



HIDALGO COUNTY DRAINAGE DISTRICT No. 1
902 North Doolittle Rd.
Edinburg, Texas 78542
Office (956) 292-7080
Fax (956) 292-7089

Raul E. Sestin, P.E., CFM
General Manager

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PIPELINE AND UTILITY PERMIT APPLICATION PACKET

Contact the Hidalgo County Drainage District Manager to discuss the scope of the project

1. Please return the following for processing (in duplicate)
 - a. Permit application form.
 - b. Locator map.
 - c. Plans/profile of pipe or utility crossing.
 - d. Applicant's insurance certificate (in compliance with Schedule A).

2. Check payable to Hidalgo County Drainage District No. 1 for appropriate fees(s) as required.

Hidalgo County Drainage District No. 1 will attempt to process permit applications within a minimum of 30 days after receipt of the above required information.

All questions regarding this application should be addressed to the Hidalgo County Drainage District No. 1 Manager.



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PIPELINE AND UTILITY PERMIT APPLICATION PACKET

THE STATE OF TEXAS

COUNTY OF HIDALGO

APPLICATION AND AGREEMENT FOR PIPELINE OR UTILITY PERMIT

Date: _____

_____ (hereinafter referred to as "Applicant") does hereby make application to the Hidalgo County Drainage District No. 1 (hereinafter referred to as "HCDD") to construct, maintain and repair pipelines or utilities across the easements, ditches, streams, drainage ways, property or property interest as described below.

Information required:

1. Name and Address of Applicant: _____

2. Name and Address of company or agency owning Pipeline or Utility (please indicate if same as Applicant): _____

3. Name and Address of operator of Pipeline or Utility (please indicate if same as Applicant): _____

4. Name and Address of contractor to install Pipeline or Utility: _____

5. Estimated date of installation of Pipeline or Utility: _____



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6. Location of Pipelines or Utilities (Tract No., Survey, Abstract No.): _____

7. Hidalgo County Drainage District No. 1's easements, ditches, streams, or other drainage ways, property or property interest to be crossed: _____

8. Names and Addresses of fee owners of property involved and copy of Pipeline or Utility easements acquired: _____

9. Number and size of lines: _____

10. Pressure (each line): _____



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11. Content (each line): _____

12. Is this a common carrier pipeline or utility? If yes, please submit the Applicant's Texas Railroad Commission Form "T-4" or similar form designating the facility:

13. Does Applicant have the Power of Eminent Domain? _____

14. Will the product be carried for hire or by the owner of the goods? _____

15. Where is the origin of the line? _____

16. Where is the destination of the line? _____

If requested permit is granted by HCDD, Applicant, in consideration thereof, agrees and binds itself as follows:

1. All pipelines or utilities herein will be placed at least sixty feet (60') above existing or planned channel cross sections or three feet (3') below flow line of ditch, provided that temporary overhead lines for a period not to exceed six months in duration may be installed at a minimum elevation of _____ feet above the berm of the ditch. Any horizontal placement within the right of way shall be placed within five (5) feet of the exterior right of way line and at a minimum depth of five (5) feet



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- below natural ground. Depth, horizontal, and vertical location shall be confirmed by HCDD's engineer.
2. Location map, profile, and plans concerning the proposed pipeline or utility crossing will furnished with this application.
 3. HCDD will be notified in writing ten days prior to the beginning date of construction under this permit.
 4. Applicant will bear the entire expense of all future relocations of any pipelines or utilities should such relocation, at the sole discretion of the Board of Directors of Hidalgo county Drainage District No. 1, be necessary for improvements, alteration, or maintenance of the HCDD's easement or property of interest.
 5. Applicant will not do, or cause to be done, anything to impede or obstruct an adequate flow of water through or upon the property on/in which the pipelines or utilities are located; it is specifically understood and agreed that the adequacy of the flow of water referenced herein shall be within the sole discretion of the HCDD.
 6. Applicant will notify the HCDD at least 48 hours prior to completion of its work and removal of its equipment from the job site to permit HCDD to make an inspection.
 7. Upon notification by the HCDD, the Applicant will promptly repair or rectify any deficiency or condition caused by the Applicant's operations or installations under this permit. Applicant will leave easement in as near the same condition or better, in the HCDD's sole judgment, as it existed prior to the commencement of the operations under this permit.
 8. HCDD shall not be liable or responsible for, and shall be saved and held harmless by Applicant, and further shall be indemnified by Applicant, from and against any and all suits, actions, losses, damages, claims, or liability of any character, type, or description, including all expenses of litigation, court costs, attorney's fees, and engineering fees for injury or death to any person, or injury to any property, received or sustained by any person or persons or property, arising out of, or occasioned by, directly or indirectly, the performance of Applicant under this agreement, including claims and damages arising in part from the negligence of the HCDD.



