Sabine County
Right-of-Way (ROW) Permit

409-787-3543

201 Main Street, Hemphill, TX 75948

All ROW permits must be approved through regularly scheduled Commissioner's Court.

DATE SUBMITTED_____ **DATE APPROVED** _____ (expires 180 days from approval date)

GRANTEE

Owner Name: _____

Address:_____ City, State, Zip: _____

Phone:_____ Email: _____

CONTRACTOR

Company Name: _____

Address:_____ City, State, Zip: _____

Phone:_____ Email: _____

Proposed Pipeline shall be_____inches in diameter and _____(feet or miles) in length; shall be made of _____(PVC, steel, cast iron); and shall be used for transmission of _____ (water, sewer, oil, natural gas) type of installation_____(aerial, trenching, boring, etc.).

Proposed Utility type of material shall be made of_____(copper, fiber optic, aluminum, steel, phosphor bronze, etc.); and shall be used for transmission of_____(telephone, electric, fiber optic) type of installation_____(aerial, trenching, boring, etc.).

Proposed ROW work Provide brief description _____

_____

Proposed Timeline of construction of the pipeline within the right-of-way will begin on or after the_____day of _____, 20_____, and will be completed on or before the_____day of_____, 20_____.

Proposed Location is in Sabine County on_____.

A plan or sketch showing location and description of the proposed construction is attached and presented as Exhibit C.

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KNOW ALL MEN BY THESE PRESENTS

THE STATE OF TEXAS §
§

COUNTY OF SABINE §

That the County of Sabine, hereinafter called Grantor, and_____, hereinafter called Grantee, in consideration of the covenants and conditions stated herein, do hereby agree to the following terms, conditions, and provisions:

1. **Permit Application:** No material shall be installed, constructed, rebuilt, relocated, enlarged, or otherwise modified within the rights-of-way of any Sabine County Road without a duly executed permit from Sabine County. Application for permits shall be submitted to Sabine County Judge & Commissioner's office and shall be submitted by the owner of the product (or the authorized representative of the owner), who shall represent all parties involved. Material may only be placed in Sabine County rights-of-way in such a manner as to cross the county road (as close as possible to perpendicular to the roadway) Any crossing outside of 70 degrees to 110 degrees may be rejected (see page 9). Any proposed installation materials parallel to the roadway must be expressly approved by Sabine County Commissioner's Court.

2. **Rights & Obligations:** It is expressively understood that Sabine County does not purport to grant any right, claim, title or easement in this right-of-way; and it is further understood that Grantor may require the Grantee, at the Grantee's expense, to lower or relocate this line, subject to provisions of governing laws, by giving thirty (30) days written notice.

3. **Specifications & Requirements:** All work within the right-of-way shall be performed in accordance with this policy, specifications, and procedures. All permit applications must be supported by detailed schematics. Such blueprints must include any and all dimensions, road name, placement of angles, pipe size, and/or other materials to be placed in right-of-way. The installation shall not damage any part of the roadway and adequate provisions must be made to cause minimum inconvenience to traffic and adjacent property owners. Upon the completion of any such construction, installation, removal or lowering, Grantee shall replace and restore all fences relocated or removed during the construction period and repair any damage to any road to the satisfaction of Sabine County. Grantee shall pay Grantor reasonable compensation for such fences, walls, structures, or roadway damage, which may not be replaceable or repairable and for all other damages caused by Grantee in connection with the pipeline or utility installation described herein.

4. **Inspection & Maintenance:** Sabine County Commissioner will inspect the installation of all materials at the time of construction and thereafter may require such changes, maintenance, and repairs as may at any time be considered necessary to provide protection of life and property within the county right of way. The cost of changes, maintenance and repairs of pipelines, and other appurtenances on the right of way will be the responsibility of the grantee. In the event the grantee fails to make corrective measures as directed, Sabine County may perform the necessary work and hold the grantee financially responsible.

5. **Warning Signs and Safety Markers:** On county roads where any type of work is in progress, the undersigned company or its contractor shall set out temporary traffic control signs and safety markers to warn the public of the work site. Upon completion of the said work on the county road, the undersigned company or its contractor shall set out permanent warning signs and/or safety markers at the location.

