

**SANITARY CONTROL EASEMENT
(0.3031 Acre)**

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

THE STATE OF TEXAS §
 § KNOW ALL BY THESE PRESENTS:
COUNTY OF FORT BEND §

THAT **COUNTY OF FORT BEND** ("Grantor"), for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, has GRANTED, SOLD, AND CONVEYED and by these presents does GRANT, SELL, AND CONVEY unto **CINCO MUNICIPAL UTILITY DISTRICT NO. 1**, a political subdivision of the State of Texas, its successors, and assigns ("Grantee"), a permanent and perpetual non-exclusive easement (the "Easement"), across, along, under, over, upon and through that certain tract of land located in Fort Bend County, Texas, containing 0.3031 acre as more particularly described and shown in **Exhibit A** attached hereto and made a part hereof (the "Easement Tract"), for the purposes of protecting, by means of sanitary control, the water supply of Grantee's Jasper Water Well (the "Well") by means of sanitary control, preserving the sanitary condition of water controlled by Grantee, providing and regulating a safe and adequate fresh water distribution system, and Enabling Grantee to comply with all applicable state and local regulations.

Accordingly, Grantor imposes the following restrictions upon Grantee's use and construction of facilities across, along, over, under and upon are hereby imposed on the Easement Tract:

1. The construction and/or operation of underground petroleum and/or chemical storage tanks and liquid transmission pipelines, stock pens, feedlots, dump grounds, privies, cesspools, septic tank or sewage treatment drainfields, absorption beds, evapotranspiration beds, improperly constructed water wells of any depth, and all other construction or operation of facilities that could create an unsanitary condition are prohibited across, along, over, under, and upon the Easement Tract. For the purpose of the

Easement, improperly constructed water wells are those wells that do not meet the surface and subsurface construction standards for a public water supply well.

2. The construction of tile or concrete sanitary sewers, sewer appurtenances, septic tanks, storm sewers, and cemeteries is prohibited across, along, over, under, and upon any area of land within a 50-foot radius of the Well.
3. No sewage treatment plant, animal feed lots, solid waste disposal sites, lands on which sewage plant or septic tank sludge is applied, or lands irrigated by sewage plant effluent shall be located within 500 feet; nor shall a sewage wet well, sewage pumping station, or drainage ditch that contains industrial waste discharges or wastes from sewage treatment system be located within 300 feet of the Well.
4. The construction of homes or buildings within, upon, or across the Easement Tract is permitted, provided that the restrictions described in paragraphs 1 and 2 above are met.
5. Normal farming and ranching operations are permitted across, along, over, under, and upon the Easement Tract; provided, however, livestock shall not be allowed within 50 feet of the Well.

The covenants and agreements contained herein shall run with the land and shall inure to the benefit of and shall be binding upon Grantor and Grantee and their respective successors and assigns, until the use of the WWTP Site as a source of water for public water systems ceases.

Invalidation of any provision in this instrument by a judgment or court order shall not affect any of the other provisions of this instrument, which shall remain in full force and effect.

Enforcement of this instrument shall be by proceedings at law or in equity against any person or persons violating or attempting to violate the restrictions in this instrument, either to restrain the violation or to recover damages.

Whenever any applicable statute, regulation, or permit of any state, federal, or other agency, having jurisdiction over the subject matter of this instrument is in conflict herewith, the stricter requirement shall apply, unless mandated otherwise.

This conveyance is further made subject to any and all restrictions, covenants, easements, rights-of-way, encumbrances, and mineral or royalty reservations or interests affecting the Easement Tract and appearing of record in the Official Public Records of Fort Bend County, Texas, to the extent the same are in effect and validly enforceable against the Easement Tract (the "Permitted Encumbrances"); provided, however, to the extent that Grantor has the ability to enforce any of the Permitted Encumbrances, Grantor will not do so in a manner that would unreasonably prejudice or interfere with Grantee's exercise of its rights in the Easement and use of the Easement Tract for the purposes set forth herein.