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It is the expressed intent of the parties to this agreement that the indemnity provided for in this section is extended by Applicant to indemnify and protect HCDD from the consequences of HCDD's own negligence, whether that negligence is the sole or contributory cause of the resultant injury death, or damage.

Applicant further agrees to defend, at its own expense, with attorneys acceptable to HCDD and on behalf of the HCDD, and in the name of Hidalgo County Drainage District No. 1, any claim or litigation brought against the HCDD in connection with any such injury, death or damage.

Before construction is begun on such pipeline or utility crossings, Applicant will furnish to the HCDD a certificate of insurance (or other security approved by the HCDD) payable to Hidalgo County Drainage District No. 1 and protecting Hidalgo County Drainage District No. 1 (as an additional named insured) against any claims for personal injuries or damages to property resulting from the operations of Applicant, its agents, servants, employees, and contractors under this permit. Insurance is to be supplied in accordance with the attached Schedule A.

9. HCDD makes no warranties, expressed or implied, in the granting of this permit; nor does HCDD purport to grant any property interest or exclusive privileges whatsoever by granting such permit. It is specifically understood that HCDD is not the agent for, nor does it act for, the fee owners or any persons or entities having any right, or title to possession of the land upon which the HCDD's easement or other property interest is located. Furthermore, in granting this permit the HCDD makes no representation or warranty that it has any property interest, including, but not limited to, an easement or right of way, in the land upon which Applicant constructs, maintains, repairs, or modifies the pipelines or utilities, made the subject of this application, nor does HCDD make any representation or warranty as to the validity, quality or extent of such property interest, if any. Applicant acknowledges its understanding that HCDD in granting this permit, does not convey or grant to Applicant any rights, title or interest for which is has no legal authority to grant or convey.
10. Applicant binds itself to comply with all federal, state, and local laws or regulations and will obtain all necessary permits from all local and federal agencies required by law before installation or construction is begun.



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11. Applicant will install its pipelines and utilities in a manner and location as shown in the plans and specifications filed with HCDD in support of this application for permit. HCDD's engineer or other representative may at any time make such inspection as such engineer or other representation may deem necessary to assure that the construction of the pipeline or utilities is in accordance with the plans and specifications submitted, and said engineer or representative shall have the right to temporarily suspend Applicant's work if necessary, while such inspection is being made. Should Applicant not install the pipelines or utilities in accordance with the terms and conditions of this permit, Applicant agrees that the HCDD shall have the right to require, at Applicant's expense, the removal of the pipelines and utilities and its replacement in conformance to said plans and specifications and conditions of this permit. HCDD may revoke this permit and suspend all work hereunder if it is determined by HCDD that the pipelines or utilities are not being installed in accordance with such plans and specifications and conditions of this permit. The suspension or revocation of this permit shall not be a basis for a claim for damages against HCDD.
12. Except in emergency situations where it is necessary to protect life and property, Applicant will not make any change, modification, or alteration in or to the pipelines or utilities without first securing a new or amended permit from HCDD prior to the making of any such change. Applicant will maintain the pipelines or utilities hereby authorized in good and safe condition, and in accordance with plans, specifications, and this permit.
13. All pipeline and utility crossing locations under this permit shall be identified with appropriate markers installed three feet above ground on metal posts at such points and at such distances from HCDD's ditch as may be approved by the HCDD's engineer or representative. Applicant will remove and then replace any markers, when so designated by the HCDD's engineer or representative, as necessary to facilitate maintenance or construction on HCDD's ditch, easement or right of way.
14. Applicant agrees to pay HCDD a permit fee to cover administrative costs in the amount of **\$500.00**, plus a reimbursement to HCDD for any necessary engineering fees which may be incurred for the study and processing of the Application, for each crossing of an HCDD ditch. This fee will permit a single pipeline or utility to cross at a single crossing location. Applicant further agrees to pay an additional fee of \$ _____ for each additional line included in permit application at the same crossing location; however, more than one crossing location may be included in a single application.