6. **Liability & Hold Harmless:** The Grantee shall be liable for any and all damages to the personal and real property of Grantor and to any third person or persons by reason of Grantee's operations under the terms herein in constructing, installing, repairing, maintaining, using or removing from Grantor's premises or right- of-way the above-mentioned pipeline, whether caused by Grantee's negligence or otherwise. Grantee further agrees to indemnify and hold harmless Sabine County and its duly appointed agents and employees from any judgment (including expenditures of defending any suit) that may be taken by any third person or persons against Grantor as the result of damages proximately caused by Grantee associated with this permit.

7. **Non-Exclusivity**: The rights and privileges granted herein are non-exclusive and Grantor reserves the right to convey similar rights and privileges to such other persons as it may deem proper. In addition, the Grantor retains, reserves, and shall continue to enjoy the use of such property for any and all purposes.

8. **Temporary Water Lines**: No Temporary water lines may be placed in or across county right-of- way unless approved by Sabine County Commissioner's Court.

9. **Termination:** The rights and privileges granted hereunder shall terminate when, or at such time as, the purposes hereof cease to exist or become impossible of performance, or at the request of the Grantor. Should Grantee fail to fulfill any covenant, undertaking, or obligation arising hereunder, all rights and privileges granted hereby shall terminate, and Grantee shall be liable for all damages to Grantor caused by Grantee's default.

10. **Assignment:** If approved by Grantor, the rights and privileges described herein may be assignable by the Grantee, and any assignment not approved by Grantor may terminate the rights and privileges herein. The rights and privileges granted herein are personal and do not convey any interest in the real property.

11. **Fee:** As per TEXAS LOCAL GOVERNMENT CODE § 240.907, there will be a **$500.00** fee for each cut of a County Road during or as an incident to the installation, maintenance or repair of a person's or entity's facilities or properties.

12. **Notification**: The Grantee shall notify Sabine County Judge & Commissioner's office 3 days prior to start of any work within the county right-of-way.

In consideration of this agreement, in effect for 90 days, the Grantee further agrees, covenants and warrants that: Grantee shall install the pipeline or utilities that is the subject of this agreement in accordance with the "POLICY, SPECIFICATIONS AND PROCEDURES FOR PLACING AND INSTALLING PIPELINES AND UTILITIES WITHIN THE RIGHT-OF-WAY OR CROSSING OF SABINE COUNTY ROADS" and "MINIMUM DEPTH OF COVER FOR UNDERGROUND PIPELINES AND UTILITIES ON SABINE COUNTY RIGHT-OF-WAY," herein attached and incorporated by reference and styled Exhibit A.1, A.2, and Exhibit B as adopted by the Sabine County Commissioners' Court.

COUNTY OF SABINE, Grantor

_____
Richard Barnett, Sabine County Judge

ATTEST:

_____
Sabine County Clerk

OWNER, Grantee

Signature: _____

Printed Name: _____

Title: _____

_____
Sabine County Commissioner

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EXHIBIT "A.1"

POLICY, SPECIFICATIONS AND PROCEDURES FOR PLACING AND INSTALLING PIPELINES AND UTILITIES WITHIN THE RIGHT-OF-WAY OR CROSSING SABINE COUNTY ROADS.

I. SABINE COUNTY POLICY

A. Any person, company, firm, partnership, corporation, or organization of any kind (referred to as the Utility/Contractor) shall apply to Sabine County Commissioner's Court for permission to install pipelines/ utilities or do any construction in the right-of-way of any road or street maintained by Sabine County.

B. Crossing under surfaced roads shall be done by boring and encasing the line in conduit across entire right-of- way with the exception of natural gas lines.

C. Trenching across caliche surfaced and dirt roads will be granted permission provided the requester agrees to comply with the specified repair procedures outlined in the specification.

D. The Utility/Contractor shall make every effort to open and close all trenching operations during the daylight hours of one day. Appropriate measures shall be followed in the interest of safety, traffic convenience, and access to adjacent property for all trenching operations. Necessary signs, barricades, and protective devices shall be used as required to warn the traffic and to provide protection to workers and the public. In instances where the trench cannot be closed at the end of the day, extra precaution will be taken to warn night traffic of the hazard. The use of appropriate barricades and lighting shall be the responsibility of the person making the request for trenching.

