

# CASS COUNTY HIGHWAY DEPARTMENT UTILITY PERMIT

NuStar Pipeline Operating Partnership L.P., 19003 IH-10 West, San Antonio, TX 78257

Applicants Name

Company

THE APPLICANT is hereby granted permission to install and maintain the following described facilities on highway right of way, as shown on the plans attached hereto and made a part hereof:

INSTALLATION AND MAINTENANCE: Installation and maintenance of said facilities on highway right of way shall conform to the following provisions:

- 1) Within thirty (30) days after construction, maintenance, relocation, or removal of said facilities, any right of way scars shall be removed and disturbed areas reseeded and restored to original conditions. The area will be maintained by the applicant or a period of one (1) year from the date of completion.
- 2) The utility shall be placed at a minimum depth of 42 inches below the ditch elevation within 100 feet of the centerline of the road.
- 3) The utility shall be placed under all County roads by means of pipe, pushed at a minimum depth of 42 inches under the road surface.
- 4) Marker posts shall be installed on all crossings on the right of way line or farther from the centerline of the road.

TERMS AND CONDITIONS: Installation and maintenance of said facilities on highway right of way shall be subject to the following terms and conditions:

- 1) Installation, maintenance, relocation, and removal of said facilities on highway right of way shall be done in a manner satisfactory to the Board of County Commissioners, not to be unreasonably conditioned, withheld or delayed.
- 2) The County shall not be liable for damage to said facilities resulting from reconstruction or maintenance of the highway unless and to the extent caused by or resulting from the County, its employees, agents, and contractors' acts or omissions. Applicant shall hold the County harmless for injury to persons or damage to property resulting from the location of said facilities on highway right of way if and to the extent such injury or damage was caused by the negligence or willful misconduct of Applicant, its affiliates and its and their employees, agents and contractors.
- 3) Applicant shall repair or replace highway structures and appurtenances and any existing facilities located on, over, or under highway right of way, to the extent damaged as a result of the installation and maintenance of said facilities on highway right of way.
- 4) Applicant shall within 120 days, subject to a day-for-day extension due to force majeure, remove said facilities from highway right of way, shall relocate, or adjust said facilities, at its sole cost and expense when requested in writing to so do by the Board of County Commissioners.
- 5) Applicant shall, upon installation and restoration, call the Cass County Highway Department for inspection.

Applicant hereby agrees to the above terms and conditions and when this application is signed by both the applicant and the County, it shall become a permit to do the work herein described.

Highway 13 (166<sup>th</sup> Ave. SE)

Raymond, NE ¼ Sec 16 & NW ¼ Sec 15

County Highway Number

Township/Section(s)

Carin Hoch, Vice President, NuStar Pipeline Operating Partnership L.P.

By and through its general partner, NuStar Pipeline Company LLC

*Allen Hoct*

Applicant Signature *Vice-President*

*12/18/2015*

Date

*[Signature]*

Authorized Highway Department Signature

*1/7/16*

Date Approved

APPROVED  
LEGAL  
*[Signature]*