

## **SANITARY CONTROL EASEMENT**

That POLK COUNTY, a government entity in the State of Texas ("Grantor"), for and in consideration of the sum of TEN NO/100 DOLLARS (\$10.00), and other good and valuable consideration of Grantor in hand paid by LAKE LIVINGSTON WATER SUPPLY & SEWER SERVICE CORPORATION ("Grantee"), the receipt and sufficiency of which are hereby acknowledged, does here GIVE, GRANT, and CONVEY unto Grantee a non-exclusive easement.

### **Purpose, Restriction and use of non- exclusive easement:**

The purpose of this non-exclusive easement is to protect the water supply of the well situated along a part of a certain tract or parcel of land described as Branchwood Drive, in Branchwood Subdivision (Lots 19-20) in Polk County, Texas, by means of sanitary control.

The construction and operation of underground petroleum and chemical storage tanks and liquid transmission pipelines, stock pens, feed lots, dump grounds, privies, cesspools, septic tank or sewage treatment drain fields, 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 are prohibited within this non-exclusive easement. For the purpose of this non-exclusive easement, improperly constructed water wells are those wells which do not meet the surface and subsurface construction standards for a public water supply well.

The construction of tile or concrete sanitary sewer, sewer appurtenances, septic tanks, storm sewers and cemeteries is specifically prohibited within a one hundred fifty feet [150] radius of the water well described and located below.

This non-exclusive easement permits road maintenance and repair by the county or county designee.

### **Property Subject to Non-Exclusive Easement:**

Branchwood Subdivision, Branchwood Drive provides access to Lots 19 and 20 Polk County, Texas, more particularly described upon plat File, thereof Records of Polk County, Texas, to which plat reference is here made for all pertinent purposes, which lands are located within a one hundred fifty feet [150] radius from the water well situated upon the property described in item 1 above.

### **Terms:**

This non-exclusive easement shall run with the land and shall be binding on all parties and person claiming under the Grantor for a period of Two [2] years from the date that this non-exclusive easement is recorded. After which time, this non-exclusive easement shall be automatically extended until the use of the subject water well as a source of water for public water systems ceases. The non-exclusive easement will end at such time that the well becomes unusable, inoperable, or is abandoned.

### **Enforcement:**

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

**Severability:**

Any clause, sentence, provision, paragraph or article of this non-exclusive easement held by a court of competent jurisdiction to be invalid, illegal or ineffective shall not impair, invalidate or nullify the remainder of this non-exclusive easement, but the effect thereof shall be limited to the clause, sentence, provision, paragraph or article so held to be invalid, illegal, or ineffective.



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GRANTOR

THIS TRACT DOES NOT LIE IN ANY FLOOD HAZARD ZONE PER ILLUD. COMMUNITY PANEL No. 480526 0006 B, DATED MARCH 1, 1994.

