

**PERMIT TO CONSTRUCT UTILITY
IN WALLER COUNTY RIGHT-OF-WAY**

ROAD: **Schlipf Rd**

DATE: **03/06/2024**

To: Matterhorn Express Pipeline, LLC
Glenn Kellison
100 Congress Ave., Ste. 2200
Austin, TX 78701
Permit # 24.UP.006

The location on the right-of-way of your proposed buried line as shown by the accompanying notice dated **02/22/2024** is approved.

Your attention is directed to Art. 1436A (for power lines) and Art. 1416 (for communication lines) Vernon's Annotated Texas Civil Statutes with particular attention to the following provisions:

1. The Court Commission may designate the place along the right-of-way where such lines shall be constructed.
2. Emplacement of buried lines shall be a minimum of 36 inches below the flow line of the existing ditch. For installations parallel to the right-of-way, the utility shall be located within three (3) feet of the edge of the right-of-way, unless otherwise approved by the County.
3. All placement of lines beneath roadways and asphalt or concrete paved driveways shall be jacked or bored. No open cut will be allowed within five feet of the edge of roadways or such driveways. Open cuts on unpaved driveways shall be performed only with a trenching machine and shall not be excavated. In such cases the trench shall be backfilled and compacted. The driveway surface shall be restored to its original condition. Any variance to these requirements shall have the Commissioners' Court approval.
4. All buried water lines shall be marked thoroughly with detectable tracer wire. All other lines shall be marked thoroughly with detectable underground warning tape. Public to be safe-guarded by use of construction signs and barricades. Identification markers shall be placed along right-of-way lines, that is readily identifiable, indicating name of Company, type of line and emergency contact number.
5. Restore roads to their original condition. Trench is to be back-tracked, dragged, graded and filled as necessary to minimize erosion and sedimentation resulting from the proposed installation. Ditches are to be left clear for drainage.
6. The Court Commission may require the owner to relocate this line, for valid reasons under the law by giving thirty (30) days written notice.

The contractor must notify the County Engineer at (979) 826-7670, forty-eight (48) hours prior to starting construction of the line in order that we may have a representative present. An inspection of the line installation is required prior to backfilling the excavation to confirm proper cover depth.

SPECIAL PROVISIONS:

WALLER COUNTY COMMISSIONERS' COURT

Carbett "Trey" J. Duhon III, County Judge

It is ORDERED by the Court on motion by Commissioner _____, duly seconded by Commissioner _____, that the above and foregoing request be and the same is hereby approved, with _____ members present voting in favor and _____ members present voting opposed. The County Engineer is authorized to comply with the above requests.

Date

Debbie Hollan, County Clerk

Deputy

NOTICE OF PROPOSED UTILITY WORK IN WALLER COUNTY RIGHT-OF-WAY

Formal notice is hereby given that Matterhorn Express Pipeline, LLC (utility contractor) proposes to place

a 12" Natural Gas Pipeline within the right-of-way of Schlipf Road as follows:
(street)

Provide details for location, length, construction method, design (i.e. the dimensions from ROW line, edge of curb or pavement), etc.

Please see attached Barlow Spec sheet, Road Profile and Alignment Sheet

The Matterhorn Express Pipeline, LLC Natural Gas Pipeline will be constructed and maintained on the road right-of-way as directed by Waller County Road & Bridge in accordance with governing laws. Our firm further understands that the County considers proper traffic control measures as those complying with applicable portions of the Texas Manual on Uniform Traffic Control Devices required for adoption by the "Transportation Code" (Ch 251).

The location and description of the proposed work and appurtenances is more fully shown by a PDF drawing and traffic control attached to this notice.

Construction is proposed to begin on or after the 1st day of March, 2024.

