

DECLARATION OF USE RESTRICTIONS

1. This tract shall not be used for any purpose except for single family residential, recreational, farming, or ranching purposes. The term "residential purposes" as used herein shall be held and construed to exclude clinics, duplexes, houses, apartment houses, multiple family dwellings, boarding houses and hotels, and to exclude commercial, business and professional uses other than farming and ranching.
2. No "manufactured" or mobile home or modular home shall be located upon, used, placed or erected on this tract.
3. All structures shall be set back a minimum of 100 feet from the right-of-way of Kickapoo Road and a minimum of 50 feet from the north property line.
4. Animals such as horses, donkeys, cows, goats, fowl and rabbits are permitted. No swine or poultry shall be kept or temporarily penned and fed in commercial quantities or for commercial purposes on this tract.
5. No noxious or offensive trade or activity shall be permitted upon this tract. This tract shall not be used or maintained as a dumping or storage area for rubbish, trash, or any toxic substances and all household garbage or other waste shall be kept in sanitary containers.
6. This tract may not be further subdivided.
7. These restrictions of this Declaration shall run with and bind the land and be effective as long as the sellers, Charles M. Asfahl and wife, Patricia Z. or their heirs own said adjacent tract.

Restrictions only apply to the 5 Acre tract highlighted in the attached Survey

SHUBAL MARSH SURVEY
A-217

N 18°00'50" E ~686.09'
② CALLED=N 18°00'12" E ~686.04'

Fnd. 1" I.P. (CM)

N 17°49'08" E ~409.40'
② CALLED=N 17°50'22" E ~405.32'

Fnd. 5/8" I.R.

CHARLES M. ASFAHL AND WIFE
PATRICIA Z. ASFAHL
14.587 ACRES
VOLUME 541, PAGE 956
D.R.W.C.

② CHARLES M. ASFAHL AND WIFE
PATRICIA Z. ASFAHL
59.975 ACRES
VOLUME 538, PAGE 507
D.R.W.C.

TEXAS EASTERN TRANSMISSION
CORPORATION
50' WIDE PIPELINE EASEMENT
VOLUME 128, PAGE 150
D.R.W.C.

S 00°08'05" W ~1,657.17'

Fnd. 1" I.P. (CM)

S 67°11'53" W ~1,077.67'

② CALLED=N 67°11'53" W ~1,077.76'

5.00 ACRES
(217,800 SQ. FT.)

N 88°16'41" W ~828.57'
① CALLED=S 88°17'02" E ~828.65'
② CALLED=N 88°15'43" W ~828.69'

P.O.B.
Fnd. 1/2" I.R. (CM)
Fence Corner

N 17°49'08" E ~409.40'
① CALLED=N 17°50'22" E ~405.32'

① WILLIAM F. FENDLEY AND WIFE
PAMELA S. FENDLEY
4.9411 ACRES
VOLUME 481, PAGE 510
D.R.W.C.

SAN BERNARD ELECTRIC
COOPERATIVE, INC.
20' ELECTRIC EASEMENT
VOLUME 414, PAGE 267
D.R.W.C.

TEXAS EASTERN TRANSMISSION
CORPORATION
50' WIDE PIPELINE EASEMENT
VOLUME 128, PAGE 150
D.R.W.C.

AVIS EISEN
RESIDUE OF 57.28 ACRES
VOLUME 479, PAGE 908
D.R.W.C.

N 00°12'38" W ~257.18'
① CALLED=S 00°12'33" E ~257.38'
② CALLED=N 00°13'41" W ~257.22'

S 00°04'50" E ~300.22'
② CALLED=S 00°04'18" E ~300.16'

N 88°42'46" W ~51.85'
② CALLED=N 88°38'08" W ~51.76'

Fnd. 1" I.P. (CM)

Fnd. 5/8" I.R.

