

CONTENTS OF FILE NO. Sketch File 38

01.	Field Report	—	26.
02.	Contact Report	1-30-96	27.
03.	Contact Report	1-31-96	28.
04.	Memo	1-31-96	29.
05.	Contact Report	2-5-96	30.
06.	Calculation sheet	2-6-96	31.
07.	Ltr. Sch. & D Brd/Docket	2-6-96	32.
08.	Contact Report	2-12-96	33.
09.	Contact Report	2-12-96	34.
10.	Dispute Report	2-20-96	35.
11.	Contact Report	2-22-96	36.
12.	Ltr - Bulkhead w/drawings	2-22-96	37.
13.	Ltr. Survey Plat	3-22-96	38.
14.	Contact Report	3-29-96	39.
15.	Contact Report	4-5-96	40.
16.	Ltr. from Commissioner	4-8-96	41.
17.	Ltr. ref. to drawings.	4-8-96	42.
18.	Contact Report	4-9-96	43.
19.	Contact Report	4-9-96	44.
20.	Ltr w/Boundary Agreement	5-8-96	45.
21.	Routing sheet/Ltr/Application	—	46.
22.			47.
23.			48.
24.			49.
25.			50.

Texas General Land Office

Instrument #: 09200003

CE CL ME PC SL SP

Control #: _____

NEW RENEW AMEND

Name: Jewell, Gerald

ASSIGN ABANDON/REMOVE

Exp. Date: _____

Assessor: Clement

Act 60

DATE REC'D	DIVISION	COMMENTS	INITIALS	DATE PASSED
	Revenue Processing -Application received -Pull file (renewal) -Create database record	Date: <u>12-13-95</u> Field Office: <u>AP</u> Date: _____	/	/
	Surveying -GLO authority (Y/N) -Legal description	Approved RPLS survey plat by J.L. Brundrett.	<u>myr</u>	<u>7-2-96</u>
	Revenue Processing -Update LODS, TOSI, Horizon		/	/
	Coastal Leasing -Assign to assessor -Assign number	Assigned to: <u>Clement</u> Due date: <u>3-2-96</u>	<u>C2</u>	<u>1-31-96</u>
	Energy Resources (ME & SL Projects) -Review project -List mineral leases, names & addresses of current holders		/	/
	Coastal Leasing -Assess -Receive field report -Mail mineral lease notice(s) -Prepare docket item (PC/CE/CL) -Review docket item (Legal) -Mail SLB notice -Approval by SLB	Date: <u>1-31-96</u> Date: _____ Date: <u>2-9-96</u> (revised 3/29/96) Date: <u>2-6-96</u> (reviewed 2/6/96) Initial: <u>AM</u> M. Alan Date: <u>4-5-96</u> Date: <u>4-16-96</u>	<u>ck</u>	<u>4-16-96</u>
	Revenue Processing -Draft contracts -Review contracts (Assessor) -Initial contracts (SL only) -Mail contracts	Initial: _____ Legal: _____ Surveying: _____ Energy: _____	<u>ck</u>	<u>4-17-96</u>

FINAL APPROVAL

	Revenue Processing -Clear money	Filing fee: <u>\$250</u> Account no.: <u>30116</u> Rental: _____ Account no.: _____	<u>CRP</u>	<u>12-15-95</u>
	Coastal Leasing -Review contracts	passed to Chris	<u>ck</u>	<u>4/29/96</u>
	Revenue Processing -Contracts signed by Commissioner -Seal contracts		<u>ck</u>	<u>5/7/96</u>
	Revenue Processing -Mail contract to grantee		<u>ck</u>	<u>5/7/96</u>
	Revenue Processing -Make archives file -Update LODS, TOSI, Horizon	Contact & Address: _____ _____ _____	<u>ck</u>	<u>5/8/96</u>



Texas General Land Office
Garry Mauro, Commissioner

Stephen F. Austin Building
1700 North Congress Avenue
Austin, Texas 78701-1495
(512) 463-5001

May 8, 1996

Gerald Jewell
Lt. Col. USAF (Ret.)
818 Booth Drive
San Antonio, Texas 78216-4356

*Re: Jewell, Gerald
The original
boundary agree-
ment file is.
filed in Surveying
C^o*

Re: Boundary Agreement
Copano Bay, State Tract No. 12, Aransas County, Texas

Dear Mr. Jewell:

Enclosed is an executed original of the above-referenced Boundary Agreement. If you decide to place the bulkhead at the Boundary Agreement line then, please record the Agreement with the Deed Records of Aransas County, Texas and send us a file marked copy by June 10, 1996.

If you decide not to place the bulkhead at the Boundary Agreement line then you still have option one of Mr. Bruce Smith's letter dated February 22, 1996. Again that option is to construct your bulkhead at or landward of the estimated high water mark, as determined by our field staff. If you choose this option there will be no instrument required from the General Land Office and there is no formal survey required.

Once you have made a decision on the placement of your bulkhead, please notify our office. If you have further questions, please call me at (512) 475-1461.

Sincerely,

Corinna Klement

Corinna Klement
Asset Management

Enclosures

BOUNDARY AGREEMENT

THIS AGREEMENT is made and entered into by and between the State of Texas, acting by and through Garry Mauro, Commissioner of the Texas General Land Office and Chairman of the School Land Board (hereinafter referred to as "the State") and Gerald Jewell (hereinafter referred to as "Owner"), owner of all or a portion of Lot 60, Belaire Section, Holiday Beach Subdivision, Aransas County, Texas (hereinafter referred to as "Owner's Property").

WHEREAS, the State is the sovereign owner of certain lands underlying Copano Bay, adjacent to Owner's Property; and

WHEREAS, the parties assert conflicting claims of title to the filled lands adjacent to Owner's Property, which has created a dispute between the parties and has resulted in the inability of either party to fully utilize its lands; and

WHEREAS, the parties deem it to be in their respective best interests to resolve the dispute and conflict without protracted and costly litigation; and

WHEREAS, the parties agree that an equitable boundary between their lands will be delineated by the mutually agreed alignment of a bulkhead so that each party can have and hold, free of any claim by the other, all interests in its land as divided by said bulkhead;

NOW, THEREFORE, the parties being in agreement that each is receiving a benefit and value equal to that being received by the other, in consideration of the mutual agreements herein contained, the parties mutually agree as follows:

1. The common boundary between the State-owned coastal public lands and Owner's Property is hereby mutually agreed to be as depicted as shown on the on-the-ground survey, prepared by J. L. Brundrett, Jr., a Registered Public Land Surveyor, identified as "Exhibit A," attached hereto and incorporated herein by reference.

2. Owner shall, at its sole cost and expense, construct a bulkhead on the landward side of the line described in Exhibit "A" hereto. Upon completion, except as provided herein, the bulkhead shall be a fixed and permanent delineation between the State-owned coastal public lands and Owner's Property, which bulkhead shall be maintained and kept in good repair at all times by Owner.

a. In the event the bulkhead is destroyed or severely damaged by a storm or other sudden natural disaster, Owner shall replace or repair it as necessary within 90 days.

b. In the event the bulkhead is determined by the State to be in need of repair or maintenance, Owner shall be given written notice of the necessary repairs or maintenance by a representative of the Texas General Land Office and Owner shall have 60 days to complete the required repairs or maintenance.

c. Failure of Owner to maintain the bulkhead in a safe condition or to complete required repairs or maintenance within the time periods specified above shall constitute a default under this agreement and render it subject to termination at the option of the Commissioner of the General Land Office.

3. It is understood and agreed that the bulkhead referenced above is to be located entirely upon the private littoral property of Owner and that the State shall have no responsibility for repair or maintenance thereof nor shall the State incur any liability as a result of its placement or maintenance in place as described above.

4. This Agreement, upon execution by the parties, shall be filed for record by Owner, at its sole cost and expense, in the Deed Records of Aransas County, Texas, and in the Records of the General Land Office, Austin, Texas.

5. This Agreement is executed on behalf of the State by Garry Mauro, Commissioner of the Texas General Land Office and Chairman of the School Land Board, by virtue of and under the authority of TEX. NAT. RES. CODE ANN. §§33.060, 51.011-51.012 (Vernon Supp. 1996).

6. This agreement shall be binding on and inure to the benefit of the successors, representatives, and assigns of the parties hereto, but is limited to the specific area defined between the beginning and ending points of the bulkhead described in Exhibit "A" attached hereto.



CE-960053

RECEIVED DEC 08 1995

STATE OF TEXAS
GENERAL LAND OFFICE
COASTAL LAND USE APPLICATION

LEASE/EASEMENT NO. _____

FOR GLO USE ONLY

Please type or print in the blanks below all applicable information. If information requested is not applicable, indicate by placing N/A in the blank. ~~PLEASE DO NOT SEPARATE THE WHITE AND YELLOW COPIES OF THE FORM.~~ BE SURE TO SUBMIT TWO COPIES OF ALL ATTACHMENTS WITH YOUR COMPLETED APPLICATION.

DATE DEC 8, 95 mr

I. APPLICANT INFORMATION

A. Name: GERALD V. JEWELL

Mailing Address: 818 Booth Dr., SAN ANTONIO, TX 78216 - mr
4356

Telephone: (Area Code) 210 (number) 342-1490

B. Authorized Agent: N/A

Mailing Address: N/A

Telephone: (Area Code) _____ (number) _____

II. CORPORATE APPLICANTS PROVIDE THE FOLLOWING

A. Name of President: N/A

B. Name of Secretary: N/A

C. State of Incorporation: N/A

III. ELIGIBILITY

Attach proof of ownership of adjacent property. For example: a deed, abstract of title, title insurance, tax statement, lease affidavit, or other evidence of interest in the adjacent property.

III. LOCATION OF PROPOSED PROJECT

A. Name of affected body(ies) of water: COPANO BAY

- B. State Tract Number(s) in which rights are requested: 12 MR
- C. Lot: 60 Block: _____ Subdivision: Holiday Beach
- D. Name of original survey: UNKNOWN
- E. Street address and city (if applicable): 60 BELAIRE DR.
- F. County(ies): ARANSAS COUNTY
- G. Name(s) and address(es) of the landowners adjacent to the project (indicate direction of property from project area):

(South side) Gerald V. Jewell same as applicant
P.O. Box 5398
 (North side) Wayne Huebinger SAN ANTONIO, TX 78201-5398

IV. PROJECT DESCRIPTION

- A. Purpose of lease/easement on state-owned land:

Dock _____ Pier _____ Groin/Jetty _____ Breakwater _____
 Channel _____ Marina _____ Wharf _____ Other Bulkhead

- B. Use of Structure(s):

Private X Commercial _____ Public _____ Other _____

- C. Description of structure(s) and the materials to be used:

concrete bulkhead, 50 feet long connecting two
existing bulkheads on either side

- D. Method of installation, type of equipment to be used, and how it will be brought to the project site:

Brought to site on truck, water jetted
into soil about 4 feet deep.

- E. Amount of state land in square feet or acres which is involved in this project: 50' X 10' = 500 sq ft.

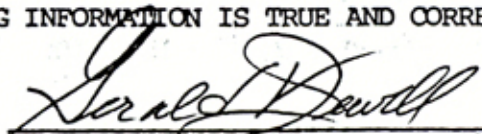
- F. Describe present project area:

	No	Yes	Area (sq. ft./acres)
Marshes	<u>X</u>	_____	<u>N/A</u>
Submerged Grasses	<u>X</u>	_____	<u>N/A</u>
Oyster Reefs	<u>X</u>	_____	<u>N/A</u>

complete. Processing cannot begin until all of the following items are received.

- A. Filing fee.
- B. Two completed copies of the application, including project maps, and all applicable attachments.
- C. Proof of interest in adjacent property.

I HEREBY ATTEST THAT THE FOREGOING INFORMATION IS TRUE AND CORRECT.



Signature of applicant or authorized agent

NOTE:

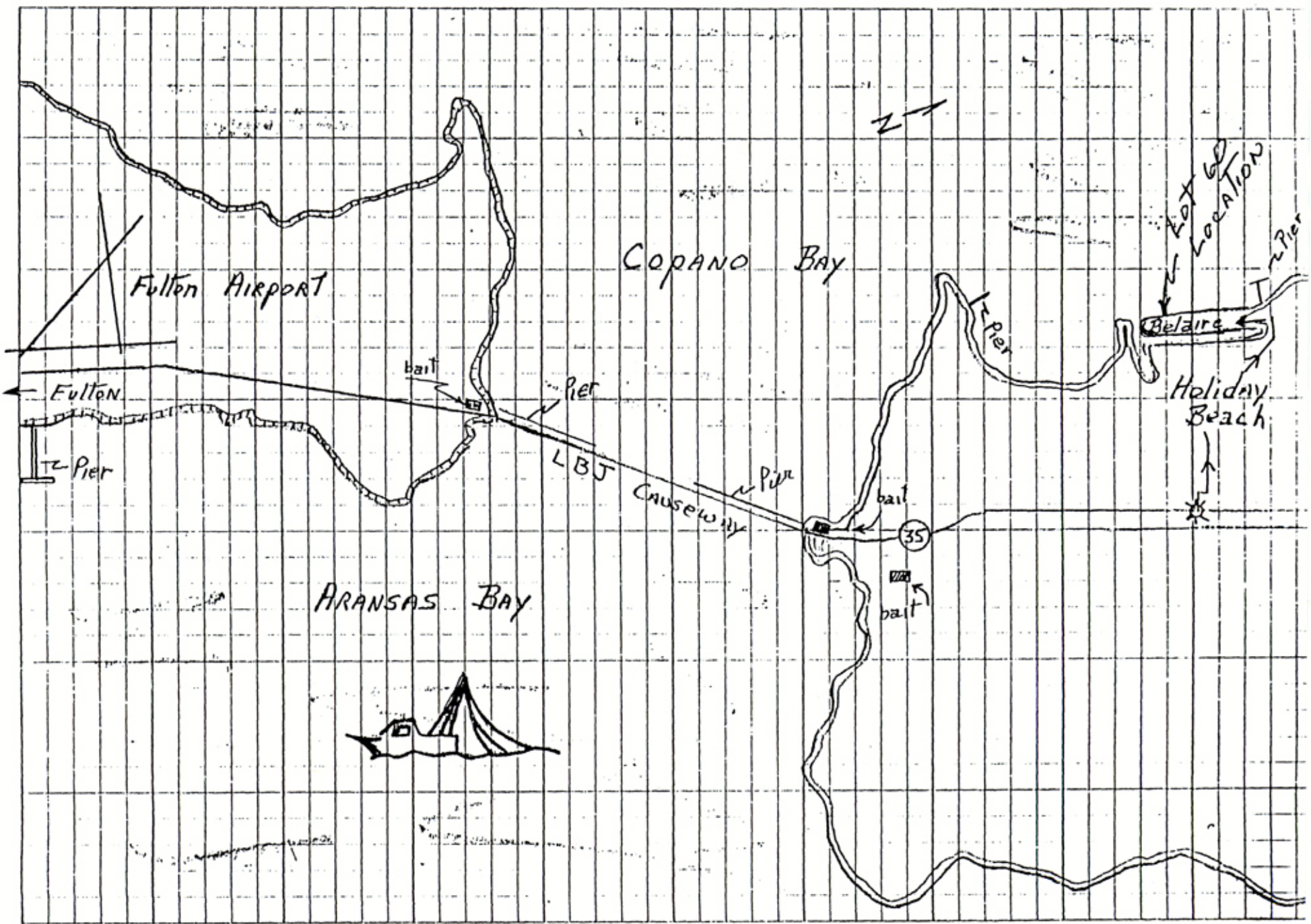
The assessment will be initiated when the application is determined by this office to be complete. Therefore, please be sure to include all information requested in this application form and in any of the attachments. The General Land Office will finish its assessment of the proposed use of state-owned lands and present it to the School Land Board within 90 days after receipt of your complete application.

The Coastal Public Lands Management Act (Section 33.001 et seq. of the Texas Natural Resources Code) and rules adopted for its administration require that approval of the School Land Board be obtained before any work is undertaken on state-owned lands or islands. Failure to obtain such approval is in violation of state law and can result in legal action by this office.