TO HAVE AND TO HOLD the Easement, together with all and singular, the rights and appurtenances thereto in any wise belonging, including all necessary rights to ingress, egress, and regress, unto Grantee, its successors and assigns, forever. Grantor does hereby bind itself, its successors and assigns to WARRANT AND FOREVER DEFEND, all and singular, the Easement and right-of-way and other rights described herein unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through, or under Grantor, but not otherwise, subject to the Permitted Encumbrances.

This instrument may be executed in multiple counterparts, each of which shall be deemed an original, and all of which, taken together, shall constitute one instrument.

Grantee's address is c/o Allen Boone Humphries Robinson LLP, 3200 Southwest Freeway, Suite 2600, Houston, Texas 77027.

[Signature pages follow this page]

EXECUTED this ____ day of _____, 2016.

GRANTOR:

THE COUNTY OF FORT BEND

By: _____
Name: _____
Title: _____

ATTEST:

By: _____
Name: _____
Title: _____

THE STATE OF TEXAS §
 §
COUNTY OF _____ §

This instrument was acknowledged before me on this ____ day of _____, 2016, by _____, _____ of THE COUNTY OF FORT BEND, on behalf of said county.

(PLACE NOTARY SEAL BELOW)

Notary Public, State of Texas

Attachment:

Exhibit A - Description and sketch of the Easement Tract

After recording, please return to:

Jeanette Harris
Allen Boone Humphries Robinson LLP
3200 Southwest Freeway, Suite 2600
Houston, Texas 77027

CINCO MUD 1
0.3031 ACRE
PROPOSED SANITARY CONTROL EASEMENT

DECEMBER 3, 2015
JOB NO. 1544-00

DESCRIPTION OF A 0.3031 ACRE TRACT OF LAND SITUATED
IN THE JOHN MARTIN SURVEY, ABSTRACT NO. 288
FORT BEND COUNTY, TEXAS

BEING a 0.3031 acre (13,204 square foot) tract of land situated in the John Martin Survey, Abstract No. 288, Fort Bend County, Texas and being a portion of a called 19.12 acre tract of land described in an instrument to the County of Fort Bend filed for record under File No. 2009046559 of the Official Public Records of Fort Bend County, Texas (O.P.R.F.B.C.T.) said 0.3031 acre tract of land being more particularly described by metes and bounds as follows:

COMMENCING at a 5/8-inch iron rod with cap stamped "Survcon" found (Control Monument) at the intersection of the Westerly right-of-way line of Fry Road (100-foot width, Slide No. 869B, Fort Bend County Plat Records (F.B.C.P.R.) with a Northeasterly line of a called 27.904 acre tract of land described in an instrument to Willow Fork Drainage District filed for record under Volume 2178, Page 2569, O.P.R.F.B.C.T., same also being the South corner of a called 3.420 acre tract of land as described in an instrument to Cinco MUD 1, filed for record under File No. 2014085895 O.P.R.F.B.C.T.;

THENCE, N 45° 35' 39" W, a distance of 67.89 feet along and with a Northeasterly line of said 27.904 acre tract and a Southeasterly line of said 3.420 acre tract to a 1/2-inch iron pipe with cap stamped "Brown & Gay" found (Control Monument) for an angle point;

THENCE, N 56° 00' 59" W, a distance of 126.46 feet along and with a Northeasterly line of said 27.904 acre tract to a 1/2-inch iron pipe with cap stamped "Brown & Gay" found for corner, same being the South corner of a called 19.12 acre tract of land described in an instrument to the County of Fort Bend filed for record under File No. 2009046559 O.P.R.F.B.C.T.;

N 13° 01' 48" E, a distance of 107.46 feet along and with the Easterly line of said 19.12 acre tract and a West line of said 3.420 acre tract to the **POINT OF BEGINNING** of the herein described tract and the beginning of a non-tangent curve to the right having a center which bears N 42° 46' 11" E, 150.00 feet;

THENCE, In a Northerly direction, over and across said 19.12 acre tract and along and with said curve to the right, a distance of 291.85 feet, having a radius of 150.00 feet, a central angle of 111° 28' 45" and a chord which bears N 08° 30' 34" E, 247.95 feet to a point for corner in an East line of said 19.12 acre tract and a Westerly line of said 3.420 acre tract;

