

RESTRICTIVE COVENANT/BUFFER ZONE AGREEMENT

STATE OF TEXAS

COUNTY OF HOOD

This Restrictive Covenant Agreement (the "Agreement"), entered into as of the 10th day of December, 1991, by and between the City of Granbury, Texas, hereinafter called City, acting by and through its City Manager, Robert D. Brockman, whose address is 116 W. Bridge Street, Granbury, Texas 76048, and William Ronald Mainord and wife, Jackquelin Jean Mainord, hereinafter called Owner whose address is RR#1, Box 133, GREENVILLE, TX 75401;

WHEREAS, City owns and operates a waste water treatment plant located on that certain tract of real property hereinafter referred to as "Plant" which is more particularly described on Exhibit A attached hereto and incorporated herein by reference as if stated herein verbatim;

WHEREAS, Owner is the owner of certain real property located in Hood County, Texas which is adjacent to the Plant hereinafter referred to as "Adjacent Property" which is more particularly described in Exhibit B attached hereto and incorporated herein by reference as if stated herein verbatim;

WHEREAS, the City holds permit no. 10178-02 ("permit") for Plant;

WHEREAS, the City has applied to the Texas Water Commission for an amendment to its permit to discharge domestic waste;

WHEREAS, the City is required, pursuant to ss309.13(e) of the Permanent Rules of the Texas Water Commission, 31 T.A.C. ss309.13 (e), to provide for a 150-foot buffer zone from any wastewater treatment unit to the nearest residential property (the "Buffer Zone");

WHEREAS, a residential property structure shall include, but not be limited to, any structure used as a residence, either temporarily or permanently (e.g., a house, apartment, duplex, trailer, mobile home, shack, tent, or other outbuilding);

WHEREAS, the Adjacent Property could be developed as residential property;

RESTRICTIVE COVENANT/BUFFER ZONE AGREEMENT  
PAGE 1

WHEREAS, the Buffer Zone for the Plant is described by metes and bounds on Exhibit C attached hereto and incorporated herein by reference as if stated herein verbatim;

WHEREAS, that portion of the Buffer Zone which is located on the Adjacent Property is shown on the Plat attached hereto and incorporated herein by reference as if stated herein verbatim as Exhibit D; and

WHEREAS, Owner desires to covenant to the City that Owner will comply with the covenants, conditions and restrictions set forth herein.

NOW, THEREFORE, for and in consideration of the mutual considerations and promises contained herein, Owner and City agree as follows:

1. Owner hereby covenants with City, pursuant to the terms of 31 T.A.C. ss 309.13(e), not to use, or allow any other person or entity to use, any existing or future structure located within the Buffer Zone on the Property as a residence, either temporarily or permanently. The term "structure" shall include, but not be limited to, a house, apartment, duplex, trailer, mobile home, shack, or other outbuilding.

2. In return for Owner's covenants and promise set forth above, City agrees to recognize that the ownership is out of the City Limits, and to allow the owner to install a water tap and sewer tap at the road frontage of the property for no charge and the utility rates will be charged at the established rates charged all out of City Limit customers.

3. The covenants, conditions, and restrictions contained in this Agreement shall run with and bind the land, and shall inure to the benefit of, and be enforceable by, the City and its legal representatives and assigns.

4. The City and its legal representatives and assigns shall have the right to enforce, by any proceeding at law or in equity, the covenants, restrictions, and conditions now or hereafter imposed by this Agreement. Failure to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

5. This Agreement shall terminate upon revocation or cancellation of permit No. 10178-02.

6. This Agreement shall be recorded in the deed records of Travis and Hood Counties, Texas.

CITY OF GRANBURY, TEXAS


BY: [Signature]  
ROBERT D. BROCKMAN  
CITY MANAGER

[Signature]  
WILLIAM RONALD MAINORD, Owner

[Signature]  
JACKQUELIN JEAN MAINORD, Owner

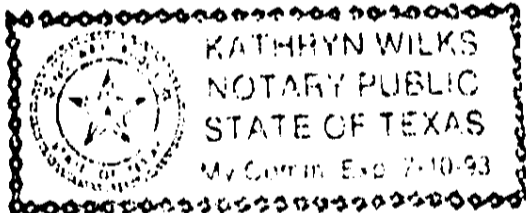
STATE OF TEXAS  
COUNTY OF HOOD

This instrument was acknowledged before me by ROBERT D. BROCKMAN, City Manager, City of Granbury, Texas, on the 6th day of December, 1991.

[Signature]  
NOTARY PUBLIC, STATE OF TEXAS  


STATE OF TEXAS  
COUNTY OF HOOD

This instrument was acknowledged before me by WILLIAM RONALD MAINORD and wife, JACKQUELIN JEAN MAINORD, on the 6th day of Dec., 1991.

