

Easmt
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SANITARY CONTROL EASEMENT

Grantor: LAKES OF FAIRHAVEN, L.L.C.

Grantor's Address: 1704 Avenue D
Katy, Texas 77493

12/27/04 Y148056 300539828 \$18.00

102

Grantee: WESTSIDE WATER, L.L.C.

Grantee's Address: 1704 Avenue D
Katy, Texas 77493

lee

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 insanitary 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.

PROPERTY DESCRIPTION:

The Grantor's property subject to this Easement is the residue of that certain called 711.937 acre tract conveyed to Michael R. Walton by deed recorded under Harris County Clerk's File No. V143451 and located in the J. W. Moody Survey, A-547 and the Isaac D. Steele Survey, A-755, Harris County, Texas. D

EASEMENT NO. 1

Commencing at a 5/8 inch iron rod found in the North line of Schiel Road (60 feet wide) for the Southeast corner of that certain called 121.518 acre tract recorded under Harris County Clerk's File No. V710565; THENCE, North 00°18'44" West, along the East line of said called 121.518 acre tract, a distance of 1588.29 feet to a point for the Southwestern corner and POINT OF BEGINNING of the herein described tract; EASEMENT NO. 1 shall include all of that area of the subject residue tract that is within a 150 foot radius of a proposed water well to be located 73.47 feet at a radial of North 31 degrees 20 minutes 27 seconds East from the POINT OF BEGINNING.

EASEMENT NO. 2

Commencing at a 5/8 inch iron rod found in the North line of Schiel Road (60 feet wide) for the Southeast corner of that certain called 121.518 acre tract recorded under Harris County Clerk's File No. V710565; THENCE, North 00°18'44" West, along the East line of said called 121.518 acre tract, a distance of 1588.29 feet to a 3/4 inch iron rod for the Southwestern corner and the POINT OF BEGINNING of the herein described tract; said EASEMENT NO. 2 to include all of that area of the subject residue tract that is within a 150 foot radius of an existing water well located 116.79 feet at a radial of North 11 degrees 26 minutes 52 seconds East from the POINT OF BEGINNING.

EASEMENT NO. 3

Commencing at a 5/8 inch iron rod found in the North line of Schiel Road (60 feet wide) for the Southeast corner of that certain called 121.518 acre tract recorded under Harris County Clerk's File No. V710565; THENCE, North 00°18'44" West, along the East line of said called 121.518 acre tract, a distance of 1588.29 feet to a 3/4 inch iron rod for the Southwestern corner and the POINT OF BEGINNING of the herein described tract; said EASEMENT NO. 3 to include all of that area of the subject residue tract that is within a 150 foot radius of an existing water well located 254.22 feet at a radial of North 06 degrees 50 minutes 52 seconds East from the POINT OF BEGINNING.

TERM:

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

FILED FOR RECORD
8:00 AM

DEC 27 2004

Dorelynn B. Hayden
County Clerk, Harris County, Texas

GRANTOR:

Printed Name: Michael R. Walton

Title: PRESIDENT

Signatory: Michael R. Walton

THE STATE OF TEXAS
COUNTY OF HARRIS

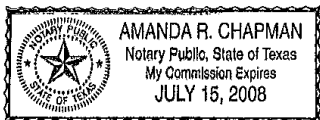
BEFORE ME, the undersigned authority, on the 16 day of December, 2004 personally appeared MICHAEL R. WALTON, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

