

ORANGE COUNTY DRAINAGE DISTRICT

POLICY REGARDING CONSTRUCTION AND MAINTENANCE OF BRIDGES AND CROSSINGS

WHEREAS, the Orange County Drainage District ("OCDD") is a political subdivision of the State of Texas, created for the purpose of reclamation and drainage of overflowed lands and other lands needing drainage within Orange County;

WHEREAS, in the furtherance of its purpose, the OCDD has authority to construct and/or maintain drainage ditches and other waterways, and also has authority to construct bridges that are reasonably necessary for the OCDD to gain access to property necessary for the maintenance of ditches and other waterways;

WHEREAS, the construction of bridges by the OCDD often involves the expenditure and/or use of significant OCDD assets, resources and labor, and further sometimes creates a continuing obligation with respect to maintenance and/or repair of such bridges;

WHEREAS, for the purpose of reducing the costs associated with the construction, maintenance and/or repair of bridges, the OCDD desires to only construct and/or maintain bridges upon the OCDD Board of Directors ("OCDD Board") first determining that a reasonable necessity exists for such construction and/or maintenance of such bridges; and

WHEREAS, the OCDD Board has determined that it is in the best interest of the OCDD that a policy be enacted by the OCDD Board that will provide parameters and lend guidance to the OCDD Board in the future when the OCDD Board is determining whether or not to authorize the construction of a bridge or crossing.

THEREFORE, THE OCDD BOARD enacts the following policy regarding the construction and/or maintenance of bridges and crossings:

1. As used herein, the term "bridge" means a structure (the support of which is made of steel or wood) that crosses a ditch or other waterway without the use of covered culverts and that allows for the passage of vehicles, equipment and/or persons across such structure.
2. As used herein, the term "crossing" means a structure that crosses a ditch or other waterway with the use of culverts (concrete, steel or plastic) that are covered with soil or other material, and that allows for the passage of vehicles, equipment and/or persons across such structure.
3. The OCDD will not construct a bridge or crossing without the management of the OCDD first obtaining the authorization of the OCDD Board for such construction.

The primary purpose for construction of a bridge is the reasonable need of the OCDD. Therefore, in deciding whether to authorize the construction of a bridge, the OCDD Board will primarily consider whether the OCDD reasonably needs access to the other side of the ditch or waterway (existing or proposed) to fulfill its purpose (including, but not limited to, maintenance, cleaning or mowing of the ditch or waterway). In this regard, absent special and/or unusual circumstances, the OCDD Board shall only authorize the construction of a bridge following its determination that 1) the OCDD reasonably needs access to the other side of a proposed or existent ditch or waterway to fulfill its purpose referenced above; 2) the OCDD does not have (and cannot reasonably obtain) reasonable and economical access to the other side of the proposed or existent ditch or waterway without the construction of a bridge; and 3) the OCDD expenditure of the estimated cost of construction of the bridge is justified in light of the overall needs and expenses of the OCDD, and the current OCDD budget.

4. Notwithstanding any provision set forth above, the OCDD Board shall only authorize the construction of a bridge if it also determines that (1) the OCDD has, or will have, access to the bridge by way of easement, right of way, or other property right, and (2) the OCDD shall have full rights to utilize the bridge for OCDD purposes. In the event that the OCDD Board authorizes the construction of a bridge, one or more ends of which are on private property (subject to an OCDD easement), the OCDD Board may (but is not required to) authorize the landowners on whose property the bridge is located to use the bridge, provided such usage does not in any way impair the usage of the bridge by the OCDD.

5. Further notwithstanding any provision set forth above, the OCDD Board maintains all authority to authorize the construction of "closed ditches" involving the use of covered culverts, and further maintains all authority to authorize the construction of crossings as defined above. Nevertheless, it is the policy of the OCDD Board that, absent special and/or unusual circumstances, it shall not authorize the construction of a closed ditch or crossing unless the OCDD has access to the crossing by way of easement, right of way, or other property right, and the full rights to utilize the crossing for OCDD purposes.

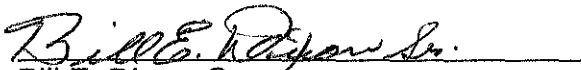
6. Further notwithstanding any provision set forth above, the OCDD Board reserves the right and authority to authorize the construction, repair and/or maintenance of a bridge or crossing in the event that it determines that it has the legal obligation to construct, repair or maintain a bridge or crossing due to a past agreement made by the OCDD, or in the event that construction, repair or maintenance of a bridge or crossing is determined to be reasonably necessary by the OCDD Board due to special or unforeseen events or circumstances.


7. Further notwithstanding any provision set forth above, in the event that a bridge that was previously constructed and/or maintained by the OCDD collapses or otherwise becomes impassable due to a natural disaster or other unforeseen event, thereby preventing access by a landowner to his/her home, this policy shall not prevent


the OCDD management from constructing a temporary crossing, or from making temporary repairs without formal consultation with the OCDD Board.

8. The determination of whether a bridge or crossing will be constructed, maintained or repaired by the OCDD will be made in the sole discretion of the OCDD Board, and this policy does not, and is not meant to, provide to any person or entity any right of construction, repair or maintenance of a bridge or crossing, or any other legal rights.

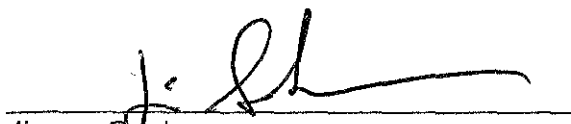
ENACTED this 11th day of December, 2012.


Bill E. Dixon, Sr.
Director, Precinct 1


Karl Stephenson
Director, Precinct 4


J.B. Arrington
Director, Precinct 2


Brent K. Peveto
Director at Large


Jimmy Seales
Director, Precinct 3