



WALKER COUNTY COMMISSIONERS COURT

1100 University Avenue
Huntsville, Texas 77340
936-436-4910



DANNY PIERCE
County Judge

DANNY KUYKENDALL
Commissioner, Precinct 1

RONNIE WHITE
Commissioner, Precinct 2

AGENDA
SPECIAL SESSION
MONDAY, FEBRUARY 7, 2022
9:00 A.M.
ROOM 104

BILL DAUGETTE
Commissioner, Precinct 3

JIMMY D. HENRY
Commissioner, Precinct 4

CALL TO ORDER

- Announcement by the County Judge whether a quorum is present.
- Certification that public Notice of Meeting was given in accordance with the provisions of Section 551.001 et. Seq. of the Texas Government Code.

GENERAL ITEMS

- Prayer – Pastor James Necker
- Pledge of Allegiance
- Texas Pledge – “Honor the Texas Flag, I pledge allegiance to thee, Texas, one state under God, one and indivisible”
- Citizens Input – Agenda Items

CONSENT AGENDA

None

STATUTORY AGENDA

Planning and Development

1. Discuss and take action related to the Certification of Streets and Roads Waverly Place Subdivision, Section One. – Andy Isbell
2. Discuss and take action related to the “Maintenance Bond” guaranteeing the “Paving improvements and related appurtenances, as performed, with plans issued by Ronald A Young, PE (dated 2/09/2021) for Waverly Place Section One an Addition in the ETJ of New Waverly, Texas in Walker County, Texas.” – Andy Isbell
3. Discuss and take action on variance(s) to the Walker County On-site Sewage Facility Regulations related to application # 2021-0543 Allen and Bobby Powell and existing OSSF located on or about 94 FM 2693. – Andy Isbell

EXECUTIVE SESSION

If during the course of the meeting covered by this notice, Commissioners Court shall determine that a closed meeting of the Court is required, then such closed meeting as authorized by Texas Government Code 551, subchapter D, will be held by the Commissioners Court at the date, hour, and place in this notice or as soon after the commencement of the meeting covered by this notice as the Commissioners Court may conveniently meet in such closed meeting concerning any and all subjects and for any and all purposes permitted by Chapter 551, subchapter D, inclusive of said Texas Government Code, including but not limited to:

Section 551.071 For the purpose of private consultation between the Commissioners Court and its attorney when the attorney’s advice with respect to pending or contemplated litigation settlement offers, and matters where the duty of the Commissioners Court counsel to his client pursuant to the Code of Professional Responsibility of the State Bar of Texas clearly conflicts with the Open Meetings Act.

Section 551.072 For the purpose of discussion with respect to the purchase, exchange, lease, or value of real property, if deliberation in an open meeting would have a detrimental effect on the position of the Commissioners Court in negotiations with a third person

Section 551.073 For the purpose of deliberation regarding prospective gifts or to deliberate a negotiated contract for prospective gift or donation to the Commissioners Court or Walker County, if deliberation in an open meeting would have a detrimental effect on the position of the Commissioners Court in negotiations with a third person.

Section 551.074 For the purpose of considering the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee or to hear complaints or charges against a public officer or employee, unless such officer or employee requests a public hearing.

Section 551.076 To discuss the deployment, or specific occasions for implementation of security personnel or devices.

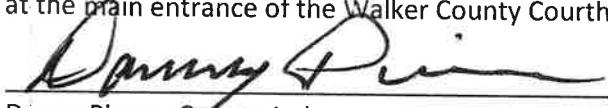
Section 551.086 Deliberation regarding economic development negotiations.

INFORMATION ITEMS

- Public Comment – Non-agenda items
- Questions from the media
- Commissioners Court

ADJOURN

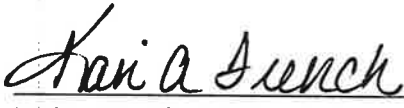
On this 2nd day of February, 2022, the Executive Administrator to the County Judge filed this notice, and was posted at the main entrance of the Walker County Courthouse.



Danny Pierce, County Judge

I, the undersigned County Clerk, do hereby state that the above Notice of Meeting of the above named Commissioners' Court, is a true and correct copy of said Notice, and I posted a true and correct copy of said Notice on the Courthouse Public Notices area of Huntsville, Walker County, Texas, at a place readily accessible to the general public at all times on the 2nd day of February, 2022, and said Notice remained so posted continuously for at least 72 hours proceeding the scheduled time of said meeting.


Dated this 2nd day of February, 2022.



Kari A. French, County Clerk

FILED FOR POSTING
At 10:02 o'clock A M

FEB 02 2022

KARI FRENCH, COUNTY CLERK
WALKER COUNTY, TEXAS
By  Deputy

**CERTIFICATION OF STREETS AND ROADS
WAVERLY PLACE SUBDIVISION, SECTION 1 (2019-023)
ORDER # 2021-36**

The Commissioners Court of Walker County, Texas does hereby grant an order approving/denying the certification of the substantial completion of the regulated infrastructure including streets, roads, and related drainage improvements as approved in the plans for **Waverly Place Subdivision, Section 1 (Application # 2019-023)**. The Commissioners Court has determined the regulated improvements are/are not in substantial compliance with the requirements of the Walker County Subdivision Regulations and/or specific variances granted by Commissioners Court action.

This order is issued in reliance upon and conditioned on, the plans, studies, inspections, and certifications as presented by the applicant and applicant's contractors, including but not limited to James C. Hassell, Ronald A. Young, P.E. , Albert E. Hall, R.P.L.S., and Terracon Consultants, Inc.

This order is further conditioned upon the items listed in the attached letter from Bleyl and Associates Engineering dated February 8, 2021 being completed prior to the expiration of the maintenance bond.

This order applies to the review of infrastructure as required and regulated under the Walker County Subdivision Regulations as called for in Section 7.7 of same, and is issued only in relation to the regulatory compliance of said infrastructure. This order is not intended to reflect any certification related to the installation of utilities or other improvements that may have been included in the plans or installed within the subdivision/project outside of the regulated infrastructure. This order does not act to accept the subject facilities into public maintenance.


Attachments: Developer's Certification, Engineer's Certification, Bleyl and Associates Letter dated 2/08/2021.

STATE OF TEXAS §
COUNTY OF WALKER §

This is to certify that the Commissioner Court of Walker County, Texas has on this **9th day of February, 2021**, approved this.



