

**SANITARY CONTROL EASEMENT**

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

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

DATE: _____, 2018

GRANTOR(S); **FORT BEND COUNTY, TEXAS**

GRANTOR'S ADDRESS: **301 JACKSON STREET, RICHMOND, TEXAS 77469**

GRANTEE: **CITY OF ROSENBERG, TEXAS**

GRANTEE'S ADDRESS: **P.O. BOX 32
ROSENBERG, TEXAS 77471**

SANITARY CONTROL EASEMENT:

Purpose, Restrictions, and Uses of Easement:

1. The purpose of this easement is to protect the water supply of the well described and located below by means of sanitary control.
2. The construction, existence, and/or operation of the following within a 150-foot radius of the well described and located below are prohibited: septic tank or sewage treatment perforated drainfields; areas irrigated by low dosage, low angle spray on-site sewage facilities; absorption beds; evapotranspiration beds; abandoned, inoperative or improperly constructed water wells of any depth; underground petroleum and chemical storage tanks or liquid transmission pipelines; sewage treatment plants; sewage wet wells; sewage pumping stations; drainage ditches which contain industrial waste discharges or wastes from sewage treatment systems; animal feed lots; solid waste disposal sites, landfill and dump sites; lands on which sewage plant or septic tank sludge is applied; lands irrigated by sewage plant effluent; military facilities; industrial facilities; wood-treatment facilities; liquid petroleum and petrochemical production, storage, and transmission facilities; Class 1, 2, 3, and 4 injection wells; pesticide storage and mixing facilities; and all other constructions or operations that could pollute the groundwater sources of the well that is the subject of this easement. For the purpose of this easement, improperly constructed water wells are those wells which do not meet the surface and subsurface construction standards for a public water supply well.

3. The construction, existence and/or operation of tile or concrete sanitary sewers, sewer appurtenances, septic tanks, storm sewers, cemeteries, and/or the existence of livestock in pastures is specifically prohibited within a 50-foot radius of the water well described and located below.
4. This easement permits the construction of, public facilities, homes or other buildings upon the Grantor's property, and farming and ranching operations, as long as all items in Restrictions Nos. 2 and 3 are recognized and followed.

The Grantor's property subject to this Easement is described in the documents recorded at:

An approximately 30-foot strip of land being comprised of an approximately 15-foot wide strip of land for public road right-of-way purposes by prescription being northeast of and adjacent to that certain called 18.5797 acre tract recorded under County Clerk's File No. 2012022281, Official Public Records, Fort Bend County Texas, that certain called 0.6095 acre tract recorded under County Clerk's File No. 2000064136, Official Public Records, Fort Bend County Texas, and that certain called 2 acre tract recorded under County Clerk's File No. 2003085838, Official Public Records, Fort Bend County Texas, and that certain 15-foot strip of land lying northeast of and adjacent to the aforementioned approximately 15-foot wide strip of land for public road right-of-way purposes by prescription, said second 15-foot wide strip of land recorded in Volume 126, Page 322, Deed Records, Fort Bend County, Texas.

Property Subject to Easement:

All of that area within a 0.13 acre tract of land in the C.N. Simpson Survey, Abstract 485, City of Rosenberg, Fort Bend County, Texas, being within the existing right-of-way of Cottonwood Church Road, with all bearings based upon the Texas Coordinate System, South Central Zone, NAD83, based upon GPS observations, and further being described in Exhibit "A" attached hereto.

TERM:

This easement shall run with the land and shall be binding on all parties and persons claiming under the Grantor(s) from the date that this easement is recorded; until the use of the subject water well as a source of water for public water systems ceases.

ENFORCEMENT:

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

INVALIDATION:

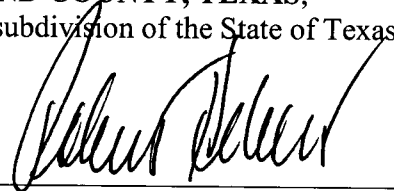
Invalidation of any use of these restrictions or uses (covenants) by a judgment or court order shall not affect any of the other provisions of this easement, which shall remain in full force and effect.

FOR AND IN CONSIDERATION, of the sum of One Dollar (\$1.00) and for other good and valuable consideration paid by the Grantee to the Grantor(s), the receipt of which is hereby acknowledged, the Grantor does hereby GRANT AND CONVEY to Grantee and to its successors and assigns the sanitary control easement described in this easement.

IN WITNESS WHEREOF, this instrument is executed this 14 day of August, 2018.