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Requests to lay additional line or lines, not included in an initial permit application, must be made by separate application, with new permit fees paid accordingly and support data provided.

All permits fees must be submitted with the application for permit.

Permit fees submitted with this application for which pipeline or utility crossing are not approved by HCDD Board of Directors will be refunded to Applicant.

Permit fees may be waived where Applicant is a state, county, municipality, or a special political division.

15. The Applicant is allowed one hundred twenty days (120) from the granting of the permit to start construction of the pipelines or utilities crossing. Once started, the Applicant is allowed ninety (90) days to complete all work under such permit. All construction must be completed within two hundred ten (210) days from the date of issuance of permit. Upon application, extension of the time periods set forth in this paragraph may be granted by the HCDD Board of Directors. Such applications for extension must be received by HCDD at least thirty days before the expiration of the two hundred ten (210) days period. A new permit fee, in accordance with Paragraph 14 hereof, will be charged for each extension granted.

Construction of any pipeline or utility crossing will not begin until written approval has been given by HCDD.

16. All provisions of the Pipeline and Utility Permit Administration Policy of HCDD, if any, and all amendments thereto, are hereby incorporated herein as part of the terms and conditions of this permit for all purposes.
17. Applicant warrants and represents that it has secured from all fee owners of the involved property an easement or other property rights to construct, repair or modify the pipeline or utility in the manner set forth herein.
18. This Pipeline and Utility Permit if granted by HCDD is subject to any and all other requirements, specifications and conditions listed in Exhibit A attached hereto.



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19. HCDD requires the coordinates of all crossings in NAD 1983 State Plane Texas South, for each utility crossing.

20. This permit constitutes the entire agreement between the parties with regard to the subject matter hereof, and all prior agreements, representations, and negotiations between the parties regarding the subject matter are hereby superseded. This permit shall not be altered or amended except by an agreement in writing executed by the parties hereto.

21. Applicant warrants and represents that its undersigned representative has full authority to bind Applicant to the terms and conditions of the foregoing Application and Agreement for Pipeline or Utility Permit.

DATED this _____ day of _____, 20____.

(Name of Applicant – Printed or Typed)

By: _____
Signature

Title: _____

STATE OF TEXAS
COUNTY OF HIDALGO

SUBSCRIBED AND SWORN TO before me the Applicant, _____, on this _____ day of _____, 20____, to which witness my hand and seal of office.

Notary Public for the State of Texas

My Commission Expires: _____



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**APPROVAL OF APPLICATION BY
HIDALGO COUNTY DRAINAGE DISTRICT NO. 1**

Came on for consideration this _____ day of _____, 20____. The above and foregoing Application for Pipeline and Utility Permit, and after consideration of the same by the Board of Directors of the Hidalgo County Drainage District No. 1, said Application and Agreement for Pipeline or Utility Permit is hereby APPROVED.

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1:

Richard F. Cortez, Chairman of the Board



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EXHIBIT A

The overhead transmission line shall be constructed and maintained in such a manner as to provide a minimum vertical clearance (at the temperature of 60 degrees Fahrenheit) of not less than 28 feet above the levee crown and at least 12 feet (3.7 meters) above the floodway design high water surface level in the area of the floodway channel.

No structure (poles or guy wires) shall be located closer than 35 feet from the toes of any levee. No structure (poles or otherwise) shall be located closer than 15 feet from the top of any channel bank.

Guy wires may be anchored within the HCDD right of way in such a manner that they do not interfere with the operation and/or maintenance of the ditch or related structures. A witness post, not less than five feet (5') above the ground, shall be installed by each anchor or the cable shall be wrapped up to a point at least five feet (5') above the ground with a bright colored material to make it obviously visible.