Firm: Matterhorn Express Pipeline, LLC

Address: 100 Congress Ave., Suite 2200

By: Glenn Kellison

Austin, TX 78701

Signature: 

Phone: 866-277-1250

Title: Senior Vice President of Engineering

Email: glenn@wmm-llc.com

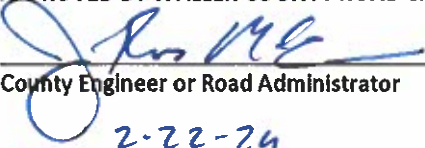
APPROVAL

This application is hereby approved subject to the following understandings and restrictions.

It is expressly understood that the said Waller County does not hereby imply to grant any right, claim, title or easement in or upon this County Road; and it is further understood that in the future, should Waller County, for any reason, need to work, improve, relocate, widen, increase, add to, decrease, or in any manner change the structure of this road or right-of-way, this line, if affected, will be moved at the direction of the Waller County Engineer or Road Administrator with thirty (30) days written notice.

This installation work shall not damage any part of the roadway and adequate provisions shall be made to cause a minimum of inconvenience to traffic and adjacent property owners. Permit shall be effective upon acceptance date of Formal Notice presentation in Commissioners Court, for a duration of one (1) year, with the opportunity of a six (6) month extension after a written request is sent and approved by the County Engineer.

APPROVED BY WALLER COUNTY ROAD & BRIDGE DEPT.


County Engineer or Road Administrator

Date

2-22-24

Traffic Controls Required: (Y) N

Traffic Controls Reviewed By: RJK

Bond: Y N Bond Amount (\$): 5000.00

Floodplain Dev. Permit Required: Y (N)