ROBERT D. PIERCE, County Judge



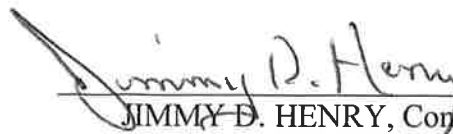
DANNY KUYKENDALL., Comm. Prec. 1



RONNIE WHITE, Comm. Prec. 2



BILL DAUGETTE, Comm. Prec. 3

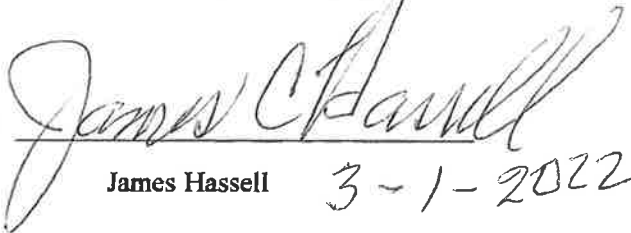


JIMMY D. HENRY, Comm. Prec. 4

I, James Hassell, agree to the conditions and requirements as outlined in the Commissioners Court Order for the certification of streets and roads for Section 1 of the Waverly Place Subdivision, including but not limited to the completion of all items listed in the letter from Bleyl and Associates dated 2/08/2021 within the 12 month period of the maintenance bond, and further agree that:

- a. This certification does not obligate the County to maintain the streets, drainage, or appurtenances. It only signifies compliance with the County's minimum regulatory standard.
- b. The one-year maintenance period begins the date the Commissioners Court issues the certification or an alternate date specified by the Commissioners Court.
- c. A final inspection will be performed at the discretion of the County, one year after the certification date to verify the above items are addressed and confirm the improvements are free from defects. All defects discovered during the final inspection must be corrected by the applicant.
- d. The Bleyl Letter is not intended to waive the applicant's responsibility to comply with applicable laws, regulations, and orders. Bleyl Engineering has conducted this inspection on behalf of Walker County. Bleyl Engineering and Walker County do not accept any responsibility for the design or accuracy of construction. All construction shall meet the regulations adopted by Walker County.

Signed


James Hassell 3-1-2022

February 5, 2021

Andrew Isbell
Director of Planning and Development
Walker County, Texas

Re: Waverly Place, Sec. 1

Mr. Isbell,

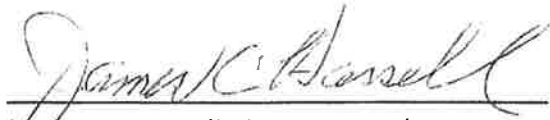
All punch list items have been completed as per the instructions of your engineer.



James C. Hassell

December 16, 2020

I, James C. Hassell, Owner-Developer, certify that all roads, drainage, and public infrastructure shown on the approved plans titled Waverly Place, Section One and dated 6/15/2020 have been constructed as designed and in accordance with the requirements of the Walker County Subdivision Regulations and any variances as granted by the Walker County Commissioners Court.

A handwritten signature in dark ink, appearing to read "James C. Hassell", written over a horizontal line.

James C. Hassell, Owner Developer
2025 Eagle View Dr.
Navasota, Texas 77868

RONALD A. YOUNG, P.E.

802 TRAIL LAKE DRIVE

EULESS, TX 76039

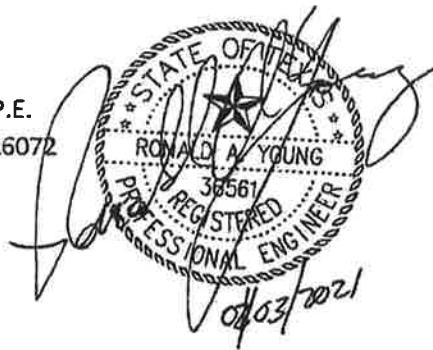
817-875-5478

FIRM NO. F-16072

February 3, 2021

I, Ronald A. Young, P.E. the undersigned Professional Engineer certify that all roads, drainage, and public infrastructure shown on the approved plans titled Waverly Place, Section One and dated 6/15/2020, and amended 2/3/21, have been substantially constructed as designed and in accordance with the requirements of the Walker County Subdivision Regulations and any written variances as granted by the Walker County Commissioners Court.

Ronald A. Young, P.E.
Texas Firm No. F-16072





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100 Nugent Street
Conroe, TX 77301
(936) 441-7833

February 8, 2021

Mr. Andrew Isbell
Walker County Planning & Development
1313 University Avenue
Huntsville, TX 77340

Re: Road and Drainage Certification
Waverly Place (90500-408)
Walker County

Mr. Isbell:

We inspected the roads and drainage per the construction plans for Waverly Place Section One, latest revisions February 3, 2021, prepared by Mr. Ronald A. Young, PE. Based on the Engineer's certification and our cursory inspection, we consider the construction substantially complete, and we offer no objection to road and drainage certification.

Please note that we recommend the following items be completed within the one-year maintenance period, prior to the expiration of the maintenance bond:

1. Per the TPDES General Permit, "a uniform (i.e., evenly distributed, without large bare areas) perennial vegetative cover with a density of at least 70% of the native background vegetative cover for the area [shall be] established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) [shall be] employed."
2. Provide Project Notice of Termination as related to the TPDES General Permit.
3. Remove silt and debris from streets right of ways and drainage ways.
4. The steep slopes on Temple Lane ROW near the Luther Dean Lane Intersection (Block 3 Lots 6, 7, & 8 and Block 1 Lots 17, 18, & 19) are eroding. Redress this area until grass is established.
5. Per the construction plans, the home builder is responsible for filling low areas within the platted lots. The low areas include, but are not limited to, areas upstream of:
 - a. Jim Hall Lane STA 5+00 and STA 50+00,
 - b. Line A-1 (Outfall Storm Pipe West of Jim Hall Lane),
 - c. Temple Lane North Cul-De-Sac,
 - d. Leila Lane STA 17+50, and
 - e. Luther Dean Lane STA 4+50.
6. Install rip rap where the 54" pipe from Jim Hall Lane outfalls into the creek per the construction plans.
7. Eliminate the water ponding north of the Temple Lane cul-de-sac on the adjacent property.
8. Construct the emergency outfall of Pond C per the construction plans. The plans call for a 25' wide overflow, but less than 18' was constructed.

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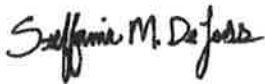
Tex Reg. No. F-678

In addition, the following items should be acknowledged by the application:

9. This certification does not obligate the County to maintain the streets, drainage, or appurtenances. It only signifies compliance with the County's minimum standard.
10. The one-year maintenance period begins the date the Commissioners Court issues the certification or an alternate date specified by the Commissioners Court.
11. A final inspection will be performed at the discretion of the County, one year after the certification date to verify the above items are addressed and confirm the improvements are free from defects. All defects discovered during the final inspection must be corrected by the applicant.
12. This letter is not intended to waive the applicant's responsibility to comply with applicable laws, regulations, and orders. Bleyl Engineering has conducted this inspection on behalf of Walker County. Bleyl Engineering and Walker County do not accept any responsibility for the design or accuracy of construction. All construction shall meet the regulations adopted by Walker County.

Please contact me at 936.441.7833 or sdeloss@bleylengineering.com if you have questions or require additional information.

Sincerely,



Steffanie M. DeLoss, PE
Sr. Project Manager
Bleyl Engineering

f:\90500s\90500 walker county general\400 inspections\408 waverly place sec 1\210208 waverly place 1 certification.docx

January 21, 2022

Lindsey Construction Company
P. O. Box 73169
Houston, TX 77273

Dear Mr. Lindsey,

Attached is a copy of your one year walk thru at Waverly Place, Walker County, Texas. All the items referring to erosion to the pond and the grass establishment are not your responsibility. Someone else put out the grass and will handle that part of the one-year maintenance.

