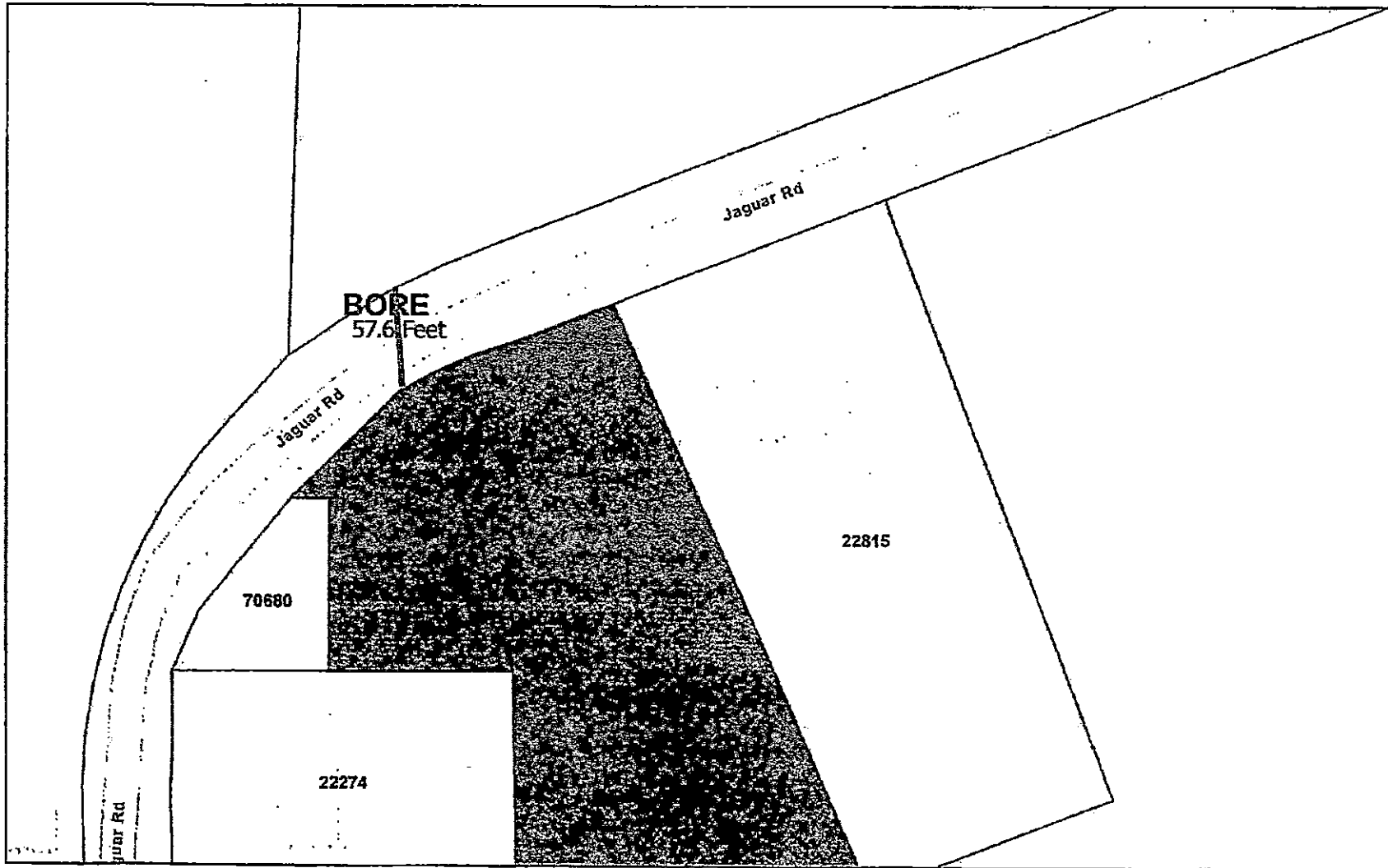
The location and description of the proposed line and appurtenances is more fully shown by three copies of drawings
attached to this notice. The line will be constructed and maintained on the County right-of-way as directed by the
County Engineer in accordance with current Upshur County specifications.

Construction of this line will begin on or after the 12 NOVEMBER day of 20 24 and will be completed within 90
days of the date of approval.




Firm DURUS, LLC.
By AUSTIN, CONRAD/DURUS CONSTRUCTION
Title REGIONAL MANAGER
Address 7891 HWY 271 NORTH
TYLER, TX 75708

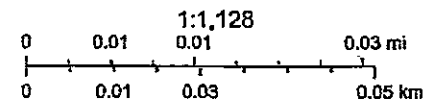
- NOTE: 1. This form to be submitted in triplicate for each proposed installation.
2. The permit shall be in effect until the utility line is removed from the right of way.
3. Inform the County Engineer if work is not completed within this time.