N 88°45'36" W ~119.60'
① CALLED=N 88°40'06" W ~119.57'

N 82°03'42" W ~115.79'
① CALLED=N 82°04'03" W

N 88°12'43" W ~379.41'
① CALLED=N 88°16'41" W ~379.57'

P.O.C.
Fnd. 1/2" I.R. (CM)

HEGAR ROAD
(WIDTH VARIES)

HEGAR ROAD
(WIDTH VARIES)

NOTES:

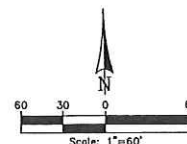
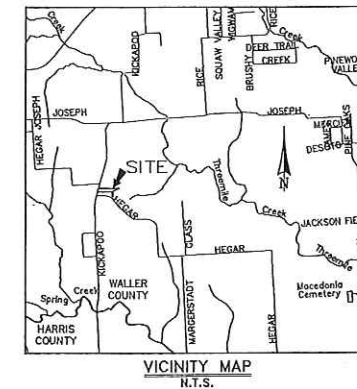
- 5/8-INCH IRON RODS WITH YELLOW CAPS STAMPED "COBB, FENDLEY & ASSOCIATES" SET AT ALL TRACT CORNERS UNLESS NOTED OTHERWISE.
- ALL BEARINGS SHOWN HEREON ARE REFERENCED TO THE DEED BEARINGS OF THE 59.975-ACRE TRACT SHOWN HEREON. FOUND MONUMENTS MARKED "CM" WERE HELD FOR CONTROLLING MONUMENTS.
- ABSTRACT INFORMATION FOR THE SUBJECT PROPERTY SHOWN HEREON IS BASED ON COMMITMENT FOR TITLE INSURANCE FILE NO. 1447334229 PREPARED BY STEWART TITLE GUARANTY COMPANY, ISSUED ON OCTOBER 01, 2014. SURVEYOR DID NOT RESEARCH SUBJECT PROPERTY TITLE INFORMATION.
- ALL FIELD INFORMATION SHOWN HEREON IS BASED ON AN "ON-THE-GROUND" SURVEY PERFORMED BY COBB, FENDLEY & ASSOCIATES, INC. IN MAY 10, 2014.
- THIS SURVEY DRAWING IS REFERENCED TO A METES AND BOUNDS DESCRIPTION PREPARED BY COBB, FENDLEY & ASSOCIATES, INC. OF EVEN DATE.
- THE WORD CERTIFY IS UNDERSTOOD TO BE AN EXPRESSION OF PROFESSIONAL JUDGMENT BY THE SURVEYOR, WHICH IS BASED ON HIS/HER BEST KNOWLEDGE INFORMATION AND BELIEF.
- SQUARE FOOTAGE AREA SHOWN HEREON IS FOR INFORMATION ONLY AND SURVEYOR DOES NOT CERTIFY ACCURACY OF SURVEY TO NEAREST SQUARE FOOT.
- ALL INFORMATION WITH ① IS BASED ON THE DEED CALLS OF THE 4.9411 ACRE TRACT AS REFERENCED.
- ALL INFORMATION WITH ② IS BASED ON THE DEED CALLS OF THE 59.975 ACRE TRACT AS REFERENCED.
- SCHEDULE B EXCEPTIONS AS NOTED IN TITLE COMMITMENT FILE NO. 1447334229 ISSUED ON OCTOBER 1, 2014 BY STEWART TITLE GUARANTY COMPANY REPRINTED HEREON AS FOLLOWS:
ITEM 10(B): RIGHT OF WAY GRANTED TO TEXAS EASTERN TRANSMISSION CORPORATION AS SET FORTH IN INSTRUMENT RECORDED IN VOLUME 128, PAGE 150 OF THE DEED RECORDS OF WALLER COUNTY, TEXAS. DOES AFFECT 5.00 ACRE TRACT.
ITEM 10(C): RIGHT OF WAY EASEMENT GRANTED TO SAN BERNARD ELECTRIC COOPERATIVE, INC. AS SET FORTH IN INSTRUMENT RECORDED IN VOLUME 372, PAGE 564 OF THE DEED RECORDS OF WALLER COUNTY, TEXAS. DOES NOT AFFECT 5.00 ACRE TRACT.

SURVEYOR'S CERTIFICATE

IN MY PROFESSIONAL OPINION, THIS PLAT REPRESENTS THE FACTS FOUND ON THE GROUND DURING THE COURSE OF A BOUNDARY SURVEY CONDUCTED UNDER MY SUPERVISION ON MAY 10, 2014, AND THAT THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND SPECIFICATIONS FOR A CATEGORY 1A, CONDITION IV RURAL SURVEY.

WITNESS MY HAND AND SEAL THIS 1ST DAY OF OCTOBER, 2014, AT HOUSTON, TEXAS.