ADDITIONAL INFORMATION REQUIRED FOR PROJECTS
INVOLVING BREAKWATERS, JETTIES, GROINS, OR RIPRAP

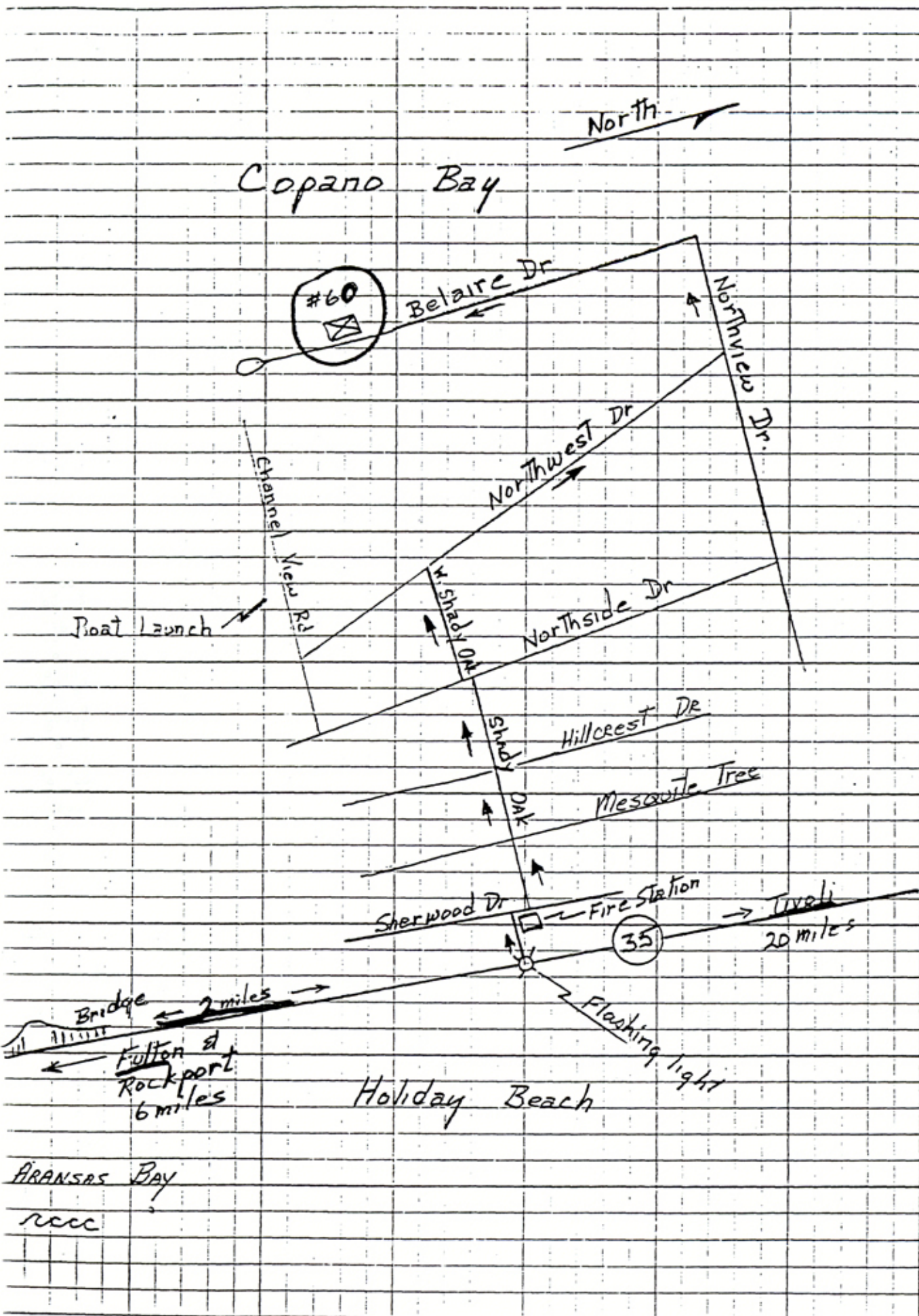
- A. Purpose and use of the improvements: Bulkhead
- B. Dimensions: Length 50' Width 6" Height 4'
- C. Type of material used for construction: 3,000 psi concrete made in forms, then set in place.
- D. Amount of material in cubic yards to be deposited (if applicable): Fill approximately 110 cu. yds of purchased SAND.
- E. Type of equipment to be used: Crane to lower pre-fabricated concrete panels into position.
- F. Explain how the equipment will be brought to the project site:
By road (Belair Dr)
- G. Is present shoreline being eroded? Very Much So Yes No
- H. Erosion of shoreline: Natural Man Caused
If believed to be attributed to human activities, explain: _____
- I. If fill material is to be placed behind proposed bulkhead, give size of area, in square feet, to receive fill 500 SQ FT.; type of material to be used as fill SAND; and source of material contractor dirt hauler.

COUNTER # 13477



Vicinity Map

ATH - 1



Expanded Vicinity Map

ATTN - 2

COUNTER # 13479





REPLY TO
ATTENTION OF.

DEPARTMENT OF THE ARMY
GALVESTON DISTRICT, CORPS OF ENGINEERS
Corpus Christi Regulatory Field Office
5151 Flynn Parkway, Suite 624
Corpus Christi, Texas 78411

November 8, 1995

SUBJECT: D-7072; Permit Requirements, Gerald Jewell, Copano Bay, Bulkhead

Mr. Gerald V. Jewell
818 Booth Drive
San Antonio, Texas 78215

Dear Mr. Jewell:

This is in response to your October 23, 1995, letter requesting a determination permit requirements for a proposed bulkhead. The project site is located in Copano Bay at 60 Belaire Drive, Holiday Beach, Aransas County, Texas.

I visited the site on November 3, 1995, to stake an alignment for the construction of the bulkhead. If the bulkhead is constructed along the staked alignment, the work will be authorized by Nationwide Permit 13. Construction of the bulkhead waterward of the alignment will require an individual permit. An application packet is enclosed for your use.

All nationwide permits are scheduled to be modified, reissued, or revoked prior to January 21, 1997. Should this nationwide permit be reissued without modification, this verification will be valid for 2 years from the date of this letter. If you commence or are under contract to commence this activity before the date the nationwide permits are modified or revoke, you will have 12 months from the date of the modification or revocation to complete the activity under the present terms and conditions of this nationwide permit. It is incumbent upon you to remain informed of the changes to the nationwide permits. A Public Notice will be issued announcing the changes.

If you have any questions concerning this matter, please contact me at our office or call (512) 851-9128. Please reference the determination number D-7072 in all future correspondence regarding this determination.

Sincerely,

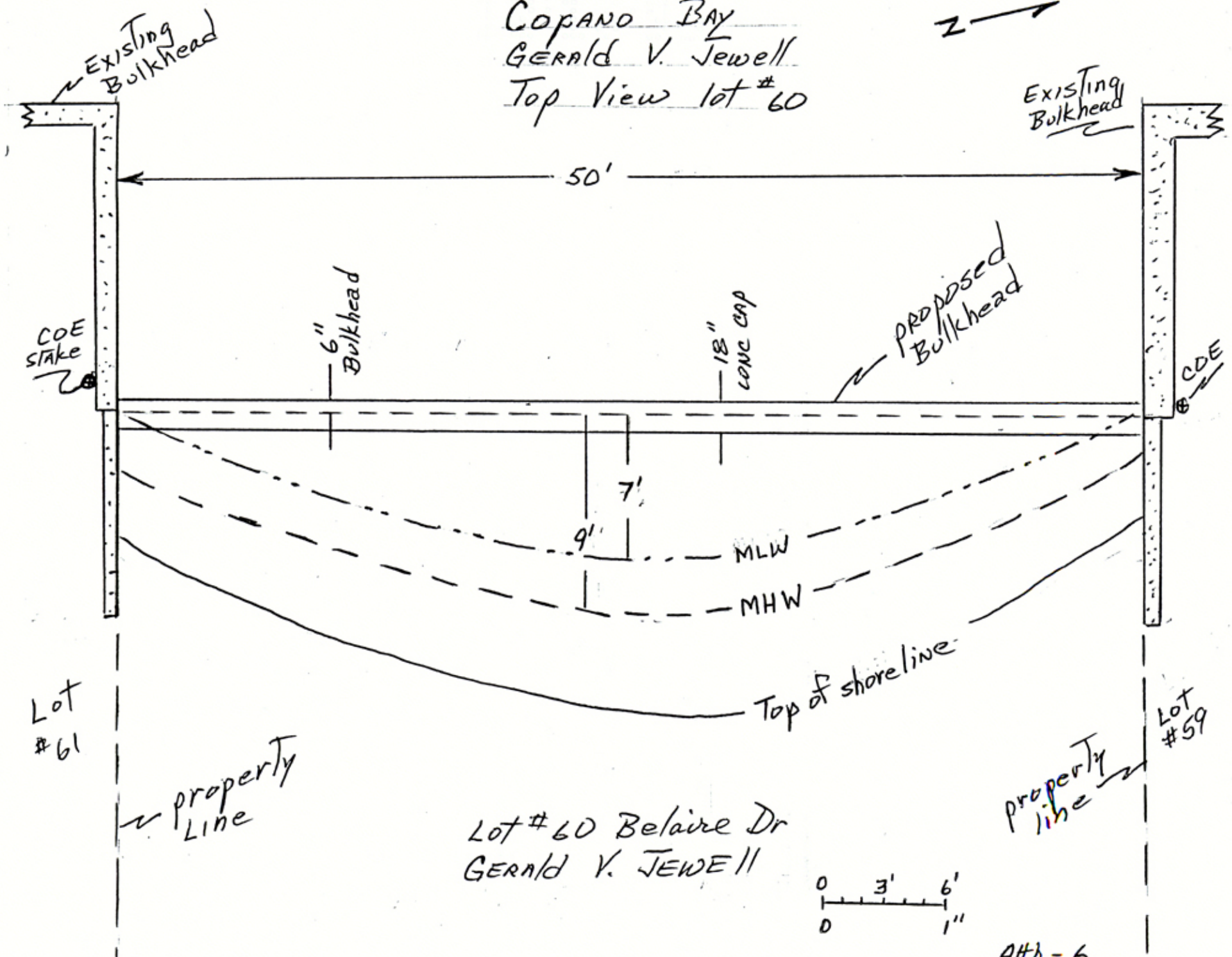
James E. Gilmore
James E. Gilmore
Project Manager

Enclosure

ATTN - 5

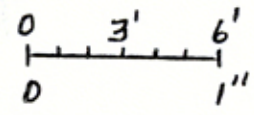
COUNTER# 13980

COPANO BAY
GERALD V. JEWELL
Top View lot #60



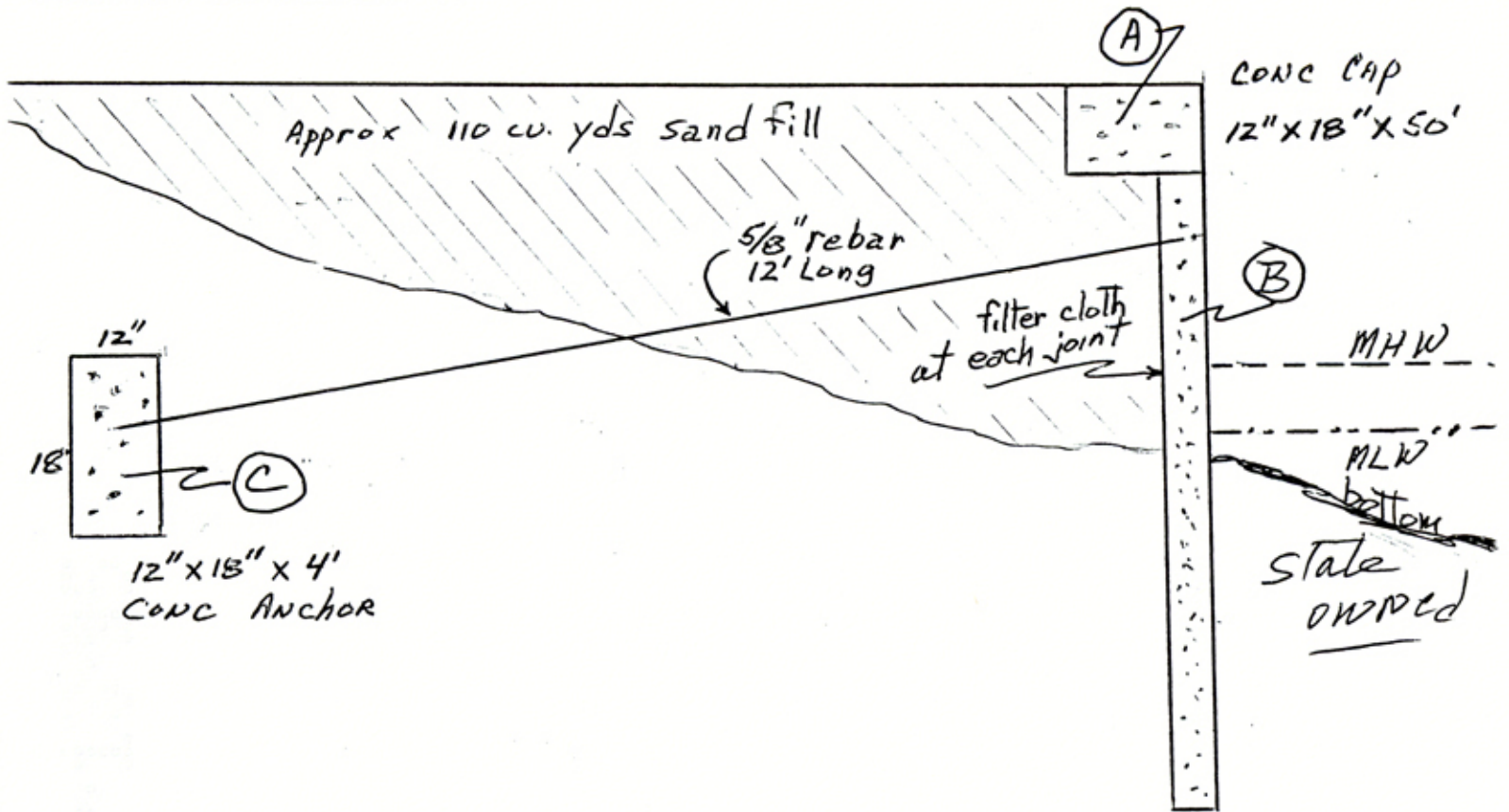
COUNTER # 13481

Lot #60 Belaire Dr
GERALD V. JEWELL



AH1-6

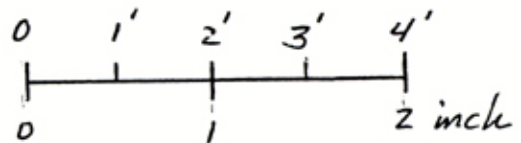
GERALD V. Jewell
 #60 Belaire Dr.
 Cross-section of Bulkhead



(A) conc cap rebar w/ 4-1/2" continuous.

(B) vertical conc panels
 1/2" rebar 9" centers vertical
 1/2" rebar 18" centers horizontal

(C) CONC ANCHOR 12" x 18" x 4'
 tie-back 12' x 5/8" encased in PVC
 12' on centers.



ATH-7



Texas General Land Office
Garry Mauro, Commissioner

Corpus Christi Field Office
6300 Ocean Drive, Seabreeze Hall
Suite 103
Corpus Christi, Texas 78412-5599
(512) 993-9224
Fax (512) 994-7247

November 13, 1995

CE

Gerald Jewell
818 Booth Dr.
San Antonio, Texas 78216-4356

RE: Coastal Public Lands Application
Bulkhead and Fill

Dear Mr. Jewell:

The General Land Office is the state agency that regulates dredging, filling, and placement of structures on state-owned and submerged lands. Enclosed is an application packet for the use of these lands. Please complete and return the application, along with the required \$50.00 non-refundable filing fee made payable to the Texas General Land Office, to the address below within fifteen (15) days.

All income derived by the State from these submerged lands is dedicated to the Permanent School Fund for the support of public education in Texas.

If you have any questions concerning this matter, please contact me at 512/993-9224.

Sincerely,

Michelle Reyes
Field Operations

Enclosure

cc: Claudette Carr - Asset Management, Austin

Texas General Land Office
Corpus Christi Field Office
Suite 103
Corpus Christi, TX 78412-5599

Gentlemen,

3 Dec 95

I am requesting authorization to install a bulkhead on a lot located at #60 Belaire Dr., Holiday Beach Subdivision in Aransas County. This bulkhead would, if approved, enclose approximately 500 square feet of eroded land now belonging to the State.

PROPERTY DESCRIPTION AND LOCATION:

This is a residential lot located in the Holiday Beach Subdivision, in Aransas County. It is situated on the East side of Copano Bay approximately 2 1/2 miles Northeast of TX HWY 35 (LBJ causeway) (atth #1&2). The original dimension of this lot was 50Ft. X 164Ft. But due to water erosion it is now about 50Ft. X 140Ft. (atth #3).

