

# Texas Commission on Environmental Quality

## SANITARY CONTROL EASEMENT

DATE: MAY 31, 2024

GRANTOR(S): County of Upshur

GRANTOR'S ADDRESS: P O Box 730, Gilmer, Tx 75644

GRANTEE: Undine Texas LLC

GRANTEE'S ADDRESS: 17681 Telge Rd, Cypress, Tx 77429-7080

### 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 contains 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, 4 and 5 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 homes, roads, or 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: Abstract A-129 of the Real Property Records of Upshur County, Texas.

#### PROPERTY SUBJECT TO EASEMENT:

All of that area within a 150-foot radius of the water well located 94 feet at a radial of 123 degrees from the NW corner of Lot 36, of a Subdivision of Record in Book 5, Page 122 of the County Plat Records, Upshur 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 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.

UPSWUR COUNTY, TX

GRANTOR(S) By: *[Signature]*  
TODD TEFFELER  
UPSWUR CO. JUDGE

**ACKNOWLEDGMENT**

STATE OF TEXAS

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COUNTY OF

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BEFORE ME, the undersigned authority, on the day of 14<sup>TH</sup>, 2024, personally appeared

TODD TEFFELER known to me to be the person(s) who is an authorized agent for the owner 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.



*[Signature]*  
Notary Public in and for  
THE STATE OF TEXAS  
My Commission Expires: 11-18-2027  
Typed or Printed Name of Notary: KRISTIN CULBERTSON

Recorded in \_\_\_\_\_ Courthouse, \_\_\_\_\_ Texas on \_\_\_\_\_, 2024