THENCE, along and with an Easterly line of said 19.12 acre and a Westerly line of said 3.420 acre tract the following courses and distances:

S 05° 28' 51" E, a distance of 53.10 feet to a point for corner

S 10° 09' 33" W, a distance of 53.59 feet to a point for corner;

CINCO MUD 1
0.3031 ACRE
PROPOSED SANITARY CONTROL EASEMENT

DECEMBER 3, 2015
JOB NO. 1544-00

S 13° 01' 48" W, a distance of 143.30 feet to the **POINT OF BEGINNING** and containing 0.3031 of one acre (13,204 square feet) of land.

Bearing orientation is based on the Texas Coordinate System, South Central Zone 4204, NAD-83 and is referenced to monuments as cited herein.

The above description is not to be used as a fee conveyance.



Alan M. McLain RPLS No. 4511
Brown & Gay Engineers, Inc.
10777 Westheimer Road, Suite 400
Houston, Texas 77042
Telephone: (281) 558-8700
TBPLS Licensed Surveying Firm No. 10106500

CURVE TABLE					
NUMBER	ARC LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD DISTANCE
C1	291.85'	150.00'	111°28'45"	N 08°30'34" E	247.95'

CALLLED 19.12 ACRES
COUNTY OF FORT BEND
FILE NO. 2009046559, O.P.R.F.B.C.T.

CALLLED
3.420 ACRES
CINCO MUD 1
FILE NO. 2014085895
O.P.R.F.B.C.T.

CALLLED 25.989
ACRES
WILLOW FORK
DRAINAGE DISTRICT
(DITCH VAG)
VOL. 1893, PG. 1392
O.P.R.F.B.C.T.

CALLLED 0.41 ACRES
CINCO MUD 1
FILE NO. 2002078548
O.P.R.F.B.C.T.

0.3031 OF
ONE ACRE
(13,204 SQ. FT.)
PROPOSED SANITARY
CONTROL EASEMENT

LEGEND

- F.B.C.P.R. FORT BEND COUNTY PLAT RECORDS
- NO. NUMBER
- O.P.R.F.B.C. OFFICIAL PUBLIC RECORDS OF FORT BEND COUNTY
- PG. PAGE
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCING
- R.O.W. RIGHT-OF-WAY
- SQ. FT. SQUARE FEET
- VOL. VOLUME

CALLLED 3.420 ACRES
CINCO MUD 1
FILE NO. 2014085895 O.P.R.F.B.C.T.

WILLOW FORK OF BUFFALO BAYOU
CALLLED 27.904 ACRES
WILLOW FORK DRAINAGE DISTRICT
(EXHIBIT "B", TRACT 3)
VOL. 2178, PG. 2569 O.P.R.F.B.C.T.

FRY ROAD
100' R.O.W.
SLIDE No. 869B1, F.B.C.P.R.

LINE TABLE		
NUMBER	BEARING	DISTANCE
L1	N 45°35'39" W	67.89'
L2	N 13°01'48" E	107.46'
L3	S 05°28'51" E	53.10'
L4	S 10°09'33" W	53.59'

NOTE: THIS EXHIBIT IS FOR GRAPHICAL PURPOSES ONLY IN RELATION TO THE PROPOSED EASEMENTS SHOWN HEREON AND IS NOT A BOUNDARY SURVEY NOR SHALL IT BE CONSTRUED IN ANY WAY AS A BOUNDARY SURVEY.

BGE Brown & Gay Engineers, Inc.
10777 Washelmer, Suite 400, Houston, TX 77042
Tel: 281-558-8700 • www.browngay.com
TBPLS Licensed Surveying Firm No. 10108500

EXHIBIT OF A 0.3031 ACRE
SANITARY CONTROL EASEMENT
SITUATED IN THE
JOHN MARTIN SURVEY
ABSTRACT NO. 288
FORT BEND COUNTY, TEXAS

Scale: 1"=60'	Job No.: 1544	Date: 12-3-15	Drawing: 1
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