

STATE OF TEXAS

§

§ IN THE COMMISISONERS COURT

COUNTY OF LUBBOCK

§

PERMIT APPROVAL

To Permit Applicant **LOOP, 88 LLC**, the Lubbock County Commissioners Court of Lubbock County, Texas, offers no objection to the location on the right-of-way of your proposed installation bore and open cut trenching as shown by accompanying permit application number **21-062** on South side of CR 6900 (50th St.) from CR 1340 to Alcove Avenue.

It is expressly under
stood that the Lubbock County does not purport, hereby to grant any right, claim, title, or easement in or upon this roadway; and it is further understood that Lubbock County may require the OWNER at his own expense to relocate this line, subject to provisions of governing laws, by giving thirty (30) days written notice.

All work within the right-of-way shall be performed in accordance with the Public Works Department policy. The installation shall restore the disturbed area to original grade or condition and adequate provisions must be made to cause minimum inconvenience to adjacent property owners and the traveling public.

SO APPROVED on this _____ day of _____ 2021.

COUNTY JUDGE OR PRESIDING OFFICER

Attest:

Kelly Pinion, County Clerk



**Permit Application for
Utility Installation Proposal
in County Right-of-Way or Easement**

Permit No.:	<u>21-062</u>
Rec'd Date:	<u>10/18/2021</u>
Decision:	_____
Signature:	_____
Comments:	_____
RECEIVED By Lisa Sosa at 5:02 pm, Oct 18, 2021	

Lubbock County Public Works
P.O. Box 10536
Lubbock, Texas 79409
Publicworks@lubbockcounty.gov
Phone. 806.775-1664

Pursuant to §251.106 The Commissioners Court may exercise general control over all roads in the county.

Section 1: Application Information

A. Applicant: Loop, 88 LLC B. Contractor: Shaw Services
Address: PO BOX 64664 Address: PO BOX 64664
Lubbock, TX 79464 Lubbock, TX 79464
Contact Name: Thomas Payne Contact Name: Thomas Payne
Phone: (806) 543-0667 Phone: (806) 543-0667
Email: Tpayn3@gmail.com Email: Tpayn3@gmail.com

Section 2: Proposal Details (Locations, Type, and Timeline of Installation)

A. Location of Installation: (if applicable, length of installation in feet): Approx. 8,210 LF of 12" PVC water main along the south side of CR 6900 (50th Street) from CR 1340 to Alcove Avenue
B. Type of installation: Bore and open cut trenching

Yes No
☒ ☐ Completed Application
☐ ☒ Does this pipeline fall under the Texas Railroad Commission (flow lines)
☐ ☒ Will the line transport salt brine?

C. Proposed length of installation activities: 36 days (calendar days or working days)

Proposed start date: November 10, 2021 Completion date: December 31, 2021
Applicant will commence actual construction/work in good faith within 60 days from the date this Proposal is approved by the Lubbock County Commissioners Court. If such construction/work is not begun by the 60th day, Applicant will be required to apply for a new proposal.

Section 3: Submittal Checklist

- ☒ Completed Application
☒ Drawings/plans-Attach the drawings of the type of work, location, a Traffic Control Plan (in accordance with the Texas Manual on Uniform Traffic Control Devices) and description of the proposed line shown. The material specifications, minimum yield strength, and maximum operation pressure must be described on the attached drawings.
☐ Check Payment (If the Application is denied, then the amount will be refunded to Applicant)

Type of Installation	Crossing	Longitudinal
Overhead	\$150	\$50 per mile, maximum of \$150
Underground	\$250	\$75 per mile, maximum of \$250

Signature of Responsible Party

Title

Date

Section 4: Rules and Guidance

It is expressly understood that Lubbock County (hereinafter “the County”) does not purport, hereby, to grant any right, claim, title, or easement in or upon a County road and it is further understood that should the County, for any reason at the sole discretion of the County, determine a need to work on, improve, relocate, widen, increase, add to, or in any manner change the structure of a right-of-way, the line, if affected, will be moved and relocated at the complete expense of Applicant, or owner of the line, if not the Applicant, to a location designated by the County.

Applicant acknowledges that prior to the submission of the Proposal, Applicant, or the owner of the line, if not the Applicant, has ascertained the location of all existing utilities, both aerial and underground, and the submission of this Proposal is prima facie evidence that the proposed installation will not conflict with any existing utility or other line.

All work on the County right-of-way shall not damage any part of the road way. If any damage does occur, Applicant, or owner of the line, if not the Applicant, is responsible for all expenses related to the repair of the road.