This property was purchased by the original owners in Nov 1968. During this time all of the homes located on the Bay side have installed bulkheads along their property lines. This lot however, never did and as a result about 25 feet of the property has eroded.

PURPOSE:

My major purpose for buying this lot (atth #4) is to protect my adjoining lot(#60) that could be damaged from further erosion if allowed to continue. Another reason for installing a bulkhead is to prevent a lot of trash (dead fish, dying jelly fish, and other decaying matter) getting trapped in this small enclosed area causing smells.

REQUEST:

I request to place a bulkhead (atth #6&7) at a point that the Department of the Army has staked out as being authorized by Nationwide Permit 13 (atth #5). This point however, is beyond the State's established Mean High Water (MHL) line. I wish to build along the Nationwide line rather than at the State's MHL in order to tie into sections of adjoining bulkhead wings that are stronger and already in place. If required to build the bulkhead at the MHL, I would have to tie into a much weaker and poorer constructed bulkhead (see atth #3). I feel that my request is reasonable and would have no detriment to the surrounding properties, wildlife, or environment.

COUNTER # 13484


CONSIDERATION:

- 1) All required fill will be purchased and trucked into the lot.
- 2) There is no sea grass, nor wet lands vegetation growing anywhere near this proposed bulkhead.

Without engineering or surveying assistance. The information I have provided is accurate to the best of my knowledge. I am asking to reclaim a portion of the lost property only to a location that I can safely tie into existing strong bulkhead wings.

I would appreciate a response so that I may complete the required contractor negotiations for the construction of the bulkhead.

Thank You,



Gerald V. Jewell
818 Booth Dr.
San Antonio, TX 78216
(210) 342-1490

Attachments:

- 1) Vicinity Map
- 2) Expanded Vicinity Map
- 3) Pictures showing erosion and COE Nationwide Permit 13 stakes
- 4) Property Deed
- 5) COE Nationwide Permit 13
- 6) Top Plan View
- 7) Cross Section Plan View

REMITTANCE DISTRIBUTION - DO NOT FILE

NAME	REMITTANCE DESCRIPTION					FISCAL YEAR	REGISTER NUMBER	AMOUNT
	REFER	TYPE	MO.	DAY	YR.			
JEWELL GERALD V ASSET MGMT (00) (C)	156	C	12	13	95	96	20831	25.00

FILE NUMBER	CONTROL NO.	AMOUNT	FILE NUMBER	CONTROL NO.	AMOUNT
CE960053	30116	\$25.00	bb		
		CRP			✓

Business Forms Division



Texas General Land Office

Garry Mauro
Commissioner

Date: 1-30-96

To: Corinna Klement

- For your information
- For your files
- For appropriate action
- For your approval
- Material you requested
- Please return

Comment: Memo concerning
property value will be
filed on 1-31-96.

From: Angela

Aransas Pass Field Office
111 W. Wilson, 2nd Floor
Naylor Building
Aransas Pass, Texas 78336
(512) 758-3777

COUNTER#
13987

FIELD REPORT

Field Office: Aransas Pass

Applicant: Gerald V. Jewell
Inspector: L. Kahn
Date Inspected: 12/7/95
Action Status: New Easement

Working File #:
GLO #: CE 960053
COE #: D-7072
Control #: 02-00437-9

Waterbody: Copano Bay State Tract: 12 County: Aransas

Resource Management Codes: DA MB ME MF OO OR OV SA

Project Address: #60 Belaire Dr. in Holiday Beach

Legal Description: Adjacent to Lot 60 in the Belaire Section of
Holiday Beach

Project Description: A private bulkhead and fill consisting of an area averaging 5'in width and being 50'in length, for a total encumbrance of 250 square feet as depicted in Exhibits A, B, and C.

Site Description: A 5 to 7 foot wide shell shelf separates the estimated high water mark (HWM) from the upland edge. The subject lot is low in elevation and supports a variety of intermediate and high marsh vegetation including camphor daisy (Machaeranthera phyllocephala), sea ox-eye daisy (Borrichia frutescens), salt-flat grass (Monanthochloe littoralis), gulf cordgrass (Spartina spartinae), sea lavender (Limonium nashii), and perennial glasswort (Salicornia virginica). No submerged nor emergent vegetation exists at the subject site.

Water depth off the end of the adjacent bulkhead to the north was measured at -2.0' HWM, while the depth off the bulkhead immediately south of the lot in question was found to be -2.8' HWM. The water depth in the area proposed to be filled was estimated to be between -0.2' to -0.7' HWM.

Emergent vegetation	[]	[]	sq.ft.
High Marsh	[]	[]	sq.ft.
Intertidal Shelf	[]	[]	sq.ft.
Oysters	[]	[]	sq.ft.
Sand/Mud Flat	[]	[]	sq.ft.

Page Two
Gerald Jewell
01/05/96
L. Kahn

Seagrass	[]	[]	sq.ft.
Unvegetated Submerged	[X]	[250]	sq.ft.
Uplands	[]	[]	sq.ft.
Algal Flat	[]	[]	sq.ft.
Total		[250]	sq.ft.

Cabin: Yes [] No [X]

Comments: Mr. Jewell originally requested a fill area approximately 500 square feet in size in his GLO application. The most bayward extent of the bulkhead and fill was planned to be along the COE's nationwide permit line, as previously staked by Jim Gilmore of the COE. This line was found to be 14.5 feet east or landward of the northwest corner of his existing, adjacent bulkhead at Lot #61, immediately south of the lot in question, and 16 feet east of the southwest corner of the neighbors adjoining lot. See exhibit "C" for details.

After explaining to Mr. Jewell the various options he had with GLO, i.e., obtaining a coastal easement for filling, agreeing to a bulkhead alignment agreement, or placing the bulkhead above the line of HWM, he decided to place the bulkhead/fill further landward than initially proposed. Thus, on December 11, 1995, Mr. Jewell called to request that I change his application accordingly, to show that he had agreed to place his bulkhead no further bayward than 21 feet back from the northwest corner of his adjacent existing bulkhead.

As the existing shoreline has a concave curvature, the amount of fill below the approximate boundary between state and private land varies, depending on where you are standing along said shoreline. The widest portion of the area to be filled will be approximately 8 feet, while the narrowest portion is to be 1 1/2 to 2 feet, thus averaging 5 feet in width.

Mitigation: Yes [] No [X]

COUNTER # 13489

Page Three
Gerald Jewell
01/05/96
L. Kahn

Special Conditions: Yes No

1. The bulkhead shall extend no further bayward than 21 feet east of the northwest corner of the lessee's adjacent, developed, bulkheaded lot (#61).

Recommendations:

- Approve
- Approve with special conditions
- Deny

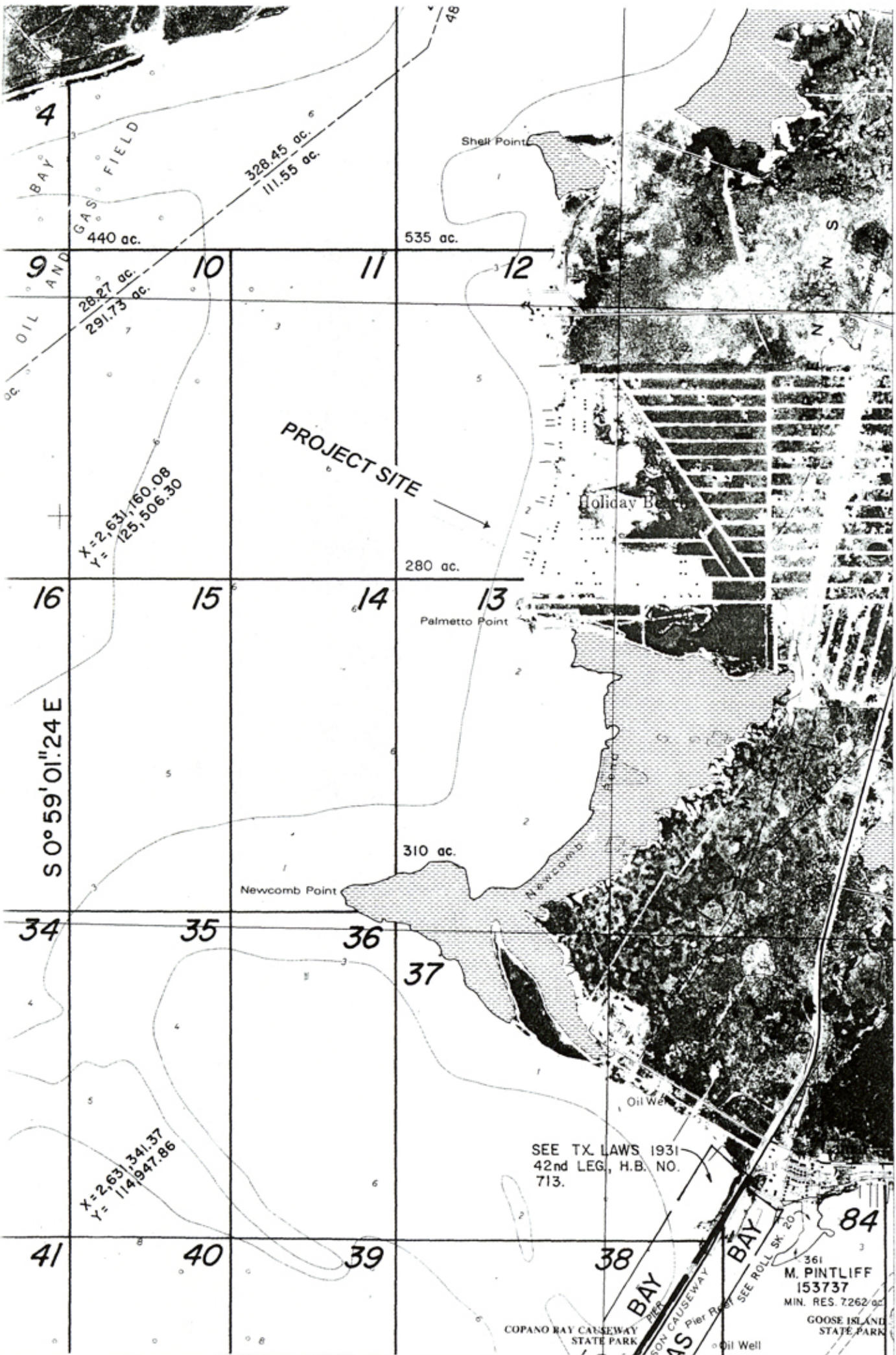
Inspector: *Lynnda Kehr*

Date: *January 24, 1996*

Reviewer: *[Signature]*

Date: *1-30-96*

EST. CHARLES 6640 III NW
TIVOLI 21 MI



328.45 ac.
111.55 ac.

440 ac.

535 ac.

28.27 ac.
291.73 ac.

X=2,631,160.08
Y=125,506.30

PROJECT SITE

280 ac.

S 0° 59' 01" 24 E

310 ac.

X=2,631,341.37
Y=114,947.86

SEE TX. LAWS 1931
42nd LEG, H.B. NO.
713.

361
M. PINTLIFF
153737

MIN. RES. 7262 ac
GOOSE ISLAND
STATE PARK

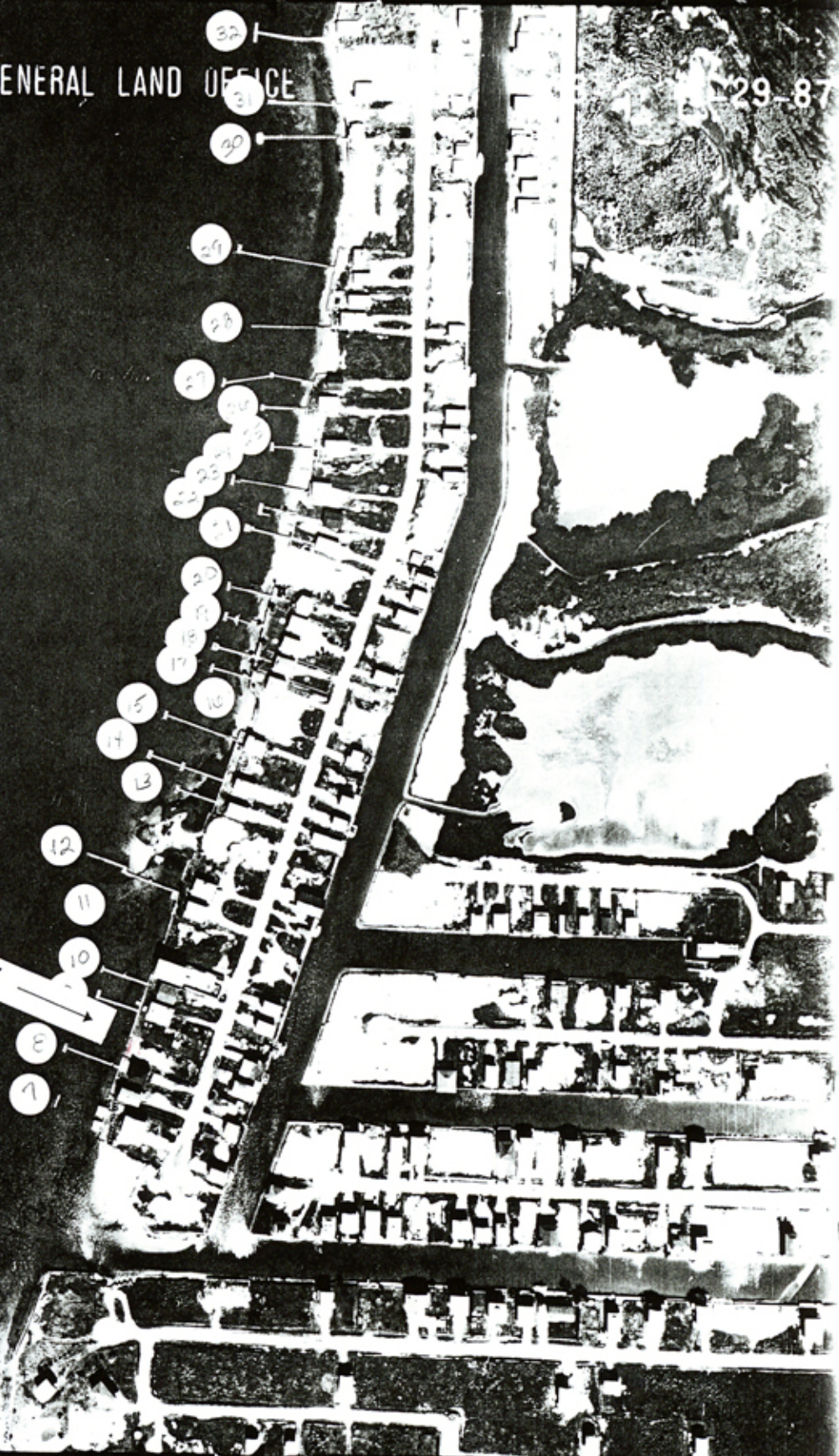
COUNTER#
13491

345 713ⁿ

GENERAL LAND OFFICE

29-87

PROJECT SITE



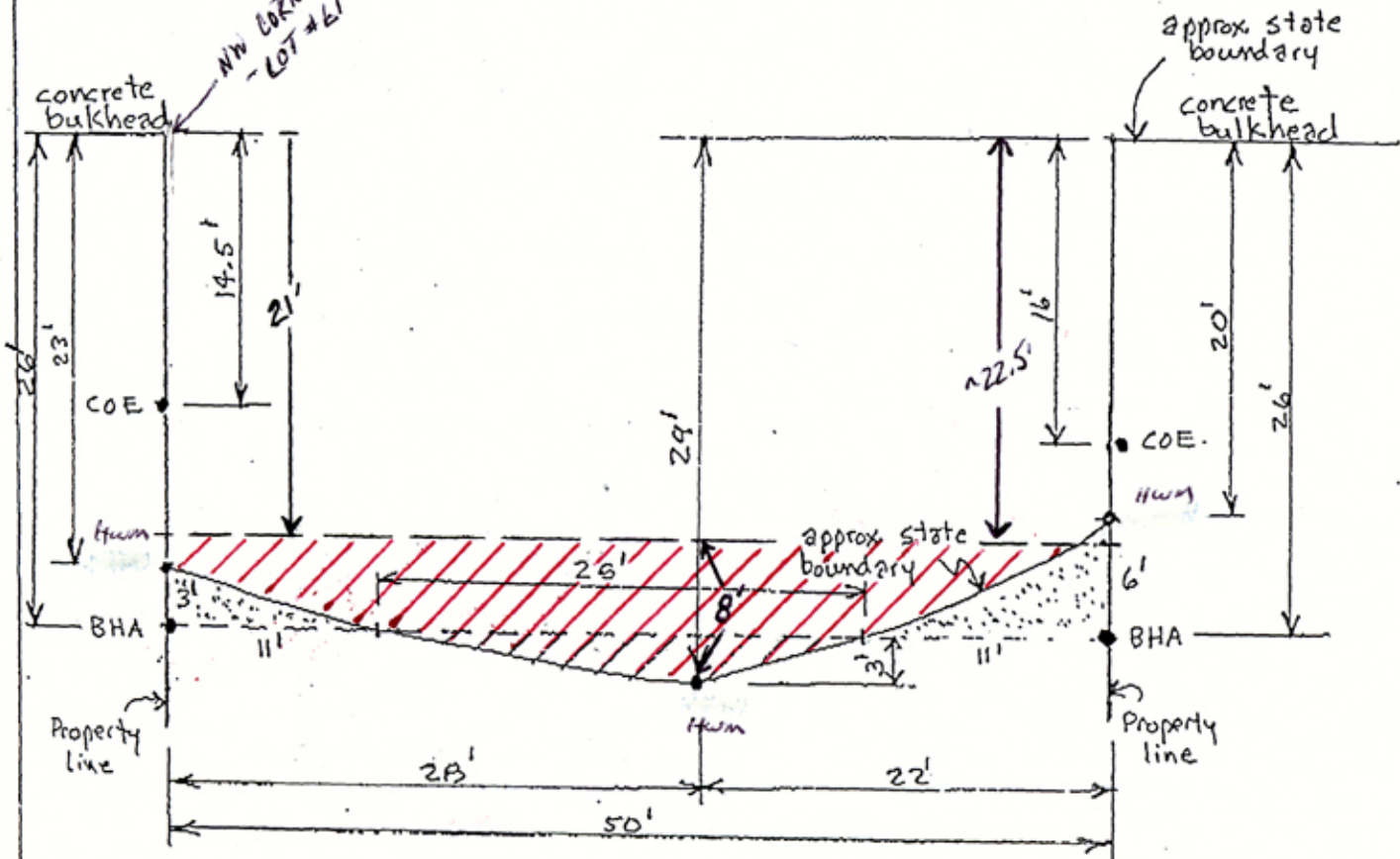
COPAÑO BAY



HWM is at 23'