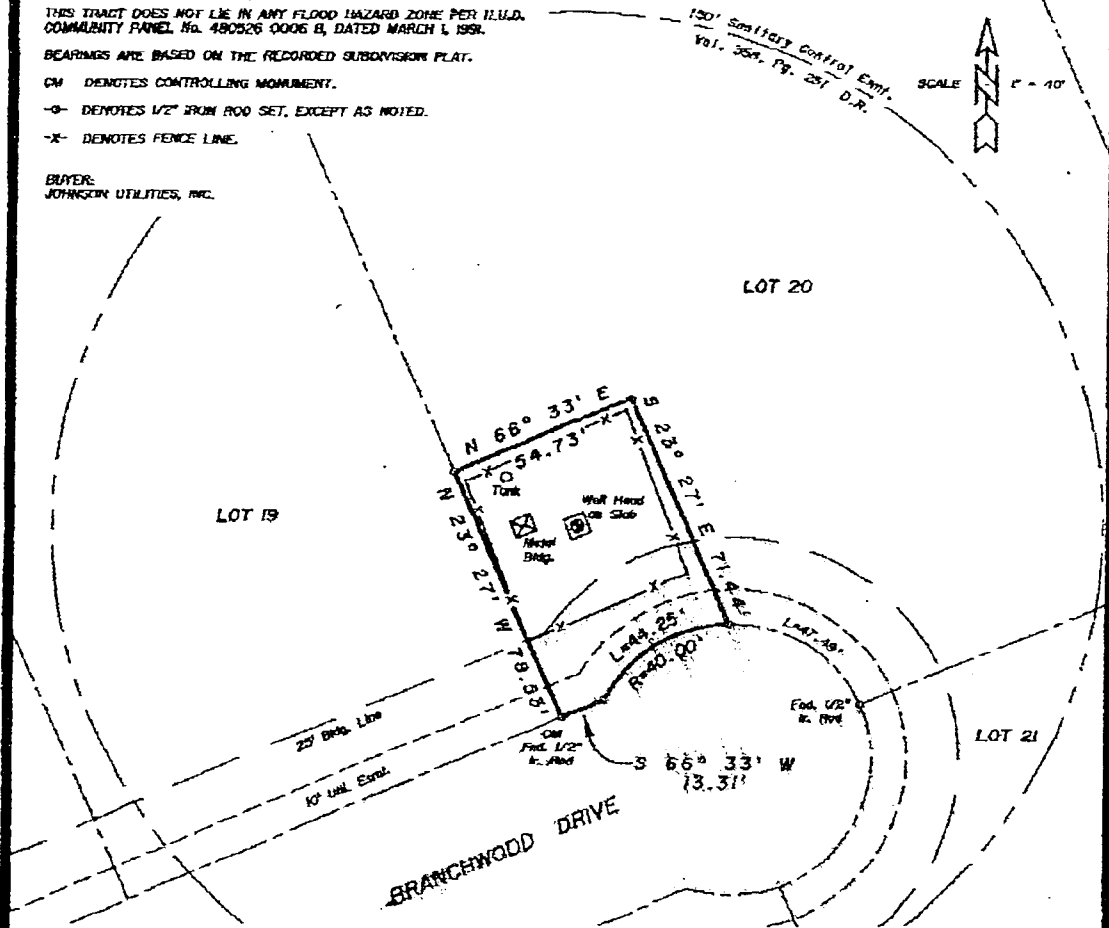
BEARINGS ARE BASED ON THE RECORDED SUBDIVISION PLAT.

CM DENOTES CONTROLLING MONUMENT.

-@- DENOTES 1/2" FROM ROD SET, EXCEPT AS NOTED.

-X- DENOTES FENCE LINE.

BUYER:  
JOHNSON UTILITIES, INC.



**SURVEY PLAT SHOWING**

0.091 ACRE OF LAND AS SITUATED IN THE JOHN BURGESS SURVEY, A-7, POLK COUNTY, TEXAS, AND BEING OUT OF LOT TWENTY (20) OF BRANCHWOOD SUBDIVISION AS SHOWN BY THE MAP OR PLAT THEREOF RECORDED IN VOLUME 7, PAGE 31 OF THE PLAT RECORDS OF SAID POLK COUNTY, TEXAS.

TO THE LIEN HOLDER AND/OR THE OWNER OF THE PREMISES SHOWN AND TO ANY TITLE GUARANTY COMPANY:

I, JAMES K. JOHNSON, REGISTERED PROFESSIONAL LAND SURVEYOR No. 1962, DO HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND OF THE PROPERTY LEGALLY SHOWN HEREON, IS CORRECT AND THAT THERE ARE NO APPARENT DISCREPANCIES, CONFLICTS, SHORTAGES IN AREA, BOUNDARY LINE CONFLICTS, ENCROACHMENTS, OVERLAPPING OF IMPROVEMENTS, EASEMENTS OR RIGHT OF WAYS, EXCEPT AS SHOWN HEREDN, AND THAT SAID PROPERTY HAS ACCESS TO AND FROM A DEDICATED ROADWAY.

SURVEYED: OCTOBER 14, 2002

BY: JAMES K. JOHNSON, R.P.L.S. No. 1962, TEXAS

COPYRIGHT, 2002 LIVINGSTON SURVEYING & MAPPING CORPORATION. THIS SURVEY IS BEING PROVIDED SOLELY FOR THE USE OF THE CURRENT PARTIES AND IT IS NOT TO BE REPRODUCED, ALTERED OR REUSED FOR ANY SUBSEQUENT TRANSACTION.

**Livingston**

SURVEYING & MAPPING

P.O. BOX 900, LIVINGSTON, TEXAS 77341 936/327-3886

THE STATE OF TEXAS §

COUNTY OF POLK §

This instrument was acknowledged before me by Sydney Murphy, on this \_\_\_\_\_ day of December, 2015.

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AFTER RECORDATION:

PLEASE RETURN TO:

LAKE LIVINGSTON WATER SUPPLY & SEWER SERVICE CORPORATION  
P.O.BOX 1149  
LIVINGSTON, TEXAS 77351