Permit #: _____ Precinct #: 3

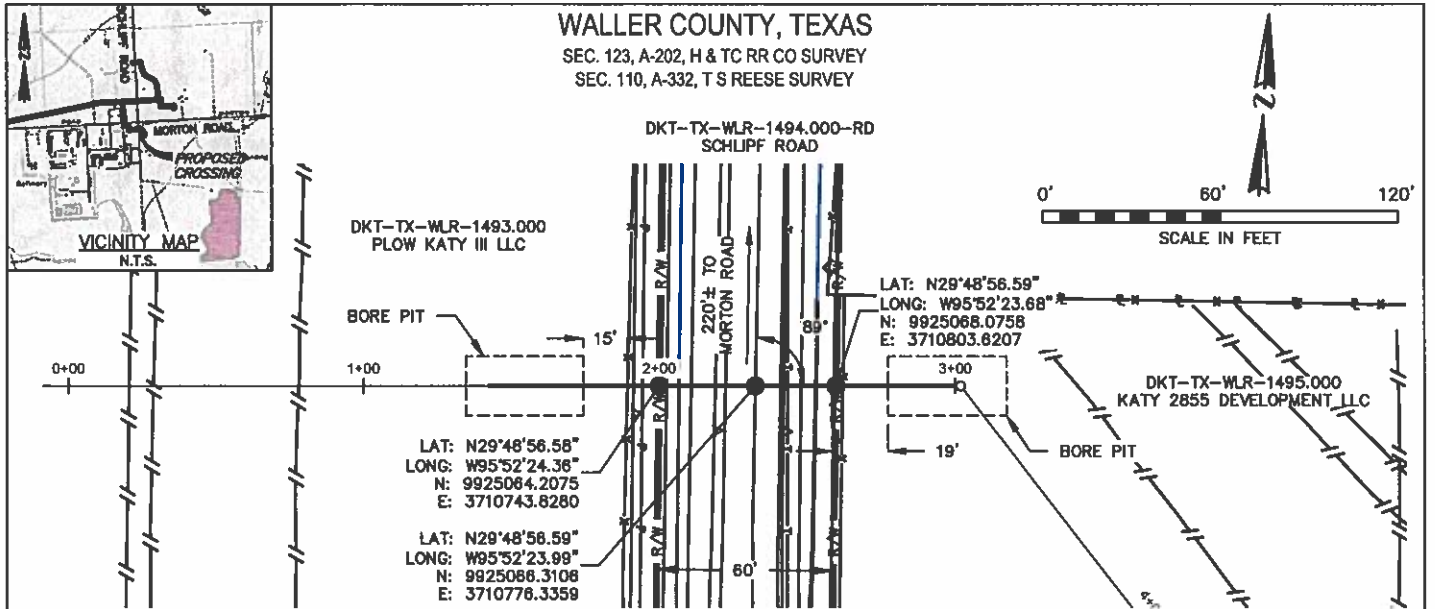
R&B Inspector: ROBERT J. GOODSPEED

Waller County Road & Bridge Department

775 Business 290 East, Hempstead, TX 77445 Phone (979) 826-7670

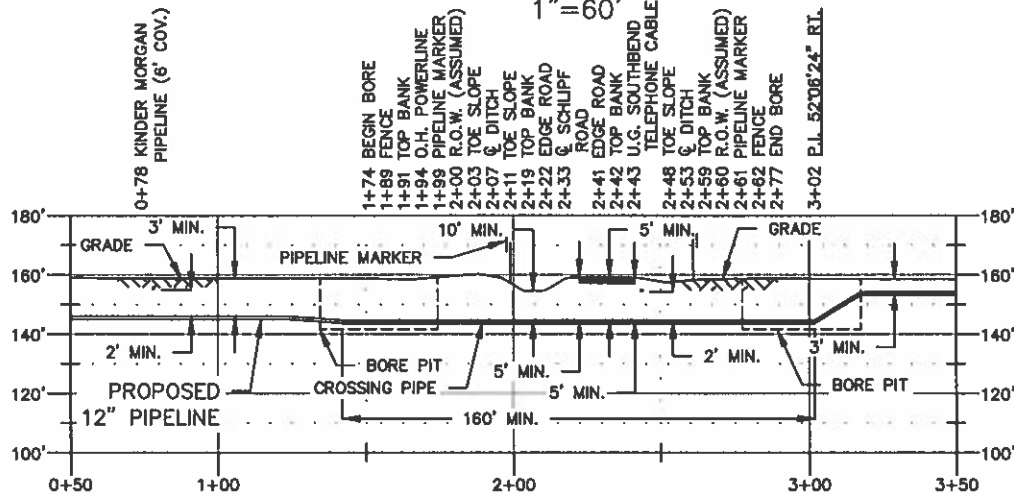
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Rev. 082023.1



PLAN

1"=60'



PROFILE

1"=60'

CROSSING PIPE.

PRODUCT: NATURAL GAS
CROSSING PIPE: 12" O.D. X 0.375" W.T., API-5L, PSL 2, GRADE X-52
COATING: FBE, ARO & INTERNAL
CATHODIC PROTECTION: IMPRESSED CURRENT SYSTEM
MAOP = 1440 PSIG
INSTALLATION METHOD: BORE
CARRIER MATERIAL: STEEL

NOTES:

- THIS CROSSING IS DESIGNED AND WILL BE CONSTRUCTED IN ACCORDANCE WITH CFR PART 192 OF TITLE 49.
- PRIOR TO CONSTRUCTION, CONTRACTOR SHALL DETERMINE LOCATION AND DEPTH OF ALL UNDERGROUND UTILITIES TO BE CROSSED USING VISUAL METHODS.
- A MINIMUM CLEARANCE OF 2 FEET SHALL BE MAINTAINED BETWEEN PIPELINE AND EXISTING FACILITIES.
- CROSSING PIPE SHALL EXTEND A MINIMUM OF 5' OUTSIDE OF RIGHT OF WAY.
- ELEVATION/COORDINATE SYSTEM, NAD 83 TEXAS STATE PLANES, CENTRAL ZONE, US FOOT
- BORE PITS ARE TO BE LOCATED OUTSIDE OF RIGHT OF WAY. SIZE AND LOCATION ARE APPROXIMATE. CONTRACTOR TO DESIGN BORE PITS PER OSHA REGULATIONS.

