

SPECIAL ROAD USE INDEMNITY AGREEMENT AND PERMIT

THE STATE OF TEXAS
COUNTY OF BURLESON

KNOWN ALL MEN BY THESE
PRESENTS

The undersigned, hereinafter called Applicant, enters into and makes this agreement with the Commissioners Court of Burleson County, Texas, pursuant to Article 623.018 of the Texas Transportation Code, in order to obtain a permit to use public roads and bridges in Burleson County, Texas, for vehicles or combinations of vehicles that have gross weight greater than thirty thousand (30,000) pounds or a weight greater than ten thousand (10,000) pounds carried on any one axle.

Vehicles with valid 2060 permits that list Burleson County are exempt from this agreement. Please use the Burleson County Routing Request for "Vehicles with Valid State Permit" form.

For energy industry exploration and drilling operations this permit is only required from commencement of construction of a site and expires upon certified completion of the site. No permit is needed once the site moves into a maintenance and operation status.

Applicant agrees to use only those roads in Burleson County that are designated by Second Party as follows:

BURLESON COUNTY ROADS TO BE USED LOADED OR UNLOADED:

with respect to Applicant's work activities to be conducted at the location or site described in the hand drawn or "Google" map attached to this application.

Applicant also agrees that, if during the term of this agreement and permit, Applicant's work activities are to commence at, or include, a different work site or location utilizing the same county road(s) set out in this agreement; the Applicant shall file a hand drawn or "Google" map describing such location or work site in the Burleson County Judge's office. Such map shall be approved as to form in writing by the Commissioner in whose precinct the new work site is located prior to its being filed in the Burleson County Judge's office.

Applicant further agrees that any new work site or location which requires the use of a Burleson County road not included in this agreement shall require the Applicant to obtain a new permit from Burleson County.

Applicant's failure to comply with the above may constitute a violation of this agreement, and could result in the temporary suspension or revocation of Applicant's permit pursuant to this agreement.

I.

VEHICLES means any vehicles, tractor or combination of vehicles, with or without loads, that have a gross weight greater than thirty thousand (30,000) pounds or a weight greater than ten thousand (10,000) pounds carried on any one axle, and includes any such vehicles operated by Applicant or its agents, employees, servants or independent contractors in the course of Applicant’s business identified as follows:

<u>Name:</u>	<u>Address:</u>	<u>Phone Number:</u>
_____	_____	_____
_____	_____	_____

II.

It is understood and agreed that the provisions of this agreement apply to Applicant’s vehicles operating on any Burleson County road, whether with or without a permit. Applicant hereby agrees that it is its responsibility and obligation to determine (1) the weight limits for any roads traveled by Applicant’s vehicles and (2) the strength and design sufficiency of the roads and bridges and culverts on the roads to carry and withstand the weight of Applicant’s vehicles traveling on the roads.

III.

Applicant hereby accepts responsibility and liability for damages of whatever nature to the road bed, road surface, bridges, culverts, signs, structures, fences, right-of-ways, ect., that result from the movement of Applicant’s vehicles over the roads described in this agreement or any other Burleson County road.

Applicant hereby agrees to report any such damage immediately to the County Commissioner of the precinct where the damage occurred. Applicant shall pay Burleson County for the actual cost of repairing any such damages if requested by the County Commissioner in whose precinct the damages occurred.

Applicant hereby agrees that his failure to pay the cost of repairing any such damages as described, within thirty (30) days after billing to Applicant at the address shown on this agreement, shall be grounds for the Burleson County Commissioners Court to revoke Applicant’s permit hereunder without hearing, and to immediately file suit for such damages. Applicant hereby agrees that venue for any such suit lies in Burleson County, Texas.

IV.

Any violation of this “Special Road Use Indemnity Agreement and Permit” by undersigned Applicant, its employees, or anyone acting on its behalf, may result in its temporary suspension by the County Commissioner of the precinct in which the road use agreement applies. In the event of such temporary suspension, the Commissioners’ Court shall, at its next regularly scheduled meeting, and after notice to the undersigned Applicant, determine whether to reinstate, or revoke this road us agreement and permit.

V.

Applicant hereby agrees that once a permit has been suspended or if Applicant operates vehicles on county roads without a permit, damages are not an adequate remedy at law for the enforcement of Burleson County's rights, and that Burleson County may maintain an action for injunctive relief to prohibit Applicant's vehicles from using any Burleson County roads without a permit. Applicant further agrees that Burleson County shall be held harmless for any actual, incidental, consequential or other damages Applicant may suffer as a result of any action of Burleson County involving any such injunctive relief.

Applicant hereby agrees that no action or inaction by Burleson County shall be considered an election of its rights and remedies, and Burleson County is free to seek all remedies available at law or inequity to enforce its legal rights or the terms of this agreement.

VI.

To insure performance of this Agreement, the Applicant hereby agrees to do one of the following:

1. Post a surety bond in the amount of \$100,000.00 valid for 12 months
 The bond or insurance policy must be written by an insurance company licensed to do business in the State of Texas.
 The bond shall be payable to Burleson County, Texas
 The bond shall be conditioned that the applicant will pay Burleson County, Texas for any damage that might be sustained to any county roads or bridges because of the movement of applicant's vehicles on such roads or bridges.
2. Provide a commercial umbrella liability insurance policy in the amount of at least \$100,000.00 valid for 12 months, naming Burleson County as Certificate Holder.
3. Provide an addendum listing normal damages estimated costs as agreed to by permit holder and county limiting the permit holders liability to the estimated costs excluding extra ordinary damages caused by permit holder or anyone operating under the permit.

VII.

Nothing herein shall be construed as a waiver by a Commissioner, the Commissioners Court or the County Judge of the authority granted by the Texas Transportation Code.

Applicant understands this is for County Road _____.

Witness our hands, this ____ day of _____, 20____.

APPLICANT SIGNATURE

APPLICANT NAME

APPLICANT'S ADDRESS

APPLICANT'S PHONE

BURLESON COUNTY
SPECIAL ROAD USE PERMIT

(over 30,000 pounds or 10,000 pounds per axle)
Maximum legal weight: 80,000 pounds or 18,000 pounds per axle

**THIS PERMIT MUST BE CARRIED IN EACH OF THE AUTHORIZED VEHICLES. THIS FORM MUST
BE MADE AVAILABLE UPON REQUEST BY ANY BURLESON COUNTY COMMISSIONER**

PERMIT HOLDER: _____

PHONE: _____

BURLESON COUNTY ROADS THAT WILL BE USED: _____

RIG NAME: _____

WELL NAME: _____

DESIGNATED ROUTE WHETHER LOADED OR UNLOADED: _____

LIST OF AGENTS AND SUBCONTRACTORS AUTHORIZED BY HOLDER TO
USE PERMIT:

<u>NAME:</u>	<u>TYPE OF LOAD:</u>
_____	_____
_____	_____
_____	_____
_____	_____

REMARKS: It is your company's responsibility to keep the Precinct Commissioner informed as to the condition of the above designated county roads in order for the road(s) to be maintained for the safety of the traveling public. It is also your responsibility to notify all contractors of the designated route.

DATES:
APPROVED BEGINNING _____ AND ENDING: _____

BURLESON COUNTY
COUNTY JUDGE

BURLESON COUNTY
COMMISSIONER PRECINCT ____