

2009-000130

44

SANITARY CONTROL EASEMENT

DATE: November 5, 2008

GRANTOR(S): City of Oak Ridge North

GRANTOR'S ADDRESS: 27424 Robinson Road
Oak Ridge North, Texas 77385

GRANTEE: Southern Montgomery County MUD

GRANTEE'S ADDRESS: 25212 I-45 North
Spring, Texas 77388

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 and operation of underground petroleum and chemical storage tanks and liquid transmission pipelines, stock pens, feedlots, dump grounds, privies, cesspools, septic tank or sewage treatment drainfields, improperly constructed water wells of any depth, and all other construction or operation that could create an unsanitary condition within, upon, or across the property subject to this easement are prohibited within this easement. For the purpose of the 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 of tile or concrete sanitary sewers, sewer appurtenances, septic tanks, storm sewers, and cemeteries is specifically prohibited within a 50-foot radius of the water well described and located below.
4. This easement permits the construction of homes or buildings upon the grantor's property as long as all items in Restrictions Nos. 2 and 3 are recognized and followed.
5. This easement permits normal farming and ranching operations, except that livestock shall not be allowed within 50 feet of the water well. The Grantor's property subject to this Easement is described in the documents recorded as:

Being a tract of land containing 1.6227 acres (70,686 square feet) situated in the Montgomery County School Land Survey, A-350 in Montgomery County, Texas, and being out Restricted Reserve "B" and Restricted Reserve "D" of village of Oak Ridge Grove, a subdivision plat recorded in County Clerk's File No. 2003062099 of the Map Records of Montgomery County, Texas, and the residue of a called 22.503 acre tract to O.R.N./Maplewood 25 L.P. as recorded in Clerk's File No. 2000-069788 of the Montgomery County Official Public Records of Real Property.

Property Subject to Easement:

All of that area within a 150-foot radius of the water well located 361.89 feet at a bearing of N 64°49'31"W from the southeast corner of Restricted Reserve "B" and Restricted Reserve "D" of Village of Oak Ridge Grove, a subdivision plat recorded in County Clerk's File No. 2003062099 of the Map Records of Montgomery County, Texas, and the residue of a called 22.503 acre tract to O.R.N./Maplewood 25 L.P. as recorded in Clerk's File No. 2000-069788 of the Montgomery County Official Public Records of Real Property.

TERM:

This easement shall run with the land and shall be binding on all parties and persons claiming under the Grantor(s) for a period of two years from the date that his easement is recorded; after which time, this easement shall be automatically extended 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 one 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.

GRANTOR(S)

By:

FRED O'CONNOR

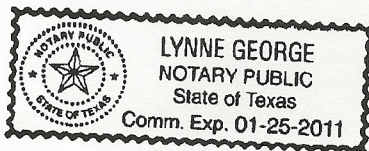
ACKNOWLEDGEMENT

STATE OF TEXAS

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§

COUNTY OF MONTGOMERY

BEFORE ME, the undersigned authority, on the day of DECEMBER 19, 2008, personally appeared FRED O'CONNOR known to me to be the person(s) whose name(s) is (are) subscribed to the foregoing instrument and acknowledged to me that executed the same for the purposes and consideration therein expressed.



Lynne George
Notary Public in and for THE STATE OF TEXAS

(SEAL)

Recorded in _____ Courthouse, _____ Texas on _____

Return to:

20
SOUTHERN MONTGOMERY COUNTY
MUNICIPAL UTILITY DISTRICT
25212 INTERSTATE 45
SPRING, TX 77386-1432

PROPOSED SANITARY CONTROL EASEMENT

DESCRIPTION OF A TRACT OF LAND CONTAINING
1.6227 ACRES (70,686 SQUARE FEET) OF LAND
SITUATED IN THE MONTGOMERY COUNTY SCHOOL
LAND SURVEY, A-350 MONTGOMERY COUNTY, TEXAS

Being a tract of land containing 1.6227 acres (70,686 square feet) situated in the Montgomery County School Land Survey, A-350 in Montgomery County, Texas, and being out Restricted Reserve "B" and Restricted Reserve "D" of Village of Oak Ridge Grove, a subdivision plat recorded in County Clerk's File No. 2003062099 of the Map Records of Montgomery County, Texas, and the residue of a called 22.503 acre tract to O.R.N./Maplewood 25 L. P. as recorded in Clerk's File No. 2000-069788 of the Montgomery County Official Public Records of Real Property. Said 1.6227-acre tract being more particularly described by metes and bounds as follows:

All bearings shown herein are referenced to the said plat of Village of Oak Ridge Grove.

COMMENCING FOR REFERENCE at a found 5/8-inch iron rod found located in the north line of Lot 81, of Spring Oaks Subdivision, Section 1, a subdivision plat recorded in Volume 7, Page 293 of the Montgomery County Map Records, for the southwest corner of Lot 42 and said Block 1 and the southeast corner of said Restricted Reserve "B" of Village of Oak Ridge Grove subdivision;

THENCE North 89°20'44" West with the north line of said Lot 81 and said Spring Oaks Subdivision and the south line of said Restricted Reserve "B" and said Village of Oak Ridge Grove, a distance of 242.66 feet to a set 5/8-inch iron rod with yellow cap stamped "Cobb, Fendley & Associates" for the most easterly corner of the residue of a 22.503-acre tract, said point located in the north line of Lot 84 of said Spring Oaks Subdivision, for the southwest corner of said Restricted Reserve "D", said Village of Oak Ridge Grove;

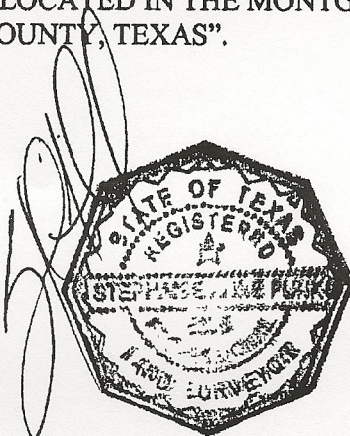
THENCE North 72°35'52" West along the south line of Restricted Reserve "B", 34.50 feet to the **POINT OF BEGINNING**;

THENCE 942.48 feet along a curve to the right having a radius of 150.00 feet, a central angle of 360°00'00" for a full circle and whose center bears North 20°13'42" West 150.00 feet, to the **POINT OF BEGINNING** and containing 1.6227 acres (70,686 square feet).