It shall be the Applicant's responsibility to maintain the areas clear of brush within a ten foot (10') radius of each pole, under the guy wires and around the anchors, on both side of the ditch and within the HCDD's right of way limits.

Schedule "A" Insurance Requirements

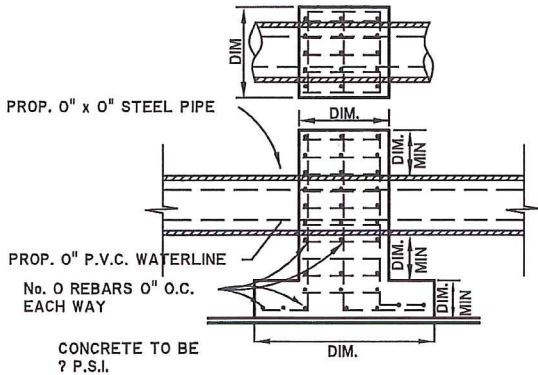
The Bidder awarded the contract shall furnish proof of insurance, which will also include any subcontractor that is subcontracted by the bidder in at least the following limits, to be in place prior to providing any services under this Contract and to continue at all times in force in effect during the term of this Contract:

1. **Automobile liability insurance policy** with limits of at least Three Hundred Thousand Dollars (\$300,000.00) per person and \$500,000.00 per occurrence, consistent with potential exposure to Hidalgo County Drainage District No.1 under the Texas Tort Claims Act. Coverage should include injury to or death of persons and property damage claims (with limits up to \$500,000.00) arising out of the services provided to Hidalgo County Drainage District No.1 hereunder;
2. **Uninsured/Underinsured motorist coverage** in an amount equal to the bodily injury limits set forth immediately above;
3. **A Five Hundred Thousand Dollar (\$500,000.00) Comprehensive General Liability insurance policy** providing additional coverage to all underlying liabilities of Hidalgo County Drainage District No.1 consistent with potential exposure of Drainage District under the Texas Tort Claims Act;
4. **Workers compensation insurance** in amounts established by Texas law, unless the Bidder is specifically exempted from the Texas Workers' Compensation Act, Texas Labor Code Chapter 401, ET. seq.

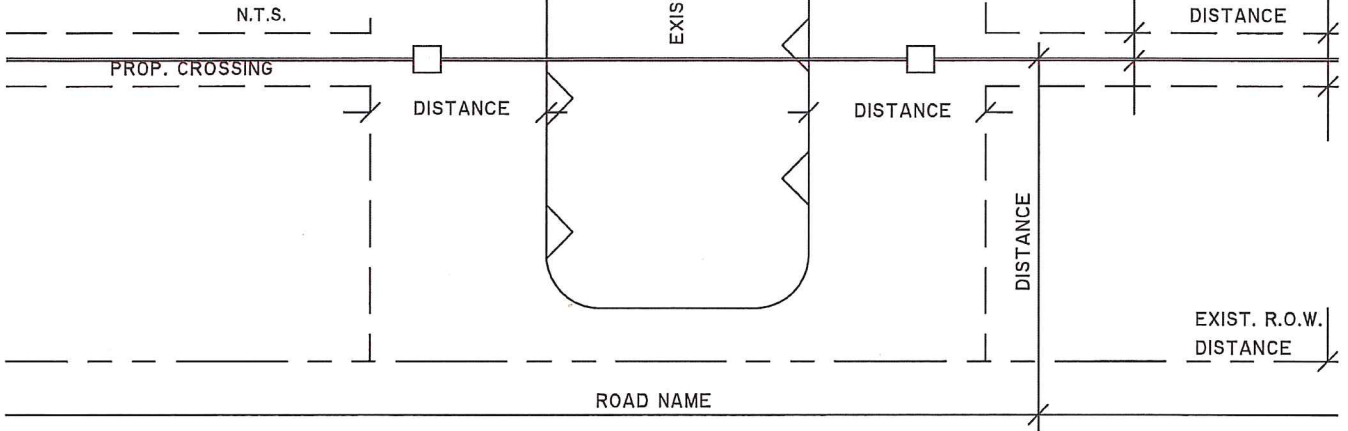
Certificates of insurance naming Hidalgo County Drainage District No.1 as an additional insured shall be submitted to the Hidalgo County Drainage District No.1 for approval prior to any services being performed by Contractor. Each policy of insurance required hereunder shall extend for a period equivalent to, or longer than the term of the Contract, and any insurer hereunder shall be required to give at least thirty (30) days written notice to the Hidalgo County Drainage District No.1 prior to the cancellation of any such coverage on the termination date, or otherwise. This Contract shall be automatically suspended upon the cancellation, or other termination, of any required policy of insurance hereunder, and such suspension shall continue until evidence adequate replacement coverage is provided to Hidalgo County Drainage District No.1. If replacement coverage is not provided within thirty (30) days following suspension of the Contract, this Contract shall automatically terminate.