HWM - 20' = shoreline or approx state boundary line

NW CORNER OF BULKHEAD - LOT #61



= private land
 = state land

COE = Corps of Engineers stakes marking boundary of Nationwide Permit
 MHW = GLO stakes marking boundary between state & private land
 BHA = Bulkhead alignment delineating "not net loss" of state & private land

FILE: Jewel
 DATE: 7-Dec-95 BY: D. Rocha

Scale: 1" = 10'

EXHIBIT C

COUNTER # 13493

GERALD JEWELL

CE-960053

Photos Taken : 12-07-95

By : Lynnda Kahn



Looking south from northern property line at view of shoreline.
Note stakes set at the line of mean high water.



Looking south from north property line at view of shoreline to be
bulkhead and filled. Note stakes set at the line of mean high
water.

COUNTER # 13494

GERALD JEWELL

CE-960053

Photos Taken : 12-07-95

By : Lynnda Kahn



Looking in a northeasterly direction from the northwest corner of the adjacent lot (#61), at view of shoreline to be bulkheaded and filled.

COUNTER # 13495

GLO CONTACT REPORT

Date: 01/30/96 GLO #: CE 960053
Caller: Gerald Jewell Proj. Name: Jewell, Gerald
Person Contacted: Corinna Klement

Purpose: To find out what the status of my project is I thought I would have approval by now. Also I need a copy of the drawing of my project that the field prepared. I was told the fees will be \$.10 per square foot.

Response: Your project needs to go before the School Land Board (SLB) for approval which has been scheduled for 2-20-96.

Mr. Jewell: Why does my project have to go to the SLB and why does it have to wait until Feb. 20. I have gotten several bids from contractors and have lost several of them because you haven't approved my project sooner.

Corinna: Staff doesn't have the authority to approve fill projects the SLB approves fill projects. The date to post for the February 6, 1996, SLB meeting has passed. It has to be filed with the Texas register. The next possible SLB meeting is February 20, 1996. You mentioned that you understood the fee to be \$.10 per square foot but that is not completely correct. The fee for fill is based on either \$.10/sq. ft. or the fill formula whichever is large. The fill formula is based on the appraised market value. In your case, the fee was larger using the appraised market value.

Mr. Jewell: No one told me about the fill formula. The appraisal district has sent me a notice to inform them about the size of the lot and how much I paid for the lot. If the appraised market value is adjusted will your office reassess my fees and amend my contract?

Corinna: We might reassess your fees but I don't know since no one has ever asked me this question. I will find out and call you back.

Called back and discussed with Mrs. Jewell since Mr. Jewell was not home: I asked my supervisor regarding reassessing your fees and found out that we issue an easement for 5 years so the fees remain the same until the easement term expires. It is a policy that we don't reassess the fees until the term is expired. Your options are to wait until the appraisal district reassess the value or we can proceed with presenting the project to the SLB as is. I will go ahead and send a copy of the docket and the drawing of the project and Mr. Jewell can call me back and let me know how he wants to proceed. I can always pull the project from the docket.

COUNTER # 13496

Action: Send a copy of the docket to Mr. Jewell. Put contact in file.

COUNTER# 13997

GLO Contact Report

Date: 1-31-96 Time: 1:30

GLO Coordination number CE960053

Caller: Corinna Klement

Project Name Jewell, Gerald

Telephone Personal

Person Contacted: Claudette Carr

Organization: _____

Address: _____

Position: _____

Telephone: _____

Purpose: Per Claudette this project ^{1/2} the CAD value doesn't need to go to Dan Wood to verify appraised amount since the definition for the appraised market value has changed in the new fee schedule. (It no longer mentions that the value needs to be appraised by GLO appraiser)

Response: _____

Action Taken: Calculate fees based on CAD value & compare to \$.10 per square foot flat fee. Charge the larger of the two.

GENERAL LAND OFFICE

**GARRY MAURO
COMMISSIONER**

**MEMORANDUM
96-088**

DATE: January 31, 1996

TO: Corinna Klement
FROM: Angela Trant
SUBJECT: JEWELL, GERALD/CE-960053

The field report for the above-referenced project has been forwarded to Austin. As this project involves a bulkhead and fill, the field office cannot issue the contract.

The Aransas County Appraisal District provided a land value of \$18,040.00 for the 50' x 164' lot. (8200 sq.ft.) 2.20 sq.ft.

Copies of any correspondence regarding the contract issuance would be appreciated for our file. If you have any questions, please call our office.

COUNTER# 13499



Texas General Land Office

Garry Mauro
Commissioner

TELECOPIER TRANSMITTAL

FAX NO. (512) 758-1430

DATE: 1-31-96 TIME: 9.0 FAX #: 512-463-5304

NUMBER OF PAGES INCLUDING COVER PAGE: 2

TO: Courno Klement

COMPANY: _____

PHONE NO.: 475-1461

FROM: Angela

FAX SUBJECT: Gerald Jewell - land values.

Clay will be hand delivering the
final report.

Aransas Pass Field Office
111 W. Wilson, 2nd Floor
Naylor Building
Aransas Pass, Texas 78336-2625
(512) 758-7228

GLO CONTACT REPORT

Date: 02/5/96 GLO #: CE 960053
Caller: Gerald Jewell Proj. Name: Jewell, Gerald
Person Contacted: Corinna Klement

Purpose: I haven't received the docket you said you were going to send me.

Response: I don't know if you had problems in San Antonio with the weather but we had an ice storm and we closed part of Thursday and all of Friday. Your docket item is in the attorney's office for review but I should be able to get it out today.

Mr. Jewell: Okay.

Action: Mail docket item.

Calculation Sheet for CE 960053/Gerald Jewell
Prepared 1-31-96

Aransas County Appraisal District Value:

Lot size : 50' x 164' = 8200 sq. ft.
Land value = \$18,040.00

$\$18,040.00 \div 8200 \text{ sq. ft.} = \$2.20/\text{sq. ft.}$

Filing Fee: \$50.00

Fee (standard fee or fill formula, whichever is larger):

250 sq.ft. (fill area) x \$.10 = \$25.00/year

or

Fill Formula: Encumbered area x App. mkt. value x % yr. return

250 sq.ft. x \$2.20/sq.ft. x .0855 = **\$47.03/year**

\$47.03 x 5 years = \$235.15

Reviewed: M Wendell

Date: 2-6-96



Pulled from
Docket 2-20-96

February 6, 1996

Mr. Gerald Jewell
818 Booth Dr.
San Antonio, Texas 78216-4356

RE: Coastal Public Lands Application No. CE 960053
Copano Bay, State Tract No. 12, Aransas County, Texas

Dear Mr. Jewell:

Your application will be considered by the School Land Board on February 20, 1996. The meeting begins at 2:00 p.m. in Room 831 of the Stephen F. Austin building, located at 1700 North Congress Avenue, Austin, Texas.

The meeting is open to the public and you may appear before the board if you wish. A copy of the docket item is attached for your information.

For your information, I have enclosed a copy of the Notice of State Interest mentioned in Special Condition 4. You will not be responsible for recording the notice until after you receive your fully executed contract. If you have questions, please call me at (512) 475-1461.

Sincerely,

Corinna Klement

Corinna Klement
Asset Management

Attachments

cc: General Land Office Field Office, Aransas Pass

DOCKET NO. :
DATE: February 20, 1996

SCHOOL LAND BOARD
APPLICATION FOR USE OF COASTAL PUBLIC LANDS

- Coastal Easement
 Coastal Lease
 Structure (Cabin) Permit

GLO NO. CE 960053
COE NO. D-7072

APPLICANT

Gerald V. Jewell

PROJECT LOCATION

Copano Bay, State Tract 12, Aransas County

PROJECT DESCRIPTION

A private bulkhead and fill consisting of an area averaging 5' x 50', for a total encumbrance of 250 square feet.

STAFF RECOMMENDATIONS

Approval is recommended for a 5-year term for a total consideration of \$235.15, payable in annual installments of \$47.03.

Special Conditions:

1. The bulkhead shall abut the bulkhead on Lot 61 at a point 21' landward of the northwest corner and extend perpendicular from that point on the Lot 61 bulkhead to the bulkhead on the adjacent Lot 59 at a point approximately 22.5' from the northwest corner of Lot 59.
2. No permanent structures will be placed on the permitted fill area.
3. No additional protective structures will be constructed around the fill area without prior approval by the General Land Office (GLO).

COUNTER # 13504

4. GRANTEE will be required to file a Notice of State Interest to be recorded in the deed records of Aransas County, Texas.
5. GRANTEE will notify the GLO of any pending sale of the adjacent private property prior to closing the sale. The conditions and fees for the easement will then be reassessed according to use.
6. GRANTEE relinquishes all claim to the submerged land by acceptance of this easement.
7. Violation of these special conditions may mean removal of the fill area by GRANTEE.

GLO CONTACT REPORT

Date: 02/12/96 Time: 8:00 a.m. GLO #: CE 960053
Caller: Gerald Jewell Proj. Name: Jewell, Gerald
Person Contacted: Corinna Klement 210-342-1490

Purpose: I received the copy of the docket item for my project and have some questions and comments. What is the definition of BHA as shown on the drawing? I think it means that is the line I can build and not be assessed a fee. Who are the members of the School Land Board? What power does the Board have? Can they grant me the easement without assessing a fee? I would like a copy of the rules for coastal easements. I need a copy of the rule that says why I have to wait 5 years before any adjustments (fee changes based on new appraisal). I am intending to bring an attorney and reporter to the meeting. Your letter said that the meeting is open to the public so I can bring as many people as I want to the meeting, right? Who is D. Rocha? He is supposed to be trained as an inspector and yet his drawing is completely wrong. He added 11 + 25 + 11 and got 50 which is wrong.

Response: I don't know the definition of BHA other than what it says on the drawing. I will get a definition for you. The members of the School Land Board are Garry Mauro the Commissioner of the GLO, an attorney and a member from the oil & gas industry. I will make sure. The Board can negotiate fees but I don't think they can grant an easement without assessing some kind of a fee. I can send you a copy of the rules for coastal easements. I will try to find something regarding the policy of 5 years before adjustments can be made. Yes the meeting is open to the public so anyone can attend. I would like to call Mr. Rocha and let him know your disagree with the dimensions of his drawing. We try to resolve issues before the project goes to the Board.

Mr. Jewell: I don't want to discuss the drawing with Mr. Rocha. I want to bring it to the Board's attention that it is wrong. I have no faith in your system or your department.

Corinna: Okay. I will get you the information you requested.

Action Taken: Put contact report in working file and relayed message to Claudette.

GLO Contact Report

Date: 2/12/96 Time: 10:45 Am GLO Coordination number CE-96-0053
Caller: Bruce Smith Project Name Gerald Jewell
 Telephone Personal
Person Contacted: MR. Jewell
Organization: _____ Address: _____
Position: _____
Telephone: 210-342-1490

Purpose: Research file & determine why he plans to appear at SLB meeting - Try to resolve.

Talked with Mr. Jewell for over an hour. His initial problem was with field office measurements at project site. After we discussed them he admitted they could be correct. Next concern was regarding amount of fee. Wants to use new appraisal to lower payment to GLO. Next issue was "having to buy back land he'd already paid for."

Response: Next issue was NOT wanting any long-term obligation to GLO because of problems with his estate when conveyed to heirs. Next issue was having anything tied to title on his property at TAX office. Next issue was wanting to know why lottery wasn't supporting education

Response - I explained we could delay SLB mtg. presentation till after new appraisal is received. He agreed to this. We discussed lease option and he was interested in discussing a lease if he could move bulkhead out to COE line. Lower appraisal might make this manageable. I told him we would be willing

Action Taken: to consider it (talked w/ Lloyd and he agreed). MR. Jewell is going to continue working on new appraisal and will get back to us when he has it.

I asked Conna to forward several items to Mr. Jewell that he had requested earlier.

GLO Contact Report

Date: 2/12/96 Time: 10:45 am GLO Coordination number CE-960053

Caller: Bruce Smith Project Name Gerald Jewell

Telephone Personal

Person Contacted: Gerald Jewell

Organization: _____ Address: _____

Position: _____

Telephone: 210-342-1490

Purpose: Research history of the file and determine where problems can be resolved.

*NOTED
call*

Response: Answering machine - left message

- ① lost bids - didn't cost him any money but may get a diff price
- ② question re: Fees - field said 10¢ - he didn't know about appraised value -
- ③ Term vs. Appraisal - fee being set for 5-years - he wants to pay 1-year & then change fees -
- ④ wants to tell SLB we
- ⑤ Has asked for two VLB loans and been rejected
you don't work for the public, you work for their SLB

11.5

Action Taken: _____

- ① Objects strongly to Title issue - doesn't want any GLO letters w title
- ② Wants to build at BHA and not deal with it any more -
- ③ WANTS TO know why lottery money isn't going to support

GLO-UC-24-(1-82)

*charges for use of wet lands.
Details in app form
paid \$8,000 for program - lost 1620
appraisal being redone*

wants to get reappoval to us

COUNTER # 13508

\$4385 → \$5300 for betterment

*5-year fee explanation -
BHA line dependent -
is fixed down of build
at BHA?
if we take to*

Permitting Dispute Report

Texas General Land Office
Asset Management / Permitting Division

File# CE-96-0053
SLB Date - 2/20/96
Docket # - _____

GLO Staff Contact : Claudette Carr @ 512/463-5055

Summary:

Applicant Gerald Jewell wishes to bulkhead and fill state-owned land adjacent to his private residential lot in Copano Bay, Aransas County, Texas. Staff recommends approval of his application to fill 250 square feet of PSF land for \$47.03/year (\$235.15 for 5-year term). Fee is based upon current appraisal by the Aransas County Appraisal District.

Mr. Jewell wants an instrument now from GLO so he can bulkhead, but wants GLO to change his fees if appraised value drops during term of instrument. Staff advised him that the instrument is for 5-years and fees can be reevaluated at end of that term.

Mr. Jewell has advised staff that he will bring "a lawyer and a reporter to the board meeting" to contest the permit requirement and to tell the Commissioner in public that he has "no faith in your system or your department." (Phone conversation on 2/12/96).

Mr. Jewell has rejected staff efforts to meet with him and resolve the issue - either at the field or in Austin. Mr. Jewell responded that he was not interested in meeting with us and wanted to appear before the board.

