

#5
8G1j
11-19-07

ORDER AUTHORIZING THE ABANDONMENT AND RELEASE
OF SANITARY CONTROL EASEMENT

STATE OF TEXAS §

COUNTY OF MONTGOMERY §

ON THIS 19th day of November, 2007, at a duly posted and called meeting of the Commissioners' Court of Montgomery County, Texas, upon motion of Commissioner Mezder, seconded by Commissioner Chance, duly put and carried:

WHEREAS, there is a 150' radius sanitary control easement which extends across portions of Lots 14, 34, and 35, Block 1, Restricted Reserves "A" and "B," and Stone Creek Lane, as shown on the plat of Stone Creek, Section 1, Precinct 1, Montgomery County, Texas, filed of record in Cabinet Z, Sheet 297 of the official Map Records of Montgomery County, Texas; and

WHEREAS, the 150' radius sanitary control easement was shown on the recorded plat of Stone Creek, Section 1, as hereinabove described, in connection with a water well that was to be constructed in Restricted Reserve "B" (Restricted for Water Well) of Stone Creek, Section 1, in order to provide a private water system to that subdivision; and

WHEREAS, the water well that was planned to provide a private water system to Stone Creek, Section 1, was never constructed; and


WHEREAS, water service is being provided to Stone Creek, Section 1, by Dobbin-Plantersville WCS, a water utility service, as shown on the attached Exhibit "A"; and

WHEREAS, because water service is provided by a water utility service, there is no longer a need for the 150' radius sanitary control easement shown on the recorded plat of Stone Creek, Section 1. Therefore, Mont. Dev Con I, Ltd., the developer of Stone Creek, Section 1, desires to abandon and release the 150' sanitary control easement as shown on the correspondence attached as Exhibit "B." A metes and bounds description of the sanitary control easement to be abandoned is attached to this Order as Exhibit "C."

IT IS THEREBY ORDERED by the Commissioners' Court of Montgomery County, Texas, that the 150' radius sanitary control easement which extends onto portions of Lots 14, 34, and 35, Block 1, Restricted Reserves "A" and "B," and Stone Creek Lane, in Stone Creek, Section 1, having been determined to be unnecessary, is hereby abandoned and released by order of this Court.

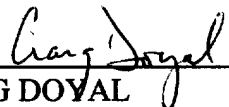
PASSED AND APPROVED this 19th day of November, 2007.


MONTGOMERY COUNTY, TEXAS


ALAN B. SADLER, COUNTY JUDGE


MIKE MEADOR
COMMISSIONER, PRECINCT 1




CRIG DOYAL
COMMISSIONER, PRECINCT 2


ED CHANCE
COMMISSIONER, PRECINCT 3

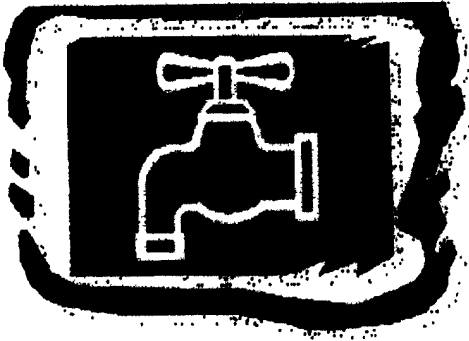

ED RINEHART
COMMISSIONER, PRECINCT 4

ATTEST


MARK TURNBULL, COUNTY CLERK

After Recording Return to:
Commissioners Court Clerk

475-11-2889



Dobbin-Plantersville WSC

PO Box 127 / 8842 Phillips Rd
Plantersville Texas 77363-0127
(936) 894-2506 fax: (936) 894-3152
janie@dpwater.com

Janie Legge, Office Manager
Joel Allphin, Contractor/Operator

BOARD OF DIRECTORS

Jason Keasing, Pres.
John Mock, Vice Pres.
Joy Stephenson, Secretary
Betty Lott, Treasurer
Robert Holt
Frank Hoffart
Mattie Malone

Date: August 22, 2006

Re.: Stone Creek Subdivision
(47 Meter Connections)

To Whom it May Concern:

Dobbin-Plantersville WSC is the owner of the water system that will be supplying the water utility service to Stone Creek Subdivision in Montgomery Texas with the required capacity under Texas Commission on Environmental Quality's Certificate of Convenience and Necessity # 11052 (water). Joel Allphin is the Certified Operator of the water system, (Cert. # WG0005115). All plans and operations are approved and regulated by the TCEQ. Monthly water samples and yearly samples are taken according to TCEQ's regulations.