  
KATHRYN WILKS  
NOTARY PUBLIC  
STATE OF TEXAS  
My Comm. Exp. 7-10-93

[Signature]  
NOTARY PUBLIC, STATE OF TEXAS

*Return to  
Steve Reid  
WBWR*

PARCEL ONE:

VOL 1343 PAGE 227

8.00 acre tract of land out of the Martin Setzer Survey, Abstract No. 302, situated in Hood County, Texas, and being a portion of that certain 70.0 acre tract of land conveyed by D. C. Cherry et ux to E. E. Durham by Deed dated Mar , 1948 and recorded in Volume 96, page 382, Deed Records of Hood County, Texas, made for Lorene Durham and described as follows:

BEGINNING at an iron rod set at a fence corner post in the south line of said 70.0 acre tract and the SW corner of that certain 32.60 acre tract of land conveyed by E. E. Durham et ux to Robert Whitehead et al by Deed recorded in Volume 136, page 622, Deed Records of Hood County, Texas from which the NE corner of said 70.0 acre tract bears N 27° 21' W, 568.6' and N 60° 00' E, 2459.7';

THENCE S 60° 22' W, along the south line of said 70.0 acre tract as occupied by a fence line, 812.8' to an iron rod set in said fence line for the SW corner of this tract;

THENCE N 27° 29' 30" W, 424.9' to an iron rod set for the NW corner of this tract;

THENCE N 60° 17' 30' E, 819.8' to an iron rod set in the east fence line of a public road and the west line of said 32.6-acre tract for the NE corner of this tract;

THENCE S 27° 21' E along the east line of said public road and the west line of said 32.6 acre tract, 426.0' to the place of beginning and containing 8.00 acres of land in area with 0.33 acres being within the right-of-way of said public road.

EXHIBIT A

All that certain 25.415 acres out of the Martin Setzer Survey, A-502, being part of a former 70 acre tract described in Deed dated May, 1948, from D.C. Cherry, et ux, to E.E. Durham, recorded in Vol. 96 page 382, Deed Records of Hood County, Texas, and the 25.415 acres being described as follows:

BEGINNING at an iron rod set in fence, on North line of the former 70 acre tract, at the 693 foot contour of Lake Granbury, for the NWC of this tract;

THENCE N. 59°33' E. with fence, 548.8 feet to a corner post, at angle in fence, in North line of said 70 acres, for a corner of this tract;

THENCE N. 60°05' E. with fence, and projection thereof, 2027.0 feet to an iron rod set in West side of a county road, in North line of the 70 acre tract, for the NEC of this tract;

THENCE S. 26°34' E. with West side of road, and with fence, 150.3 feet to an iron rod at corner post, at the NEC of a tract conveyed to City of Granbury, Texas, out of the 70 acres, for the Easterly SEC of this tract;

THENCE S. 59°56' W. with fence, 789.9 feet to an iron rod at fence corner, at the NWC of the City of Granbury tract, for an inner corner of this tract;

THENCE S. 27°40' E. with fence, 424.2 feet to an iron pipe at fence corner, at the SWC of said City of Granbury tract, in South line of the 70 acres, for the Southerly SEC of this tract;

THENCE S. 60°06' W. with fence, 1174.4 feet to a corner post, at angle in fence, on South line of the 70 acres, for a corner of this tract;

THENCE S. 59°44' W. with fence, and South line of the 70 acres, 486.4 feet to an iron rod set in fence, at the 693 foot contour of Lake Granbury, for the SWC of this tract;

THENCE along said 693 foot contour, as follows: N. 36°15' W. 143.8 feet; N. 14°00' W. 77.3 feet; N. 54°01' W. 144.8 feet; N. 79°08' W. 52.1 feet; and N. 31°51' W. 189.8 feet to the place of beginning, containing 25.415 acres.

EXHIBIT 3

LEGAL DESCRIPTION  
150' BUFFER ZONE/WILLIAM RONALD MAINORD ET UX

Being a tract of land situated in the Martin Setzer Survey, Abstract No. 502, Hood County, Texas, and being a portion of that certain tract of land conveyed to E. E. Durham as recorded in Volume 96, Page 382, Deed Records, Hood County, Texas, and being more particularly described as follows:

BEGINNING at the southwest corner of that tract of land described in a deed to the City of Granbury, Texas as recorded in Volume 207, Page 258 of the Deed Records of Hood County, Texas, and being a point in the southerly line of said E.E. Durham tract;

THENCE S60° 06' 00"W, 150.11 feet along said southerly line;

THENCE N27° 40' 00"W, 430.05 feet leaving said southerly line to the beginning of a curve to the right;

THENCE 229.33 feet along the arc of said curve, through a central angle of 87° 36' 00", whose radius is 150.00 feet, the long chord of which bears N16° 08' 00"E, 207.64 feet;