 GULF INTERSTATE ENGINEERING		
TEXAS REGISTERED ENGINEERING FIRM F-2830		
DRAWN BY:	ED	DATE 06/15/2023
CHECKED BY:	JCD	DATE 01/24/2024
SCALE:	W.O.	
C	ISSUED FOR CLIENT REVIEW	01/24/24
B	ISSUED FOR CLIENT REVIEW	08/24/23
A	ISSUED FOR REVIEW	06/16/23
REV	DESCRIPTION	DATE



MATTERHORN EXPRESS PIPELINE, LLC
PROPOSED 12" PIPELINE
SCHLUFF ROAD CROSSING
DKT-TX-WLR-1494.000-RD

DRAWING NUMBER	DKT-TX-WLR-1494.000-RD	SHEET NO.	1 OF 1	REV.	C
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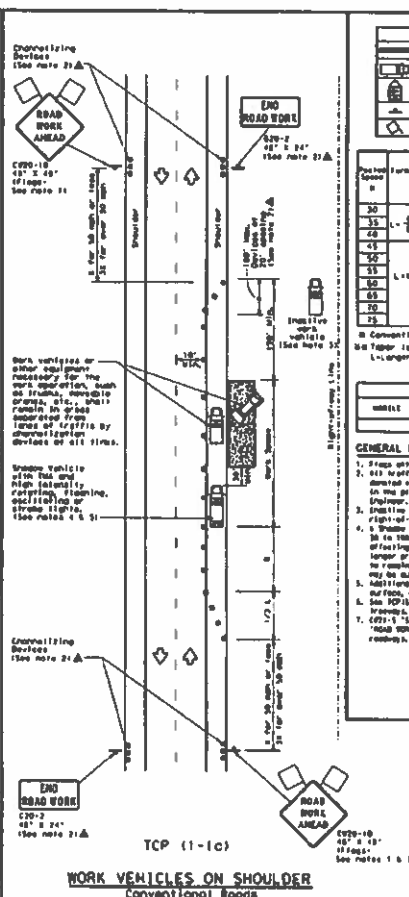
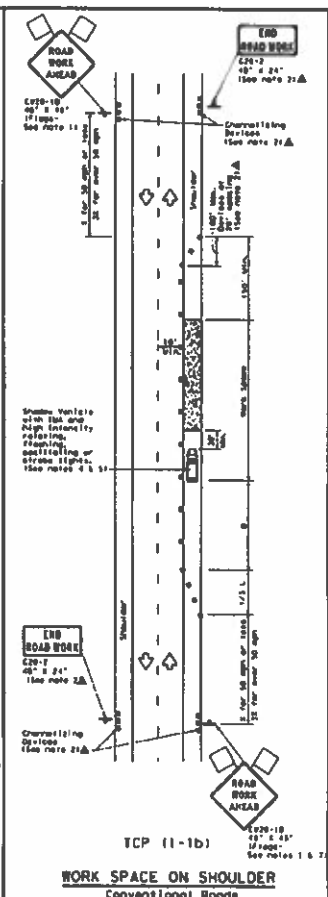
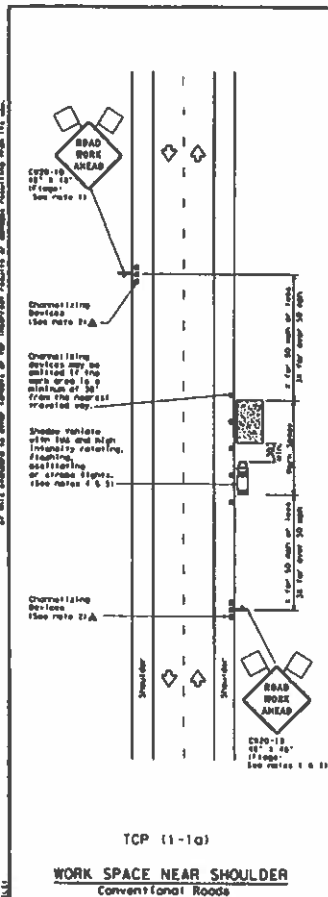
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Exhibit A

