



## Office of Emergency Management and Permits

1811 Water Street  
Gonzales, TX 78629  
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*Monday - Friday 7:30am – 4:30pm*

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\*\*\*COUNTY USE ONLY\*\*\*

COMMISSIONER CONTACTED ON \_\_\_\_\_ PHONE / EMAIL \_\_\_\_\_

PERMIT # \_\_\_\_\_ AMOUNT \$ \_\_\_\_\_ RECEIPT # \_\_\_\_\_ DATE \_\_\_\_\_

## GONZALES COUNTY APPLICATION FOR PERMIT TO LAY TEMPORARY WATER LINE IN ROAD RIGHT OF WAY

COMES NOW \_\_\_\_\_ (company name) (hereafter “Company”), a \_\_\_\_\_ (state),  
\_\_\_\_\_ (type – corporation, partnership, sole proprietorship, etc.) with the right to transact  
business in Texas, acting by and through its duly authorized representative, and hereby petitions Gonzales  
County (hereafter “County”) **Precinct#** \_\_\_\_\_ for the right to lay a temporary water line over and along certain  
County Roads and rights of way as shown on map(s) and lists(s) attached hereto in the following manner:  
(insert description of line, Example “10 inch poly”):

Within a length along the right of way of approximately \_\_\_\_\_ feet, along (describe roads)

We propose to begin our operations on or about \_\_\_\_\_ (mm/dd/yyyy) and complete our operations by  
\_\_\_\_\_ (mm/dd/yyyy) .

Company agrees that:

- 1) To induce the County to grant the requested permit, Company agrees, and stipulates as follows:
  - a. That it is expressly understood that Gonzales County does not grant any right, claim, title, or easement in or upon the County right of way.
  - b. The temporary waterline will be laid on the surface, as close to the edge of the County Road right of way or fence line, as is possible.
  - c. Where necessary, Company agrees to remove, and dispose of, at its own expense, brush, debris and other impediments to so placing the temporary water line.
  - d. Company will cross a County Road right of way, or culvert, only with the permission of the County Road and Bridge Department. Temporary water lines crossing a roadway may use existing drainage structures. Any such crossing shall be at a 90 degree angle, to the County Road right of way, or culvert, and shall be bored and sleeved, not less than 36” beneath the lowest part of the County Road right of way.

<sup>1</sup> Each waterline requires a separate permit. If a single project requires more than one waterline, they must be separately permitted.

- e. The temporary water line shall not be laid or maintained by the Company in such manner as to interfere with the use, construction, maintenance or repair of roads, and in the event it shall develop, that the line, in the opinion of the Gonzales County Permit Office, in any manner interferes with the use, construction, maintenance or repair of any existing road, or for any other reason, the Company, upon request of the shall promptly change or alter, at Company's sole expense, the temporary water line, in such manner that the same will no longer interfere with such construction, maintenance or repair.
- f. Company will not maintain any pump, switch, storage facility, or anything else, except the above described temporary water line, in the County Road right of way.
- g. Gonzales County may require Company to relocate, or to permanently or temporarily remove the temporary waterline when deemed necessary, for any reason, by Gonzales County, by giving 5 days' notice.
- h. Gonzales County may require Company to relocate, or to, permanently or temporarily, immediately remove the temporary waterline, if adverse weather, or other factors, create an emergency condition, or if, in the opinion of the Gonzales County Permit Office, the Company is in any way in violation of this permit.
- i. That the temporary waterline be maintained in such a manner that is acceptable to the Gonzales County Permit Office, or his designee.
- j. Adequate signs, barricades, flares, flagmen, etc., shall be maintained as necessary to protect the traveling public. Company shall comply with the Texas Manual of Uniform Traffic Control Devices.
- k. Company must not interfere with the free and safe flow of traffic, along the County Road right of way, or to and from driveways.
- l. When operations are immediately adjacent to the County Road right of way, all equipment should be parked and/or operating on one side of the roadway only.
- m. Operations will be postponed when the ground conditions are such that operations within the County Road right of way would, in the opinion of the Gonzales County Permit Office, cause extensive rutting and/or tracking of mud onto the roadway surface.
- n. County does not grant any right to interfere with the estate of the landowner, if the County has only an easement, or other title less than full title.
- o. Company agrees to indemnify and hold County harmless from any personal injury, property damage, subservient estate, mineral estate related claims, or other tort claims, against County, its officers, agents or employees, that result from Company's operations under this permit, or the County's action is granting this permit, EVEN IF SUCH CLAIMS RESULT IN WHOLE OR PART FROM THE NEGLIGENCE (INCLUDING FAILING TO TAKE AN ACTION REQUIRED BY THE TEXAS UTILITY CODE) OF COUNTY, ITS OFFICERS, AGENTS OR EMPLOYEES, OR FROM THE INTENTIONAL CONDUCT OF THE OF COUNTY, ITS OFFICERS, AGENTS OR EMPLOYEES, IN RELOCATING, OR REMOVING, THE LINE, OR ANY ASSOCIATED EQUIPMENT, OR MATERIAL, IF AN EMERGENCY CONDITION EXISTS, OR IF COMPANY IS, IN THE OPINION OF THE COUNTY