Recommendation:

Approve staff's recommendation and deny applicant's request for fee reduction.

GLO Contact Report

Date: 2-22-96 Time: am

GLO Coordination number _____

Caller: Alynda Kahn

Project Name Jewell, Jerry
Lot 61

____ Telephone _____ Personal

Person Contacted: Claudette Carr

Organization: _____

Address: _____

Position: _____

Telephone: _____

Purpose: To let you know that Mr. Jewell's adjacent
Lot 61 (which is adjacent to Lot 60) under CE 960053
is under SP 2397 issued in 1978 to
Robert Deuschenn. It has not been transferred
to Mr. Jewell. Mr. Jewell wants to build
a fish cleaning table on the pier which
response: will invalidate the SP. Depending on
what Mr. Jewell intends to do for certain
either the SP will be transferred or a
new CE issued. The field office hasn't
started anything at this time.

Action Taken: Put contact in file.



February 22, 1996

Mr. Gerald Jewell
818 Booth Drive
San Antonio, Texas 78216-4356

Re: Coastal Easement Application CE 960053/ Copano Bay, Aransas County, Texas

Dear Mr. Jewell:

I am responding to your telephone inquiry of February 20, 1996, regarding options for constructing a bulkhead adjacent to your property, as depicted on the enclosed drawing. There are three options for resolving this issue.

First, you may construct your bulkhead at or landward of the estimated high water mark, as determined by our field office staff. This estimated high water mark is depicted as a curved line on the enclosed drawing and is labeled as the "approx. state boundary." If you choose this option there will be no instrument required from the General Land Office and there is no formal survey required.

Second, you may construct your bulkhead at the line labeled on the drawing as the Bulkhead Alignment line, or "BHA" line as estimated by our staff. Placing the bulkhead at this location will result in no net loss of property to the Permanent School Fund (PSF) or to you. In other words, you would relinquish a small amount of property on the bayward side of the bulkhead and the PSF would relinquish a small amount of property on the landward side of the bulkhead.

By law, because the BHA line will establish the boundary to State land, the line has to be surveyed by a Licensed State Land Surveyor or the County Surveyor of Aransas County. Once this survey is performed (at your cost) and approved by this office, we will present it to the School Land Board (SLB) for approval. We will then prepare a Boundary Agreement that needs to be signed by you and the Commissioner of the General Land Office (GLO). You will then be required to file the agreement in the deed records of Aransas County, provide us with proof of recording, and file the agreement in the records of the GLO. By establishing the BHA and signing the Boundary Agreement, there would then be no need to obtain an easement from the SLB for the bulkhead and fill.

The third option is to construct the bulkhead on state-owned land waterward of the estimated high water mark. This would allow you to align the bulkhead with existing structures. If you choose this option, the bulkhead location and the area to be filled between the bulkhead and the high water mark would have to be surveyed by a Licensed State Land Surveyor or the County Surveyor of Aransas County, and you would be required to obtain a Coastal Easement from this office authorizing your continuing use of the filled state-owned land. The survey plat would be attached to and made a part of the easement contract.

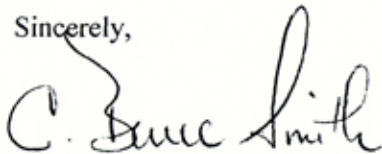
It is the policy of this office to grant Coastal Easement contracts for a term of five (5) years. Easement fees are based on that term, an appraised value, and in accordance with the School Land Board's published fee rule. Although coastal property is periodically reappraised, the easement fee initially agreed on will not change during the 5-year term of the easement (unless the use of the easement premises is changed). You would be required to maintain the contractual agreement with the state, pay these fees so long as you utilized the property, and would be prohibited from placing any permanent structures (house, pool, etc.) on the filled area.

As you requested in a previous conversation with Corinna Klement, enclosed are a copy of the rules for coastal easement projects and a description of the function and membership of the SLB.

At your request, your application was pulled from the SLB docket for February 20, 1996. Once you decide which of the options explained above will meet your needs please notify us. If you would like to meet to discuss these options in more detail, we will be happy to do so at your convenience. Processing your application will continue when these questions have been resolved.

If you have any questions, please call Corinna Klement at (512) 475-1461 or me at (512) 463-5055.

Sincerely,

A handwritten signature in cursive script that reads "C. Bruce Smith". The signature is written in dark ink and is positioned to the right of the word "Sincerely,".

C. Bruce Smith
Asset Management

Enclosure (3)

cc: Claudette Carr
Lloyd Mullins
M'Lou Bell

§ 32.012. Members of the Board

(a) The board is composed of:

- (1) the commissioner;
- (2) a citizen of the state appointed by the governor with the advice and consent of the senate; and
- (3) a citizen of the state appointed by the attorney general with the advice and consent of the senate.

(b) The authority of the attorney general to appoint one of the members of the board, including the authority to make appointments during the recess of the senate, is the same as the authority of the governor to fill vacancies in state offices under the Texas Constitution.

(c) Each appointment made by the governor and the attorney general shall be made in accordance with and subject to the provisions of the Texas Constitution authorizing the filling of vacancies in state offices by appointment of the governor.

Historical Note**Prior Law:**

Acts 1939, 46th Leg., p. 465, § 5.

Acts 1965, 59th Leg., p. 672, ch. 321, § 1.

Acts 1963, 58th Leg., p. 1138, ch. 442, § 5.

Vernon's Ann.Civ.St. art. 5421c-3, § 3.

Cross References

Vacancies in state offices, see Const. Art. 4, § 12.

§ 32.013. Terms of Appointed Members

The members appointed to the board by the governor and the attorney general serve for terms of two years.

Historical Note**Prior Law:**

Acts 1939, 46th Leg., p. 465, § 5.

Acts 1965, 59th Leg., p. 672, ch. 321, § 1.

Acts 1963, 58th Leg., p. 1138, ch. 442, § 5.

Vernon's Ann.Civ.St. art. 5421c-3, § 3.

§ 32.014. Chairman of the Board

The commissioner serves as chairman of the board.

Historical Note**Prior Law:**

<p>The School Land Board (SLB) proposes an amendment to <*>155.1 of this title concerning general provisions governing coastal public lands. The amendment to <*>155.1(b)(2) is proposed to provide for the approval by the SLB of a general coastal easement and to make minor editorial changes in <*>155.1(c)(4) and (9).

<p>Sections 155.1(b)(2)(A)-(B) are added to provide for SLB approval of a general coastal easement for projects with minor or negligible impacts to coastal natural resources and to evidence approval of individual projects by a letter of authorization issued in the manner provided in <*>155.3 of this title (relating to Coastal Easements). Section 155.3(b)(2)(C) is added to provide that letters of authorization may contain such special conditions as the SLB may determine necessary or appropriate to protect the natural resources.

<p>Section 155.1(c)(4) and (9) are amended to clarify the definitions and the activities described. In <*>155.1(c)(4), the defined term is changed to the more general "dredging" which is thought to include the terms "channel or channelization" formerly used for purposes of this definition.

<p>Christopher K. Price, Deputy Commissioner, Asset Management Division, has determined that for the first five-year period the rule is in effect there will be no fiscal implications for state or local government resulting from administration of the rule.

Reduced administrative costs are expected as a result of this proposal.

<p>Mr. Price has also determined that for each of the first five years the rule is in effect the public benefits anticipated as a result of the proposed amendment will be efficient project review, elimination of processing delays, and better protection of state coastal natural resources. Mr. Price has determined that there will be no significant increase in costs to persons required to comply with the rule. Mr. Price has determined that there will be no effect on small business resulting from adoption of the proposed amended rule.

<p>Comments on the proposed amendment may be submitted to Debbie Schilling, Texas General Land Office, Legal Services Division, 1700 North Congress Avenue, Room 630, Austin, Texas, 78701-1495 (Fax: 512/463-6311). In order to be considered, comments must be received by 5:00 p.m. on _____.

<p>The amendment is proposed under the Texas Natural Resources Code, <*>33.064, which authorizes the SLB to adopt rules necessary to administer Texas Natural Resources Code, Chapter 33.

<p>The Texas Natural Resources Code, <*>33.111, is affected by the proposed amendment.

Chapter 155. LAND RESOURCES

COASTAL PUBLIC LANDS

<*> 155.1. General Provisions.

(a) Policy. The surface estate in the coastal public lands of this state constitutes an important and valuable asset dedicated to the Permanent School Fund and to all people of Texas. Such estate shall be managed as follows:

(1) The natural resources of the surface estate in coastal public lands shall be preserved. Such resources shall be construed to include the natural aesthetic values of those areas and the value of such areas in their natural state for the protection and nurture of all types of marine life and wildlife.

(2) Uses which the public at large may enjoy and in which they may participate shall take priority over those uses which are limited to fewer individuals.

(3) The public interest in navigation in the intracoastal waters shall be protected.

(4) Unauthorized use of coastal public lands shall be prevented.

(5) Utilization and development of the surface estate in such lands shall not be allowed unless the public interest as expressed in the act is not significantly impaired thereby.

(6) The surface estate in coastal public lands shall not be alienated except by the granting of leaseholds and lesser interest therein.

(7) Vested rights in land shall be protected subject to the paramount authority of the state in the exercise of such rights and the orderly use of littoral property in a manner consistent with the public policy of this state shall not be impaired.

(8) The economic benefits of leases, easements, and other grants of interests in the surface estate of coastal public lands shall be weighed against the need to protect and preserve the resources of coastal public lands.

(b) Scope of rules. These rules set forth the practice and procedure for administration by the board in granting a lease, easement, permit, and the registration of a structure on coastal public lands. All grants of interest are subject to these rules and regulations. The board may grant the following interest in coastal public lands for the indicated purposes:

(1) leases for public purposes;

(2) easements for purposes connected with ownership of littoral property;

(A) a general coastal easement may be approved by the board under which projects with minor or negligible natural resource impacts may be authorized;

(B) approval or authorization of minor projects provided above may be evidenced by the issuance of a letter of authorization by the board or the Commissioner in the manner provided in **<*>155.3.**

(C) general coastal easements and letters of authorization may contain special conditions determined by the board to be necessary or appropriate to protect natural resources.

(3) permits authorizing limited continued use of heretofore unauthorized structures on coastal public lands, not connected with ownership of littoral property;

(4) channel easements to the holder of any surface or mineral interests in coastal public lands, for purposes necessary or appropriate to the use of such interests.

(c) Definitions. The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Board--The School Land Board of Texas.

(2) Breakwater--A structure of timber, cement, or other material, either fixed or floating, designed to protect beaches and harbor areas from wave action.

- (3) Bulkhead and riprap--Structures of timber, steel, concrete, rock, or similar substance erected parallel to the shoreline for erosion control purposes.
- (4) Dredging [Channel or channelization]--The moving of soil, sand, gravel, shell, or other materials from its natural setting [by dredging] and thereby, artificially altering the water depth, e.g. channels, basins, etc.
- (5) Coastal area--Refers to the geographic area comprising all the counties of Texas having any tidewater shoreline including that portion of the bed and waters of the Gulf of Mexico within the jurisdiction of the State of Texas.
- (6) Coastal public lands--All or any portion of the state-owned submerged lands, the waters overlying those lands, and all state-owned islands in coastal area.
- (7) Commercial structure--Any structure located on coastal public lands which is used directly for the sale of goods, wares, services on or property of any kind and includes any structure on coastal public lands adjacent to littoral property used commercially when said structure is used in conjunction with adjacent littoral commercial property.
- (8) Commissioner--The Commissioner of the Texas General Land Office.
- (9) Dredged material disposal--The deposition of sand, gravel, shell, or other material generated by a dredging activity [obtained from channelization] onto coastal public lands.
- (10) Island--Any body of land surrounded by the waters of a salt water lake, bay, inlet, estuary, or inland body of water within the tidewater limits of this state and shall include man-made islands resulting from dredging of other operations.
- (11) Jetties and groins--Structures of rock, concrete, steel, or other material designed to modify or control sand movement along a shore.
- (12) Landfill--The filling and creation of dry upland by the depositing of soil, sand, gravel, shell, and other materials on coastal public lands contiguous to littoral property, or the artificial alteration of waters levels for land reclamation purposes.

(13) Littoral owner--The owner or leaseholder of any public or private upland bordered by or contiguous to coastal public lands.

(14) Marina--A combination of docks or piers floating or constructed on pilings, extending onto or over coastal public lands, which is used for purposes of storing or docking boats, pleasure crafts, shrimp boats, and similar structures and is available to the public and charges are made for any of its services, and which do not constitute wharves, docks, or piers as hereinafter defined.

(15) Person--Any individual, firm, partnership, association, corporation (public or private, profit or nonprofit), trust, or political subdivision or agency of the state.

(16) Pier and dock--Structures of timber or other material built onto or over coastal public lands which are used for fishing and recreational boating purposes and which do not constitute a wharf or marina as hereinbefore defined.

(17) Seaward--The direction away from the shore and toward the body of water bounded by such shore.

(18) Structure--Any structure, work, or improvement constructed upon, affixed to, or worked upon coastal public lands, including but not limited to, fixed to or floating piers, wharves, docks, jetties, groins, breakwaters, artificial reefs, fences, posts, retaining walls, levees, ramps, cabins, houses, shelters, landfills, excavations, land canals, channels, and roads.

(19) Submerged lands--Any land extending from the boundary between the lands of the state and littoral owners seaward to the low water mark on any salt water lake, bay, inlet, estuary, or inland water within the tidewater limits, and any land lying beneath such a body of water, but (for the purposes of these rules only) excludes beaches bordering on, and the waters of, the open Gulf of Mexico, and the lands lying beneath such waters.

(20) Waste and/or garbage--Includes discarded food, refuse, and unwanted man-made degrad[e]able and nondegrad[e]able items such as containers, equipment, and other rubbish.

(21) Wharf--A structure of timber, cement, masonry, earth, or other material built onto or over coastal public lands, so that vessels can receive and discharge cargo, products, goods, any paying passengers, etc. This definition applies only to structures or portions thereof which are directly connected with and used for the loading and unloading of water borne commerce but specifically excludes such structures used only for commercial fishing purposes.

<p>The School Land Board (SLB) proposes amendments to <*>155.3 of this title relating to the granting of easements on coastal public lands. Section 155.3(f) is being amended to increase the scope of authority delegated to the commissioner of the General Land Office (GLO), or a staff member designated by him, to act on an application for an easement without a meeting of the SLB under certain specified conditions. The section is also being amended to reflect the provision relating to letters of authorization being proposed concurrently by an amendment to <*>155.1 of this title (relating generally to coastal public lands). Other minor editorial changes are proposed to update and correct the name of the Texas Department of Transportation and to capitalize the name of the Department of the Army Corps of Engineers.

<p>Section 155.3(f) lists the conditions under which decisions regarding applications for coastal easements may be made by the commissioner or a designated staff member. Without a meeting of the SLB, the commissioner, or a designated staff member, may approve, disapprove, or approve with special conditions, an application for a coastal easement which requires the payment of annual fees that do not exceed \$600, which proposes no new dredging or filling, and to which there are written objections.

<p>Christopher K. Price, Deputy Commissioner for Asset Management, Texas General Land Office, has determined that for the first five-year period the rule is in effect there will be no fiscal implications for state or local government as a result of

enforcing or administering the amended rule.

<p>Mr. Price has also determined that for each year of the first five years the rule is in effect the public benefits anticipated as a result of this amendment will be more efficient government and better protection of state coastal natural resources. Mr. Price has also determined that there will be no increased economic cost to persons required to comply with the rule, and that there will be no adverse effect on small business resulting from adoption of the proposed amendment.

<p>Comments on the proposal may be submitted to Debbie Schilling, Texas General Land Office, Legal Services Division, 1700 North Congress Avenue, Room 630, Austin, Texas, 78701-1495 (Fax: 512/463-6311). In order to be considered, comments must be received by 5:00 p.m. on _____.

<p>The amendment is proposed under the Texas Natural Resources Code, Chapter 33, <*>33.064, which authorizes the SLB to adopt procedural and substantive rules necessary for the management of coastal public land.

<p>The Texas Natural Resources Code, <*>33.111, is affected by the proposed amendment.

Chapter 155. LAND RESOURCES

COASTAL PUBLIC LANDS

<*> 155.3. Easements.