Sincerely,



James Hassell

J & H Navasota Development
2025 Eagle View Dr.
Navasota, TX 77868

CC:

Argonaut Insurance Company
P. O. Box 469011
San Antonio, Texas 78246



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100 Nugent Street
Conroe, TX 77301
(936) 441-7833

December 8, 2021

Walker County
1313 University Avenue
Huntsville, Texas 77340

Attention: Andrew Isbell, Director of Planning & Development

Reference: Subdivision One Year Warranty Walkthrough Inspection for Waverly Place
Subdivision

Attendees: Andrew Isbell, Director of Planning & Development
Steffanie DeLoss, P.E., Bleyl Engineering
Pat Riley, Construction Manager, Bleyl Engineering
Doug Phillips, Inspector, Bleyl Engineering

Bleyl No. 90500-408

Bleyl Engineering ("Engineer") performed a one-year warranty inspection on behalf of Walker County for the Waverly Place Subdivision and found the following items (numbers corresponds with the location on the map and the pictures).

Item:

1. Drainage gutter erosion – need to fill and establish grass
2. Inlet has silt built up with erosion, drainage may need to be regraded, clean silt and regrade
3. General top erosion and silt, no established grass. Need to regrade to fill in erosion and establish grass
4. Clean silt from inside and outside of inlet
5. Clean silt from inside and outside of inlet
6. Outfall structure has major erosion, drainage at the structure not working properly, need permanent solution on erosion control, regrade, establish grass, very large bank washes that need to be repaired on the creek
7. Inlet seems to not work, regrade, clean silt, establish grass
8. Flow bypassing headworks
9. Inlet needs to be reworked with a better permanent solution; erosion evident, adjacent flow blocked
10. Bank erosion
11. Compaction issue
12. Erosion at head wall corners, regrade
13. Take out trash and regrade for proper drainage, this was on previous punch list and Commissioners requested this done. This needs to be done on all lots affected.

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14. Drainage pipe showing
15. Unserviceable slope, may need more rock or rip rap
16. Outfall structure not connected to the pipe
17. Remove silt
18. All channelized drainage between homes will need to be addressed before County to accept
19. Redesign of drainage through lots before County accepts
20. Ponding in drainage at street, regrade length of drainage, repair erosion, drainage is bypassing designated drainage
21. Repair erosion on bank wall, rip rap may need to be repaired
22. Significant erosion and silt in creek
23. Ponding in drainage at street

General Notes

1. All storm sewers should be clear of silt and debris
2. All driveways at the back of curb shall have 1/4"x1/4" trowel groove and sealed joint. The sealant shall be a low modulus silicone or polyurethane sealant.
3. Establish a perennial vegetative cover. Per the TPDES General Permit, "a uniform (i.e., evenly distributed, without large bare areas) perennial vegetative cover with a density of at least 70% of the native background vegetative cover for the area [shall be] established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) [shall be] employed.
4. Provide Project Notice of Termination as related to the TPDES General Permit.
5. Remove silt and debris from streets right of ways and drainage ways.
6. Per the construction plans, the home builder is responsible for filling low areas within the platted lots. Many low areas still exist.
7. This document is not intended to waive the applicant's responsibility to comply with applicable laws, regulations, and orders. Bleyle Engineering has conducted this inspection on behalf of Walker County. All construction shall meet the regulations adopted by Walker County.

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Jim Hall Lot 15 South of Cul-De-Sac

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Jim Hall Lot 15 South of Cul-De-Sac



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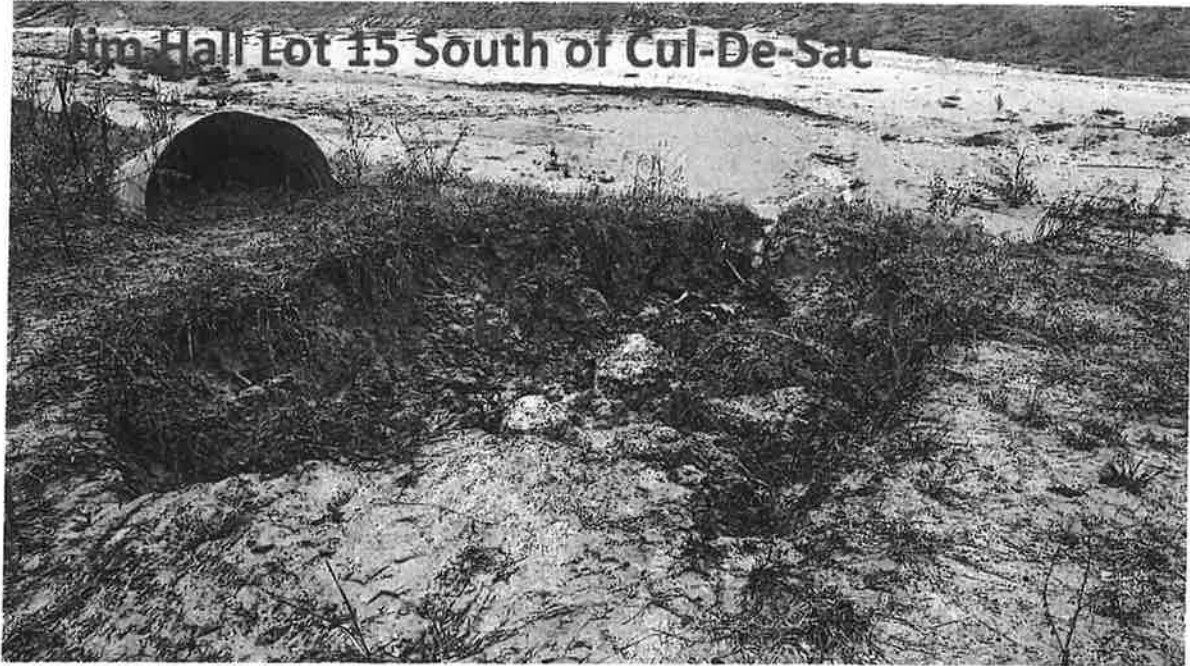
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Jim Hall Lot 15 South of Cul-De-Sac



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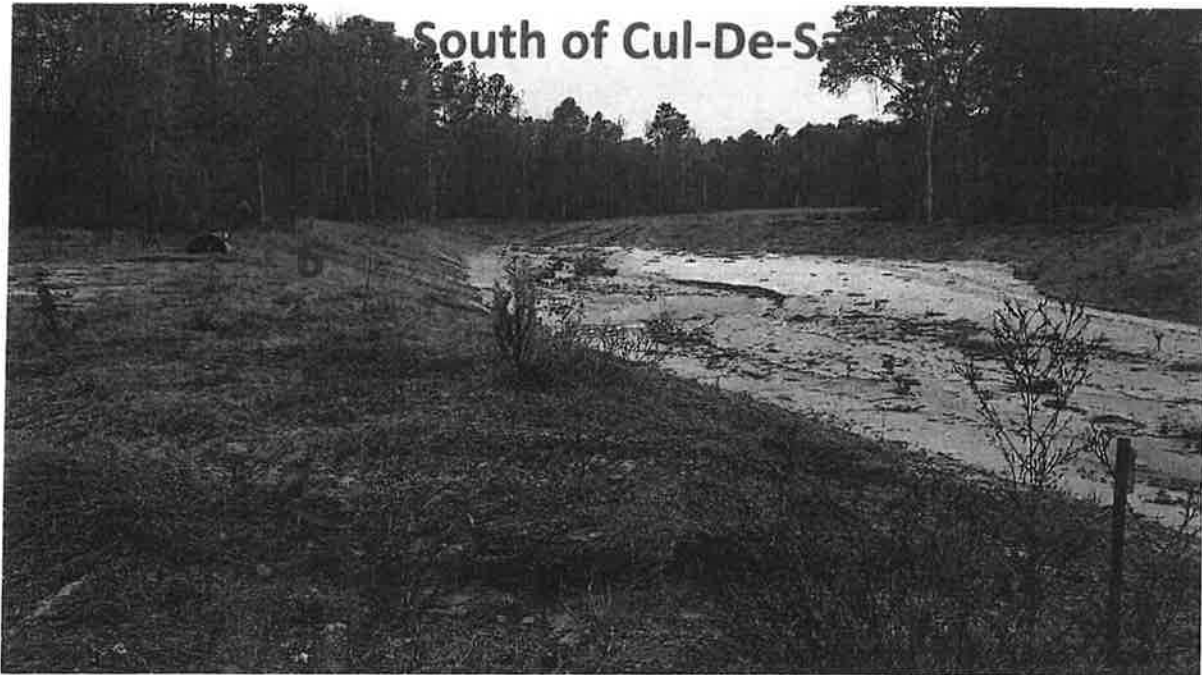
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Jim Hall **South of Cul-De-Sac**