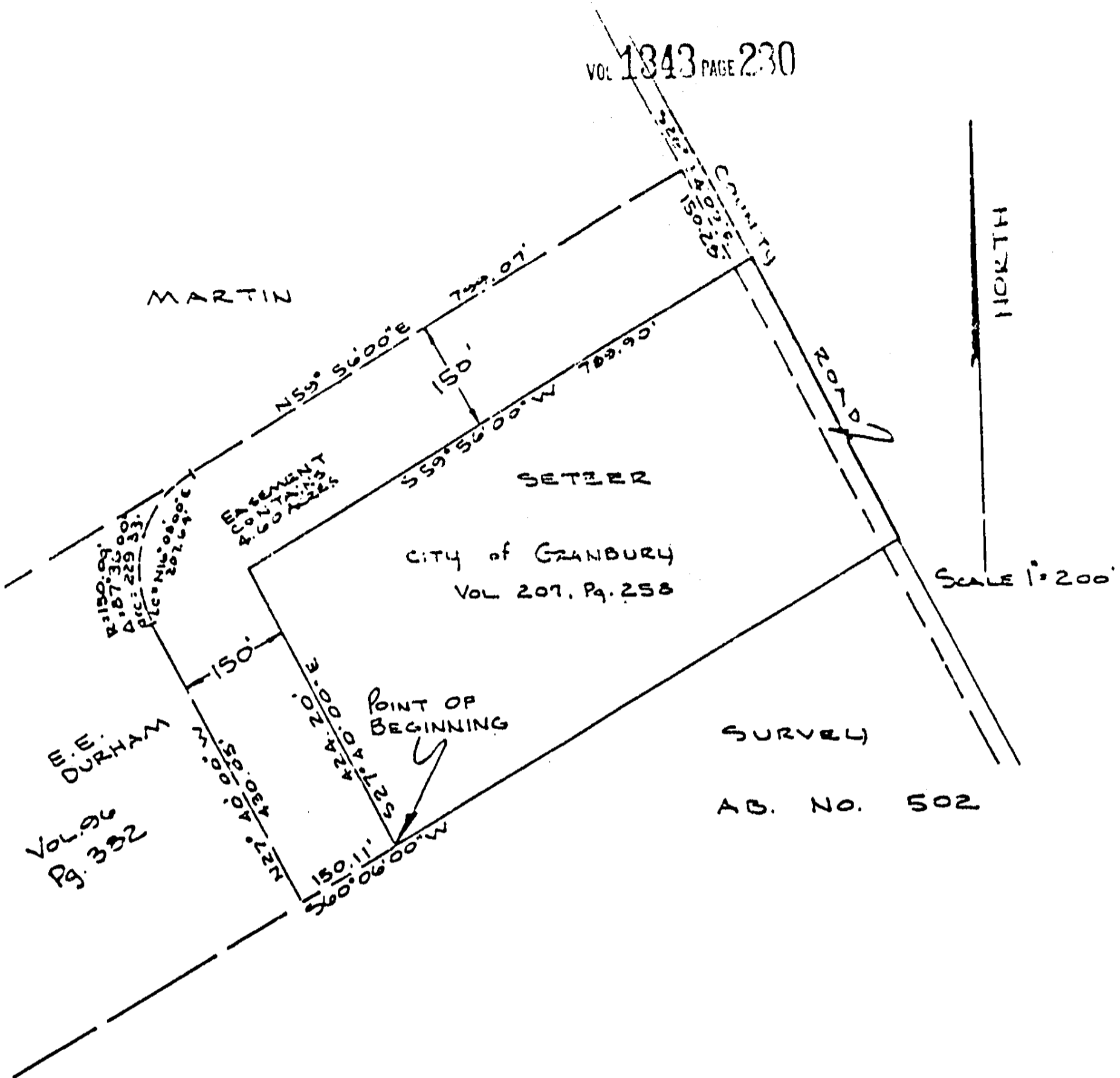
THENCE N59° 56' 00"E, 799.07 feet to a point in the westerly right-of-way line of a county road;

THENCE S26° 34' 00"E, 150.28 feet along said right-of-way line to a point in the northerly line of said City of Granbury tract;

THENCE S59° 56' 00"W, 789.90 feet along said northerly line to the northwest corner of said tract;

THENCE S27° 40' 00"E, 424.20 feet along the westerly line of said City of Granbury tract to the POINT OF BEGINNING, And containing 4.60 acres of land more or less.

EXHIBIT            C



**EXHIBIT A**  
 SHOWING A 150' BUFFER ZONE ADJACENT  
 TO CITY OF GRANBURY WASTE WATER  
 TREATMENT PLANT.

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.  
 STATE OF TEXAS COUNTY OF HOOD  
 I hereby certify that this instrument was filed on the date and at the time stated herein by me and was duly RECORDED in the OFFICIAL PUBLIC RECORDS OF HOOD COUNTY, TEXAS, in the Volume and Page as set forth hereon.



*Anjanette Ables*  
 ANJANETTE ABLES, County Clerk  
 Hood County, Texas

**EXHIBIT D**

FILED FOR RECORD  
 AT 207 M.

JAN 02 1992

*Anjanette Ables*  
 County Clerk, Hood County, TX