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11312

WARRANTY DEED
AND GRANT OF SANITARY CONTROL EASEMENT

STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF ATASCOSA §

THAT, WALTER A. SCHREIBER (hereinafter called Grantor, whether one or more), owning, claiming and occupying property other than as hereinafter described as Grantor's homestead, for and in consideration of the sum of TEN AND NO/100 DOLLARS and in lieu and in place and stead of condemnation, and for other good and valuable considerations to Grantor in hand paid by BEXAR METROPOLITAN WATER DISTRICT, a political subdivision of the State of Texas (hereinafter called Grantee, whether one or more), the receipt of which is hereby acknowledged, has GRANTED, SOLD and CONVEYED, and by these presents does GRANT, SELL and CONVEY unto Grantee, whose mailing address is as hereinafter set forth, the following described real estate, together with all improvements thereon, situated in ATASCOSA County, Texas, said property being more particularly described as follows, to-wit:

Being 0.332 acres of land, more or less, situated within the Ira Westover Survey Number 335-1/2, Abstract 924, Atascosa County, Texas. Said 0.332 acres being out of the northwest corner of Lot 6, OAKS SOUTH SUBDIVISION, as recorded in Volume 4, Page 46 (Sheet 74A, N.P.C.) of the plat records of Atascosa County, Texas. Said Lot 6, OAKS SOUTH SUBDIVISION being that same property as described in deed, Big Tex Investment Company to Walter A. Schreiber and wife, Martha R. Schreiber, executed May 20, 1976, and recorded in Volume 436, Page 361, of the Deed Records of Atascosa County, Texas. The bearings recited herein are based on plat showing OAKS SOUTH SUBDIVISION as recorded in Volume 4, Page 46 (Sheet 74A, N.P.C.) of the plat records of Atascosa County, Texas. Said 0.332 acres of land being more particularly described by metes and bounds on Exhibit "A" attached hereto and made a part hereof (the "Tract").

TOGETHER WITH a Sanitary Control Easement (the "Sanitary Control Easement") covering 0.306 acres of land, located within Lot 6, OAKS SOUTH SUBDIVISION, as recorded in Volume 4, Page 46 (Sheet 74A, N.P.C.) of the plat records of Atascosa County, Texas. Said Lot 6 being that same property as described in deed, Big Tex Investment Company to Walter A. Schreiber, et ux., executed May 20, 1976, and recorded in Volume 436, Page 361, of the Deed Records of Atascosa County, Texas; said Sanitary Control Easement being more particularly described by metes and bounds and sketch on Exhibits "B" and "B-1" attached hereto and made a part hereof. The bearings recited in said Exhibits "B" and "B-1" are based on plat showing Oaks South Subdivision as recorded in Volume 4, Page 46 (Sheet 74A N.P.C.) of the plat records of Atascosa County, Texas.

TO HAVE AND TO HOLD the above described Tract and the easement rights in and to the above described Sanitary Control Easement, together with all and singular the rights and appurtenances thereunto in anywise belonging, unto the said Grantee, Grantee's heirs, successors or assigns forever. And Grantor does hereby bind Grantor, Grantor's heirs, successors or assigns TO WARRANT AND FOREVER DEFEND all and singular the said premises unto the said Grantee herein, Grantee's heirs, successors or assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

The Tract is conveyed in "fee simple" title; the Sanitary Control Easement is conveyed as an easement only; however, both tracts are to be considered sanitary control easements under a Sanitary Control Easement, and Grantor and Grantee agree that they and any subsequent owners of said Tract and/or Sanitary Control Easement or any part thereof shall comply with the following described restrictions:

1. The sanitary control imposed on both the Tract and the Sanitary Control Easement specifically prohibits the construction and/or operation of stock pens, feed lots, dump grounds, privies, tile or concrete sanitation sewers, cess pools, septic tanks, septic tank drain fields, drilling of improperly constructed water wells of any depth and all other construction or operation that could create an insanitary condition within, upon or across the Tract and/or Sanitary Control Easement.

2. The sanitation control permits the construction of homes or buildings upon the Tract and/or Sanitary Control Easement, provided, however, that all stock pens, feed lots, privies, tile or concrete sanitation sewers, cess pools, septic tanks, septic tank drain fields, drilling of improperly constructed wells of any depth and other construction and/or operations that could create an insanitary condition within, upon or across same are specifically prohibited.