E. When emergency right-of-way repairs are deemed necessary by Sabine County, or their designee, to correct a hazardous situation, which is obviously dangerous to the public, the Utility/Contractor responsible for the pipeline shall be notified immediately to rectify the problem. If the Utility/Contractor does not respond within one hour, Sabine County will make the repairs and the Utility/Contractor will be billed.

II. SPECIFICATIONS AND PROCEDURES FOR INSTALLATION ON COUNTY RIGHTS-OF-WAY: PIPELINE CROSSINGS

A. All pipeline installation under the roadbed of a county road within the county right-of-way shall be placed by boring. Where right-of-way widths permit, boring shall extend for a minimum distance of ten feet (10′) from either edge of the roadway surface.

B. All boring under paved roads shall be done with the size diameter of the pipe to be installed for the entire length of the crossing. Upon completion of bore, the contractor must notify Sabine County Commissioner for inspection of line and grade prior to any further boring.

C. Bore pits shall be located a minimum of ten feet (10′) away from the edge of the roadway. Over-cutting in excess of one inch (1") shall be remedied by pressure grouting the entire length of the installation.

D. All pipelines placed in the right-of-way shall have a minimum cover of at least thirty-six inches (36") below the surface of the ground (at the bar ditch or the lowest point in the right-of-way).

E. **All pipeline placed in the County right-of-way that requires a cut through a paved roadway shall require the approval of Sabine County Commissioner's Court and the respective Commissioner. Such approval of Commissioner's Court is final and shall determine whether this permit is granted or denied.**

F. All petroleum pipelines carrying pressured gas or liquid fuel contents shall be enclosed in satisfactory casing extending from right-of-way line to right-of-way line, with vents provided at the ends of the encasement. In lieu of casing, with approval by Sabine County Commissioner's Court, the use of heavy walled pipe, with durable coatings or enhanced welding designed to protect against corrosion may be used.

G. Any poles, pedestals, vent pipes, or other similar appurtenances which must be placed within the right-of- way, shall be placed within eighteen inches (18") of the right-of-way line.

H. **When boring is considered impracticable, Sabine County Commissioner's Court may consider a variance request to these specifications and grant permission to open cut and backfill a specific installation. In this case, the following conditions shall govern:**

1. All backfilling of dirt and/or caliche base, within the entire roadway width, shall be done at optimum moisture, in six-inch (6") lifts and compacted sufficiently to obtain 95% Standard Proctor Density. Density tests from a reliable laboratory shall be furnished as required by Sabine County or its duly appointed agents.

2. In lieu of compacted backfill described above, the open-cut ditch, within the entire roadway width, may be backfilled with cement stabilized caliche base: caliche base material must be approved by Sabine County Commissioner's Court or the respective Commissioner; and base material shall be mixed and batched (with transit mix equipment) with 2 sacks of cement per cubic yard mix; and shall have a maximum slump of six inches (6").

3. All cuts, backfill, base replacement and resurfacing are to be performed in a neat and workmanlike manner and shall conform to all directions of Exhibit B.

4. The Grantee or its designated contractor performing the installation shall contact Sabine County Judge & Commissioner's office at least three (3) days before permanent backfilling begins. The contractor shall be liable for all damages proximately caused by Contractor to private and/or county property inside or outside the repair area.

I. Pavement or roadway damaged by any of the operations associated with this installation shall be repaired by Grantee as directed by and to the satisfaction of Sabine County Commissioner's Court, or the respective Commissioner.

J. Necessary traffic control devices, including barricades, cones and warning signs (and when necessary, flagmen) shall be provided by the Grantee and used as required to warn the driving public and to provide protection to the workers. All traffic control shall be designed, installed, operated, and maintained in accordance with the latest revised edition of the *Texas Manual on Uniform Traffic Control Devices (TMUTCD)*. The roadway shall be open to traffic at all times unless the grantee is specifically authorized by Sabine County Commissioner's Court to temporarily close the road to traffic. All operations shall be conducted in the interest of traffic safety and access to adjacent property.