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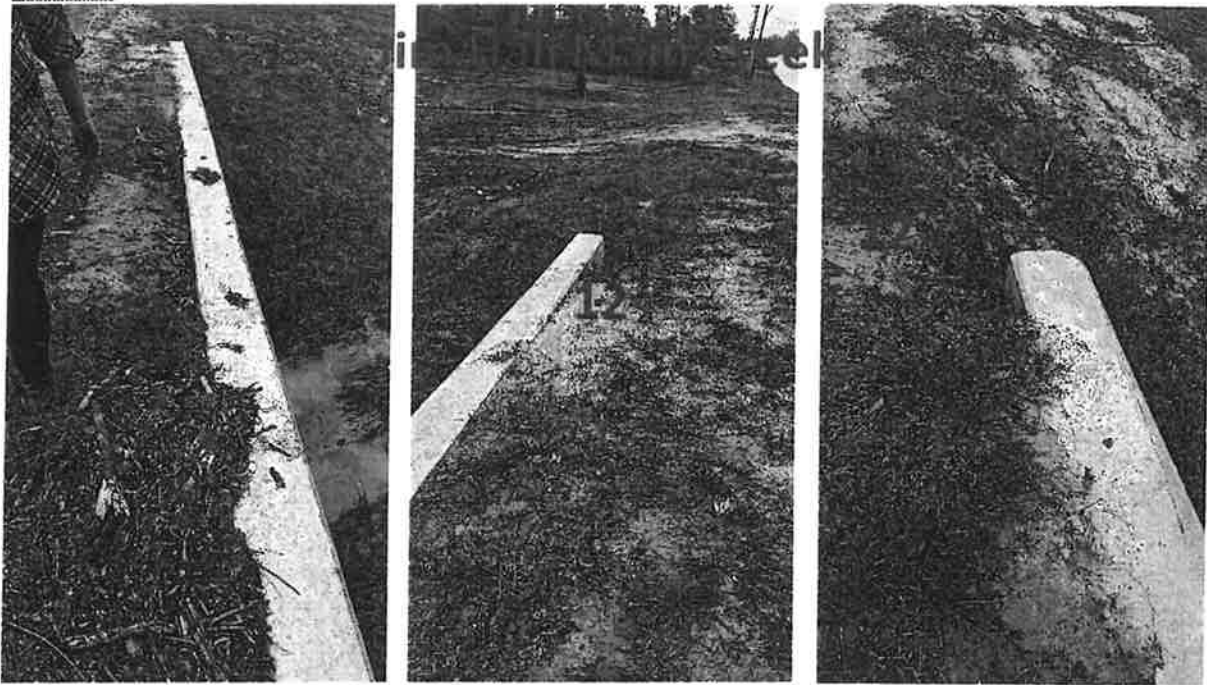
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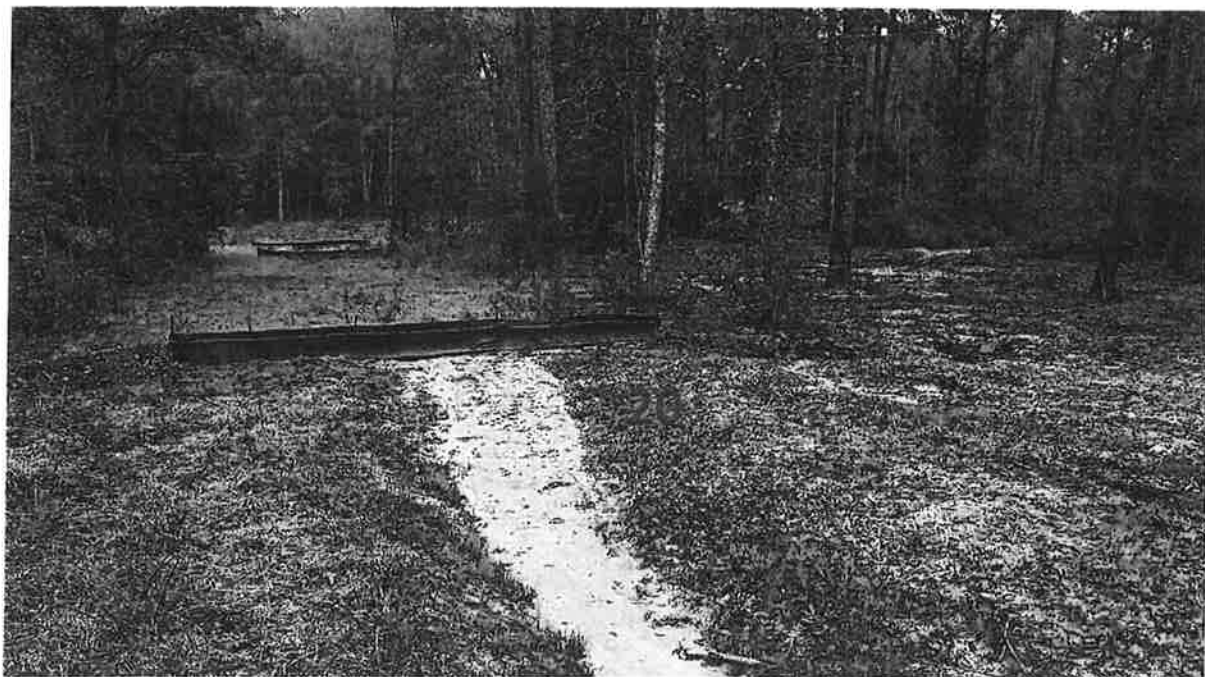
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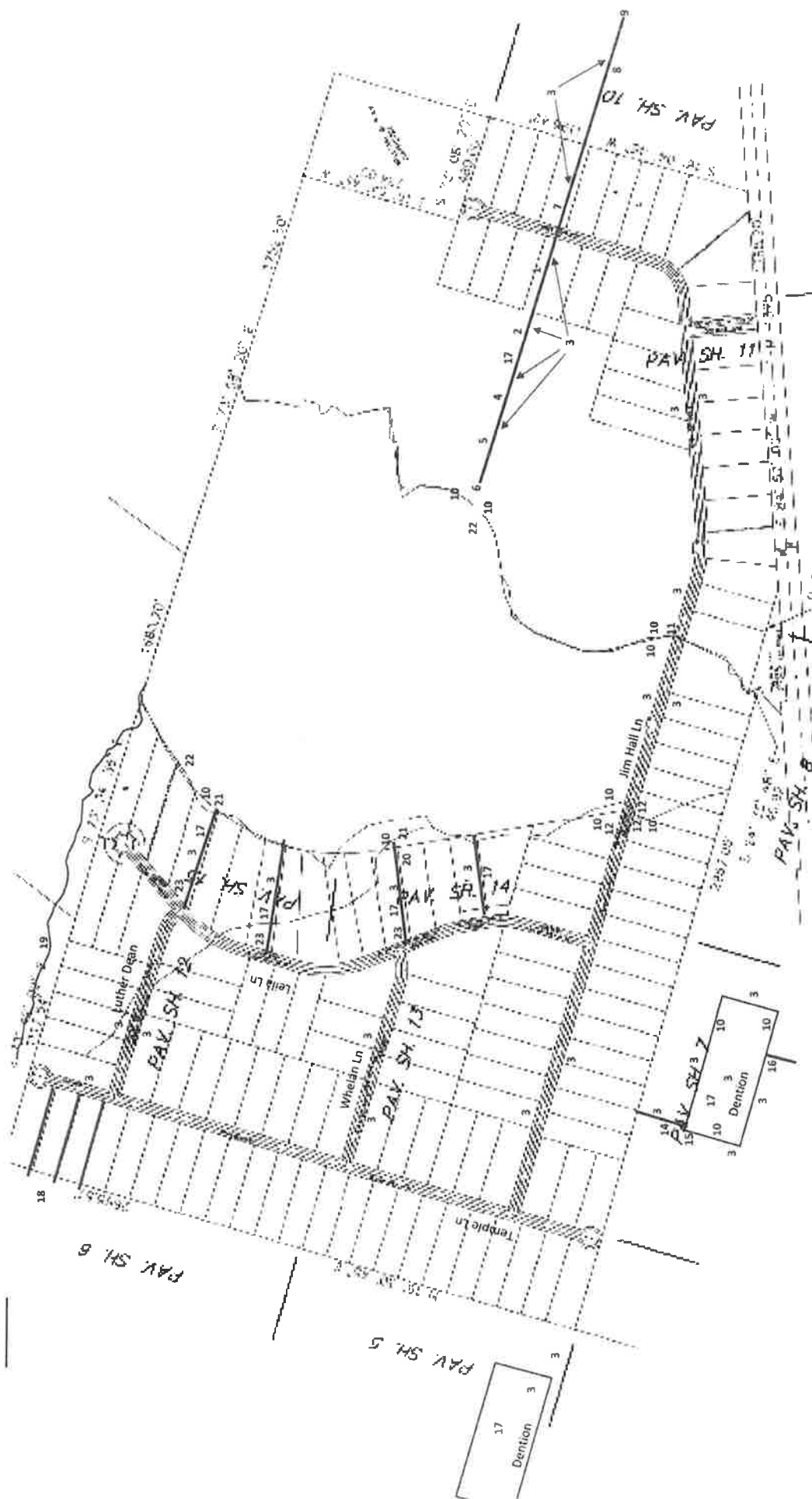
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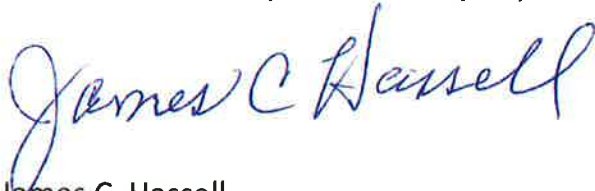
February 2, 2022