STEPHANIE A. FUNK
REGISTERED PROFESSIONAL LAND SURVEYOR



DESCRIPTION OF A TRACT OF LAND CONTAINING
5.00 ACRES (217,800 SQUARE FEET) SITUATED IN THE
SHUBAL MARSH SURVEY, A-217 IN WALLER COUNTY, TEXAS

Being a tract of land containing 5.00 acres (217,800 square feet) situated in the Shubal Marsh Survey, A-217 in Waller County, Texas, and being out of a called 59.975-acre tract as conveyed unto Charles M. Asfahl and wife, Patricia Z. Asfahl by deed recorded in Volumes 538, Page 507 of the Deed Records of Waller County, Texas. Said 5.00-acre tract of land more particularly described by metes and bounds as follows:

COMMENCING FOR REFERENCE at a found 1/2-inch iron rod located at the intersection of the east right-of-way line of Kickapoo Road (80 feet wide) and the north right-of-way line of Hegar Road (width varies) for the southwest corner of a called 4.9411-acre tract as conveyed unto William F. Fendley and wife, Pamela S. Fendley by deed recorded in Volume 481, Page 510 of the deed records of Waller County, Texas;

THENCE North 17° 52' 29" East with the east right-of-way line of said Kickapoo Road and the west line of said 4.9411-acre tract, a distance of 254.91 feet to a found 1/2-inch iron rod for the northwest corner of said 4.9411-acre tract, for the southwest corner of said 59.975-acre tract, for the southwest corner of said tract herein described and for the POINT OF BEGINNING;

THENCE North 17° 52' 29" East continuing with the east right-of-way line of said Kickapoo Road and with the west line of said 59.975-acre tract, a distance of 214.76 feet to a set 5/8-inch iron rod with yellow cap stamped "Cobb Fendley & Associates" for the northwest corner of said tract herein described;

THENCE South 88° 16' 41" East, a distance of 1,176.88 feet to a set 5/8-inch iron rod with yellow cap stamped "Cobb Fendley & Associates" located in the east line of said 59.975-acre tract and the north line of the residue of a called 57.28-acre tract as conveyed unto Avis Eisen by deed recorded in Volume 479, Page 908 of the Deed Records of Waller County, Texas, for the northeast corner of said tract herein described;


THENCE South 67° 11' 53" West with the east line of said 59.975-acre tract and the north line of the residue of said 57.28-acre tract, a distance of 392.38 feet to a found 1-inch iron pipe for an angle point in the east line of said 59.975-acre tract, for the northwest corner of said 57.28-acre tract and for an angle point in the east line of said tract herein described;

THENCE South 00° 04' 50" East with the east line of said 59.975-acre tract and the west line of said 57.28-acre tract, a distance of 300.22 feet to a found 1-inch iron pipe for the southeast corner of said 59.975-acre tract, for an angle point in the west line of said 57.28-acre tract and for the southeast corner of said tract herein described;

THENCE North 88° 42' 46" West with the south line of said 59.975-acre tract and the west line of said 57.28-acre tract, a distance of 51.85 feet to a found 5/8-inch iron rod for an angle point in the south line of said 59.975-acre tract, for the southwest corner of said 4.9411-acre tract and for an angle point in the south line of said tract herein described;

THENCE North 00° 12' 38" West with the south line of said 59.975-acre tract and the east line of said 4.9411-acre tract, a distance of 257.18 feet to a found 5/8-inch iron rod for an angle point in the south line of said 59.975-acre tract, for the northeast corner of said 4.9411-acre tract and for an angle point in the south line of said tract herein described;

THENCE North 88° 16' 41" West with the south line of said 59.975-acre tract and the north line of said 4.9411-acre tract, a distance of 828.57 feet to the POINT OF BEGINNING and containing 5.00 acres (217,800 square feet) of land, more or less.

PROJECT	A LAND TITLE SURVEY OF A 5.00 ACRE TRACT SITUATED IN THE SHUBAL MARSH SURVEY, A-217 IN WALLER COUNTY, TEXAS				
OWNER	CHARLES M. ASFAHL AND WIFE, PATRICIA Z. ASFAHL				
LOCATION	KICKAPOO ROAD AT HEGAR ROAD				
 CobbFendley TBPE Firm Registration No. 274 TBPLS Firm Registration No. 100467 13430 Northwest Freeway, Suite 1100 Houston, Texas 77040 713.462.3242 fax 713.462.3262 www.cobbendley.com					
DRAWN BY:	RC	DATE:	10-1-2014	SHEET 1 OF 1	REVISION
DESIGNED BY:	RC	SCALE:	1" = 60'	F.B. NO. 1956	
CHK'D BY:	SAF	PROJECT NO.			