SAMPLE ONLY

LOCATION
MAP

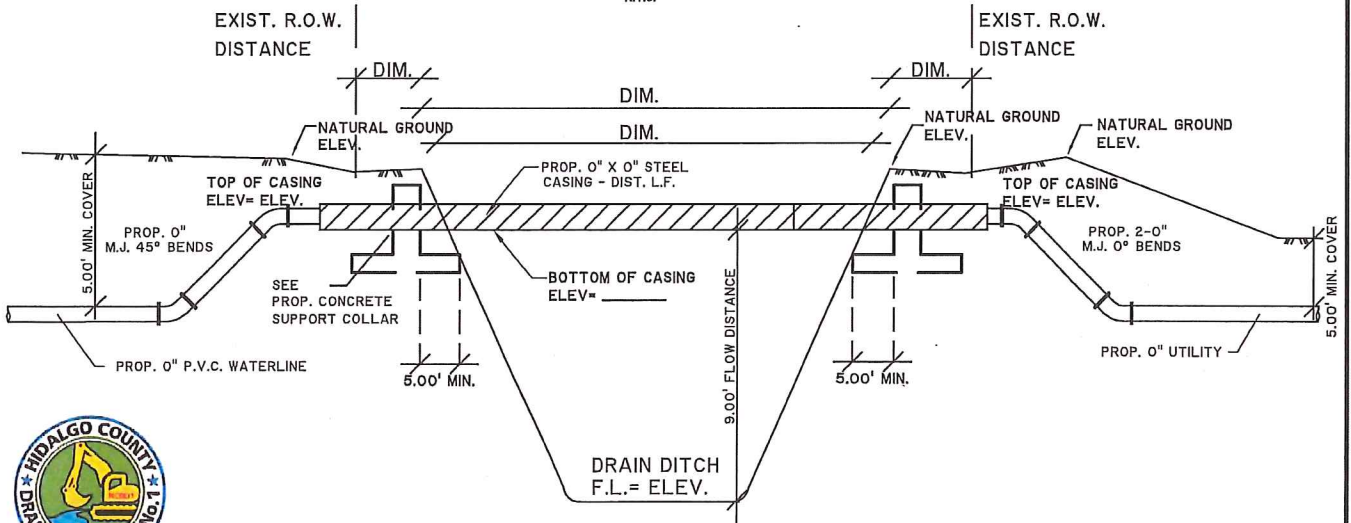


CONCRETE PIPE SUPPORT DETAIL



PLAN PROFILE

N.T.S.



CROSSSECTION

N.T.S.