Upshur CAD Web Map



10/30/2024, 1:25:59 PM

 Override 1  Parcels  Abstracts



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

Upshur County Appraisal District, BIS Consulting - www.bisconsulting.com

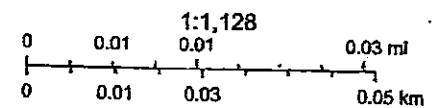
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Upshur CAD Web Map



10/30/2024, 1:33:04 PM

 Override 1  Parcels  Abstracts



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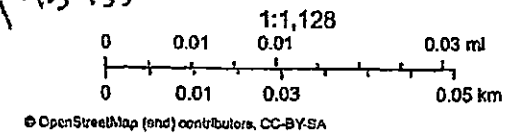
Upshur CAD Web Map



10/24/2024, 9:57:21 AM 1189 JAGUAR RD - VOLUNTEER FIRE DEPT Big Sandy 75755

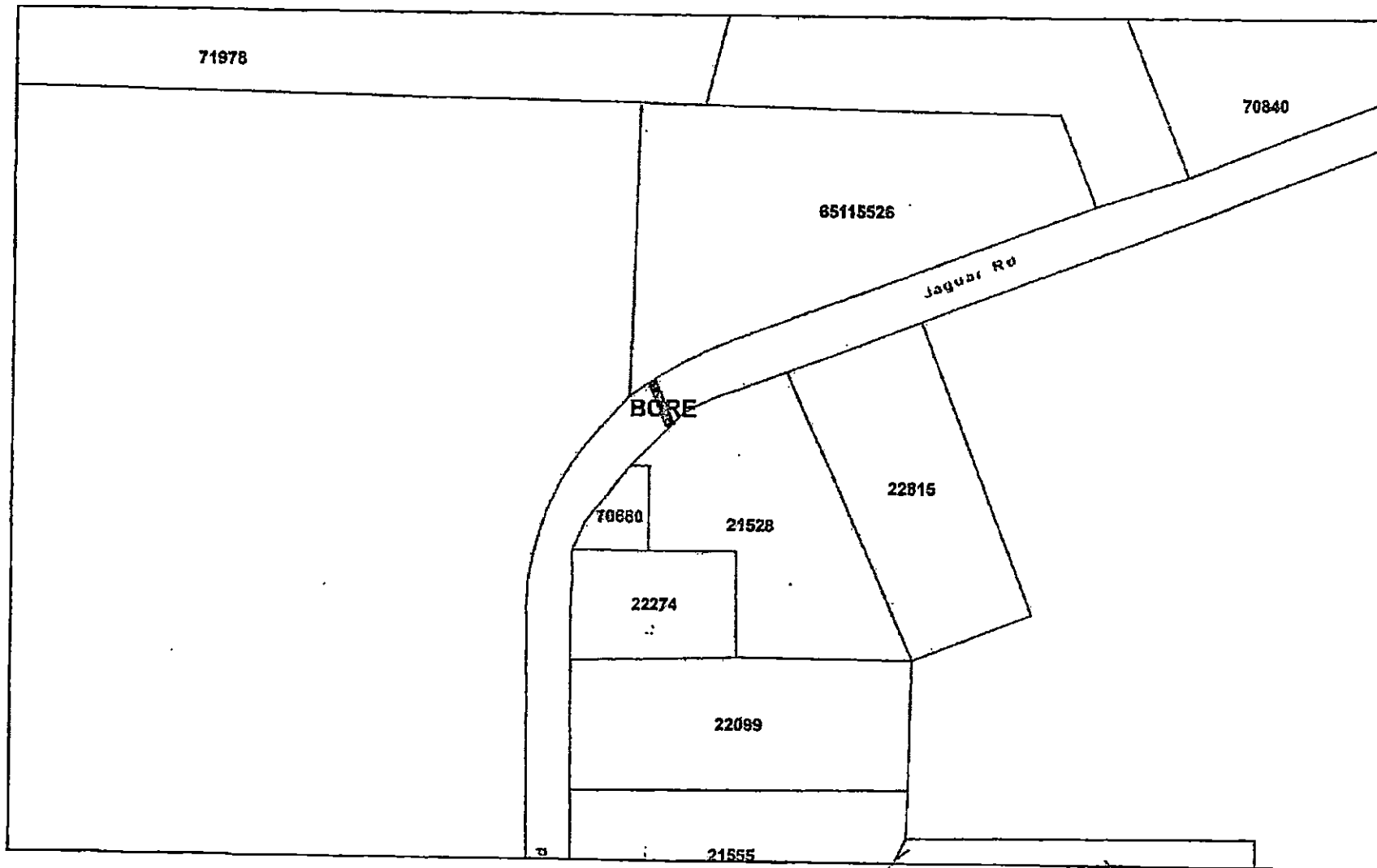
Parcels PROVIDING WATER SERVICE TO A NEW FIRE DEPT BUILDING

Abstracts 2" SCH HD PVC CASING - (1" SERVICE w/ 1" meter)



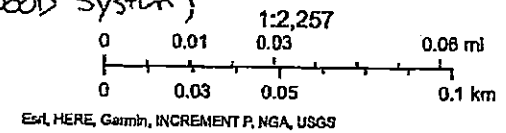
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Upshur CAD Web Map



10/24/2024, 9:59:20 AM UPSHUR COUNTY ROAD BORE PERMIT FOR (Rosewood System)

☐ Parcels HARMONY Consolidated Volunteer FIRE DEPT
☐ Abstracts 1189 JAGUAR RD (could be a Big SANDY ADDRESS)



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