

NUMBER: \_\_\_\_\_

DATE REQUESTED: \_\_\_\_\_

DATE RECEIVED: \_\_\_\_\_

IN THE COMMISSIONERS COURT  
GAINES COUNTY, TEXAS

§  
§

**PETITION FOR AUTHORITY TO USE A PORTION OF THE PUBLIC ROADS  
OF GAINES COUNTY, TEXAS**

COMES NOW \_\_\_\_\_, with this Petition to the Gaines  
County Commissioners Court for the right and authority to use a portion of the public  
roads of Gaines County, Texas.

Identity of Petitioner

1. Name of Petitioner: \_\_\_\_\_.

2. Petitioner is (check as applicable): \_\_\_\_\_ A sole proprietorship  
\_\_\_\_\_ A partnership  
\_\_\_\_\_ A corporation under the laws of the state of  
Texas, or authorized to do business in the  
state of Texas

3. Petitioner's contact information:

Mailing Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_

Email : \_\_\_\_\_

If a partnership or corporation, name of person authorized to act on behalf of  
Petitioner: \_\_\_\_\_.

Location of Use

Petitioner requests the right and authority to lay, construct, operate and maintain certain structures across and under the county road(s) specified as follows:

\_\_\_\_\_

\_\_\_\_\_.

The specific location of use is shown by plat map or field notes on the attached Exhibit "A." (The information contained therein must be sufficient to reasonably ascertain the location. Failure to provide an adequate description will be grounds for denial of the petition.)

Purpose

The purpose for which use is requested is the right to lay, construct, operate and maintain \_\_\_\_\_.

Acceptance of Terms

Petitioner agrees that, upon approval of this petition by the Commissioners Court, it will abide by all laws, administrative rules and regulations applicable to Petitioner's use, whether state, federal, or local; and will further abide by the following specific rules and regulations of the Commissioners Court, to-wit:

1. Petitioner shall construct the said \_\_\_\_\_ in such a manner so as to cause the very minimum of inconvenience and obstruction of public travel along said road(s). Petitioner shall operate and maintain the said \_\_\_\_\_ under crossing in such a manner as to not inconvenience, endanger, or obstruct public travel along said road(s). The \_\_\_\_\_ shall cross at a minimum depth of 48 inches from the top of the encasement to the lowest point of the existing barrow ditch.

2. Upon completion of the \_\_\_\_\_ or undercrossing constructed hereunder, Petitioner shall immediately backfill, reconstruct and replace the portions of the road(s) across which the said \_\_\_\_\_ is laid and constructed, so that the road(s) is in equally good condition as prior to said construction.
3. So long as \_\_\_\_\_ is maintained and operated under said road(s), Petitioner shall be responsible for doing any work which, due to the existence of said \_\_\_\_\_ undercrossing, needs to be done on said road(s) at the location thereof, all in order to maintain said road(s), at such points, in a condition equal to other portions of said county roads.
4. If Petitioner removes said \_\_\_\_\_ from any of said roads, it will replace and recondition the road concerned at the location of said removal, in substantially the same condition it was prior to such removal. All liability of Petitioner for the maintenance and reconditioning of such road shall cease as soon after such removal as the Commissioners Court has approved the maintenance and reconditioning work done by Petitioner. Any such removal by Petitioner shall be construed as an abandonment of Petitioners' use rights at the location of the removal.
5. If at any time the Commissioners Court shall deem it necessary to make improvements or changes to any portion of the right-of-way which affects the location of the use sought under this Petition, Petitioner agrees to make reasonable changes of its affected facilities within said right-of-way as deemed necessary by the Commissioners Court, without cost to the County.
6. If at any time the Commissioners Court deems it necessary that the requested crossing be encased in accordance with then existing state highway specifications, Petitioner agrees to perform such work at its own expense.

Failure to abide by the aforesaid terms and conditions shall terminate any rights granted by the Commissioners Court pursuant to this petition, and Petitioner shall be required to remove the said \_\_\_\_\_ from said road(s), and replace and recondition the road concerned at the location of said removal, in substantially the same condition it was prior to such removal.

#### Indemnification

Petitioner agrees to indemnify and hold harmless Gaines County from any liability or damages the County may suffer as a result of any claims, demands, costs, or judgments

against the County arising out of the performance of the work and services contemplated by this Petition; or arising from any accident, injury or damage whatsoever suffered by any person or entity, or any property, occurring during the performance of any agreement or project contemplated by this Petition.

Successors in Interest

The rights, remedies, obligations, terms and conditions set forth in this Petition, and the agreements contemplated by this Petition shall be binding on the County, the Petitioner, and any successors in interest of the Petitioner.

Incorporation of Terms

Petitioner agrees that the terms and conditions stipulated to in this Petition shall become, upon approval by the Commissioners Court, incorporated into the terms and conditions of the Court's approval.

Prayer

Wherefore, Petitioner respectfully prays the Commissioners Court of Gaines County to enter its Order approving this Petition for use of a portion a public road as requested.

Presented this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Petitioner

by: \_\_\_\_\_  
Authorized representative or agent

NUMBER: \_\_\_\_\_

IN THE COMMISSIONERS COURT                    §  
GAINES COUNTY, TEXAS                        §

**ORDER APPROVING PETITION FOR USE OF PORTION OF PUBLIC ROAD**

CAME TO HAND this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_, in open session of the Commissioners Court, the Petition of \_\_\_\_\_, requesting authority to use a part of the public roads of Gaines County, Texas, specified as follows:

\_\_\_\_\_

The Commissioners Court, having considered the same, hereby APPROVES the said Petition, which is attached hereto, and such authority as has been requested in the said Petitioner is hereby, subject to the terms and conditions stipulated in said Petition, GRANTED.

The permitted time to work on road crossing is Monday through Thursday. No road crossing work is permitted on Friday, Saturday or Sunday.

Fee for each road crossing is:

Gaines County residents and businesses - \$100.00 per road crossing

Out-of-county residents and businesses - \$500.00 per road crossing

APPROVED AND ENTERED of record in open session of the Gaines County Commissioners Court this the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_.

\_\_\_\_\_  
**CINDY THERWHANGER**, County Judge

\_\_\_\_\_  
**BRIAN ROSSON**  
Commissioner Pct. 1

\_\_\_\_\_  
**JOSH ELDER**  
Commissioner Pct. 2

\_\_\_\_\_  
**DAVID MURPHREE**  
Commissioner Pct. 3

\_\_\_\_\_  
**BIZ HOUSTON**  
Commissioner Pct. 4

Attest:

\_\_\_\_\_  
**TERRI BERRY**, County Clerk

**A copy of this petition must be on-site when work is conducted.**