3. Normal farming and ranching operations are permitted except that livestock shall not be allowed within 50 feet of the proposed well located or hereafter located on the above mentioned 0.332 acres of land.

4. Enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant either to restrain violation or to recover damages.

5. Invalidity of any one of these covenants by judgment or court order shall not in anywise affect any of the other provisions which shall remain in full force and effect.

These covenants are to run with the land comprising the Tract and the Sanitary Control Easement, and shall be binding on all parties and all persons claiming under them for a period of two years from date these covenants are recorded, after which time said covenants shall be automatically extended until the use of the water well located or hereafter located on the said 0.332 acre Tract as a source of water for a public water system ceases.

EXECUTED ON FEB 09 1996

Walter A. Schreiber
WALTER A. SCHREIBER

(ACKNOWLEDGEMENT)

STATE OF TEXAS §
COUNTY OF BEXAR §

This instrument was ACKNOWLEDGED before me, on this the 9th day of Feb., 1996, by WALTER A. SCHREIBER.



JANICE Y. MCGHEE
Notary Public, State of Texas
My Commission Expires 2/19/97

Janice Y. McGhee
NOTARY PUBLIC, STATE OF TEXAS

GRANTEE'S MAILING ADDRESS:
AFTER RECORDING RETURN TO
GRANTEE AT:
Bexar Metropolitan Water
District
P. O. Box 3577
San Antonio, Texas 78211-0577

PREPARED IN THE LAW OFFICE OF:
WEST & WEST ATTORNEYS
8000 Vantage, Suite 2000, Building A
San Antonio, Texas 78230

FIELD NOTES DESCRIBING
0.332 ACRES OF LAND
IN ATASCOSA COUNTY, TEXAS

Being 0.332 acres of land situated within the Ira Westover Survey Number 335½, Abstract 924, Atascosa County, Texas. Said 0.332 acres being out of the northwest corner of Lot 6, Oaks South Subdivision as recorded in Volume 4, Page 46 (Sheet 74A, N.P.C.) of the plat records of Atascosa County, Texas. Said Lot 6, Oaks South Subdivision being that same property as described in deed, Big Tex Investment Company to Walter A. Schreiber and wife, Martha R. Schreiber, executed May 20, 1976, and recorded in Volume 436, Page 361, of the deed records of Atascosa County, Texas. The bearings recited herein are based on plat showing Oaks South Subdivision as recorded in Volume 4, Page 46 (Sheet 74A N.P.C.) of the plat records of Atascosa County, Texas. Said 0.332 acres of land being more particularly described by metes and bounds as follows:

BEGINNING at a found iron pin, on the east right-of-way of Oaks South Road, being the northwest corner of Lot 6, Oaks South Subdivision and being the southwest corner of Lot 5, Oaks South Subdivision. Said beginning point also being the southwest corner of a 0.166 acre tract of land, designated as "Paragraph One", dated September 1, 1977, Big Tex Investment Company to Ronald May and recorded in Volume 468, Page 368, of the deed records of Atascosa County, Texas;

THENCE leaving the east right-of-way of Oaks South Road and with the common boundary of Lots 5 and 6 and with the south line of the hereinabove 0.166 acre tract of land, designated as "Paragraph One", North 89°59'13" East, at 85.00 feet crossing a found iron pin being the southeast corner of the 0.166 acre tract of land, designated as "Paragraph One" and being the lower southwest corner of a 4.83 acre tract of land, out of Lot 5, dated February 23, 1988, Edward L. Hartgrove, et.ux to Wilfred C. Rios and recorded in Volume 794, Page 129, of the deed records of Atascosa County, Texas. A total distance of 170.00 feet to a set iron pin.

THENCE leaving the common boundary of Lots 5 and 6, Oaks South Subdivision and entering Lot 6, South 00°00'47" East, 85.00 feet to a set iron pin;

THENCE South 89°59'13" West, 170.00 feet to a set iron pin on the east right-of-way of Oaks South Road, same being the west line of Lot 6, Oaks South Subdivision;

THENCE with the east right-of-way of Oaks South Road and with the west line of Lot 6, North 00°00'47" West, 85.00 feet to the Place of Beginning and containing 0.332 acres of land in Atascosa County, Texas, according to a survey made on the ground under my supervision on January 17, 1996.