Mr. Curtis Lindsey
Lindsey Construction, Inc.
23715 W. Hardy Road
Spring, Texas 77373

Mr. Lindsey,

Regarding my letter of January 21, 2022, I want to clarify any confusion. Your supervisor regraded the pond slope and reseeded the area after the original seeding was completed. Therefore, the pond area is your responsibility, in addition to all other items in the punch list.

As you already have the punch list, I will not attach again. Please let Mr. Isbell, with Walker County know when you plan on starting this work.



James C. Hassell
J & H Navasota Development
2025 Eagle View Dr.
Navasota, TX 77868

CC:

Andrew Isbell



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February 3, 2022

Mr. Andrew Isbell

Walker County Planning & Development
1313 University Avenue
Huntsville, TX 77340

Re: Waverly Place Section 1 Warranty
Waverly Place Section 1 (90500-408)
Walker County

Mr. Isbell:

Bleyl Engineering provided a letter of no objection to the road and drainage certification for Waverly Place Section 1 on February 8, 2021. The letter noted that several deficiencies should be addressed within the one-year maintenance period. It was understood the following items would be completed by the Developer prior to expiration of the one-year warranty and the certification of streets and roads was condition on completion of the following items.

1. Per the TPDES General Permit, "a uniform (i.e., evenly distributed, without large bare areas) perennial vegetative cover with a density of at least 70% of the native background vegetative cover for the area [shall be] established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) [shall be] employed."
2. Provide Project Notice of Termination as related to the TPDES General Permit.
3. Remove silt and debris from streets right of ways and drainage ways.
4. The steep slopes on Temple Lane ROW near the Luther Dean Lane Intersection (Block 3 Lots 6, 7, & 8 and Block 1 Lots 17, 18, & 19) are eroding. Redress this area until grass is established.
5. Per the construction plans, the home builder is responsible for filling low areas within the platted lots. The low areas include, but are not limited to, areas upstream of:
 - a. Jim Hall Lane STA 5+00 and STA 50+00,
 - b. Line A-1 (Outfall Storm Pipe West of Jim Hall Lane),
 - c. Temple Lane North Cul-De-Sac,
 - d. Leila Lane STA 17+50, and
 - e. Luther Dean Lane STA 4+50.
6. Install rip rap where the 54" pipe from Jim Hall Lane outfalls into the creek per the construction plans.
7. Eliminate the water ponding north of the Temple Lane cul-de-sac on the adjacent property.
8. Construct the emergency outfall of Pond C per the construction plans. The plans call for a 25' wide overflow, but less than 18' was constructed.

In addition, the following items should be acknowledged by the application:

9. This certification does not obligate the County to maintain the streets, drainage, or appurtenances. It only signifies compliance with the County's minimum standard.
10. The one-year maintenance period begins the date the Commissioners Court issues the certification or an alternate date specified by the Commissioners Court.
11. A final inspection will be performed at the discretion of the County, one year after the certification date to verify the above items are addressed and confirm the improvements are free from defects. All defects discovered during the final inspection must be corrected by the applicant.
12. This letter is not intended to waive the applicant's responsibility to comply with applicable laws, regulations, and orders. Bleyl Engineering has conducted this inspection on behalf of Walker County. Bleyl Engineering and Walker County do not accept any responsibility for the design or accuracy of construction. All construction shall meet the regulations adopted by Walker County.

The developer has failed to address these items in the original given time frame. The finished grades and drainage appurtenances within the subdivision have deteriorated to a condition that no longer represents the approved construction drawings. Follow-up inspections on May 4, 2021 and December 8, 2021 documented these deficiencies and identified additional issues. Regardless of the maintenance bond, it is the developer's or the developer's agent responsibility to ensure that these items were completed. We do not recommend Walker County consider acceptance of the roads and drainage into the maintenance program until the above items have been addressed.