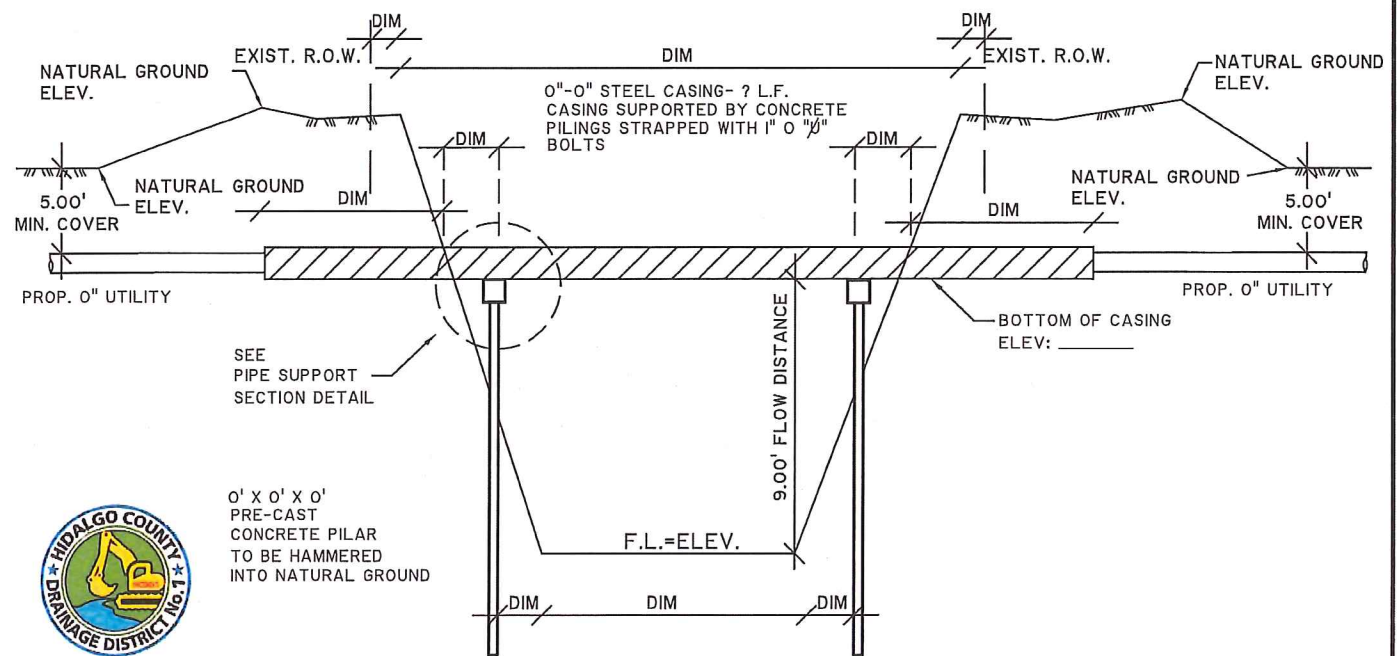
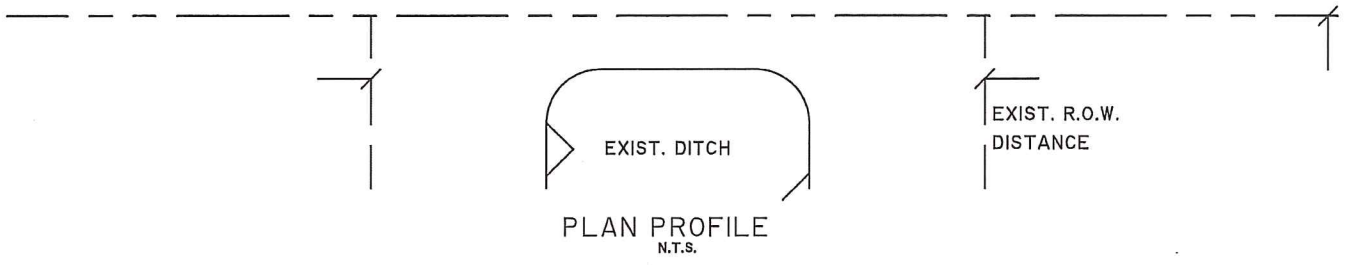
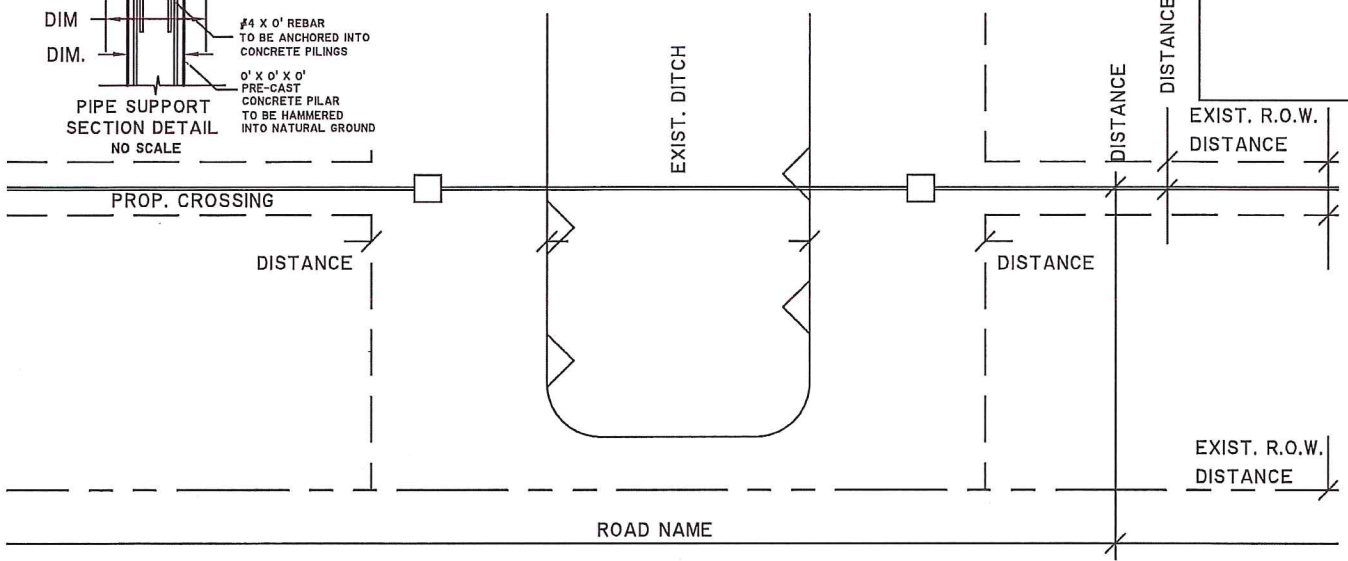
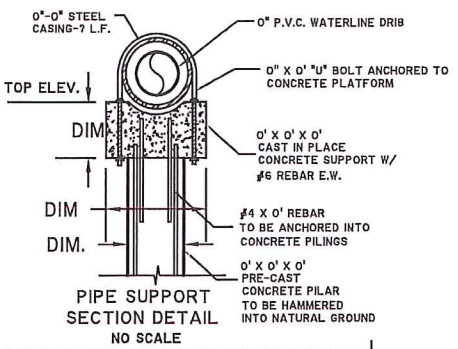
RAUL E. SESIN, P.E., CFM
GENERAL MANAGER