(a) Littoral owner. The board may grant easement rights to the owner of adjacent littoral property authorizing the placement or location of a structure on coastal public lands for purposes connected with the ownership of littoral property. The granting of an easement pursuant to this rule, including the waiver below, will not be construed as recognition of a right existing in the littoral owner incident to the ownership of littoral property. The owner of littoral property may construct a pier which is not for commercial purposes, which does not exceed 100 feet in length nor 25 feet in width, and which requires no filling or dredging, without obtaining an easement from the board; however, the location and dimensions of any pier must be registered with the board as provided in <*> 155.5 of this title (relating to Registration of Structures).

(b) Permits from other agencies. In the event the activity for which the easement is sought requires the littoral owner to seek one or more permits from any other agency or department of government of the state, the board may agree with such agency or department to issue a single document incorporating all rights and privileges of the applicant.

(c) Mineral or surface interest owner. The board may grant a channel easement to any surface or mineral interest holder for purposes necessary or appropriate to the use of such interests.

(d) Texas Department of [Highways and Public] Transportation. The board may grant an easement according to these rules to the Texas Department of [Highways and Public] Transportation; however, each such easement will be negotiated on a case-by-case basis.

(e) Application. An applicant desiring an easement must submit an application to the General Land Office on forms approved by the General Land Office, not less than 30 days prior to the desired

approval date. If shoreline alteration is proposed, a survey plat and field notes may be required. In addition to submitting an application form, applicants are encouraged to present reasons why the easement should be granted. It is the responsibility of the applicant to demonstrate affirmatively that the proposed structure is in the public interest. The board may request any additional information it deems necessary. A nonrefundable filing fee made payable to the General Land Office must accompany each application.

(f) Consideration of application.

(1) Upon receipt of an application form and additional information **requested** [considered necessary] by the board, the board may circulate it for review and comment to any member agency of the interagency council on Natural Resources and the Environment.

(2) If a D[d]epartment of the Army Corps of Engineers permit is required for the proposed work, the board may postpone a decision on the easement application pending receipt of comments on the work depicted in the Corps of Engineers public notice.

(3) Unless otherwise authorized by these sections, the board will hold a meeting to evaluate, consider, and hear testimony on an application. Upon receipt of an[y] application **and all requested** information, the board may issue, deny, or issue with qualifications, an easement contract.

(4) The **decision on an** application for [concerning] an easement **which requires the payment of** [whose] fees **that do** [does] not exceed **\$600** [\$200] per year, which **proposes** [requires] no new dredging or filling, and to which there are no written **objections**, and in which there is no commercial/industrial activity, may be made by the Commissioner or any staff member he designates without a meeting of the board.

(5) Upon receipt of all necessary application information, the board, [or] the Commissioner, or a **staff member designated** under paragraph (4) of this subsection, may issue, deny, or issue with qualifications, an easement contract.

can't do yet!

(g) Criteria for decision. [The board will review and consider] **An** [an] application for an easement on coastal public lands **will be reviewed** to insure conformity with the policies, practices, and procedures in these rules. [and regulations and will evaluate a] **P**[p]roject proposals **will be evaluated** in accordance with the following [project activity] guidelines:

(1) Adverse impacts to coastal natural resources must be avoided to the extent practicable and minimized where unavoidable. Applicants may be required to provide appropriate mitigation for those impacts which are unavoidable.

(2) Docks and piers[, and wharf].

(A) Piers and docks will be limited to the minimum size necessary to serve the purpose of the project and will be constructed in a manner that does not interfere with navigation or other authorized uses.

(B) Piers and docks will be designed and constructed in a manner that avoids existing marshes, oyster reefs, seagrass vegetation or shallow water capable of supporting these habitats to the extent practicable. Impacts to sensitive habitats that cannot be avoided will be minimized to the extent practicable.

(C) When constructed for private/residential use, only one pier, with normal appurtenances, may extend from each defined parcel of littoral property. Pier shall extend perpendicular from a point on the shoreline which is not less than ten feet from the adjacent littoral owner's property line, unless such a design would obstruct navigation or would unreasonably interfere with an adjoining littoral property owner's use of the waterfront.

(3) Dredged areas.[Channel, boat, or ship basin.]

(A) Propwashing is an unacceptable method of dredging and will not be approved.

(B) Projects are to be designed and constructed to the minimum size necessary to serve the project purpose. Joint use of access channels by multiple littoral property owners is to be preferred to individual channels and will be encouraged.

(C) Extension of piers into deeper water is preferred to the dredging of access channels or basins whenever practical.

(D) A channel or basin should be designed to insure adequate flushing and to prevent the creation of pockets or other conditions which would cause stagnant water pockets.

(E) The alignment of a channel or canal should make maximum use of a natural or existing channel. Design and alignment should minimize disruption of natural sheetflow, water flow, and drainage systems.

(F) A channel proposed to be dredged through highly productive coastal public lands is discouraged and will be approved only in unusual circumstances.

(G) Dredging should be conducted in a manner that minimizes turbidity and dispersal of dredged material.

(4) Dredged material disposal area.

(A) To the extent possible, all dredged material should be placed on and contained within suitable upland[s] sites of relatively low productivity above mean high water.

(B) Any toxic material shall be disposed of in an upland area behind impervious dikes unless detoxification is undertaken.

(C) Open water and deep water disposal should be considered as an alternative only if upland alternatives are not feasible. Open and deep water disposal sites, however, should be seriously considered only after careful consultation with concerned agencies.

(D) Consideration of habitat creation and improvement should be made when only minor environmental damage results.

(5) Jetty, groin, and breakwater.

(A) No new groins will be authorized except under the most compelling circumstances upon request by a city, county, or other public entity for a public purpose.

[B] P[p]lans for construction of a jetty, groin, or breakwater must [should] be analyzed to insure that the structure does not create adverse sediment transportation patterns that induce erosion or undesirable shoaling in adjacent areas.

(C) In addition to adverse physical effects, care must be taken that a jetty, groin, or breakwater does not unduly interfere with public use.

(6) Shoreline stabilization projects. [Bulkhead and seawall.]

(A) Vegetative cover is the preferred method of shoreline stabilization and shall be used where its use is practical. Impacts to sensitive habitat will be avoided whenever possible and minimized and mitigated when unavoidable.

(B) Riprap is an acceptable method of shoreline stabilization if composed of interlocking brick, rock large enough not to be displaced by storms, or concrete rubble which is free of protruding rebar. Where possible, sloping riprapping should be used rather than a vertical seawall or bulkhead. Riprap material may extend seaward from the shoreline only as far as required to protect the shoreline.

(C) The use of tires, automobile bodies or parts, appliances, trash and other unconsolidated material is not acceptable and shall not be approved.

(D) Except in special circumstances, a bulkhead or seawall should be located no further seaward than the mean of the high water line, and designed so that reflected wave energy does not destroy stable marine bottom or constitute a safety hazard.

(E) An application for the construction of a bulkhead on a significant coastal public marsh or grassflat, where such will lead to the destruction of this resource, will normally be denied. To avoid this, extreme care should be taken as to the location and type of construction planned for bulkheads in a wetland area.

(7) Marinas.

(A) Marinas should be located in areas where maximum physical advantages exist and where the least dredging and maintenance will be required. Plans for a marina should minimize the disruption of currents and the need for excavation of the shore area. Dead end or deep canals without adequate flushing should be avoided.

(B) Each marina shall provide adequate facilities to its users for the reception of waste and/or garbage. Failure to insure that the users of a marina have access to facilities necessary for the proper and lawful disposal of waste and/or garbage on an ongoing basis may subject the easement to termination and the easement holder to any applicable civil and criminal penalties.

(8) Landfills.

(A) Landfills proposed in marshes and submerged grass bed areas normally will be denied.

Consideration will be given to a landfill proposal for a water dependent use or public use on relatively unproductive coastal public lands.

(B) A shoreline fill should be designed and located so that significant damage to existing ecological values or natural resources, or alternation of natural currents will not occur.

(C) The perimeter of fills should be provided with vegetation, retaining walls, riprap, or other mechanisms for erosion prevention.

(D) Fill material should be of such quality that it will not cause water quality degradation. Submerged land should not be considered for a sanitary landfill or the disposal of solid waste.

(h) Consideration of application by **mineral interest holder**. The board will review and consider an application for a channel easement to a mineral interest holder on coastal public lands to insure conformity with the policies, practices, and procedures in these rules and regulations. Environmental recommendations for certain development and production activities will be provided to the mineral interest holder on bay tracts and certain other tracts in the notice of bids booklet published by the General Land Office. Updates of these recommendations will be furnished on request. Development activities conforming with these environmental recommendations normally will receive favorable consideration by the General Land Office.

(i) **Approval** [Application] criteria. An easement, if granted by the board, will be **approved** subject to these rules [and regulations] in addition to **such terms and conditions** [those] as may be prescribed in the contractual agreement. The board may waive a rule at its discretion. All structures on coastal public lands will be subject to inspection at any time by the board or their authorized representatives. Any easement contract will be for a specific purpose. If a change in the contractual agreement is desired, an amendment application should be filed [with the board]. An applicant, by accepting an easement to occupy or otherwise place a structure on coastal public lands or water surface areas, agrees and consents to comply with and be bound by the following additional terms and conditions:

(1) to keep the Commissioner informed at all times of his or her address, and if a corporation, of the address of its principal place of business and the name and address of the officer or agent authorized to receive service of notice;

(2) that the allowance of the easement will be subject to the express condition that the rights granted will not unduly prevent or interfere in any way with the management, administration of, or the granting, either prior or subsequent to the easement, of other rights by the board of any part of the area included in the easement;

(3) that the structure authorized under contract will be maintained in proper order and will not be allowed to deteriorate to such a degree as to become a hazard or public nuisance;

(4) that all of the surface estate of coastal public lands shall be worked, dredged, filled, or used in such a manner as to prevent pollution, and in the event of pollution, the easement holder shall use all reasonable means to recapture all pollutants which have escaped. The easement holder shall be responsible for all damage to public and private property which is the result of pollution arising from any use of the easement or failure to provide adequate facilities for the reception of waste and/or garbage;

(5) that the disposal or discharge of any waste or garbage into state waters from any marina, pier, dock, wharf, or any other structure located on coastal public lands is strictly prohibited;

[(6)] (entire para.)

(j) Renewals. A request for renewal of an easement shall utilize the contract form, rate schedule, and adhere to rules and regulations in effect at the time the renewal is made. Any person requesting a renewal must submit an application form as required in this rule and should include the easement number and date of expiration of the existing easement.

(k) Assignment. Assignment may be made of any interest rights granted in whole or in part subject to the written approval of the commissioner. Any such assignment must be filed in triplicate accompanied by a written request for approval in which the assignee agrees to comply with all rules and regulations contained herein and in the contractual agreement. A fee of \$50 payable to the General Land Office must accompany the application for approval of an assignment. No assignment is effective to transfer any rights until approved by the Commissioner, the grantee, and the assignee.

(l) Termination. Failure to comply with these rules and regulations subjects the easement to termination by the board.

(1) Upon termination of any easement, the grantee will, at the option of the board, within 120 days from said termination, remove all of its personal property and all structures and manmade improvements authorized in the easement contract, provided all monies due have been paid. The grantee shall take whatever measures as are necessary to restore the area involved as nearly as practicable to the same condition that existed prior to placement of any structures thereon, except as otherwise approved in writing by the Commissioner.

(2) The board may consent to premature termination of all or part of any contractual agreement.

Ms. Corinna Klement
Texas General Land Office
1700 N. Congress Av.
Austin, TX 78701

Dear Ms. Klement,

22 Mar 96

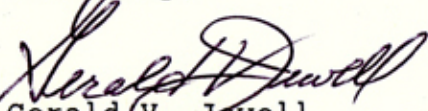
I am enclosing a survey plat on lot #60 located in Holiday Beach, Texas.

The plat shows where the actual BHA line is located.

Please advise if there is any other delays or problems associated with my request to build a bulkhead along this line. Before I start any further construction, I want to be assured by the TGLO that the BHA line as surveyed is acceptable and that I may begin construction without any further interference from the State.

I am also attaching a letter to Commissioner Mauro. Please forward this letter to his office.

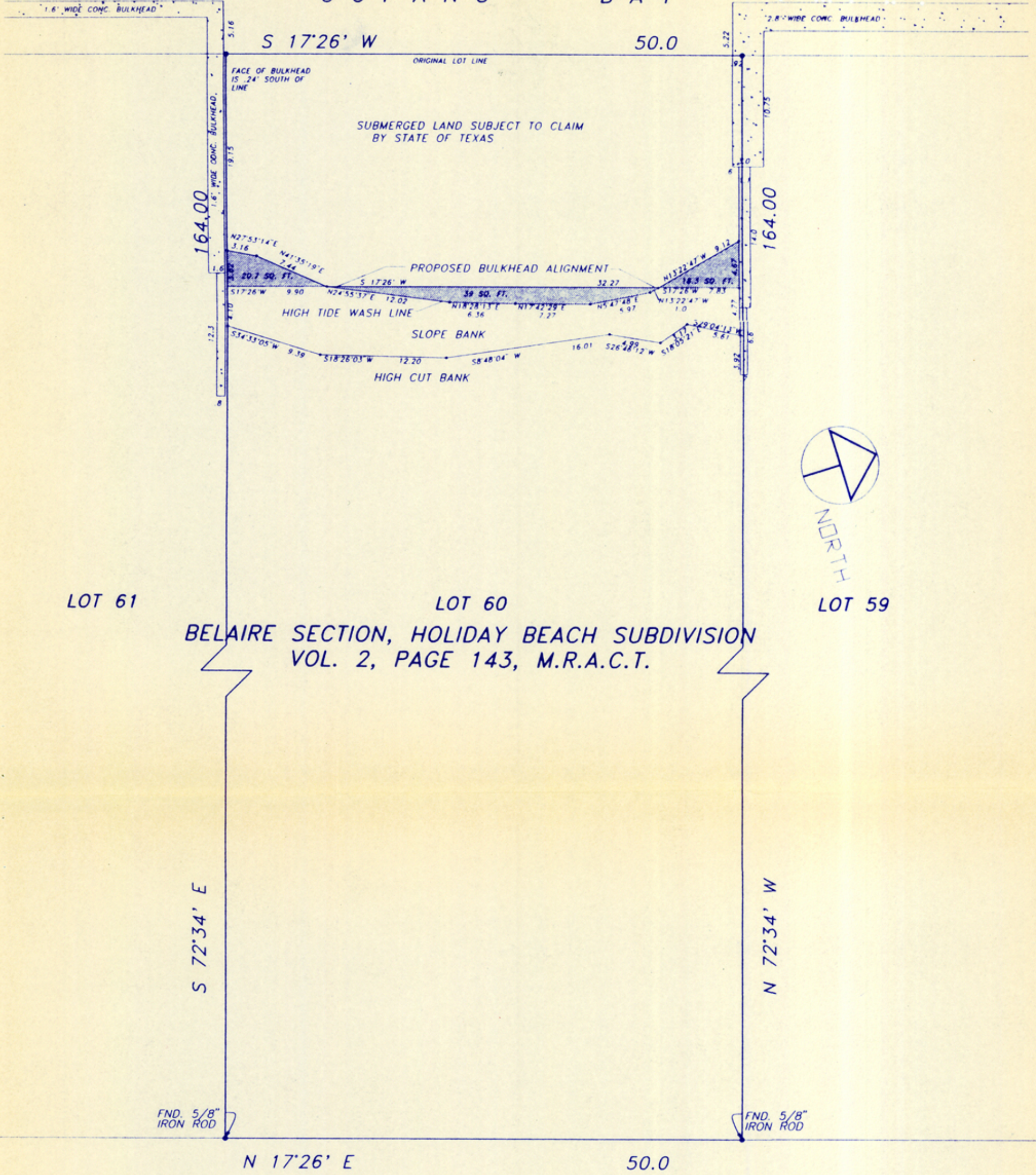
Sincerely,



Gerald V. Jewell
Lt.Col. USAF (Ret.)
818 Booth Dr.
San Antonio, TX 78216
(210)342-1490

COUNTER # 13531

COPANO BAY



BELAIRE DRIVE (60' R.O.W.)
VOL. 2, PAGE 143, M.R.A.C.T.

PLAT SHOWING SURVEY OF LOT SIXTY (60), BELAIRE SECTION OF HOLIDAY BEACH SUBDIVISION, ARANSAS COUNTY, TEXAS, ACCORDING TO MAP RECORDED IN VOLUME 2, PAGE 143, MAP RECORDS OF ARANSAS COUNTY, TEXAS, SHOWING EXISTING HIGH TIDE WASH LINE AND PROPOSED BULKHEAD ALIGNMENT FOR GENERAL LAND OFFICE AGREEMENT.