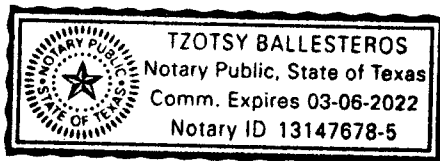
FORT BEND COUNTY, TEXAS,
a political subdivision of the State of Texas


By:


Robert E. Hebert, County Judge

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

The foregoing instrument was acknowledged before me on the 14th day of August, 2018, by Robert E. Hebert, acting in his capacity as County Judge, on behalf of Fort Bend County, a political subdivision of the State of Texas.




Notary Public in and for the
State of T E X A S

Tzotsy Ballesteros
Name Printed or Typed

(SEAL)

My Commission Expires: 3-6-2022

Attachment:

Exhibit "A" – Description of Property Subject to Easement

EXHIBIT A

EXHIBIT "A"

CHARLIE KALKOMEY SURVEYING, INC.

A JONES & CARTER COMPANY

6415 READING ROAD
ROSENBERG, TEXAS 77471
281 342-2033

**SANITARY CONTROL EASEMENT
COTTONWOOD CHURCH ROAD**

FIELD NOTES FOR A 0.13 ACRE TRACT OF LAND IN THE C. N. SIMPSON SURVEY, ABSTRACT 485, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS, BEING WITHIN THE EXISTING RIGHT-OF-WAY OF COTTONWOOD CHURCH ROAD, WITH ALL BEARINGS BASED UPON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83, BASED UPON GPS OBSERVATIONS.

COMMENCING at a ½ inch iron pipe with cap marked "Kalkomey Surveying" found in the existing northeast right-of-way line of Cottonwood Church Road, being a called 10-foot wide strip dedicated for right-of-way purposes as recorded under Slide Number 2358-B & 2359-A, Plat Records, Fort Bend County, Texas, for the south corner of Reserve "B" of The Park at Rosenberg, according to map or plat thereof recorded under Slide Number 2358-B & 2359-8, Plat Records, Fort Bend County, Texas;

THENCE South 42 degrees 03 minutes 23 seconds West along the southeast line of said called 10-foot wide strip, 10.00 feet to a ½ inch iron rod found at an angle point in the northeast right-of-way line of Cottonwood Church Road for the south corner of said called 10-foot wide strip;

THENCE North 48 degrees 00 minutes 56 seconds West along the southwest line of said called 10-foot wide strip, being the former northeast right-of-way line of Cottonwood Church Road, 65.61 feet to a point on said line for the southeast corner and **Place of Beginning** of the herein described tract, and being in a non-tangent curve to the right;

THENCE along said non-tangent curve to the right having a central angle of 16 degrees 16 minutes 40 seconds, a radius of 150.00 feet, an arc length of 42.62 feet, and a chord bearing South 89 degrees 50 minutes 37 seconds West, 42.47 feet to a point for the southwest corner of the herein described tract, said point being in the northeast line of an adjoining residue of a called 2 acre tract recorded under County Clerk's File Number 2003085838, Official Public Records, Fort Bend County, Texas;

THENCE North 48 degrees 03 minutes 23 seconds West along the southwest line of the herein described tract, same being the northeast line of said adjoining residue of a called 2 acre tract, the northeast line of an adjoining called 0.6095 acre tract recorded under County Clerk's File Number 2000064136, Official Public Records, Fort Bend County, Texas, and the northeast line of an adjoining called 18.5797 acre tract recorded under County Clerk's File Number 2012022281, Official Public Records, Fort Bend County, Texas, 167.59 feet to a point for the west corner of the herein described tract, said point being in a non-tangent curve to the right;

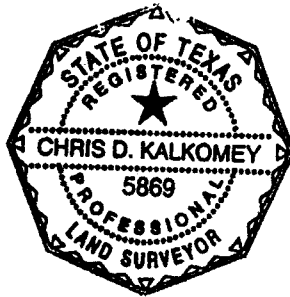
THENCE along said non-tangent curve to the right having a central angle of 16 degrees 21 minutes 35 seconds, a radius of 150.00 feet, an arc length of 42.83 feet, and a chord bearing North 05 degrees 54 minutes 56 seconds West, 42.68 feet to a point for the north corner of the herein described tract, said point being in the southwest line of the aforementioned called 10-foot wide strip;

THENCE South 48 degrees 00 minutes 56 seconds East along the southwest line of said called 10-foot wide strip of land, 230.75 feet to the **Place of Beginning** and containing 0.13 acre of land, more or less.


For reference and further description see Survey Plat No. R0001-118-01 prepared by the undersigned on same date.