Barlow

CARRIER PIPE Matterhorn Express 12" Dow Katy Lateral

CASING PIPE N/A

1. Outside Diameter <i>in.</i> (D)	12.75	1. Outside Diameter <i>in.</i>	N/A
2. Wall Thickness <i>in.</i> (t)	0.375	2. Wall Thickness <i>in.</i>	N/A
3. Material Specifications	API 5L, PSL2	3. Material Specifications	N/A
4. Minimum Yield Strength (S)	52,000 PSI	4. Minimum Yield Strength	N/A
5. Design Factor (F)	0.5		
6. Longitudinal/Seam Joint Factor (E)	1.00		
7. Temperature Derating Factor (T)	1.00		
8. Max. Operating Pressure/MAOP	1,440 PSI		
9. Design Pressure (P)	1,440 PSI		

The pipeline material and design must meet minimum Federal Safety Standards stated in 49 CFR:

Gas Pipeline Part 192 subpart C

$$P = ((2 \times S \times (t/D)) \times F \times E \times T)$$

Design Factor (F): See § 192.111

Longitudinal Joint Factor (E): See § 192.113

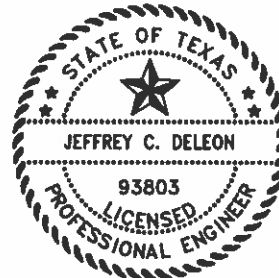
Temperature Derating Factor (T): See § 192.115

Liquid Pipeline Part 195 subpart C

$$P = ((2 \times S \times (t/D)) \times E \times F)$$

Seam Joint Factor (E): See § 195.106

Design Factor (F): See § 195.106



TX PE FIRM #F-2830

Barlow Calculation Below

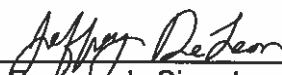
$$P = ((2 \times S \times (t/D)) \times F \times E \times T)$$

$$P = 2 \times 52,000 \times (0.375 / 12.75) \times 0.5 \times 1.0 \times 1.0$$

$$P = 1,529 \text{ psi}$$

Conclusion

The proposed pipe wall thickness passes requirements of 49 CFR 195 and 49 CFR 192.


Engineer's Signature

2-2-2024

Date

Dow Katy-Waller County 0.375" WT



100 Congress Avenue, Suite 2200
Austin, Texas 78701

Date: February 22, 2024

Waller County Engineer's Office

Attn: Tesa Hogan and Wayne Karstadt (Site Development)
775 Business 290 East
Hempstead, TX 77445

RE: Matterhorn Express Pipeline, LLC – 12" Natural Gas Pipeline
Notice of Proposed Utility Work in Waller County Right-of-Way Submittal (2 Crossings)

Ms. Hogan and Mr. Karstadt,

My name is Chelsea Popp and, on behalf of Norfleet Land Services, I represent Matterhorn Express Pipeline, LLC. Matterhorn Express Pipeline, LLC (MXP) proposes to install, operate, and maintain a new pipeline and appurtenant facilities for the transportation of natural gas, being approximately 597 miles in total length from Rankin, Texas to Wharton County, Texas and including a lateral pipeline which extends from the KM Texas Katy Meter Station on Property R11077 to the Dow Katy Lateral Meter Station on Property R11536 near Katy, Texas. This "Dow Katy Lateral", a portion of which will cross through Waller County, Texas, is a proposed 12" steel diameter pipeline.

Matterhorn Express Pipeline, LLC respectfully requests approval from Waller County Engineer's Office to install the underground pipeline via bore construction method under the following County Roads in Waller County:

**Morton Rd.
Schlipf Rd.**

Construction on the MXP project is expected to begin on or around March 1st, 2024.

