

EMERALD FOREST UTILITY DISTRICT

ORDER ESTABLISHING RULES AND REGULATIONS REGARDING  
SANITARY AND POLLUTION CONTROL OF THE AREAS IN  
PROXIMITY TO THE DISTRICT'S PUBLIC WATER SUPPLY WELLS

WHEREAS, Emerald Forest Utility District (the "District") has been created for, among other purposes, the protection, preservation, and restoration of the purity and sanitary condition of water within the State; and

WHEREAS, the District has the functions, powers, authority, rights, and duties that will permit accomplishment of the purposes for which it was created or the purposes authorized by the constitution, the Texas Water Code, or any other law; and

WHEREAS, the District has authority to adopt reasonable rules and regulations to preserve the sanitary condition of all water controlled by the District, and to provide and regulate a safe and adequate fresh water distribution system; and

WHEREAS, the District is constructing and will and own operate water supply facilities within the District, including one (1) water well and related facilities (the "District's Water Well"), which will provide potable water to the residents of the District; and

WHEREAS, because maintenance of sanitary conditions around the District's Water Well is vital to the protection of the water supply of the District's Water Well and to the protection of the health and safety of the residents of the District, the Board deems it necessary and proper to establish rules and regulations governing the control of sanitary conditions around the District's Water Well; NOW, THEREFORE,

BE IT ORDERED BY THE BOARD OF DIRECTORS OF EMERALD FOREST  
UTILITY DISTRICT:

Section 1.     Purpose.

A.     This Order sets forth uniform requirements for the uses and the construction of facilities in or on land within one hundred fifty feet (150') of the District's Water Well for the purposes of preserving the sanitary condition of water controlled by the District, to provide and regulate a safe and adequate fresh water distribution system, to protect the water supply of the District's Water Well by means of sanitary control, and to enable the District to comply with all applicable state and local regulations.

B.     The objective of this Order is to prevent certain uses and the construction of facilities in or on land surrounding the District's Water Well, which might create a danger of pollution to the water produced from such District's Water Well.

Section 2. Definitions.

Unless the context requires otherwise, the following terms and phrases, as used in this Order, shall have the meanings hereinafter designated:

A. "Board" shall mean the board of directors of Emerald Forest Utility District.

B. "District" shall mean Emerald Forest Utility District, located in Harris County, Texas.

C. "District's Water Well" shall mean the water well being constructed that will be owned and operated by the District, which is located on the land described in **Exhibit A** attached hereto and made a part hereof.

D. "Order" shall mean this Order Establishing Rules and Regulations Regarding Sanitary and Pollution Control of the Area in Proximity to the District's Public Water Supply Wells.

E. "Owner" shall mean that Person or Persons currently holding title to property, be it improved or unimproved, residential, non-residential, or tax-exempt.

F. "Person" shall mean any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or its legal representatives, agents, successors, or assigns.

Section 3. Prohibited Activities.

The following activities are prohibited within the designated areas of land surrounding the District's Water Well:

A. Construction and/or operation of underground petroleum and/or chemical storage tanks and liquid transmission pipelines, stock pens, feedlots, dump grounds, privies, cesspools, septic tanks, sewage treatment drain fields, absorption beds, evapotranspiration beds, improperly constructed water wells of any depth, and all other construction or operation that could create an unsanitary condition is prohibited within, upon, or across all areas of land within a 150-foot radius of the District's Water Well. For the purposes of this Order, "improperly constructed water wells" are those that do not meet the surface and subsurface construction standards for a public water supply well.

B. Construction of tile or concrete sanitary sewers, sewer appurtenances, septic tanks, storm sewers, and cemeteries is specifically

prohibited within, upon, or across any area of land within a 50-foot radius of the District's Water Well.

C. Construction of homes or buildings upon any area of land within a 150-foot radius of the District's Water Well is permitted, provided the restrictions described in paragraphs A and B above are met.