COMPANY NAME

ENGINEER
SEAL

SAMPLE ONLY

MAP
LOCATION



RAUL E. SESIN, P.E., CFM
GENERAL MANAGER

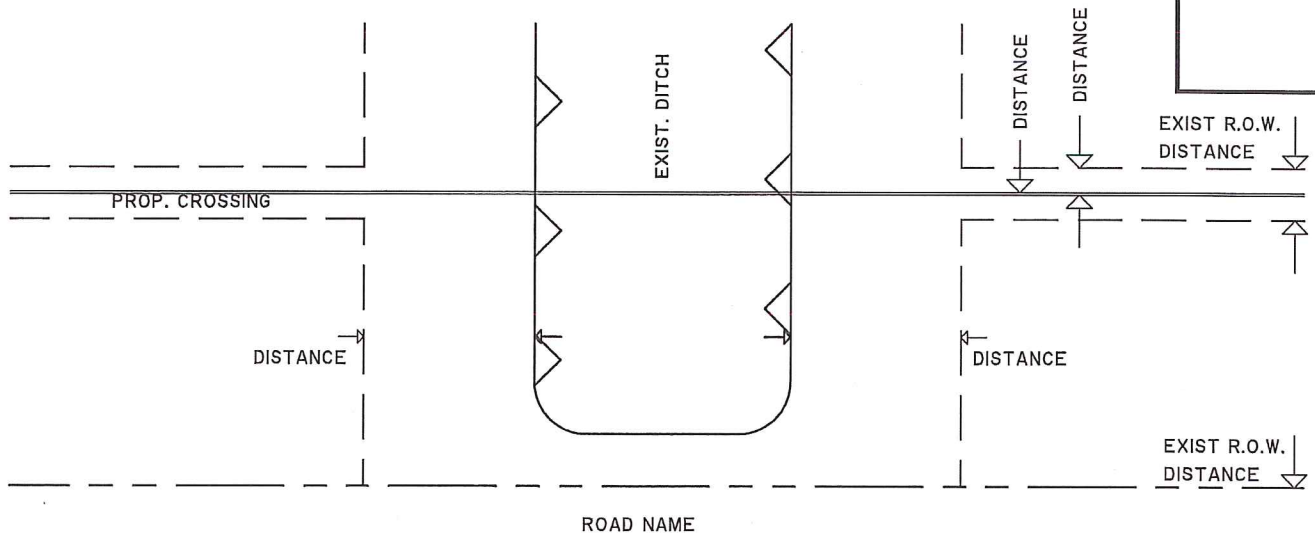
DRAIN DITCH CROSSING SECTION
N.T.S.

COMPANY NAME

ENGINEER
SEAL

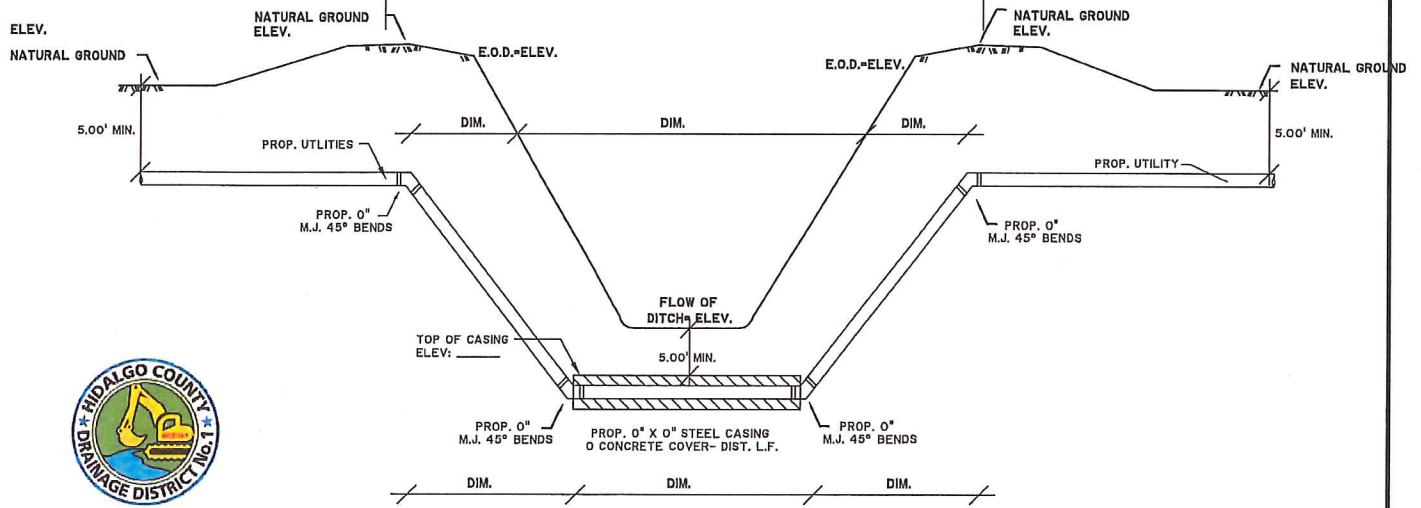
SAMPLE ONLY

MAP
LOCATION



PLAN PROFILE

N.T.S.



DRAIN DITCH CROSSING SECTION

N.T.S.



RAUL E. SESIN, P.E., CFM
GENERAL MANAGER

COMPANY NAME

ENGINEER
SEAL