

10412

§290.47(c) Appendix C: Sample Sanitary Control Easement Document for a Public Water Well.

SANITARY CONTROL EASEMENT

DATE: Nov. 27, 2007

GRANTOR(S): Polk County Texas c/o/ Judge John Thompson

GRANTOR'S ADDRESS: 101 W. Church St., suite 300, Livingston, Texas 77351

GRANTEE: Leggett Water Supply Corporation

GRANTEE'S ADDRESS: P.O. Box 757, Livingston, Texas 77351

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.

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

Polk County Clerk's Office

Volume 325 Pages 683 of the Real Property Records of Polk County, Texas.

Property Subject to Easement:(See attached survey and fieldnotes)

All of that area within a 150-foot radius of the water well located _____ feet at a radial of _____ degrees from the _____ corner of Lot _____, of a Subdivision of Record in Book _____, Page _____ of the County Plat Records, _____ County, Texas.

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 this 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 judgement 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)

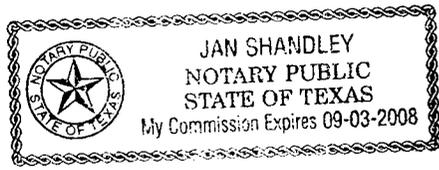
By John P. Thompson

ACKNOWLEDGMENT

STATE OF TEXAS §

COUNTY OF POLK §

BEFORE ME, the undersigned authority, on the day of November 27 20 07, personally appeared John P. Thompson 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.



Jan Shandlee
Notary Public in and for

THE STATE OF TEXAS

My Commission Expires: 9-3-2008

JAN SHANDLEE
Typed or Printed Name of Notary

Recorded in _____ Courthouse, _____ Texas on _____, 20__

FIELDNOTES of a Sanitary Easement in the B.J. Harper Survey, A-36, Polk County, Texas and being across part of a called 1.92 Acre Tract conveyed to Polk County by deed dated February 7, 1977 and recorded in Volume 325, Page 683 of the Polk County Deed Records. Said Easement being more particularly described as follows:

BEGINNING at the Southeast corner of said 1.92 Acre Tract and an ell corner of a called 13.87 Acre Tract conveyed to Leggett Water Supply Corporation by deed dated July 24, 1991 and recorded in Volume 814, Page 282 of the Polk County Official Records, found a 3" round concrete monument for corner;

THENCE with the South Line of said 1.92 Acre Tract and the most Westerly North Line of said 13.87 Acre Tract, N71°29'43"W 51.85 feet to a point for corner;

THENCE across said 1.92 Acre Tract in a curve to the right, having a central angle of 20°38'29", a radius of 150.00 feet and a chord of S86°50'51"E 53.75 feet, an arc length of 54.04 feet to a point for corner in the East Line of said 1.92 Acre Tract and the middle West Line of said 13.87 Acre Tract;

THENCE with said East Line and said West Line, S18°26'03"W 14.23 feet to the Place of Beginning.

The bearings described herein are based upon deed call for the most Northerly North Line of said 13.87 Acre Tract described as "S71°30'32"E 322.19 feet".

Surveyed : October 17, 2007



Alan Cook, Registered Professional
Land Surveyor, No. 5368