D. Normal farming and ranching operations are not prohibited by this Order; provided, however, livestock shall not be allowed within a 50-foot radius of the District's Water Well.

Section 4. Right of Entry.

District employees, or other representatives of the District, bearing proper credentials and identification, shall be permitted to immediately enter upon any premises located within a 150-foot radius of any District Water Well as described on **Exhibit B** attached hereto and made a part hereof to conduct any inspection or observations necessary to enforce this Order.

Section 5. Penalties.

A. Persons found to be in violation of this Order shall be notified by the District in writing. A person who violates any of the provisions of this Order shall be subject to a penalty of up to \$5,000 for each violation. Each day that a violation of any provisions hereof continues shall be considered a separate violation. Such penalties shall be in addition to any other penalties provided by the laws of the State of Texas and in addition to any other legal rights and remedies of the District as may be allowed by law. A court of competent jurisdiction may enjoin continued violations hereof.

B. The Owner shall reimburse the District for any and all expenses incurred by the District in the enforcement of the provisions of this Order, including without limitation reasonable fees for attorneys, expert witnesses, and other costs incurred by the District.

C. No water or sewer tap will be permitted for any tract or parcel of land until such land is in full compliance with these rules and regulations.

Section 6. Superseding Regulation or Statute.

Whenever any applicable statute, regulation, or permit of any state, federal, or other agency, having jurisdiction over the subject matter of this Order, is in conflict herewith, the stricter requirement shall apply, unless mandated otherwise.

Section 7. Severability.

In the event any clause, phrase, provision, sentence, or part of this Order or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Order as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the Board of Directors of the District declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section 8. Authority, Publication and Effective Date.

A. These rules and regulations are adopted pursuant to Sections 49.004, 49.221, and 54.205 of the Texas Water Code.

B. Pursuant to Section 54.207 of the Texas Water Code, a substantive statement of these rules and regulations and penalty for their violation as set out herein, shall be published once a week for two consecutive weeks in one or more newspapers with general circulation in the area in which the District is located. Such substantive statement may be condensed as far as possible to intelligently explain the purpose to be accomplished or the act forbidden by the rules. This notice will advise that breach of the rules will subject the violator to a penalty and that the full text of the rules are on file in the principal office of the District where they may be read by any interested party.


C. The penalty for violation of any regulation or rule set out herein shall become effective and enforceable five (5) days after the publication of notice hereof pursuant to Section 54.207 of the Texas Water Code. Five (5) days after publication, the published rules shall be in effect and ignorance shall not be a defense to the prosecution for the enforcement of any penalty provided herein, all as set forth in Section 54.208 of the Texas Water Code. The Owner(s) of property within the District upon which activities which are subject to any regulation or rule set out herein are in progress as of the effective date hereof, shall immediately cease and desist such activities until compliance with the terms hereof is achieved.

[EXECUTION PAGE FOLLOWS]

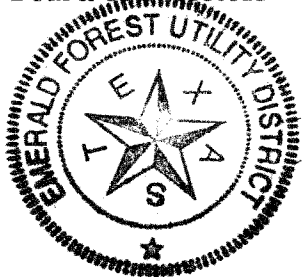
PASSED AND APPROVED this 14<sup>th</sup> day of October, 2019.

  
\_\_\_\_\_  
President, Board of Directors

ATTEST:

  
\_\_\_\_\_  
Secretary, Board of Directors

(SEAL)



RP-2019-501279

CERTIFICATE FOR ORDER

THE STATE OF TEXAS     §  
  §  
COUNTY OF HARRIS     §

I, the undersigned officer of the Board of Directors of Emerald Forest Utility District, hereby certify as follows:

1. The Board of Directors of Emerald Forest Utility District convened in regular session on the 14<sup>th</sup> day of October, 2019, outside the boundaries of the District, and the roll was called of the members of the Board:

Bobby G. Dillard	President
Robert M. Kimball	Vice President
William B. Schmidt	Secretary/Investment Officer
Donald F. Brooks	Assistant Vice President
Vacant	Assistant Secretary