Sincerely,



Austen Beck, PE

Project Manager
Bleyl Engineering

F:\90500s\90500 walker county general\400 inspections\408 waverly place sec 1\220203 developer warranty update.docx

MAINTENANCE BOND

COPY
Original delivered
to Amy @ Treas.
2-9-21

Bond No.: SUR0062201

KNOW ALL MEN BY THESE PRESENTS that we, Lindsey Construction, Inc., hereinafter referred to as "Principal" and Argonaut Insurance Company, hereinafter referred to as "Surety", are held and firmly bound unto Walker County Judge Robert D. Pierce or to his successor in office, hereinafter referred to as the "Obligee", in the sum of One Hundred Sixty Thousand And No/100 Dollars (\$160,000.00), for the payment of which we bind ourselves, our heirs, executors, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the said Principal is required to guarantee the Paving improvements and related appurtenances, as performed, with plans issued by Ronald A Young, PE (dated 2/09/2021) for Waverly Place Section One an Addition in the ETJ of New Waverly, Texas in Walker County, Texas, against defects in materials or workmanship which may develop during a period of 1 year maintenance Year(s).

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, that if said Principal shall faithfully carry out and perform the said guarantee, and shall, on due notice, repair and make good, at its own expense, any and all defects in materials or workmanship, in said work, which may develop during the period, or shall pay over, make good and reimburse to the said Obligee all loss and damage which said Obligee may sustain by reason of failure or default of said Principal so to do, then this obligation shall be null and void; otherwise shall remain in full force and effect.

SIGNED, SEALED AND DATED this 9th day of February, 2021.

Lindsey Construction, Inc.

(Principal)

(Seal)

By: 

Argonaut Insurance Company

(Surety)

(Seal)

By: 

John William Newby
Attorney in Fact

**Argonaut Insurance Company,
Deliveries Only: 225 W. Washington, 24th Floor
Chicago, IL 60606**

**United States Postal Service: P.O. Box 469011, San Antonio, TX 78246
POWER OF ATTORNEY**

KNOW ALL MEN BY THESE PRESENTS: That the Argonaut Insurance Company, a Corporation duly organized and existing under the laws of the State of Illinois and having its principal office in the County of Cook, Illinois does hereby nominate, constitute and appoint:

Andrea Rose Crawford, Troy Russell Key, Debra Lee Moon, John William Newby, Sandra Lee Roney, Linda Michelle Stalder, Joshua D. Tritt, Sherie Michelle Greenough, Suzanne Elizabeth Niedzwiedz

Their true and lawful agent(s) and attorney(s)-in-fact, each in their separate capacity if more than one is named above, to make, execute, seal and deliver for and on its behalf as surety, and as its act and deed any and all bonds, contracts, agreements of indemnity and other undertakings in suretyship provided, however, that the penal sum of any one such instrument executed hereunder shall not exceed the sum of:

\$85,000,000.00

This Power of Attorney is granted and is signed and sealed under and by the authority of the following Resolution adopted by the Board of Directors of Argonaut Insurance Company:

"RESOLVED, That the President, Senior Vice President, Vice President, Assistant Vice President, Secretary, Treasurer and each of them hereby is authorized to execute powers of attorney, and such authority can be executed by use of facsimile signature, which may be attested or acknowledged by any officer or attorney, of the Company, qualifying the attorney or attorneys named in the given power of attorney, to execute in behalf of, and acknowledge as the act and deed of the Argonaut Insurance Company, all bond undertakings and contracts of suretyship, and to affix the corporate seal thereto."

IN WITNESS WHEREOF, Argonaut Insurance Company has caused its official seal to be hereunto affixed and these presents to be signed by its duly authorized officer on the 8th day of May, 2017.

Argonaut Insurance Company



by: _____

Joshua C. Betz, Senior Vice President

STATE OF TEXAS
COUNTY OF HARRIS SS:

On this 8th day of May, 2017 A.D., before me, a Notary Public of the State of Texas, in and for the County of Harris, duly commissioned and qualified, came THE ABOVE OFFICER OF THE COMPANY, to me personally known to be the individual and officer described in, and who executed the preceding instrument, and he acknowledged the execution of same, and being by me duly sworn, deposed and said that he is the officer of the said Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and the said Corporate Seal and his signature as officer were duly affixed and subscribed to the said instrument by the authority and direction of the said corporation, and that Resolution adopted by the Board of Directors of said Company, referred to in the preceding instrument is now in force.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed my Official Seal at the County of Harris, the day and year first above written.



Kathleen M. Muebs

(Notary Public)

I, the undersigned Officer of the Argonaut Insurance Company, Illinois Corporation, do hereby certify that the original POWER OF ATTORNEY of which the foregoing is a full, true and correct copy is still in full force and effect and has not been revoked.

IN WITNESS WHEREOF, I have hereunto set my hand, and affixed the Seal of said Company, on the 9th day of February, 2021.



James Bluzard, Vice President-Surety

IF YOU HAVE QUESTIONS ON AUTHENTICITY OF THIS DOCUMENT CALL (210) 321 - 8400.

IMPORTANT NOTICE

To obtain information or make a complaint:

You may call Argonaut Insurance Company and its affiliates by telephone for information or to make a complaint:

ARGONAUT INSURANCE COMPANY

**Please send all notices of claim on this bond to:
Argo Surety Claims
(413) 773-6359**

**Deliveries Only: 225 W. Washington, 24th Floor, Chicago, IL 60606
United States Postal Service: P.O. Box 469011, San Antonio, TX 78246**

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

(512) 490-1007

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 your agent or Argo Surety first. If the dispute is not resolved, you may contact the Texas Department of Insurance.

ATTACH THIS NOTICE TO YOUR BOND:

This notice is for information only and does not become a part or condition of the attached document and is given to comply with Texas legal and regulatory requirements.



BLEYL ENGINEERING
PLANNING • DESIGN • MANAGEMENT

100 Nugent Street
Conroe, TX 77301
(936) 441-7833

February 3, 2022

Mr. Andrew Isbell

Walker County Planning & Development
1313 University Avenue
Huntsville, TX 77340

Re: Waverly Place Section 1 Maintenance Bond
Waverly Place Section 1 (90500-408)
Walker County

Mr. Isbell:

We provided a letter of no objection to the road and drainage certification for Waverly Place Section 1 on February 8, 2021. The letter noted that several items should be addressed within the one-year maintenance period and prior to consideration of Walker County acceptance of the roads for maintenance. Follow-up inspections throughout the maintenance period have indicated that deficiencies remain from the original items noted in that letter.

Furthermore, the condition of the drainage ways, ponds, and graded areas continue to deteriorate due to the inability to establish adequate seasonal vegetation and proper erosion control measures. The absence of adequate vegetation is resulting in the build-up of sand and silt in channels, streets, inlets, and storm sewers, and the current conditions in the field no longer match the original construction drawings including but not limited to the specific instances noted below.