According to the previous "Requirements for Waller County Utilities Installation Permit" document, the permit fee is anticipated to be \$100.00 per crossing. I do not see this fee requirement on the newest version of the "Requirements" online. Is this \$100.00 fee still required? If so, it will be paid upon confirmation from the Waller County Engineer's Office. It is understood that a restoration bond will be required. The bond will be submitted after the amount is determined by the County.

Enclosed are the partially executed Notice of Proposed Utility Work in Waller County Right-of-Way for each crossing, Barlow Calculation Sheets, Engineering Plan and Profile Drawings for each crossing location and the Traffic Control Plan. I will be happy to provide any additional materials or information if needed.

With sincerest thanks,

Chelsea Popp
Permit Agent, Norfleet Land Services

(337) 288-9777
Chelsea.popp@norfleetland.com
1003 Hasskarl Dr.
Brenham, TX 77833

CHUBB

Surety
202B Halls Mill Road, PO Box 1650
Whitehouse Station, NJ 08889-1650

O + 908.903.3485
F + 908.903.3656

Federal Insurance Company

License/Permit Bond

Bond No. K41735235

Know All Men By These Presents,

That we,

Troy Construction, LLC

8521 McHard Road, Houston, TX 77053

as Principal,

and the FEDERAL INSURANCE COMPANY, a corporation duly organized under the laws of the State of Indiana, (hereinunder called the Surety), as Surety, are held and firmly bound unto

Waller County

775 Bus Hwy 290 East, Hempstead, TX 77445

as Obligee, in the sum of

Five Thousand Dollars and 00/100

Dollars

(\$ 5,000.00), for the payment of which sum, well and truly to be made, the Principal and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS the Principal has applied for, or obtained from, Obligee a

Dow Katy Lateral – MXP 23.1.1.06 –
24.UP.006 Schlipf Road Utility Permit

☐ License or ☒ Permit the term of which is as indicated opposite the block checked below:

☒ Continuous, beginning February 27, 2024, in which case the bond may be cancelled by Surety as to subsequent liability by giving thirty (30) days notice (or the minimum period required by law, whichever is greater) in writing to Obligee.

☐ Beginning _____ and ending _____, in which case the bond may be continued by Certificate executed by Surety.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, that if the above bounden Principal as such licensee or permittee shall indemnify said Obligee against all loss, costs, expenses or damage to it caused by said Principal's non-compliance with or breach of any laws, statutes, ordinances, rules or regulations pertaining to such license or permit issued to the Principal, which said breach or non-compliance shall occur during the term of this bond, then this obligation shall be void, otherwise to remain in full force and effect.

PROVIDED that regardless of the number of years this bond shall continue or be continued in force and of the number of premiums that shall be payable or paid, the Surety shall not be liable hereunder for a larger amount, in the aggregate, than the amount of the bond.

Signed, sealed and dated February 27, 2024.

Troy Construction, LLC

By [Signature]

Federal Insurance Company

By [Signature]

Lacey Hitchcock

Attorney In Fact





Power of Attorney

Federal Insurance Company | Vigilant Insurance Company | Pacific Indemnity Company
Westchester Fire Insurance Company | ACE American Insurance Company

Know All by These Presents, that **FEDERAL INSURANCE COMPANY**, an Indiana corporation, **VIGILANT INSURANCE COMPANY**, a New York corporation, **PACIFIC INDEMNITY COMPANY**, a Wisconsin corporation, **WESTCHESTER FIRE INSURANCE COMPANY** and **ACE AMERICAN INSURANCE COMPANY** corporations of the Commonwealth of Pennsylvania, do each hereby constitute and appoint Stacey Bosley, Ashley Britt, Robert C. Davis, Will Duke, Lacey Hitchcock, Nikole Jeannette, Lucas Lomax, Barry K. McCord, David T. Miclette, Jennifer Mitchell, Robert M. Overbey Jr. and Stacy Owens of Houston Texas; Rita G. Gulizo and Norma Touns of New Orleans, Louisiana

each as their true and lawful Attorney-in-Fact to execute under such designation in their names and to affix their corporate seals to and deliver for and on their behalf as surety thereon or otherwise, bonds and undertakings and other writings obligatory in the nature thereof (other than bail bonds) given or executed in the course of business, and any instruments amending or altering the same, and consents to the modification or alteration of any instrument referred to in said bonds or obligations.