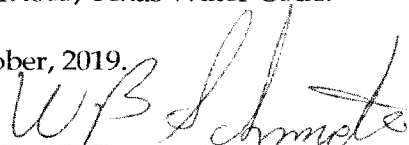
and all of said persons were present except Director(s) \_\_\_\_\_, thus constituting a quorum. Whereupon, among other business, the following was transacted at the meeting: a written

ORDER ESTABLISHING RULES AND REGULATIONS REGARDING  
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was introduced for the consideration of the Board. It was then duly moved and seconded that the order be adopted, and, after due discussion, the motion, carrying with it the adoption of the order, prevailed and carried unanimously.

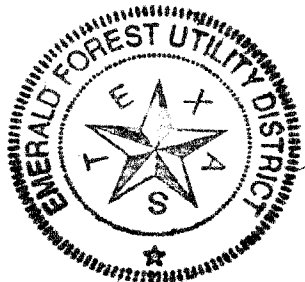
2. A true, full, and correct copy of the aforesaid order adopted at the meeting described in the above and foregoing paragraph is attached to and follows this certificate; the action approving the order has been duly recorded in the Board's minutes of the meeting; the persons named in the above and foregoing paragraph are the duly chosen, qualified, and acting officers and members of the Board as indicated therein; each of the officers and members of the Board was duly and sufficiently notified officially and personally, in advance, of the time, place, and purpose of the aforesaid meeting, and that the order would be introduced and considered for adoption at the meeting, and each of the officers and members consented, in advance, to the holding of the meeting for such purpose; the meeting was open to the public as required by law; and public notice of the time, place, and subject of the meeting was given as required by Chapter 551, Texas Government Code, and Section 49.063, Texas Water Code.

SIGNED AND SEALED the 14th day of October, 2019.

  
Secretary, Board of Directors

(SEAL)

810699



RP-2019-501279

# EXHIBIT A

METES AND BOUNDS DESCRIPTION  
0.5144 ACRES (22,406 S.F.)  
W. H. YORK, A-943 SURVEY  
HARRIS COUNTY, TEXAS

151-90-1211

Being a tract or parcel of land containing 0.5144 acres of land out of the W. H. York, A-943 Survey. Said tract also being a portion of Reserve "A", Block 1, Section 1, Turtle Lake Subdivision, Harris County, Texas. A subdivision of 24.997 acres as recorded in Volume 240, Page 92, of the Harris County Map Records, said 0.5144 acres being more particularly described by metes and bounds as follows:

COMMENCING at the northwest corner of Lot 5, Block 1, of Turtle Lake, Section 1, said point also being a point at the intersection of the centerline of a 16.00 foot utility easement along the south line of Reserve "A" and the most westerly line of Turtle Lake, Section 1;

THENCE N 00°49'20" E along the most westerly line of Turtle Lake, Section 1, a distance of 11.48 feet to the most northwesterly corner of Reserve "A", said point also being at the intersection of the most westerly line of Turtle Lake, Section 1, and the north line of the Eliza Harbor Survey, A-366, said line being the south line of the W. H. York Survey, A-943;

THENCE N 44°26'07" E leaving the most westerly line of Turtle Lake, Section 1, and continuing along the northwesterly line of the aforementioned Reserve "A", a distance of 175.70 feet to the southwest corner of herein described tract and the PLACE OF BEGINNING;

THENCE N 44°26'07" E and continuing along the northwesterly line of aforementioned Reserve "A", a distance of 170.91 feet to a point for corner;

THENCE N 89°58'55" E, 66.65 feet to a point for corner;

THENCE S 28°47'50" E, 82.14 feet to a point for corner;

THENCE N 89°58'55" E, a distance of 75.28 feet to the west right-of-way line of Perry Road (100.00 foot right-of-way) and the northeast corner of the herein described tract;

THENCE along the arc of a curve to the left in a southwesterly direction having a length of 50.55 feet, and a delta angle of 01°24'46", and a radius of 2,050.00 feet, to the southeast corner of the herein described tract;

THENCE S 89°58'55" W, 293.73 feet to the PLACE OF BEGINNING and containing 0.5144 acres of land.