COMMISSIONER, OR THE COUNTY COMMISSIONER'S DESIGNEE, IN VIOLATION OF THIS PERMIT, OR IF COMPANY HAS NOT COMPLIED WITH A STOP WORK ORDER, OR IF COMPANY HAS NOT COMPLIED WITH A NOTICE TO REMOVE, OR RELOCATE, THE TEMPORARY WATERLINE, OR OTHER OBJECTS PLACED IN THE COUNTY ROAD RIGHT OF WAY.

- p. Company agrees to release the County, its officers, agents and employees, any utility, or the officers, agents and employees of such utility, and any emergency services organization, or emergency services personnel, operating on behalf of the County, from any and all claims for damages done to Company's property, during emergency operations, road maintenance operations, or utility installation, removal or maintenance operations.
- q. Company agrees to indemnify and hold the County, its officers, agents and employees, harmless from any personal injury, or property damages, suffered by the County, its officers, agents or employees, that result from Company's operations under this permit, or the County's action is granting this permit, EVEN IF SUCH INJURIES, CLAIMS OR DAMAGES RESULT IN WHOLE OR PART FROM THE NEGLIGENCE (INCLUDING FAILING TO TAKE AN ACTION REQUIRED BY THE TEXAS UTILITY CODE) OF COUNTY, ITS OFFICERS, AGENTS OR EMPLOYEES, OR FROM THE INTENTIONAL CONDUCT OF THE OF COUNTY, ITS OFFICERS, AGENTS OR EMPLOYEES, IN RELOCATING, OR REMOVING, THE TEMPORARY WATER LINE, OR ANY ASSOCIATED EQUIPMENT, OR MATERIAL, IF AN EMERGENCY CONDITION EXISTS, OR IF COMPANY IS, IN THE OPINION OF THE COUNTY COMMISSIONER, OR THE COUNTY COMMISSIONER'S DESIGNEE, IN VIOLATION OF THIS PERMIT, OR IF COMPANY HAS NOT COMPLIED WITH A STOP WORK ORDER, OR IF COMPANY HAS NOT COMPLIED WITH A NOTICE TO REMOVE, OR RELOCATE, THE TEMPORARY WATERLINE OR OTHER OBJECTS PLACED IN THE COUNTY ROAD RIGHT OF WAY.
- r. Company will promptly and fully reimburse the injured party for any damage to utility lines, utility property, or other real or personal property, or personal injury, arising out of the installation, use or removal of the temporary waterline.
- s. Company will submit with this application a current Certificate of Insurance in the amount of not less than \$1,000,000 and a certificate of Workers Compensation insurance. Company will insure, and shall demonstrate to the County, that such insurance remains in full force and effect, while any operations continue under the permit.
- t. The permit, if granted, will give Company permission to conduct allowed operations within County Road rights of way only, and does not authorize Company to conduct any operations on other property.
- u. Company shall arrange an onsite inspection of the proposed route of the temporary water line, by the County Commissioner(s), before approval may be granted.
- v. Company shall notify the County Commissioner(s) at least 48 hours before any operations begin under this permit.