In Witness Whereof, said **FEDERAL INSURANCE COMPANY**, **VIGILANT INSURANCE COMPANY**, **PACIFIC INDEMNITY COMPANY**, **WESTCHESTER FIRE INSURANCE COMPANY** and **ACE AMERICAN INSURANCE COMPANY** have each executed and attested these presents and affixed their corporate seals on this 31st day of August, 2023.

Dawn M. Chloros

Dawn M. Chloros, Assistant Secretary

Stephen M. Haney

Stephen M. Haney, Vice President



STATE OF NEW JERSEY
County of Hunterdon

SS.

On this 31st day of August 2023 before me, a Notary Public of New Jersey, personally came Dawn M. Chloros and Stephen M. Haney, to me known to be Assistant Secretary and Vice President, respectively, of **FEDERAL INSURANCE COMPANY**, **VIGILANT INSURANCE COMPANY**, **PACIFIC INDEMNITY COMPANY**, **WESTCHESTER FIRE INSURANCE COMPANY** and **ACE AMERICAN INSURANCE COMPANY**, the companies which executed the foregoing Power of Attorney, and the said Dawn M. Chloros and Stephen M. Haney, being by me duly sworn, severally and each for herself and himself did depose and say that they are Assistant Secretary and Vice President, respectively, of **FEDERAL INSURANCE COMPANY**, **VIGILANT INSURANCE COMPANY**, **PACIFIC INDEMNITY COMPANY**, **WESTCHESTER FIRE INSURANCE COMPANY** and **ACE AMERICAN INSURANCE COMPANY** and know the corporate seals thereof, that the seals affixed to the foregoing Power of Attorney are such corporate seals and were thereto affixed by authority of said Companies; and that their signatures as such officers were duly affixed and subscribed by like authority.

Notarial Seal



Albert Contursi
NOTARY PUBLIC OF NEW JERSEY
No 50202369
Commission Expires August 22, 2027

Albert Contursi
Notary Public

CERTIFICATION

Resolutions adopted by the Boards of Directors of **FEDERAL INSURANCE COMPANY**, **VIGILANT INSURANCE COMPANY**, and **PACIFIC INDEMNITY COMPANY** on August 30, 2016; **WESTCHESTER FIRE INSURANCE COMPANY** on December 11, 2006; and **ACE AMERICAN INSURANCE COMPANY** on March 20, 2009:

"RESOLVED, that the following authorizations relate to the execution, for and on behalf of the Company, of bonds, undertakings, recognizances, contracts and other written commitments of the Company entered into in the ordinary course of business (each a "Written Commitment"):

- (1) Each of the Chairman, the President and the Vice Presidents of the Company is hereby authorized to execute any Written Commitment for and on behalf of the Company, under the seal of the Company or otherwise.
- (2) Each duly appointed attorney-in-fact of the Company is hereby authorized to execute any Written Commitment for and on behalf of the Company, under the seal of the Company or otherwise, to the extent that such action is authorized by the grant of powers provided for in such person's written appointment as such attorney-in-fact.
- (3) Each of the Chairman, the President and the Vice Presidents of the Company is hereby authorized, for and on behalf of the Company, to appoint in writing any person the attorney-in-fact of the Company with full power and authority to execute, for and on behalf of the Company, under the seal of the Company or otherwise, such Written Commitments of the Company as may be specified in such written appointment, which specification may be by general type or class of Written Commitments or by specification of one or more particular Written Commitments.
- (4) Each of the Chairman, the President and the Vice Presidents of the Company is hereby authorized, for and on behalf of the Company, to delegate in writing to any other officer of the Company the authority to execute, for and on behalf of the Company, under the Company's seal or otherwise, such Written Commitments of the Company as are specified in such written delegation, which specification may be by general type or class of Written Commitments or by specification of one or more particular Written Commitments.
- (5) The signature of any officer or other person executing any Written Commitment or appointment or delegation pursuant to this Resolution, and the seal of the Company, may be affixed by facsimile on such Written Commitment or written appointment or delegation.