If you need further information please contact Dobbin-Plantersville WSC at the office (936) 894-2506.

Respectfully,


DOBBIN-PLANTERSVILLE WSC
Janie Legge, Manager

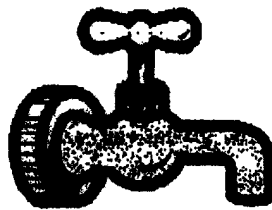


EXHIBIT "A"

Mont. DevCon I, Ltd.

& Stone Creek Property Owners Association

P.O. Box 517

Conroe, Texas 77305

(ph) 936-760-2600 (fx) 936-760-2670

November 14, 2007

Julie Stewart

Assistant County Attorney

Real Property Division

301 N. Thompson, Suite 107

Conroe, Texas 77301

RE: Release of Sanitary Control Easement for Stone Creek, a residential subdivision of 47 lots (approximately 58 acres).

Dear Ms. Stewart,

Enclosed please find a copy of a certified copy of the metes & bounds for a Sanitary Control Easement covering a large portion of two (2) lots in our subdivision. The Easement was originally created to circumference a private water system for the subdivision; however, was never installed or put to use. We are currently and have always been under contract with Dobbin-Plantersville WSC to receive service for the entire subdivision. I have also attached a letter from Dobbin-Plantersville WSC verifying our agreement with them. We are requesting a release of subject easement.

I would like to thank you in advance for your time and consideration. Please call me if you have any questions or concerns.

Respectfully,



Casey Butaud

President

Mont. Dev Con I, Ltd.

EXHIBIT "B"

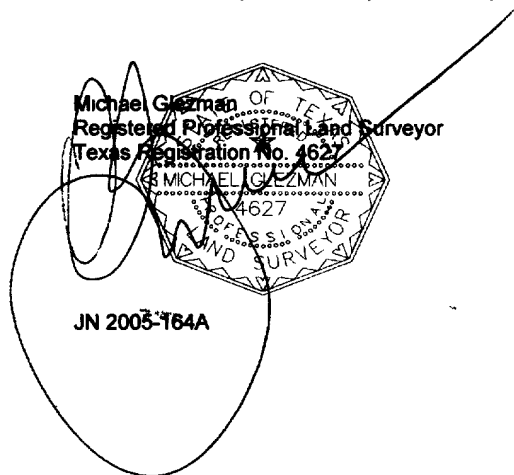
glezman surveying, inc.1938 Old River Road
Montgomery, Texas 77356936-582-6340
Fax: 582-6344**150 FOOT SANITARY CONTROL EASEMENT
STONE CREEK SECTION ONE
W.B.D. SMITH SURVEY, A-38
MONTGOMERY COUNTY, TEXAS**

Being a 150 foot radius Sanitary Control easement, whose radius point (center point) is located in Reserve "B", Stone Creek Section One, a subdivision of 58.000 acres, situated in the W.B.D. Smith Survey, Abstract Number 38, in Montgomery County, Texas and being recorded in Cabinet Z, Sheet 297 of the Map Records of Montgomery County, Texas; said Easement being more particularly described by metes and bounds as follows:

COMMENCING at the Northeast corner of Restricted Reserve "B" and the Northwest corner of Lot 35, Block 1, in the South line of Stone Creek Lane, a 60 foot wide right-of-way;

THENCE South 73°33'00" West, a distance of 51.11 feet along the South line of Stone Creek Lane and the North line of Reserve "B", to a point for angle;

THENCE South 16°27'00" East, a distance of 39.66 feet, leaving Stone Creek Lane, along a line perpendicular to the North line of Reserve "B", to a point for the center and radius point of the herein described Easement, said radius severing the Southerly 0.117 acres of Lot 13, the Westerly 0.418 acre of Lot 35, the Northeasterly 0.428 acre of Lot 34, the Southeasterly 0.060 acre of Reserve "A", and all of Reserve "B", containing 1.623 acres (70,686 square feet) of land.



Date: 11/10/07

I:\Documents\2005\2004-164A San ESMT.DOC

RECORDER'S MEMORANDUM:

At the time of recordation, this instrument was found to be inadequate for the best photographic reproduction because of illegibility, carbon or photo copy, discolored paper, etc. All black-outs, additions and changes were present at the time the instrument was filed and recorded.

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.

FILED FOR RECORD

2007 NOV 20 AM 11:55

NOV 20 2007

Mark Turnbull
COUNTY CLERK
MONTGOMERY COUNTY, TEXAS



Mark Turnbull
County Clerk
Montgomery County, Texas

EXHIBIT "C"