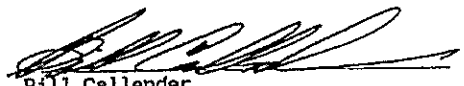

Bill Callender
Registered Professional Land Surveyor
No. 4777

EXHIBIT "A"

W. H. Mullins, Inc. * 5701 Broadway * San Antonio, Texas 78209 * (210) 828-5521,


FIELD NOTES DESCRIBING A
SANITARY CONTROL EASEMENT
IN ATASCOSA COUNTY, TEXAS

Being a Sanitary Control Easement, containing 0.306 acres of land, located within Lot 6, Oaks South Subdivision as recorded in Volume 4, page 46 (sheet 74A N.P.C.) of the plat records of Atascosa County, Texas. Said Lot 6 being that same property as described in deed, Big Tex Investment Company to Walter A. Schreiber, et ux. dated May 20, 1976, and recorded in Volume 436, page 361, of the deed records of Atascosa County, Texas. The bearings recited herein are based on plat showing Oaks South Subdivision as recorded in Volume 4, page 46 (sheet 74A N.P.C.) of the plat records of Atascosa County, Texas. Said Sanitary Control Easement being more particularly described by metes and bounds as follows:

- BEGINNING at a found iron pin on the east right-of-way of Oaks South Road and being the west line of Lot 6, Oaks South Subdivision, from which a found iron pin being the northwest corner of Lot 6, Oaks South Subdivision bears North 00°00'47" West, 85.00 feet. Said beginning point also being the southwest corner of a 0.332 acre tract of land being unrecorded at this date;
- THENCE leaving the east right-of-way of Oaks South Road and leaving the west line of Lot 6 and with the south line of the hereinabove 0.332 acre tract of land and entering Lot 6, North 89°59'13" East, 170.00 feet to a found iron pin being the southeast corner of the 0.332 acre tract of land;
- THENCE leaving the south line and with the east line of the 0.332 acre tract of land, North 00°00'47" West, 85.00 feet to a found iron pin on the north line of Lot 6. Said found iron pin being the northeast corner of the 0.332 acre tract of land;
- THENCE leaving the east line of the 0.332 acre tract of land and with the north line of Lot 6, North 89°59'13" East, 38.67 feet to a point of curvature;
- THENCE leaving the north line of Lot 6 and entering Lot 6 along the arc of a curve to the right having a radius of 150.00 feet, a central angle of 108°59'00", a chord bearing of South 50°39'22" West, a chord distance of 244.21 feet, an arc distance of 285.32 feet to a point on the east right-of-way of Oaks South Road and being on the east line of a cul-de-sac and being a west line of Lot 6;
- THENCE with the east right-of-way of Oaks South Road and with a west line of Lot 6 along the arc of a curve to the left having a radius of 50.00 feet, a central angle of 58°36'55", a chord bearing of North 23°50'08" West, a chord distance of 48.95 feet, an arc distance of 51.15 feet to a found iron pin;
- THENCE North 00°00'47" West, 25.00 feet to the Place of Beginning and containing 0.306 acres of land in Atascosa County, Texas.

The hereinabove field notes describing a Sanitary Control Easement containing 0.306 acres of land were prepared from Public Records and information obtained from a previous field survey and does not represent a survey made on the ground of the 0.306 acre tract of land.