- w. Posting of Permit. A copy of the permit, including the full Application, shall be posted, in a rain proof form, at the jobsite, before any work is begun, and shall remain posted until after all operations have been completed. If the line runs along the County Road right of way for more than 100 feet, additional copies of the permit shall be posted at each location where the line enters, or leaves, the County Road right of way.
- x. Education about Permit: Company shall insure that all of its employees, agents, contractors, and sub-contractors, are familiar with all terms of the permit.
- y. Issuing Stop Work Order. If, at any time the County Commissioner, or the designee of the County Commissioner, believes that Company is in violation of the terms of the permit, he may issue a Stop Work Order. A Stop Work Order shall be in writing, shall include the date, and time, it was issued, shall describe generally the violation, and shall include the name, and telephone number, of the County Official who is empower to release it. The Stop Work Order shall be either delivered personally to the Company representative at the job site, or to any employee, or agent, of the Company, or any contractor, or subcontractor, present at the job site. If no one is present, or will accept the Stop Work Order, a copy of it shall be affixed to the posted permit, and if the permit is not posted, affixed somewhere in the vicinity of the job site.
- z. Effect of Stop Work Order. No work, except emergency operations designed to protect human life, or property, shall take place under the permit, until the Stop Work Order is released.
- aa. Release of Stop Work Order. When the Company has presented a satisfactory plan to the County Commissioner, or the designee of the County Commissioner, to remediate the violation, both the Company, and the County Commissioner, or his designee, shall sign a Release of Stop Work Order that allows operations to resume under the permit.
- bb. The provisions about Stop Work Orders, and Release of Stop Work Orders, do not in any way impair the County's right to take any action under any other section of the permit.
- cc. Revocation of Permit. The County may, by placing it as an agenda item on any regular, or special, meeting, of the Commissioners Court, revoke the permit.
- dd. Company shall by \_\_\_\_\_(mm/dd/yyyy) <sup>2</sup> remove the temporary water line, and restore the right-of-way to its original condition, free of any damage, including ruts or any injury to vegetation, except that brush, debris and other impediments need not be restored. Any costs incurred by the County for replacement signs, delineators, etc., for the removal of debris, or for any other necessary restoration work performed by the County to place the County right-of-way into a condition equal to that prior to survey operations will be billed to the company at cost.
- ee. "Company" includes the Company, and all officers, agents, employees, contractors and sub-contractors, and its heirs, assigns and successors.

- 2) On the attached maps Company has:
  - a. Outlined the general area of proposed operations
  - b. Highlighted, in color, the county right of way(s) to be used.
  - c. Labeled each County Road with its road number, or name. County Road maps are available at the county Clerk's office, with roads already labeled.
  - d. Identified by lease name, and API number, the well to be supplied with water under this permit.
- 3) On the attached list(s), Company has listed in alpha-numerical order each County Road where company plans to lay temporary water lines.
- 4) The application fee is \$1,000.00, for temporary water lines occupying up to one mile of County Road right of way, plus \$500.00 for each additional mile, or portion of a mile. If Company has installed any portion of the proposed temporary waterline on a County Road right of way without an approved permit, the application fee is \$6,000.00, plus \$500.00 for each additional mile, or portion of a mile.
- 5) Permit application, supporting documentation, and fee are to be submitted to the Gonzales County Permit Office, 1811 Water Street, Gonzales, Texas 78629. Incomplete applications will not be accepted.

## CONTACT PERSON FOR PERMIT APPLICATION

Questions regarding the Temporary Waterline Permit Application should be addressed to:

Print or type name \_\_\_\_\_

Office Telephone \_\_\_\_\_

Title Office Fax \_\_\_\_\_

Cell Phone \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Email Address \_\_\_\_\_

### PRIMARY 24 HOUR CONTACT PERSON(S) FOR EMERGENCIES

During the period of operation under the permit, Gonzales County may contact this agent of Company at any time:

Print or type name \_\_\_\_\_

Office Telephone \_\_\_\_\_

Title Office Fax \_\_\_\_\_

Cell Phone \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Email Address \_\_\_\_\_

### SECONDARY 24 HOUR CONTACT PERSON(S) FOR EMERGENCIES

During the period of operation under the permit, Gonzales County may contact this agent of Company at any time the primary contact cannot be reached:

Print or type name \_\_\_\_\_

Office Telephone \_\_\_\_\_

Title Office Fax \_\_\_\_\_

Cell Phone \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Email Address \_\_\_\_\_

SUBMITTED this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**SWORN TO, SUBSCRIBED, AND ALL TERMS AND CONDITIONS AGREED**

**TO:** Print or type name \_\_\_\_\_

Office Telephone \_\_\_\_\_

Title Office Fax \_\_\_\_\_

Cell Phone \_\_\_\_\_

Signature: \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Email Address \_\_\_\_\_

**THE STATE OF TEXAS** §

**COUNTY OF** \_\_\_\_\_ §

BEFORE ME, the undersigned authority on this day personally appeared \_\_\_\_\_  
(Name), \_\_\_\_\_ (Title) known to me to be the person and officer who is  
subscribed to the foregoing instrument and acknowledge to me that the same was the act of  
\_\_\_\_\_ (Company) of \_\_\_\_\_ (City and State) for  
the purposes and consideration therein expressed and in the capacity therein stated.

Given under my hand and seal of office this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public Signature

**GONZALES COUNTY COMMISSIONER REVIEW**

I have reviewed the foregoing Application, and I:

- ☐ Approve. Company may conduct the operations described in the permit application, subject to the rules and conditions in the permit application.
- ☐ Do not approve, because \_\_\_\_\_

\_\_\_\_\_  
Gonzales County Commissioner