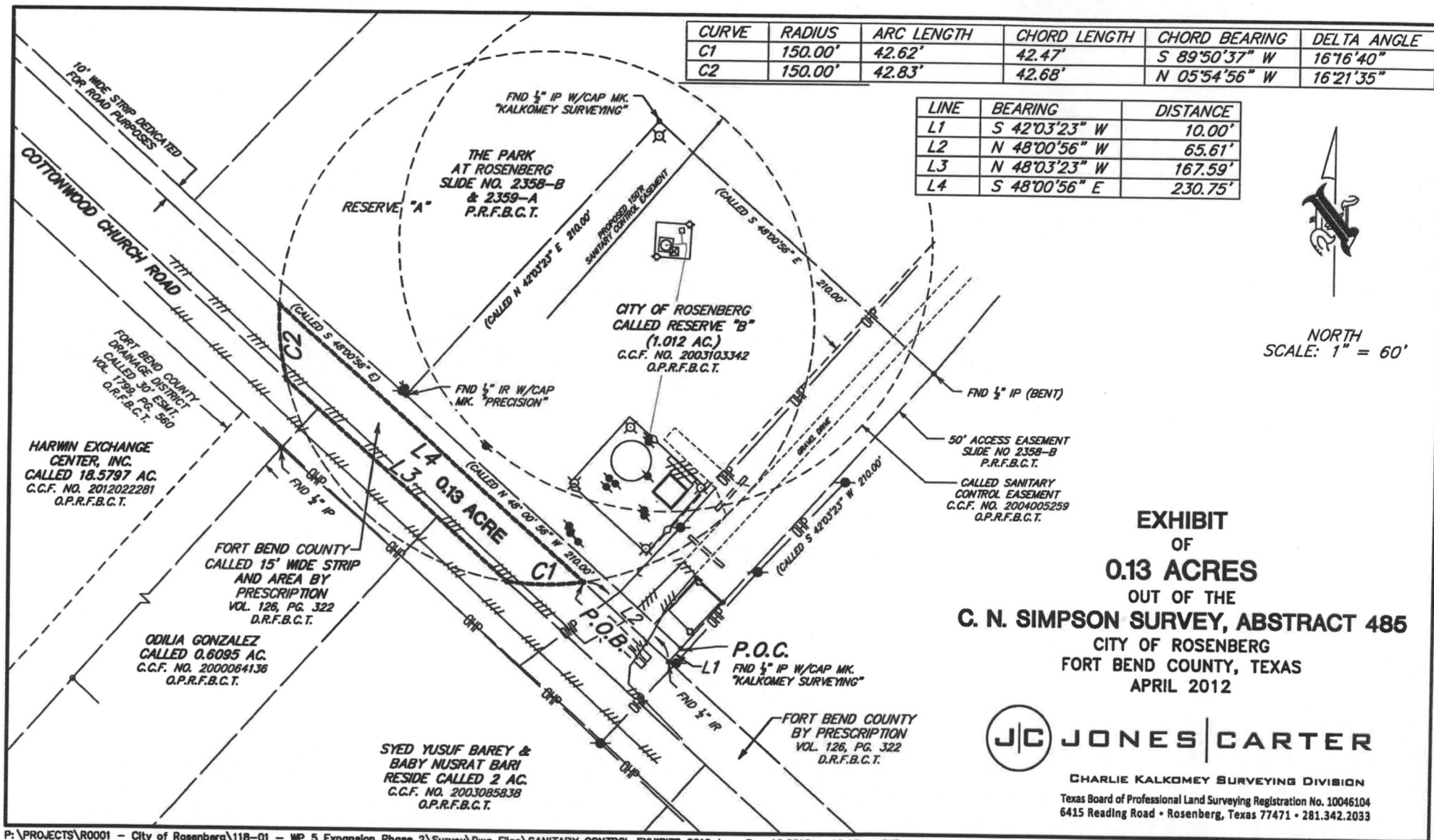
April 4, 2012

Job Number R0001-118-01



Charlie Kalkomey Surveying, Inc.
6415 Reading Road
Rosenberg, TX 77471-5655
(281) 342-2033


Acting By/Through Chris D. Kalkomey
Registered Professional Land Surveyor
No. 5869
CDKalkomey@jonescarter.com



NORTH
SCALE: 1" = 60'

**EXHIBIT
OF
0.13 ACRES
OUT OF THE
C. N. SIMPSON SURVEY, ABSTRACT 485
CITY OF ROSENBERG
FORT BEND COUNTY, TEXAS
APRIL 2012**



CHARLIE KALKOMEY SURVEYING DIVISION
Texas Board of Professional Land Surveying Registration No. 10046104
6415 Reading Road • Rosenberg, Texas 77471 • 281.342.2033

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Laura Richard

Laura Richard, County Clerk

Fort Bend County Texas

August 16, 2018 02:19:43 PM



FEE: \$0.00

PL

2018092889