Bill Callender
Registered Professional Land Surveyor
No. 4777

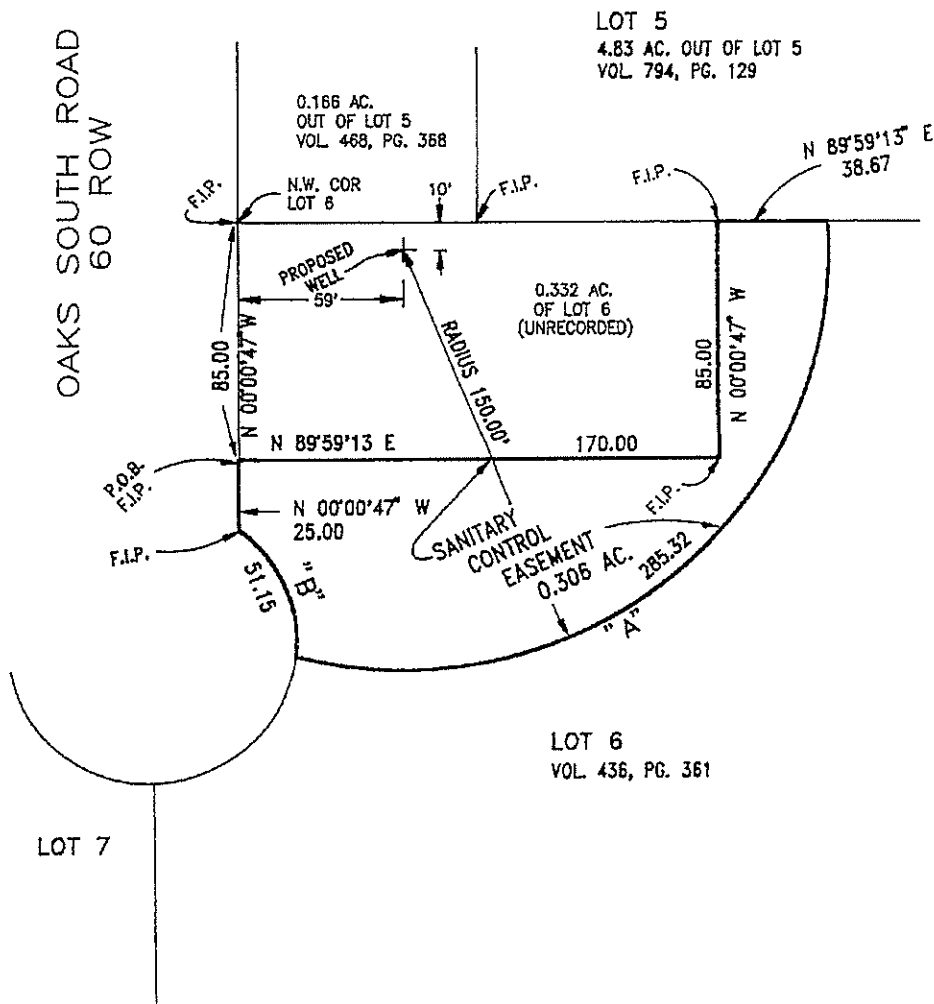
CURVE DATA						
LABEL	RADIUS	ANGLE	CHORD	CHD. BEG.	TANGENT	ARC LEN.
A	150.00	108°59'00"	244.21	S50°38'22"W	210.25	285.32
B	50.00	58°36'55"	48.96	N25°50'08"W	28.07	51.15

SCALE 1"=50'

THE BEARINGS SHOWN HEREON ARE BASED ON PLAT SHOWING OAKS SOUTH SUBDIVISION AS RECORDED IN VOL. 4, PG. 46 (SHEET 74A N.P.C.) OF THE PLAT RECORDS OF ATASCOSA COUNTY, TEXAS.

LEGEND

F.I.P. = FOUND IRON PIN
P.O.B. = POINT OF BEGINNING
ON FIELD NOTES



SKETCH TO ACCOMPANY FIELD NOTES SHOWING A SANITARY CONTROL EASEMENT LOCATED WITHIN LOT 6, OAKS SOUTH SUBDIVISION AS RECORDED IN VOLUME 4, PG.46 (SHEET 74A N.P.C.) OF THE PLAT RECORDS OF ATASCOSA COUNTY, TEXAS.

REVISED: JANUARY 26, 1996

EXHIBIT "B-1"

11312
FILED FOR RECORD

96 FEB 16 PM 2:31

LAQUITA HAYDEN
ATASCOSA COUNTY CLERK 6

By [Signature] DEPUTY
17.00 Pd

STATE OF TEXAS COUNTY OF ATASCOSA

I hereby certify that this instrument was filed on the
date and time stamped hereon by me and was duly
recorded in the volume and page of the OPR
records of Atascosa County, Texas stamped hereon
by me:



RECORDING DATE
Feb. 19, 1996
LAQUITA HAYDEN

COUNTY CLERK Atascosa County, Texas

By B. Jernigan Deputy

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