1. Temple Lane ROW near the Luther Dean Lane Intersection (Block 3 Lots 6, 7, & 8 and Block 1 Lots 17, 18, & 19).
2. The turf around the detention pond South of Jim Hall Ln. is only about 20% established. Consequently, the slopes are riling severely.
3. The drainage swale and storm water outfall from Jim Hall Ln. to the detention pond South of Jim Hall has failed, and has exposed several joints of the buried RCP. Furthermore, due to the outfall terminating short of the detention pond, the outfall's effluent storm water has destroyed the NW corner of the detention pond.
4. The drainage flume on Jim Hall Ln. (going to the det pond) is being undermined immediately past the rip rap and continues to hold water.
5. The Northern most drainage easement on Leila Ln. has failed. Water eroded the swale's Southern berm and redirected itself to the adjacent lot to the South.
6. Severe erosions were noted at various locations throughout the central drainage channel. A lack of acceptable turf establishment was also noted at various locations throughout the channel.
7. Per the construction plans, the home builder is responsible for filling low areas within the platted lots. The low areas include, but are not limited to, areas upstream of:
 - a. Jim Hall Lane STA 5+00 and STA 50+00,
 - b. Line A-1 (Outfall Storm Pipe West of Jim Hall Lane),
 - c. Temple Lane North Cul-De-Sac,

Conroe

Bryan

bleylengineering.com

Austin

Houston

Advancing stronger, safer communities across Texas since 1997.

Tex Reg. No. F-678

- d. Leila Lane STA 17+50, and
- e. Luther Dean Lane STA 4+50.
- 8. Install rip rap where the 54" pipe from Jim Hall Lane outfalls into the creek per the construction plans.
- 9. Eliminate the water ponding north of the Temple Lane cul-de-sac on the adjacent property.
- 10. Construct the emergency outfall of Pond C per the construction plans. The plans call for a 25' wide overflow, but less than 18' was constructed.

It is expected that these items be restored to a condition that is in compliance with the approved construction drawings.

Sincerely,



Austen Beck, PE

Project Manager
Bleyl Engineering

f:\90500s\90500 walker county general\400 inspections\408 waverly place sec 1\220203 contractor warranty update.docx

SLOPE PATTERN = FLAT

CALCULATION SUMMARY:

TOTAL NUMBER OF BEDROOMS: 3 BEDROOM HOME MOBILE HOME AND EXISTING RESIDENCE

Q = 240 G.P.D.

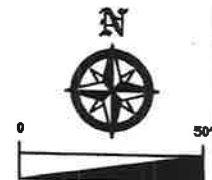
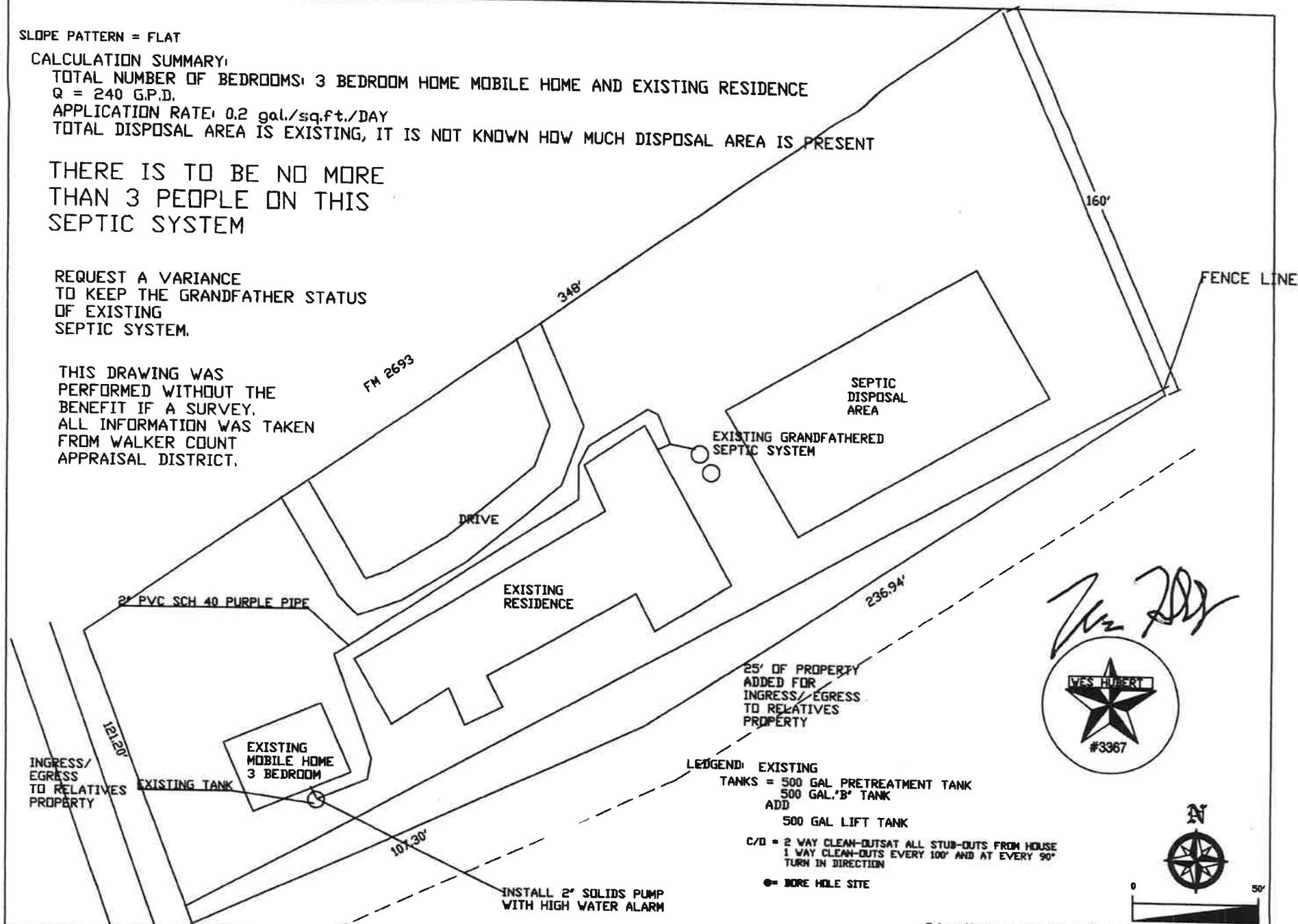
APPLICATION RATE: 0.2 gal./sq.ft./DAY

TOTAL DISPOSAL AREA IS EXISTING, IT IS NOT KNOWN HOW MUCH DISPOSAL AREA IS PRESENT

THERE IS TO BE NO MORE
THAN 3 PEOPLE ON THIS
SEPTIC SYSTEM

REQUEST A VARIANCE
TO KEEP THE GRANDFATHER STATUS
OF EXISTING
SEPTIC SYSTEM.

THIS DRAWING WAS
PERFORMED WITHOUT THE
BENEFIT IF A SURVEY.
ALL INFORMATION WAS TAKEN
FROM WALKER COUNT
APPRAISAL DISTRICT.