MONTGOMERY ENGINEERING COMPANY, INC.  
Job No. 126-045  
Revised January 30, 1980

STATE OF TEXAS  
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED, in the Official Public Records of Real Property of Harris County, Texas on

EXHIBIT "A"

FEB 22 1980

### 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.



*Quita Lasswell*  
COUNTY CLERK,  
HARRIS COUNTY, TEXAS

RP-2019-501279



**NORTH**

SCALE: 1" = 60'

**GENERAL NOTES**

1. SURVEYOR DID NOT ABSTRACT SUBJECT PROPERTY. EASEMENTS, SETBACKS AND ENCUMBRANCES SHOWN HEREON ARE BASED ON INFORMATION RECEIVED FROM A THIRD PARTY PROVIDER IN THE FORM OF A CITY PLANNING LETTER OR ABSTRACTING CERTIFICATE. WINDROSE IS NOT RESPONSIBLE, NOR WILL BE HELD LIABLE FOR ANY INCORRECT OR UNDISCLOSED INFORMATION PROVIDED OR OMITTED IN A CITY PLANNING LETTER OR ABSTRACTING CERTIFICATE.
2. BEARINGS WERE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE. (NAD83)
3. THIS EXHIBIT IS ACCOMPANIED BY A SEPARATE METES AND BOUNDS DESCRIPTION.
4. THIS EXHIBIT DOES NOT IMPLY TO BE A LAND TITLE SURVEY OF THE SUBJECT PROPERTY AND IS NOT INTENDED TO BE USED FOR TITLE CONVEYANCE PURPOSES.

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 88°09'05" W	247.05'
L2	N 01°50'55" W	18.99'
L3	S 88°09'05" W	46.64'

RESTRICTED RESERVE 'A'  
NINETY-FOUR SEVENTEEN  
FM 1950 WEST SUBDIVISION  
F.C. NO. 432056, H.C.M.R.

CALLED 2.05 ACRES  
AREC 15, LLC  
H.C.C.F. NO. 20120359581

CALLED 3.05185 ACRES  
AREC 15, LLC  
H.C.C.F. NO. 20120359581

CALLED 0.5144 ACRES  
EMERALD FOREST  
UTILITY DISTRICT  
H.C.C.F. NO. G437883

UNRESTRICTED RESERVE 'A'  
TURTLE LAKE SECTION ONE  
VOL. 240, PG. 92, H.C.M.R.

CALLED 1.113 ACRES  
TURTLE LAKE CIVIC  
IMPROVEMENT ASSOCIATION, INC.  
H.C.C.F. NO. L456203

**SANITARY CONTROL  
EASEMENT**  
1.623 AC.  
70,686 SQ. FT.

20' ELOS. LINE  
VOL. 240, PG. 92, H.C.M.R.

PERRY ROAD  
100' R.O.W.  
VOL. 240, PG. 92, H.C.M.R.

P.O.C.  
END 5/8" IR

10' SAN. SVR. ESM'T.  
H.C.C.F. NO. 7096101

5

4

①

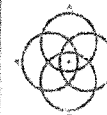
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1

EXHIBIT OF A  
SANITARY CONTROL EASEMENT  
1.623 ACRES OR 70,686 SQ. FT.  
SITUATED IN THE  
W. H. YORK SURVEY, A-943  
HARRIS COUNTY, TEXAS

FILED BY:	CC	DATE:	11-05-19
DRAWN BY:	TW	REV:	11-08-19
CHECKED BY:	RK	REV:	
JOB NO.:	55315-SCE-1	REV:	
SHEET 1 OF 2		REV:	