FURTHER RESOLVED, that the foregoing Resolution shall not be deemed to be an exclusive statement of the powers and authority of officers, employees and other persons to act for and on behalf of the Company, and such Resolution shall not limit or otherwise affect the exercise of any such power or authority otherwise validly granted or vested."

I, Dawn M. Chloros, Assistant Secretary of **FEDERAL INSURANCE COMPANY**, **VIGILANT INSURANCE COMPANY**, **PACIFIC INDEMNITY COMPANY**, **WESTCHESTER FIRE INSURANCE COMPANY** and **ACE AMERICAN INSURANCE COMPANY** (the "Companies") do hereby certify that

- (i) the foregoing Resolutions adopted by the Board of Directors of the Companies are true, correct and in full force and effect,
- (ii) the foregoing Power of Attorney is true, correct and in full force and effect.

Given under my hand and seals of said Companies at Whitehouse Station, NJ, this **February 27, 2024.**



Dawn M. Chloros

Dawn M. Chloros, Assistant Secretary

IN THE EVENT YOU WISH TO VERIFY THE AUTHENTICITY OF THIS BOND OR NOTIFY US OF ANY OTHER MATTER, PLEASE CONTACT US AT:

Telephone (908) 903-3493

Fax (908) 903-3656

e-mail: surety@chubb.com

POLICYHOLDER INFORMATION NOTICE***IMPORTANT NOTICE***

To obtain information or make a complaint:

You may call Chubb's toll-free telephone number for information or to make a complaint at

1-800-36-CHUBB

You may send information to Chubb at:

Eastern Claim Service Center
600 Independence Parkway
Chesapeake, VA 23320
Attn: Surety Support
Phone: 800-252-4670 Fax: 800-664-5358

You may contact the Texas Department of Insurance to obtain information on companies, coverages, rights or complaints at

1-800-252-3439

You may write the Texas Department of Insurance

P.O. Box 149104
Austin, TX 78714-9104
FAX # (512) 475-1771
Web: <http://www.tdi.state.tx.us>
E-mail: ConsumerProtection@tdi.state.tx.us

PREMIUM OR CLAIM DISPUTES:

Should you have a dispute concerning your premium or about a claim you should contact the agent first. If the dispute is not resolved, you may contact the Texas Department of Insurance.

ATTACH THIS NOTICE TO YOUR POLICY:

This notice is for information only and does not become a part or condition of the attached document.

AVISO IMPORTANTE

Para obtener información o para someter una queja:

Usted puede llamar al número de teléfono gratis de Chubb's para información o para someter una queja al

1-800-36-CHUBB

Usted puede enviar información a Chubb en:

Eastern Claim Service Center
600 Independence Parkway
Chesapeake, VA 23320
Attn: Surety Support
Phone: 800-252-4670 Fax: 800-664-5358

Puede comunicarse con el Departamento de Seguros de Texas para obtener información acerca de compañías, coberturas, derechos o quejas al

1-800-252-3439

Puede escribir al Departamento de Seguros de Texas

P.O. Box 149104
Austin, TX 78714-9104
FAX # (512) 475-1771
Web: <http://www.tdi.state.tx.us>
E-mail: ConsumerProtection@tdi.state.tx.us

DISPUTA SOBRE PRIMAS O RECLAMOS:

Si tiene una disputa concerniente a su prima o a un reclamo, debe comunicarse con el agente primero. Si no se resuelve la disputa, puede entonces comunicarse con el departamento (TDI).

UNA ESTE AVISO A SU POLIZA:

Este aviso es solo para propósito de información y no se convierte en parte o condición del documento adjunto.