



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

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

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DRAINAGE DISTRICT CROSSING PERMIT APPLICATION PACKET

Contact the Hidalgo County Drainage District General 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 structural 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 General Manager.



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THE STATE OF TEXAS

COUNTY OF HIDALGO

APPLICATION AND AGREEMENT FOR DRAINAGE DISTRICT CROSSING 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 a drainage ditch crossing 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 or to own the drainage ditch crossing (please indicate if same as Applicant): _____

3. Name and Address of operator of crossing structure (please indicate if same as Applicant):

4. Name and Address of contractor to install crossing structure: _____



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5. Estimated date of installation of crossing structure: _____

6. Location of crossing structure (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 crossing structure easements acquired: _____



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9. Number and size of crossing structures: _____

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

11. Where is the origin of the crossing structure?

12. Where is the destination of the crossing structure? _____

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

1. All crossing structures herein will be placed above the 100 year base flood elevation above existing or planned channel cross sections flow line of ditch as measured from the lowest point of the crossing structure.
2. Location map, profile, and plans concerning the proposed crossing structure will be furnished with this application.
3. HCDD will be notified in writing ten days prior to the beginning date of construction under this permit.



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4. Applicant will bear the entire expense of all future relocations of any crossing structure 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 crossing structure is 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 whole or in part from the negligence of the HCDD.

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.



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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 crossing structure, 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 structures, 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 it 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.
11. Applicant will install its crossing structure 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 representative may deem necessary to assure that the construction of the crossing structure 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



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is being made. Should Applicant not install the crossing structure 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 crossing structure 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 crossing structure is not being installed/constructed 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 crossing structure without first securing a new or amended permit from HCDD prior to the making of any such change. Applicant will maintain the crossing structure hereby authorized in good and safe condition, and in accordance with plans, specifications, and this permit.
13. 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 crossing structure to cross at a single crossing location.

Requests to add additional crossing structures, 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 crossing structure 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.



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14. The Applicant is allowed one hundred twenty days (120) from the granting of the permit to start construction of the crossing structure. 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 13 hereof, will be charged for each extension granted.

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

15. All provisions of the Drainage District 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.
16. 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 crossing structure in the manner set forth herein.
17. This Drainage District Crossing Permit if granted by HCDD is subject to any and all other requirements, specifications and conditions listed in Exhibit A attached hereto.
18. HCDD requires the coordinates and elevations of all crossings in NAD 1983 and NAVD 1988 State Plane Texas South for each crossing structure.
19. 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.



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20. 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 Drainage District Crossing 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 Drainage Ditch Crossing 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

Chairman, of the Board



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EXHIBIT A

The design shall be in accordance with AASHTO LRFD and ASCE 7-10 standard specifications, load combinations and load factors.

The construction shall be in compliance with ASTM and TxDOT standards for material testing.

The walkway shall comply with accessibility codes and shall be ADA compliant.

Lighting shall be in accordance with AASHTO and ANSI/IESNA standard specifications.

All building code requirements shall be met, when applicable.

A geotechnical investigation that includes soil borings at each proposed support location shall be submitted.

Drainage along walkway shall be taken into account.

The structure shall be above the 100 year water elevation. Calculation must be submitted to the district for review and approval.