**WINDROSE**  
LAND SURVEYING | PLATTING

11111 RICHMOND AVE, STE 150 | HOUSTON, TX 77082 | 713.458.2281  
FIRM REGISTRATION NO. 10106900 | WINDROSESERVICES.COM

EXHIBIT B





# WINDROSE

LAND SURVEYING | PLATTING

## DESCRIPTION OF A SANITARY CONTROL EASEMENT 1.623 ACRES OR 70,686 SQ. FT.

A TRACT OR PARCEL CONTAINING 1.623 ACRES OR 70,686 SQUARE FEET OF LAND SITUATED IN THE W. H. YORK SURVEY, ABSTRACT NO. 943, HARRIS COUNTY, TEXAS, BEING OUT OF A CALLED 0.5144 ACRE TRACT OF LAND CONVEYED TO EMERALD FOREST UTILITY DISTRICT AS RECORDED UNDER HARRIS COUNTY CLERKS FILE (H.C.C.F.) NO. G437883; A CALLED 1.113 ACRE TRACT OF LAND CONVEYED TO TURTLE LAKE CIVIC IMPROVEMENT ASSOCIATION, INC. AS RECORDED UNDER H.C.C.F. NO. L456293; A CALLED 2.05 ACRE TRACT OF LAND AND A CALLED 3.05185 ACRE TRACT OF LAND CONVEYED TO AREC 15, LLC AS RECORDED UNDER H.C.C.F. NO. 20120359581, WITH SAID 1.623 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, WITH ALL BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD 83):

COMMENCING AT A 5/8 INCH IRON ROD FOUND ON THE WESTERLY RIGHT-OF-WAY LINE OF PERRY ROAD (100' WIDTH, VOLUME 240, PAGE 92 OF THE HARRIS COUNTY MAP RECORDS) MARKING THE COMMON EASTERLY CORNER OF SAID 0.5144 ACRE TRACT AND SAID 1.113 ACRE TRACT:

THENCE, SOUTH 88 DEG. 09 MIN. 05 SEC. WEST ALONG THE COMMON LINE OF SAID 0.5144 ACRE TRACT AND SAID 1.113 ACRE TRACT, A DISTANCE OF 247.05 FEET TO A POINT, FROM WHICH AN "X" IN CONCRETE FOUND ON THE SOUTHEASTERLY LINE OF SAID 2.05 ACRE TRACT MARKING THE COMMON WESTERLY CORNER OF SAID 0.5144 ACRE TRACT AND SAID 1.113 ACRE TRACT BEARS SOUTH 88 DEG. 09 MIN. 05 SEC. WEST - 46.64 FEET;

THENCE, NORTH 01 DEG. 50 MIN. 55 SEC. WEST OVER AND ACROSS SAID 0.5144 ACRE TRACT, A DISTANCE OF 18.99 FEET TO THE CENTER POINT OF THIS 150.00 FOOT RADIUS SANITARY CONTROL EASEMENT AND CONTAINING 1.623 ACRES OR 70,686 SQUARE FEET OF LAND, AS SHOWN ON JOB NO. 55315-SCE-1, PREPARED BY WINDROSE LAND SERVICES.

ROBERT KNESS  
R.P.L.S. NO. 6486  
STATE OF TEXAS  
FIRM REGISTRATION NO. 10108800



SHEET 2 OF 2

11-05-19  
DATE:  
REV: 11-06-19

RP-2019-501279

RP-2019-501279  
# Pages 10  
11/12/2019 09:31 AM  
e-Filed & e-Recorded in the  
Official Public Records of  
HARRIS COUNTY  
DIANE TRAUTMAN  
COUNTY CLERK  
Fees \$48.00

RECORDERS MEMORANDUM

This instrument was received and recorded electronically and any blackouts, additions or changes were present at the time the instrument was filed and recorded.

Any provision herein which restricts the sale, rental, or use of the described real property because of color or race is invalid and unenforceable under federal law.

THE STATE OF TEXAS  
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas.



*Diane Trautman*

COUNTY CLERK  
HARRIS COUNTY, TEXAS

RP-2019-501279