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EXHIBIT "A.2"

SABINE COUNTY ADMINISTRATION

MINIMUM DEPTH OF COVER FOR **NEW** UNDERGROUND PIPELINES AND UTILITIES ON SABINE COUNTY RIGHT-OF-WAY

FOR UTILITY LINES INSTALLED PARALLEL WITH OR ACROSS SABINE COUNTY RIGHT-OF- WAY (ROW):

TYPE OF UTILITY	CROSSING PAVEMENT OR PARALLEL LESS THAN 10' FROM PAVEMENT EDGE (See Note #1 & 2 Below)	UNDER DRAINAGE DITCH OR CHANNEL	UNDER NATURAL GROUND & MORE THAN 10' FROM PAVEMENT EDGE
LOW PRESSURE NATURAL GAS (<60 PSI)	60"	36" (42" for Plastic Pipe)	36" (48" for Plastic Pipe)
HIGH PRESSURE NATURAL GAS (>60 PSI) OR LIQUID PETROLEUM PRODUCTS	60"	36" (toCasing Pipe) 54" (to Un-Encased Pipe)	36" (toCasing Pipe) 54" (to Un-Encased Pipe)
TELEPHONE (Copper Cable)	60"	36"	36"
TV CABLE	60"	36"	36"
FIBER OPTIC (Data, Phone, or TV)	60"	36"	36"
SANITARY SEWER	60"	36" (42" for Plastic Pipe)	36" (36" for Plastic Pipe)
WATER	60"	36" (42" for Plastic Pipe)	36" (42" for Plastic Pipe)
ELECTRIC	60"	BY VOLTAGE 36" (<22,001 volts) 42" (22,001-40,001 volts) 48" (>40,001 volts)	BY VOLTAGE 36" (<22,001 volts) 42" (22,001-40,001 volts) 48" (>40,001 volts

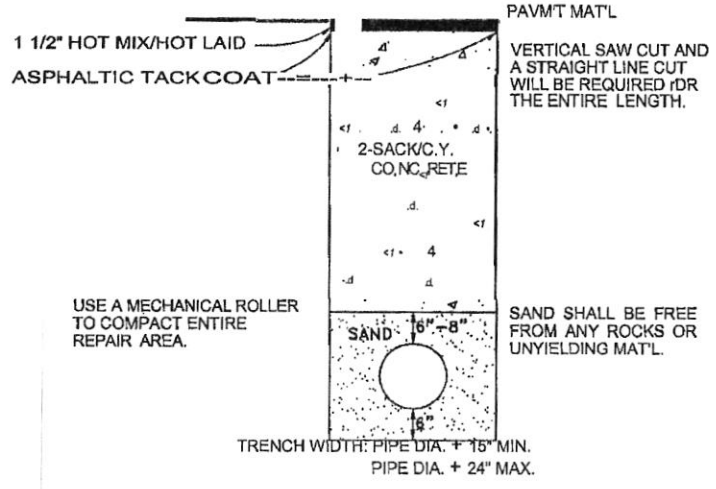
Notes:

1. Utility lines installed parallel with Sabine County ROW are not permitted under Sabine County roads pavement; except as approved by the Sabine County Commissioners' Court.
2. Utility lines installed across Sabine County roads pavement, or intersecting Sabine County roads shall be placed inside a steel casing pipe.