Amanda R. Chapman
Notary Public in and for the State of Texas

My Commission Expires 7/15/08

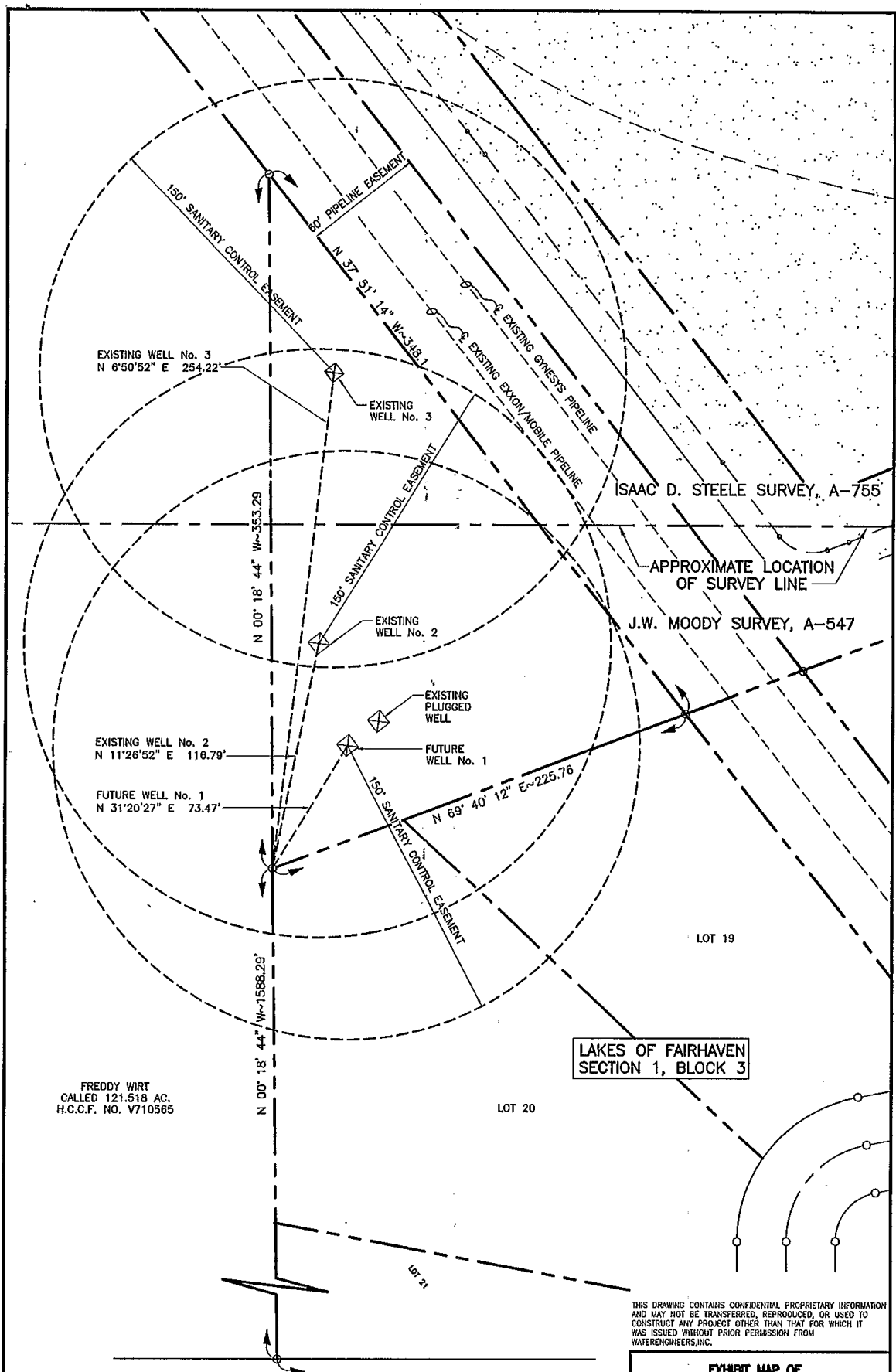
Amanda R. Chapman
(Typed or Printed Name of Notary)

SEAL



Recorder: Return to: WaterEngineers, Inc.
17230 Huffmeister Road
Cypress, Texas 77429-1643

597-61-001.0



FREDDY WIRT
CALLED 121.518 AC.
H.C.C.F. NO. V710565

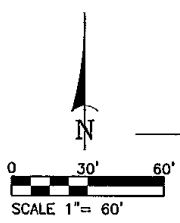
LAKES OF FAIRHAVEN
SECTION 1, BLOCK 3

THIS DRAWING CONTAINS CONFIDENTIAL PROPRIETARY INFORMATION
AND MAY NOT BE TRANSFERRED, REPRODUCED, OR USED TO
CONSTRUCT ANY PROJECT OTHER THAN THAT FOR WHICH IT
WAS ISSUED WITHOUT PRIOR PERMISSION FROM
WATERENGINEERS, INC.

**EXHIBIT MAP OF
LAKES OF FAIRHAVEN
WATER PLANT
SANITARY CONTROL EASEMENTS**

WATERENGINEERS, INC.
Water & Wastewater Treatment Consultants
17230 HUFFMEISTER ROAD TEL: 281-373-0500
CYPRESS, TEXAS 77429 FAX: 281-373-1113

DRAWN BY: JLW	SCALE: AS NOTED	DATE: 12-06-04
DESIGNED BY: DRY	CHECKED BY: DRY	REV. No.: 00
APPROVED BY: DRY	JOB No.: 4118.5	SHEET: 1



SCHIEL ROAD (60' R.O.W.)

597-61-0819

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL
PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW
THE STATE OF TEXAS
COUNTY OF HARRIS
I hereby certify that 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 of Harris
County, Texas on

DEC 27 2004



Dorothy L. Kayman
COUNTY CLERK
HARRIS COUNTY, TEXAS