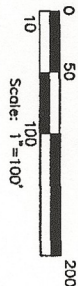
Note: This metes and bounds description is referenced to a survey exhibit drawing prepared by Cobb, Fendley & Associates, Inc. dated September 8, 2008, and titled "EXHIBIT OF A 150' SANITARY CONTROL EASEMENT LOCATED IN THE MONTGOMERY COUNTY LAND SURVEY, A-350, MONTGOMERY COUNTY, TEXAS".

Cobb, Fendley & Associates, Inc.
13430 NW Freeway, Suite 1100
Houston, Texas 77040
Ph. 713-462-3242

Job No. 5110-901-01-02
September 8, 2008



A-350



1. BOUNDARY IN SULLIVAN AND BEARINGS SHOWN HEREON ARE BASED ON THE RECORDED PLAT OF VILLAGE OF OAK RIDGE GROVE RECORDED IN FILE NO. 20030327093 OF THE MONROCKERY COUNTY MAP RECORDS. CONTROLLING MONUMENTS "A" AND "B" SHOWN HEREON WERE EAST TO A PLAT BEARING OF SOUTH 37DEGREES 46' EAST POINT "A" BEING FOR POSITION
2. ALL FIELD INFORMATION SHOWN HEREON IS BASED ON A "NO-THE-GROUND" SURVEY PERFORMED ON AUGUST 23, 2007 THROUGH SEPTEMBER 5, 2007.
3. THIS SURVEY PLAT IS REFERENCED TO A METES AND BOUNDS DESCRIPTION PREPARED BY COBB, FENDLEY AND ASSOCIATES, INC DATED SEPTEMBER 8, 2004.
4. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT. ADDITIONAL EASEMENTS AND/OR RESTRICTIONS OF RECORD MAY EXIST WHICH COULD AFFECT SUBJECT TRACT. THIS SURVEYOR DID NOT RESEARCH SUBJECT TRACT DEED INFORMATION.
5. FLOODPLAIN INFORMATION:

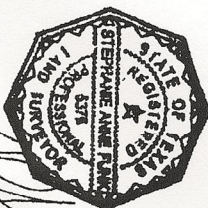
THE PROPERTY (OWNED HEREON (EITHER IN TOTAL OR A PORTION)) IS LOCATED IN THE FOLLOWING ZONE(S) BASED ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP 4339-0000-9, LAST REVISED SEPTEMBER 22, 1998:

ZONE AE - AREAS DETERMINED TO BE SPECIAL FLOOD HAZARD AREAS INUNDATED BY THE 100-YEAR FLOOD WHERE BASE FLOOD ELEVATIONS ARE DETERMINED.


ELEVATIONS WERE OBTAINED ON THE SUBJECT PROPERTY AND ARE BASED ON TROPICAL STORM ALLISON RECOVERY PROJECT DATA (TSMP), MAYD 1998, 2001 ADJUSTMENT.

DETERMINATION OF THE FLOOD ZONE IS BASED ON THE GRAPHICAL DELINEATION OF THE ZONES AS DERIVED ON THE FLOOD PLAIN MAPS.

IF THIS PROPERTY IS NOT WITHIN AN IDENTIFIED FLOOD HAZARD AREA, THIS INFORMATION DOES NOT IMPLY THAT THE PROPERTY IS NOT SUBJECT TO OTHER TYPES OF FLOODS. AND FLOOD HEIGHTS MAY BE INCREASED BY MAN-MADE OR NATURAL CAUSES. THIS FLOODPLAIN INFORMATION SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.



09-8-2008

PROJECT EXHIBIT OF A 150' SANITARY CONTROL EASEMENT LOCATED IN THE MONTGOMERY COUNTY SCHOOL LAND SURVEY, A-350 MONTGOMERY COUNTY, TEXAS			
OWNER SOUTHERN MONTGOMERY COUNTY M.U.D.			
LOCATION OAK RIDGE GROVE DR. AT MAPLEWOOD DR.			
 13430 NORTHWEST Fwy., SUITE 1100 HOUSTON, TEXAS 77040 (713) 482-3242			
DRAWN BY KLB	DATE 09-08-08	SHEET 1	OF 1
DESIGNED BY	SCALE 1"=100'	PROJECT NO	REVISED
BY	CHECK'D BY	5110-901-01-02	

FILED FOR RECORD

2009 JAN -2 PM 1:35

Mark Turnbull
COUNTY CLERK
MONTGOMERY COUNTY TEXAS

STATE OF TEXAS
COUNTY OF MONTGOMERY

I hereby certify this instrument was filed in
File Number Sequence on the date and at the time
stamped herein by me and was duly RECORDED in
the Official Public Records of Real Property at
Montgomery County, Texas.

JAN - 2 2009



Mark Turnbull
County Clerk
Montgomery County, Texas