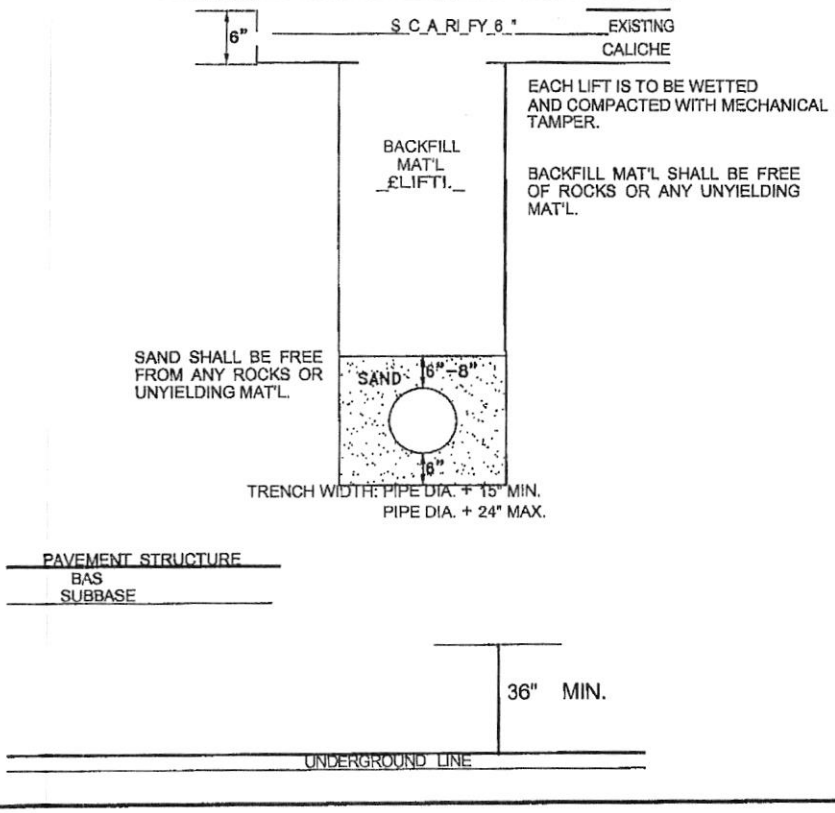
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EXHIBIT "B"

PROCEDURE FOR ASPHALTIC SEALED ROADS



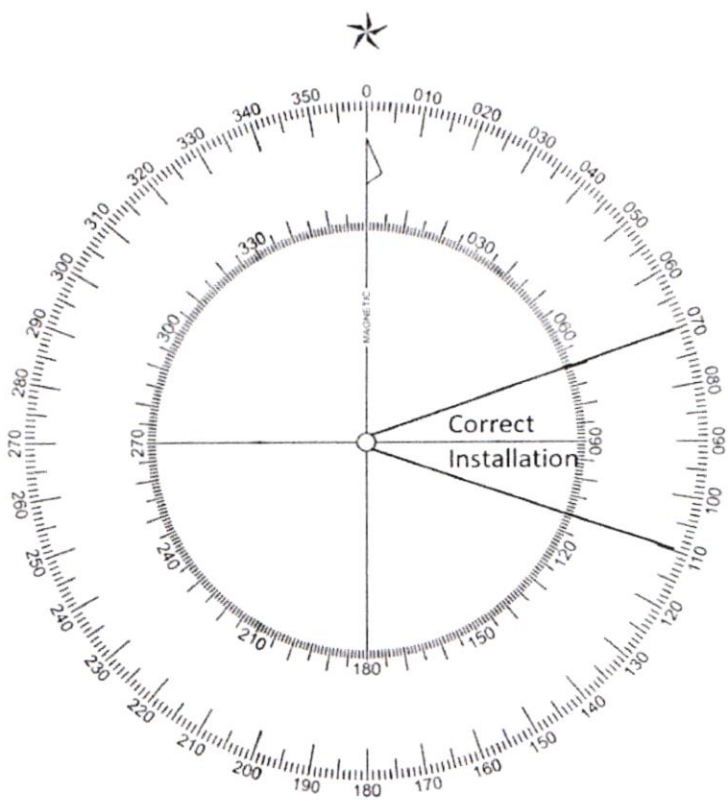
PROCEDURE FOR CUTS IN CALICHE ROADS



8

Check List for (Prior to Dig)

- Schematic of proposed crossing _____
- Record of all utilities located _____
- GPS coordinates for each crossing_____
- Dig site must be clearly marked for Commissioner's visit_____
- Sign off by Commissioner at site visit completion_____



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CORPORATE ACKNOWLEDGMENT

THE STATE OF TEXAS §

§

COUNTY OF SABINE §

Before me, on this day personally appeared_____,

Known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of said_____,

a corporation, and that he/she has authority to execute such document and did execute the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE__DAY OF_____20_____

_____

Notary Public State of Texas

My Commission expires: _____