Sterlingenvironmental@consolidated.net

NAME: BOBBY POWELL	SURVEY: J.M. GARZA	DESIGNER: Wes Hubert
ADDRESS: FM 2693	ABSTRACT: 22	PHONE #: (936) 597-5558
CITY, STATE, ZIP: NEW WAVERLY, TX.	TRACT: 47	FAX #: (936) 597-8332
SUBDIVISION: N/A	ACREAGE: 1.97	DATE: 02-03-22
COUNTY: WALKER	SECTION:	SCALE: 1" = 50'

0071-0542

VARIANCE REQUEST TO ON-SITE SEWAGE FACILITY REGULATIONS OF WALKER COUNTY, TEXAS

Copy all pages of this form and all attachments for (1) community official, (2) building owner.
If any section is not applicable to the proposed development project please mark that section "NA"

SECTION A - PROPERTY INFORMATION		FOR COUNTY USE ONLY
A1. Property Owner's Name <div style="text-align: center; font-size: 1.2em;">BOBBY POWELL</div>	Application Number: <div style="text-align: center; font-size: 1.2em;">2021-0543</div>	
A2. Building/Site Street Address <div style="text-align: center; font-size: 1.2em;">[REDACTED] FM 2693</div>	Date of Submittal: <div style="text-align: center; font-size: 1.2em;">2-3-22</div>	
City <div style="text-align: center; font-size: 1.2em;">NEW WAVERLY, TX</div>	State	ZIP Code
A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.) <div style="text-align: center; font-size: 1.2em;">1.97 ACRES IN THE J.M. GARZA SURVEY A-22 TRACT 97 94 FM 2693 NEW WAVERLY, TX</div>		
<p>THE ABOVE NAMED PERMIT APPLICANT DOES HEREBY MAKE AN APPEAL TO THE COMMISSIONER'S COURT OF WALKER COUNTY FOR A VARIANCE TO THE CONDITIONS OF PERMIT APPROVAL, REGULATORY REQUIREMENTS, AND/OR CONSTRUCTIONS STANDARDS REQUIRED BY THE WALKER COUNTY ON-SITE SEWAGE FACILITY REGULATIONS.</p>		
SECTION B - OTHER VARIANCE		
(All Variance requests need to include the specific variance along with the Section(s) of the Regulation to which they apply)		
<p>B1. A Variance is requested to Section(s) _____ of the On-site Sewage Facility Regulations of Walker County, Texas and / or TAC 30, Chapter 285 as follows: <u>500 GAL</u></p> <p><u>AVARIANCE IS REQUESTED TO ADD A LIFT TANK WITH A</u> <u>2" SOLIDS PUMP AND HIGH WATER ALARMS TO AN EXISTING</u> <u>GRANDFATHERED CONVENTIONAL SEPTIC SYSTEM. WE ARE REQUESTING</u> <u>TO KEEP THE GRANDFATHER STATUS.</u></p>		
SECTION C - JUSTIFICATION AND PRESENTATION OF FACTORS EFFECTING VARIANCE		
(This section must be completed by a Registered Sanitarian or Engineer.)		
<p>C1. Is the variance being requested for a new on-site sewage facility, or for the modification of an existing OSSF?</p> <p>New _____ Existing <u>✓</u></p>		
<p>C2. Has the proposed OSSF been installed prior to the request for or approval of a variance?</p> <p>Yes <u>✓</u> Existing _____</p>		

Initial BP

C3. Please explain the cause or reason the variance is being requested (attach additional pages as "Exhibit F.3"):

There is 3 people living in the existing residence
One of the residence has cancer and is handicapped, and
needs health care assistance. Health care company refuses
to care for the individual in the existing residence due to
the conditions inside the home. A mobile home was added to the property.

C4. In the opinion of the below signed Registered Sanitarian or Registered Engineer responsible for the preparation of the planning materials that include the variance, will the on-site wastewater facility including the variant methods or installation measures requested provide conditions that will provide equivalent or greater protection of the public health and the environment by variant means?

Yes ☒

No ☐

Please explain below:

There is 3 people utilizing the existing (grandfathered)
conventional septic system. Adding a lift tank will not
create additional septic effluent. The existing septic
system appeared to be functioning properly at the time
of the site evaluation.

C5. Is the OSSF for which the variance is being requested being installed on an existing small lot or tract created before January 1, 1998?

Yes ☒

No ☐

C6. Is the variance being requested for a separation distance?

Yes ☐

No ☒

If the answer to question F.4 is "Yes", then does the below signed Sanitarian or Engineer certify that to the best of his/her knowledge and ability that the provisions of TAC 30, Chapter 285 cannot be met on the site without the grant of a variance?

Yes ☒

No ☐

CERTIFICATION OF REGISTERED SANITARIAN OR ENGINEER

I, the below signed Engineer / Sanitarian do hereby certify that I have reviewed the planning materials and plans for the subject on-site sewage facility and have answered the questions in Section C to the best of my ability and in conformance with standard principles and practices. I further understand that my professional opinion may be relied upon for the issuance of a variance to the local order pertaining to on-site sewage facilities as it relates to equivalent protection of public health and safety and the environment, and a license to operate a system under said regulations.

Signature of Sanitarian/Engineer

Wes Hubert

Date

2-3-22

Printed Name of Sanitarian/Engineer

WES HUBERT

License #

RS 3367



Initial

W.H.

NOTICE

ALL INSTALLATION AND OPERATION OF THE ON-SITE SEWAGE FACILITY AND/OR ASSOCIATED DEVELOPMENT MUST BE IN STRICT COMPLIANCE WITH THE VARIANCES STATED HEREIN AND OTHER CONDITIONS STATED ON THE DEVELOPMENT PERMIT. ANY VARIATION WILL RESULT IN IMMEDIATE SUSPENSION OR TERMINATION OF THIS VARIANCE AND THE LICENSE TO OPERATE THE ON-SITE SEWAGE FACILITY. FLAGRANT VIOLATION OF THE CONDITIONS OF THIS VARIANCE MAY RESULT IN THE COMMISSIONER'S COURT SEEKING INJUNCTIVE RELIEF, CIVIL, OR CRIMINAL PENALTIES.

WARNING

THE GRANTING OF A VARIANCE IS LIMITED TO THE PERMITTING STANDARDS AND LOCAL REGULATORY STANDARD ONLY. THE APPLICANT ACKNOWLEDGES THAT HE/SHE IS RESPONSIBLE TO ENSURE THAT ANY VARIANCE DOES NOT DAMAGE OR THREATEN THE HEALTH OF OCCUPANTS OR NEARBY PROPERTIES OR PROPERTY OWNERS, AND COMPLIES WITH ALL OTHER MINIMUM LOCAL, STATE, AND FEDERAL REGULATIONS.

DISCLAIMER

THE COMMISSIONER'S COURT OF WALKER COUNTY AND ANY OFFICER OR EMPLOYEE OF WALKER COUNTY ARE NOT LIABLE FOR DAMAGES OR INJURIES RESULTING FROM A PERMIT FOR WHICH THIS VARIANCE IS GRANTED.

I, _____, do hereby acknowledge that I have reviewed the provisions, warnings, notices, and disclaimers stated above and that I understand them agree with them and intend to comply fully with them. I am fully aware that Walker County is not liable for damages resulting from the use of the on-site sewage facility or regulatory variance as approved for my property or facility. I further accept full responsibility for the risks, if any, associated with this variance. I also certify that the facts presented in this application are true, and that in the event I sell this property or structure in the future, that I will give notice of the variance to the purchaser prior to sale.

Signature of Owner/Applicant

Date

SECTION D – ACTION ON VARIANCE BY COMMISSIONER'S COURT

After careful consideration of the reasons for the request of variance, the Commissioner's Court of Walker County, Texas has determined that it is within the scope of the variance procedures as outlined in the Walker County Flood Plain Management Regulations to _____ this request for variance. This variance will expire in 12 months if the related license to operate is not issued within prior to that date.

Commissioner's Court Signature

Printed Name

Date

Initial

W. H.