A. Pre-Construction Responsibilities

1. If the Proposal is accepted, the Applicant will assume all risks and hazards incidental to its use of the County’s right-of-way under this Proposal and hold harmless, indemnify, and defend Lubbock County, its officers, employees and agents from any and all claims, suits, or actions arising out of Applicant's performance under this Proposal.
2. The Applicant shall provide within 5 business days, upon the written request of the County, proof of Insurance for and maintain, at Applicant’s sole cost and expense, the following insurance coverage: (a) Industrial/Workers’ Compensation Insurance protecting Applicant and the County from potential employee claims based upon job-related sickness, injury, or accident during performance of this Proposal; and (b) Comprehensive General Liability (including, without limitation, bodily injury and property damage) insurance with respect to Applicant’s agents and vehicles assigned to perform the services described by this Proposal with policy limits of not less than \$1,000,000 combined single limit occurrence and \$2,000,000 in the aggregate. Lubbock County shall be named as an additional insured party and such notation shall appear on the certificate of insurance furnished by Applicant’s insurance carrier.
3. The Applicant shall secure all other necessary permits, licenses, or approvals before starting work. Applicant will make the appropriate notification to Texas One Call/811 Service, in advance of the commencement of any work arising from this Proposal.
4. Approval of this Proposal is permissive, is subject to the public right of travel on and access to the right-of-way, and may not be assigned.
5. All residents or businesses affected by any scheduled maintenance causing road closure, or interruption of any utility service shall be notified forty-eight hours prior to any work. Emergency situations are exempt.
6. The County’s Director of Public Works is to be notified 2 business days prior to the beginning of any work at (806) 775-1661. Failure to notify prior to the beginning of any work will constitute grounds for job shutdown and/or fines as defined in Section D.

B. During Construction Responsibilities

1. Signs and traffic controls shall comply with the current edition of the Manual on Uniform Traffic Control Devices, as approved by the Texas Department of Transportation. When necessary, flagmen shall be provided by Applicant.
2. Restoration of the right-of-way is required and shall be completed within 10 business days of the completed work within the right-of-way, unless otherwise approved by the Director of Public Works.
3. The cost of any repairs to road surface, roadbed, structures or other right-of-way features as a result of this installation will be borne by the owner of the line. Any costs to repair or replace the line will be borne by the owner of the line.
4. Where turf is disturbed by excavation or by backfilling operations, such areas shall be replaced by mulch sodding on all slopes of 2% or less. All slopes over 2% shall be replaced by block sodding.
5. All underground lines are to be installed a minimum of 36 inches below flow line of the adjacent drainage or borrow ditch.
6. All buried lines carrying an electrical current, or electronic or optical signal shall have yellow plastic tape at least two inches in width, buried a minimum of twelve inches above such lines.
7. Lines crossing under improved roads shall be placed by boring. Where right-of-ways widths will permit, boring shall extend for a minimum distance of ten foot on either side of the pavement.
 - a. In the event, where Applicant presents sufficient evidence illustrating the impracticability of boring, the

Commissioners Court may grant permission, on a case by case basis, to cut the surface of the road. In the event a cut is permitted, the work shall be conducted pursuant to the specifications of the Public Works Office and following condition:

- (i). All backfilling of dirt or caliche, within the width of the roadway, shall be done at optimum moisture, in 6" lifts and compacted sufficiently to obtain 95% Modified Standard Proctor density. Density tests from a reliable testing laboratory shall be furnished as required. Applicant is responsible for the costs of these tests.
 - (ii). Instead of utilizing the above procedure to backfill materials, the Applicant, may utilize flowable fill to backfill.
8. All excavations within the right of way and not under the road shall be backfilled by ordinary compaction with moisture added by placing the material in 6 inch layers. If the location of excavated materials is at least 5 feet outside the boundaries of the shoulder of the road, the material may be replaced by backfilling in 1 foot layers, and the material must have moisture added to secure normal density.
 9. Any temporary backfill and the permanent patch on any roadway surface shall be placed and maintained at an elevation equal to the original grade of the roadway.
 10. 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 any type approved by the Director of Public Works and shall be capable of resisting rupture, supporting the roadbed and traffic loads, and road construction, and shall be constructed such that there is no leakage through the casing, carrier pipe, joints or couplings.
 11. Overhead lines will have a minimum clearance of 18 feet above the road surface at point of crossing.
 12. No lines are to be installed under or within 50 feet of either end of a bridge. No lines shall be placed in a culvert or within 10 feet of the closest point of same.
 13. Parallel lines will be installed within 2 feet of the right of way, unless otherwise approved by the Director of Public Works, and no parallel line will be installed in the roadbed or between the drainage ditch and roadbed, unless otherwise approved by the Director of Public Works.
 14. Right-of-way surfaces shall be cleaned before the end of each day's work. All catch basins, culverts or other improvements affected by any deposits of dirt, mud, rock, debris, or other material shall be cleaned daily or as specified by the County.
 15. Any poles or pedestals necessary to underground cable installation within the County's right-of-way shall be placed with 18" of the nearer right-of-way line.

C. Post Construction Responsibilities

1. Final Inspection: All Proposals must have a final inspection once work is complete. Please call (806) 775-1661 to schedule a final inspection.
2. In the event Applicant's proposal is not approved prior to the installation of a line or Applicant does not install the line in compliance with the requirements established in this Proposal, Applicant, or owner of the line, if not the Applicant, assumes all financial responsibility for damages and/or destruction of lines, cables, etc. based upon its failure to comply with Lubbock County requirements.
3. This is a revocable Proposal. Lubbock County reserves the right to revoke approval of this Proposal at any time, in the sole discretion of Lubbock County, for interests of public health, safety or welfare, or for failure to repair any damages upon demand, or for any reason deemed sufficient by Lubbock County.

D. Fines for Non-Compliant Installation

Fines will be assessed for non-compliant installations as follows:

Type of Installation	Crossings	Longitudinal
Overhead	\$300	\$100 per mile, maximum of \$300
Underground	\$500	\$150 per mile, maximum of \$500