SCALE 1" = 10'

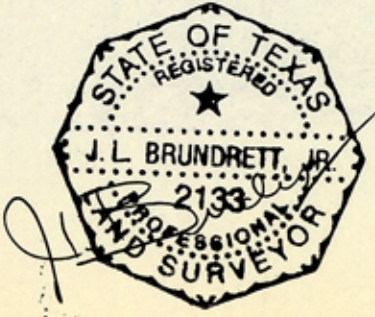
MARCH 11, 1996

FILE NAME: 960311BM

NOTE: PLAT BEARING USED FOR DIRECTIONAL CONTROL UNLESS OTHERWISE NOTED.

OWNER: GERALD V. JEWELL
818 BOOTH DRIVE
SAN ANTONIO, TEXAS 78216

This is to certify that I have consulted the Federal Flood Hazard Map dated 3/4/85, and found that the property described herein is X (or) is not located in a special flood hazard area. Zone A-12, Base Flood Elev. 8.00. Panel No. 0077C, Community No. 485452.



I, J. L. BRUNDRETT, JR., a Registered Professional Land Surveyor in the State of Texas, and County Surveyor for the County of Aransas, do hereby certify that this plat correctly shows a survey on the ground of the foregoing property and that there are no intrusions or protrusions (except as shown hereon).

Griffith & Brundrett
SURVEYING & ENGINEERING
P. O. BOX 2322
ROCKPORT, TEXAS 78381
PH. 512-729-6479 FAX 512-729-7933

J.L. Brundrett, Jr.
J. L. BRUNDRETT, JR., R.P.L.S.
REG. NO. 2133

COUNTER # 13532

Commissioner Garry Mauro
Texas General Land Office
1700 N. Congress Av.
Austin, TX 78701

Dear Commissioner Mauro,

22 Mar 96

On 3 Dec 1995 I submitted a letter to the TGLO Corpus Christie Field Office requesting authorization to construct a bulkhead across a residential lot located in Holiday Beach, Texas, bordering on Copano Bay. After speaking with Mr. Bruce Smith within your agency I am sure I could not receive a fair hearing from the school board, especially when I feel there could be a conflict of interest involved with you being the TGLO Commissioner and the Chairman of the School Land Board (SLB) whereby both agencies seek to maximize their power and tax base.

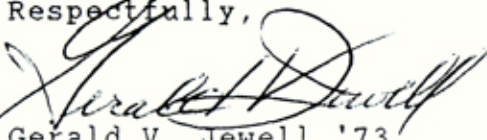
Your field office sent me a drawing indicating the approximate BHA line and the MHW line. After having my property surveyed at my expense, I am now told that the BHA is two feet further back then what the TGLO estimate was. I know determining these lines is a subjective process but picking a spot on the ground shouldn't be that difficult. Why your people could not determine a BHA line closer then two feet is beyond my understanding.

Since I do not wish to have the State added to my deed and be intimidated by fines, etc. I must build at an arbitrary BHA line that your "professionals" have subjectively determined and submit to this form of bureaucratic conspiracy of increasing the SLB coffers.

By making this decision, I will lose use of 1,150 Sq.Ft., the State's free school land board losses tax income, and the Aransas County school system also loses tax funds when the lot is reappraised at its new market value and reduced size (I paid \$8,000 for the lot {originally 50' X 164'} and Texas now owns 14% of it).

After completing 30 years of active military duty, and then teaching for the past several years I would say this has to be the most disappointing and arrogant show of bureaucratic power on display. I had hoped to exercise my TX Vet status some day and use one of the 3 TX Vet land programs. However after seeing how the TGLO works, there is no way I could trust your organization to offer a fair game.

Respectfully,



Gerald V. Jewell '73
Lt.Col. USAF (Ret.)
818 Booth Dr.
San Antonio, TX 78216
(210)342-1490

copies:
State Senator Jeff Wentworth
State Representative Frank Corte Jr.
Aransas County Commissioner
Larry Barnebey

00000

 Jerry & Irene Jewell
818 Booth Dr.
San Antonio, TX 78216

SAN ANTONIO TX 782
PM
18 MAR 1996



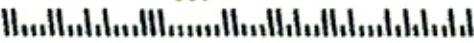
MAR 20 1996

Ms. Corinna Klement
Texas General Land Office
1700 N. Congress Av.
Austin, TX

78701-1495

00000

78701/1495



00000

06
COUNTER # 13534

CONTACT REPORT

DATE: March 29, 1996

PROJECT NAME: Gerald Jewell

CALLER: Bruce Smith

TELEPHONE: 210-342-1490

PURPOSE:

Discuss his letter of 3/22/96, identify his specific objections, be sure he understands BHA process, and see if he plans to come to the SLB meeting.

RESULT:

Spoke with Mr. Jewell and reviewed his problems identified in letter to the Commissioner. He is unhappy with the state having laws that deal with "5 or 6 square feet of property," and thinks GLO is unreasonable by not just forgetting about this small amount of state-owned land.

I reviewed the need for him to record the BHA - he agrees to do that.

I asked if he plans to attend the board meeting. He said no, that he would handle his complaints by mail and is asking the local County Commissioner to come to the board meeting on his behalf. Claimed that the County Commissioner had agreed to do so.

Told him I expected the board to approve his BHA request.

ACTION:

Drafted GM response letter to Mr. Jewell and forwarded it to Judy Harding for processing. Returned file to Corinna.

counter # 13535

GLO CONTACT REPORT

Date: 04/5/96 GLO #: CE 960053
Caller: Gerald Jewell Proj. Name: Jewell, Gerald
Person Contacted: Corinna Klement

Purpose: Mr. Jewell wanted to discuss Paragraph 2 of the letter dated February 22, 1996. He wanted to know if the first option is an option (placing the bulkhead at the curve line). Mr. Jewell still wants us to present the bulkhead agreement to the Board for approval. If he receives approval, then he will decide if he wants to place the bulkhead at the curve line or at the agreed upon line determined by the RPLS.

Mr. Jewell still thinks there is a problem with the drawing prepared by Dennis Rocha. On the left hand of the drawing the HWM appears that it is at 21' but Mr. Jewell thinks Dennis Rocha meant that it should be 23' (point where curve begins on the left). Should it be at 21' or at 23'?

Response: I will discuss the measurements with Dennis Rocha and I will ask Bruce to call you on Monday regarding the first option you are questioning. In the meantime, I am sending you a copy of the docket for the bulkhead agreement scheduled for the SLB meeting 4-16-96.

Action: Mail docket item and call field office. Discussed where the HWM line is with the Angela Trant at the Aransas Pass Field Office. Angela said (which was verified by Lynnda Kahn) that on the left of the drawing the HWM is at 23' and on the right the HWM is at 20'.

Called Mr. Jewell and gave him this information. Again he asked that if he built along the curved line or behind the base of the curved line he wouldn't need anything from the State. I told Mr. Jewell that was correct. Mr. Jewell again stated that he still wants the Bulkhead Agreement to be presented to the School Land Board.

counter # 13536



April 8, 1996

Mr. Gerald V. Jewell
Lt. Col. USAF (Ret.)
818 Booth Dr.
San Antonio, Texas 78216-4356

Dear Mr. Jewell:

I am writing in response to your letter dated March 22, 1996, regarding the construction of a bulkhead between your private property (Lot 60, Belaire Section, Holiday Beach Subdivision, Aransas County, Texas) and submerged state-owned land managed by the Texas General Land Office.

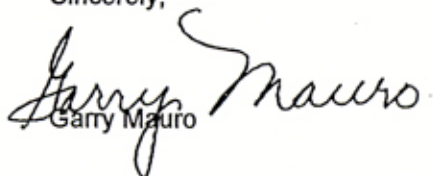
Our field staff have attempted to assist you by determining a bulkhead alignment based upon an "approximate state boundary," as shown in their field report of December 7, 1995. Our field inspectors are not licensed surveyors and, as such, do not have authority to make final boundary determinations. The survey you have provided establishes an alignment for your bulkhead that is acceptable to this office.

I'm sorry you feel there is a conflict of interest in my dual role as Land Commissioner and Chairman of the School Land Office Board. That, however, is not the case and I assure you that you will receive a fair hearing from the board should you choose to appear and present your position.

We will consider your bulkhead construction request at the April 16, 1996, School Land Board meeting. When approved, we will complete processing of the agreement as outlined in our letter to you dated February 22, 1996. A copy of the docket information will be forwarded separately for your information.

Please let me know if you have any further questions or need additional information.

Sincerely,


Garry Mauro

cc: State Senator Jeff Wentworth
State Representative Frank Corte Jr.
Aransas County Commissioner Larry Bamebey
Texas Veterans Land Loan Program

Garry Mauro
Commissioner
Texas General Land Office

Stephen F. Austin Building
1700 North Congress Avenue
Austin, Texas 78701-1495
(512) 463-5256

APPROVAL FOR COMMISSIONER'S SIGNATURE

Note: You must submit an original and two copies of letters to be signed. If they are in response to assignments from the Commissioner's office, please attach copies of the blue Action Forms and accompanying materials.

Date: 4/2/96
(of the letter)

Letter to: Mr. Gerald V. Jewell

Topic: Construction of Buck Head
(brief description)

Author: Bruce Smith

Contact Person: Jusad Flusche Phone #: 3-8177

Special Instruction, if any: This letter was included among several documents sent to Assit.

APPROVAL: SN
(Chief Clerk or Senior Deputy or General Counsel)

(For Executive Use): Proofread: _____ Content: AK

In 4/2 out 4/9



April 8, 1996

Mr. Gerald V. Jewell
Lt. Col. USAF (Ret.)
818 Booth Dr.
San Antonio, Texas 78216-4356

Dear Mr. Jewell:

I am writing in response to your letter dated March 22, 1996, regarding the construction of a bulkhead between your private property (Lot 60, Belaire Section, Holiday Beach Subdivision, Aransas County, Texas) and submerged state-owned land managed by the Texas General Land Office.

Our field staff have attempted to assist you by determining a bulkhead alignment based upon an "approximate state boundary," as shown in their field report of December 7, 1995. Our field inspectors are not licensed surveyors and, as such, do not have authority to make final boundary determinations. The survey you have provided establishes an alignment for your bulkhead that is acceptable to this office.

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Please let me know if you have any further questions or need additional information.

Sincerely,

Garry Mauro

cc: State Senator Jeff Wentworth
State Representative Frank Corte Jr.
Aransas County Commissioner Larry Barnebey
Texas Veterans Land Loan Program

Garry Mauro

MR. SMITH,

8 APR 96

HERE IS A COPY OF THE FIVE LINES THAT I MENTIONED TO YOU ON TUESDAY.

IN YOUR LETTER DATED FEB 22 1996, YOU STATE THAT THERE ARE THREE OPTIONS THAT I MAY CHOOSE FROM.

THE FIRST OPTION STATES THAT I MAY CONSTRUCT A BULKHEAD AT OR LANDWARD OF THE ESTIMATED HIGH WATER MARK, AS DETERMINED BY THE GLO FIELD STAFF. YOU FURTHER STATE THAT THIS ESTIMATED HIGH WATER MARK IS DEPICTED AS A CURVED LINE ON THE FIELD OFFICE DRAWING AND IS LABELED AS THE "APPROX. STATE BOUNDARY".

ACCORDING TO THE PORT ARANSAS GLO FIELD OFFICE DRAWING EXHIBIT C, DATED 7-DEC-95 DRAWN BY A D.ROCHA, THE GLO HWM LINE IS INDICATED AS STARTING AT 23 FT. BACK FROM THE NW CORNER OF LOT #60 AND CURVING TO A LANDWARD DEPTH OF 29 FT, THEN CURVING BACK TO THE SW CORNER OF LOT #59 AT 20 FT.

YOUR LETTER ALSO STATED IF I CHOOSE THIS OPTION THERE WILL BE NO INSTRUMENT REQUIRED FROM THE GLO AND THERE IS NO FORMAL SURVEY REQUIRED.

PLEASE REFER TO THE DRAWING I HAVE PROVIDED, DATED 8 APR 96. YOU WILL SEE FIVE LINES DRAWN.

- (1) SHOWS THE GLO HWM CURVED LINE REFERRED TO IN YOUR LETTER.
- (2) SHOWS THE GLO BHA LINE PLOTTED FROM EXHIBIT C.
- (3) SHOWS THE ARANSAS COUNTY SURVEYED HIGH TIDE WASH LINE.
- (4) SHOWS THE ARANSAS COUNTY SURVEYED BHA LINE THAT WILL REPRESENT THE DIVIDING LINE BETWEEN STATE PROPERTY AND MY PROPERTY.
- (5) SHOWS AN EXAMPLE OF A LINE WHERE I CAN CONSTRUCT A BULKHEAD WITHOUT ANY INTERFERENCE FROM THE GLO.

ALTHOUGH I REQUEST APPROVAL TO BUILD AT THE SURVEYED BHA LINE, I RESERVE THE RIGHT TO BUILD ALONG A LINE APPROXIMATING LINE #5 MENTIONED ABOVE, OR AS CLOSE AS I CAN TO THE GLO HWM LINE #1. ALSO, IF I CHOOSE TO BUILD A BULKHEAD THAT IS PERPENDICULAR TO MY PRESENT BULKHEAD BUT BACK 29 FEET FROM THE NW CORNER OF LOT #61, THERE SHOULD BE NO FURTHER INTEREST NOR INTERFERENCE FROM THE GLO.

THE SAN ANTONIO EXPRESS-NEWS HAD AN ARTICLE ABOUT THE SILLY LAWS IN THIS STATE, I THINK THIS IS ANOTHER GOOD EXAMPLE. NO ONE GAINED IN THIS DISPUTE. ARANSAS COUNTY WILL LOSE SCHOOL TAX FUNDS WHEN I REQUEST A NEW APPRAISAL OF THIS LOT BASED ON A 17% LOSE OF PROPERTY TO THE STATE, THE TEXAS SCHOOL LAND BOARD LOSES A FEW BUCKS BUT MANAGED TO GAINED A DISGRUNTLED VOTER, AND I LOST THE USE OF PROPERTY I BELIEVE I PURCHASED.

IF I HAD BEEN GRANTED APPROVAL TO CONSTRUCT A BULKHEAD AT THE U.S. ARMY COE (APPROX: 16') FOR STRUCTURAL INTEGRETITY AND STRENGTH PURPOSES NONE OF THIS ANIMOSITY ON MY PART WOULD HAVE OCCURRED.

JERRY JEWELL

counter # 13540

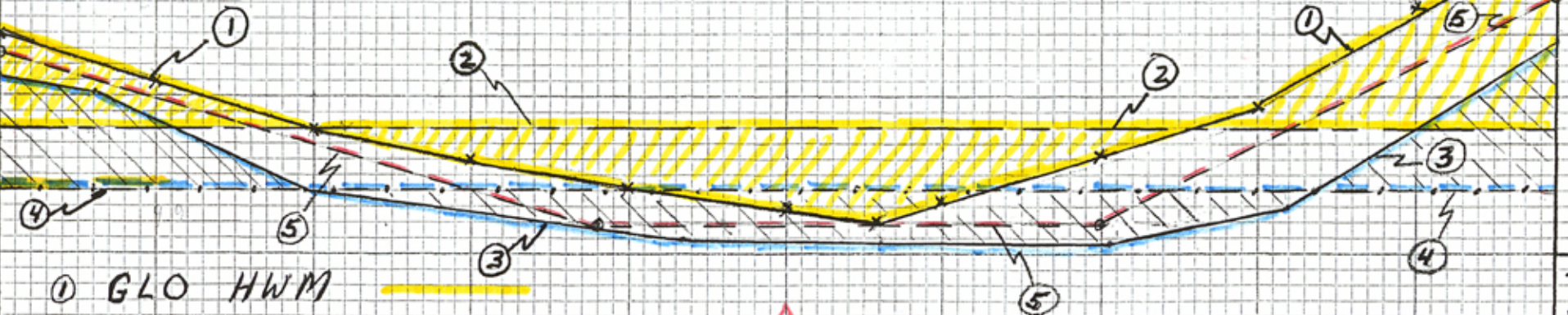
Copano Bay

G.V. JEWELL
8-Apr-96

26.0'
24.31'
23.75'
23.0'

COE

COE



- ① GLO HWM —————
- ② GLO BHA —————
- ③ Survey High Tide Wash Line —————
- ④ Survey BHA - - - - -
- ⑤ Owner's line - - - - -

Lot # 60



G. Jewell
 818 Booth Dr.
 San Antonio, TX 78216-4356



1996

APR 11 1996

Mr. Bruce Smith
 Asset Management
 Texas General Land Office
 Stephen F. Austin Bldg. 720
 1700 N. Congress Ave.
 Austin, TX 78701-1495

country # 13542



CONTACT REPORT

DATE: April 9, 1996
TIME: 9:15 AM
PROJECT NAME: Gerald Jewell - Bulkhead - CE 96-0053
CALLER: Bruce Smith
PERSON CALLED: Mr. Jewell
TELEPHONE: 210-342-1490

PURPOSE:

Return his call of 4/4/96, and answer questions raised in Corinna's contact report of 4/5/96.

