

# SCURRY COUNTY, TEXAS

## RIGHT OF WAY USE AND INDEMNIFICATION AGREEMENT

GLOBAL POSITION SYSTEM COORDINATES		
	LATITUDE	LONGITUDE
LOCATION		

Petitioner, \_\_\_\_\_ petitions the COMMISSIONERS COURT of the County of Scurry, State of Texas for the right and authority to lay, construct, operate and maintain a line under and across a certain county road in Scurry County, Texas, which said is to be used for the purpose of: County Road:

Size of line or casement: \_\_\_\_\_

Number of lines: \_\_\_\_\_

Product carried: \_\_\_\_\_

Precinct: \_\_\_\_\_

1.

Petitioner represents and states that if granted the authority herein required, it will conform with and abide by the rules of all persons and bodies having jurisdiction and by the conditions outlined in this petition. The Commissioner of the affected Precinct shall be contacted by Petitioner prior to application for crossing. Determination of boring specifications, and any other special accommodations, will be approved by the Commissioner of said Precinct. The Petitioner will contact the Commissioner with the date that construction will be initiated. **IN NO EVENT OR CIRCUMSTANCE WILL PERMISSION BE GRANTED TO DITCH ACROSS ANY COUNTY ROAD.**

The general specifications are more particularly described on a map marked Exhibit "A" all of which are attached hereto and made a part of this Petition AND COPY SENT TO County Commissioner for the Precinct, as follows:

Terry Williams	Precinct 1 Commissioner (325)573-1502
Doug Scott	Precinct 2 Commissioner (325)573-7197
Shawn McCowen	Precinct 3 Commissioner (325)573-7165
Jeff Mitchell	Precinct 4 Commissioner (325)573-7345

2.

The Petitioner shall, in constructing and installing Crossing, cause the very minimum of inconvenience and obstruction of public travel along said road, and further, shall provide signage and traffic control during construction, and shall operate and maintain said line in a manner so as not to inconvenience, endanger, or obstruct public travel along said road. **Any line shall be installed at a minimum depth of thirty-six (36) inches from the top of line or encasement to the lowest**

point of the existing borrow ditch unless a deeper minimum depth is required by the commissioner of the subject precinct. Any traffic control needed for proposed crossing will be furnished by Petitioner at their cost.

3.

Upon the completion of the Crossing, Petitioner shall immediately backfill, re-construct and replace the portions of the road and borrow ditch which have been disturbed, so that such road shall be in equally as good a condition as prior to such construction.

4.

So long as pipeline is maintained and operated under said road, Petitioner shall be responsible for doing any work on road which is due to the existence of said pipeline Crossing, in order to maintain said road, at this Crossing, in a condition equal to other portions of said county roads.

5.

All pipelines carrying pressured water, gas or liquid fuel contents shall be enclosed in satisfactory encasement extending from right-of-way line to right-of-way line, with vents provided at the ends of the encasement. **Where gas or liquid fuel content encasement is not employed, the utility shall show that the carrier pipe will provide sufficient strength to withstand the internal design pressure and the dead and live loads of the pavement structure and traffic. Additional protective measures must include:**

- (1) Heavier wall thickness, higher factor of safety in design, or both;**
- (2) Adequate coating and wrapping;**
- (3) Cathodic protection; and**
- (4) The submission of Barlow's formula page regarding maximum allowable operating pressure and wall thickness stamped/signed by a Professional Engineer.**
- (5) A Plan/Profile view map of the proposed crossing location Stamped and Signed by a Professional Engineer.**
- (6) Pipeline markers installed at the ends of the County right-of-way.**

If Petitioner removes or replaces said pipeline from this crossing, it will repair and recondition the road at the location so county road is in the same condition as it was prior to such removal. All construction will be approved in advance by the Commissioner of the affected Precinct.

6.

Petitioner agrees that if at any time the COUNTY OF SCURRY shall deem it necessary to make any improvements or changes on all of or any part of the right of way of the county roads which affect this line located under this petition, then and in such event, the Petitioner or his Assignee shall

make such reasonable changes of it facilities located within such right-of-way as may be deemed necessary, such work to be done without cost to COUNTY OF SCURRY.

7.

The commencement of construction of this project by Petitioner shall be considered and shall constitute an acceptance of the order entered and of all the terms and conditions set forth therein.

8.

Petitioner agrees to indemnify and save harmless the COUNTY OF SCURRY from any liability or damages County may suffer as a result of claims, demands, costs or judgments against County arising out of the performance of the work and services under this agreement or arising from any accident, injury or damage whatsoever, to any person or persons, or to the property of any person(s) corporation(s) occurring during the performance of this agreement and on or about this project.

WHEREFORE, your Petitioner respectfully prays that the COMMISSIONER of the COUNTY OF SCURRY enter an Order herein authorizing Petitioner to use and occupy the portions of the roads in SCURRY County, Texas, more particularly hereinabove set out and described and at the location shown and set out in said Exhibit "A" attached to this application.

DATED this \_\_\_\_\_ day of \_\_\_\_\_.

Petitioner: \_\_\_\_\_

Print Name: \_\_\_\_\_

Commissioner: \_\_\_\_\_