RESULT:

Mr. Jewell did not answer. I left message on his recorder that the information contained in Corinna's contact report was correct and that we planned to present his file on 4/16/96. If he had any questions he could return my call. If not we would continue with the presentation and advise him of the board's decision after the meeting.

ACTION:

Placed contact report in file.

counter #13593

CONTACT REPORT

DATE: April 9, 1996
TIME: 2:00 PM
PROJECT NAME: Gerald Jewell - Bulkhead - CE 96-0053
CALLER: Bruce Smith
PERSON CALLED: Mr. Jewell
TELEPHONE: 210-342-1490

PURPOSE:

Mr. Jewell returned my call.

RESULT:

Mr. Jewell wanted to confirm that he could still put the bulkhead at or behind the HWM line as depicted by GLO field staff in the 12/7/95 field report by D. Rocha. I confirmed that he could, and that as stated in the second paragraph of my 2/22/96 letter, there would be no continuing obligation to the state if he did so. I also explained that this does not constitute a boundary agreement with the state, and that erosion behind a bulkhead at this location may result in a state claim to the eroded property, whereas the BHA gives him a window of opportunity to reclaim the eroded area. He said he understood this but was considering building the bulkhead at or behind the HWM line as shown on the field report.

He stated he may have a "curved" bulkhead installed to track behind that line. I explained the additional costs and potential for failure of the structure. He wanted to visit with his contractor before deciding.

He asked that we present the BHA to the board on 4/16/96 as proposed. He will decide whether to build as specified in the BHA or to move behind the HWM after talking to his contractor.

ACTION:

Placed contact report in file.



Texas General Land Office
Garry Mauro, Commissioner

Stephen F. Austin Building
1700 North Congress Avenue
Austin, Texas 78701-1495
(512) 463-5001

May 8, 1996

Gerald Jewell
Lt. Col. USAF (Ret.)
818 Booth Drive
San Antonio, Texas 78216-4356

Re: Boundary Agreement
Copano Bay, State Tract No. 12, Aransas County, Texas

Dear Mr. Jewell:

Enclosed is an executed original of the above-referenced Boundary Agreement. If you decide to place the bulkhead at the Boundary Agreement line then, please record the Agreement with the Deed Records of Aransas County, Texas and send us a file marked copy by June 10, 1996.

If you decide not to place the bulkhead at the Boundary Agreement line then you still have option one of Mr. Bruce Smith's letter dated February 22, 1996. Again that option is to construct your bulkhead at or landward of the estimated high water mark, as determined by our field staff. If you choose this option there will be no instrument required from the General Land Office and there is no formal survey required.

Once you have made a decision on the placement of your bulkhead, please notify our office. If you have further questions, please call me at (512) 475-1461.

Sincerely,

Corinna Klement
Asset Management

Enclosures

BOUNDARY AGREEMENT

THIS AGREEMENT is made and entered into by and between the State of Texas, acting by and through Garry Mauro, Commissioner of the Texas General Land Office and Chairman of the School Land Board (hereinafter referred to as "the State") and Gerald Jewell (hereinafter referred to as "Owner"), owner of all or a portion of Lot 60, Belaire Section, Holiday Beach Subdivision, Aransas County, Texas (hereinafter referred to as "Owner's Property").

WHEREAS, the State is the sovereign owner of certain lands underlying Copano Bay, adjacent to Owner's Property; and

WHEREAS, the parties assert conflicting claims of title to the filled lands adjacent to Owner's Property, which has created a dispute between the parties and has resulted in the inability of either party to fully utilize its lands; and

WHEREAS, the parties deem it to be in their respective best interests to resolve the dispute and conflict without protracted and costly litigation; and

WHEREAS, the parties agree that an equitable boundary between their lands will be delineated by the mutually agreed alignment of a bulkhead so that each party can have and hold, free of any claim by the other, all interests in its land as divided by said bulkhead;

NOW, THEREFORE, the parties being in agreement that each is receiving a benefit and value equal to that being received by the other, in consideration of the mutual agreements herein contained, the parties mutually agree as follows:

1. The common boundary between the State-owned coastal public lands and Owner's Property is hereby mutually agreed to be as depicted as shown on the on-the-ground survey, prepared by J. L. Brundrett, Jr., a Registered Public Land Surveyor, identified as "Exhibit A," attached hereto and incorporated herein by reference.

counter # 13596

2. Owner shall, at its sole cost and expense, construct a bulkhead on the landward side of the line described in Exhibit "A" hereto. Upon completion, except as provided herein, the bulkhead shall be a fixed and permanent delineation between the State-owned coastal public lands and Owner's Property, which bulkhead shall be maintained and kept in good repair at all times by Owner.

a. In the event the bulkhead is destroyed or severely damaged by a storm or other sudden natural disaster, Owner shall replace or repair it as necessary within 90 days.

b. In the event the bulkhead is determined by the State to be in need of repair or maintenance, Owner shall be given written notice of the necessary repairs or maintenance by a representative of the Texas General Land Office and Owner shall have 60 days to complete the required repairs or maintenance.

c. Failure of Owner to maintain the bulkhead in a safe condition or to complete required repairs or maintenance within the time periods specified above shall constitute a default under this agreement and render it subject to termination at the option of the Commissioner of the General Land Office.

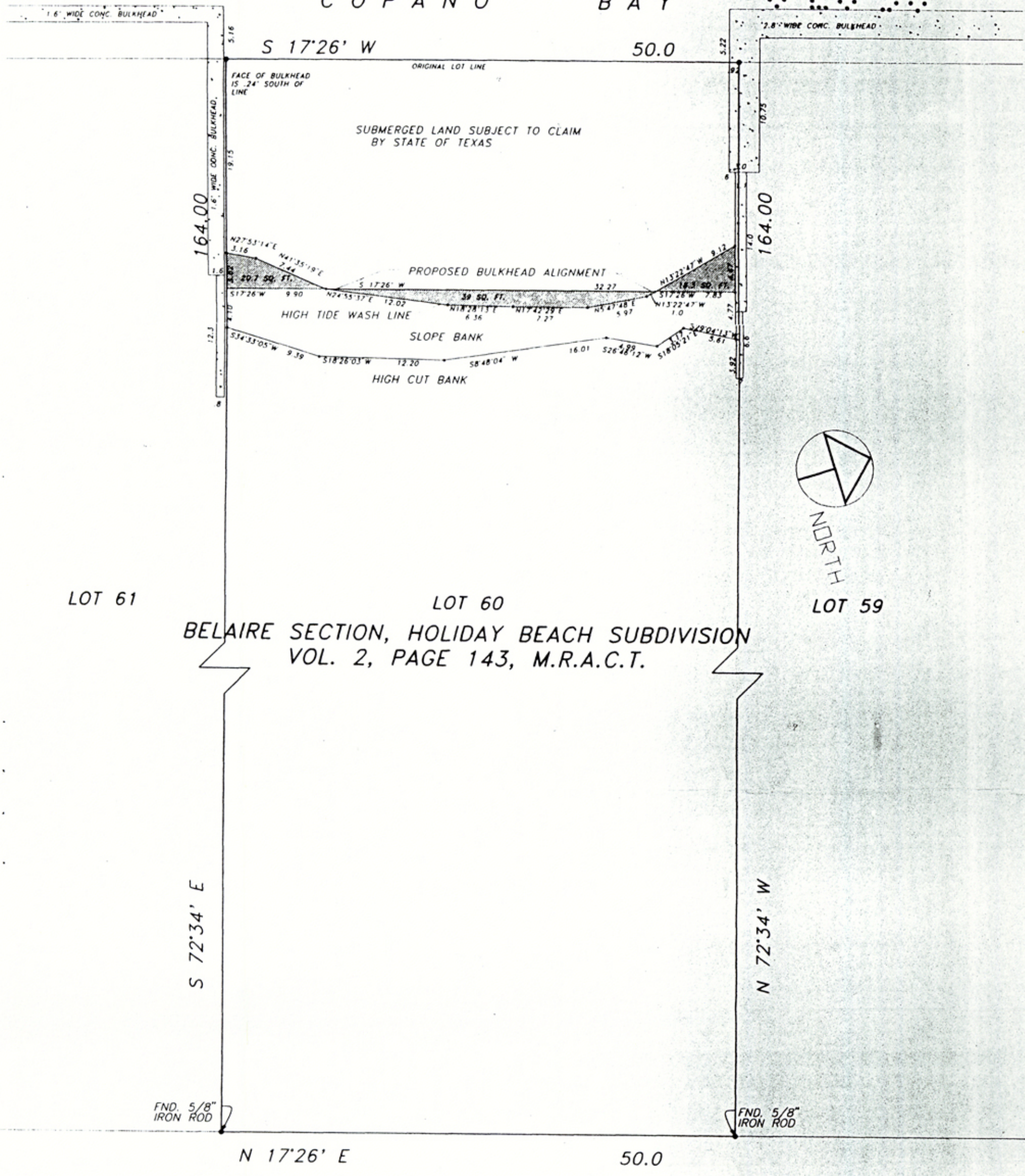
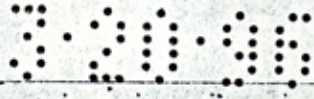
3. It is understood and agreed that the bulkhead referenced above is to be located entirely upon the private littoral property of Owner and that the State shall have no responsibility for repair or maintenance thereof nor shall the State incur any liability as a result of its placement or maintenance in place as described above.

4. This Agreement, upon execution by the parties, shall be filed for record by Owner, at its sole cost and expense, in the Deed Records of Aransas County, Texas, and in the Records of the General Land Office, Austin, Texas.

5. This Agreement is executed on behalf of the State by Garry Mauro, Commissioner of the Texas General Land Office and Chairman of the School Land Board, by virtue of and under the authority of TEX. NAT. RES. CODE ANN. §§33.060, 51.011-51.012 (Vernon Supp. 1996).

6. This agreement shall be binding on and inure to the benefit of the successors, representatives, and assigns of the parties hereto, but is limited to the specific area defined between the beginning and ending points of the bulkhead described in Exhibit "A" attached hereto.

COPANO BAY



LOT 61
 LOT 60
 LOT 59
 BELAIRE SECTION, HOLIDAY BEACH SUBDIVISION
 VOL. 2, PAGE 143, M.R.A.C.T.



FND. 5/8" IRON ROD

FND. 5/8" IRON ROD

N 17°26' E 50.0

BELAIRE DRIVE (60' R.O.W.)
 VOL. 2, PAGE 143, M.R.A.C.T.

PLAT SHOWING SURVEY OF LOT SIXTY (60), BELAIRE SECTION OF HOLIDAY BEACH SUBDIVISION, ARANSAS COUNTY, TEXAS, ACCORDING TO MAP RECORDED IN VOLUME 2, PAGE 143, MAP RECORDS OF ARANSAS COUNTY, TEXAS, SHOWING EXISTING HIGH TIDE WASH LINE AND PROPOSED BULKHEAD ALIGNMENT FOR GENERAL LAND OFFICE AGREEMENT.

SCALE 1" = 10'

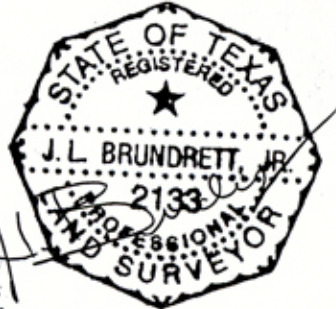
MARCH 11, 1996

FILE NAME: 960311BM

NOTE: PLAT BEARING USED FOR DIRECTIONAL CONTROL UNLESS OTHERWISE NOTED

OWNER: GERALD V. JEWELL
 818 BOOTH DRIVE
 SAN ANTONIO, TEXAS 78216

This is to certify that I have consulted the Federal Flood Hazard Map dated 3/4/85, and found that the property described herein is X (or) not located in a special flood hazard area. one A-12, Base Flood Elev. 8.00, Panel No. 0077C, Community No. 485452.



I, J. L. BRUNDRETT, JR., a Registered Professional Land Surveyor in the State of Texas, and County Surveyor for the County of Aransas, do hereby certify that this plat correctly shows a survey on the ground of the foregoing property and that there are no intrusions or protrusions (except as shown hereon).



Griffith & Brundrett
 SURVEYING & ENGINEERING
 P. O. BOX 2322
 ROCKPORT, TEXAS 78381
 PH. 512-729-6479 FAX 512-729-7933

counter # 13549

J. L. Brundrett, Jr.
 J. L. BRUNDRETT, JR., R.P.L.S.

Ms. Corinna Klement
Texas General Land Office
1700 N. Congress Av.
Austin, TX 78701

Dear Ms. Klement,

22 Apr 96

I am returning two signed copies of the boundary agreement. Please have Mr. Mauro sign both copies and return one copy to me within fifteen (15) days of receipt of this letter so that I may finalize a contract with a construction company.

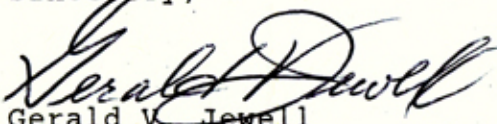
I plan to keep this boundary agreement on file as a last resort position until I can determine if it will be plausible for me to accept the option to build along the estimated high water line as shown on the GLO field office drawing and defined by Mr. C. Bruce Smith (Asset Management) in the second paragraph of his letter referencing a coastal easement application, dated 22 Feb 1996.

At this time I am not sure if I can find a contractor that is willing to build a bulkhead approximating the state boundary line.

Please confirm in writing that I still have both option one and two as listed by Mr. Smith available to me so that I can make the final decision on how I wish to build.

Thank you for passing my letter along to Mr. Mauro. He reply was as suspected.

Sincerely,



Gerald V. Jewell
Lt.Col. USAF (Ret.)
818 Booth Dr.
San Antonio, TX 78216
(210)342-1490



Texas General Land Office
Garry Mauro, Commissioner

Stephen F. Austin Building
1700 North Congress Avenue
Austin, Texas 78701-1495
(512) 463-5001

April 17, 1996

Mr. Gerald Jewell
818 Booth Drive
San Antonio, Texas 78216-4356

Re: Boundary Agreement
Copano Bay, State Tract No. 12, Aransas County, Texas

Dear Mr. Jewell:

Enclosed is the above-referenced boundary agreement which was approved by the School Land Board. Please sign both copies of the agreement before a notary public and return them to this office within fifteen (15) days of receipt of this letter for full execution by the Commissioner of the General Land Office.

When the contracts have been executed by the Commissioner, one copy will be returned to you and one retained for our files.

If you have any questions, please call me at (512) 475-1461.

Sincerely,

Corinna Klement
Asset Management

cc: Aransas Pass Field Office

Approved by SLB
4-16-96

DOCKET NO.: 122

DATE: April 16, 1996

SCHOOL LAND BOARD

APPLICATION FOR USE OF COASTAL PUBLIC LANDS

- Coastal Easement
 Coastal Lease
 Structure (Cabin) Permit
 Boundary Agreement

COE NO. D-7072

APPLICANT

Gerald Jewell

PROJECT LOCATION

Copano Bay, State Tract 12, adjacent to Lot 60 in the Belaire Section of Holiday Beach, Aransas County, Texas

PROJECT DESCRIPTION

A boundary agreement (copy attached), to allow Mr. Jewell to stabilize a highly erosive shoreline and fix a boundary between submerged state-owned land and Mr. Jewell's property.

The agreed line for placement of the bulkhead is based on an on-the-ground survey prepared by J. L. Brundrett, Jr., a Registered Public Land Surveyor.

STAFF RECOMMENDATIONS

The Boundary Agreement is part of the Coastal Compliance Program and conforms with the recommendations of staff in said Program. Staff recommends approval of the Boundary Agreement.

counter # 13552

BOUNDARY AGREEMENT

THIS AGREEMENT is made and entered into by and between the State of Texas, acting by and through Garry Mauro, Commissioner of the Texas General Land Office and Chairman of the School Land Board (hereinafter referred to as "the State") and Gerald Jewell (hereinafter referred to as "Owner"), owner of all or a portion of Lot 60, Belaire Section, Holiday Beach Subdivision, Aransas County, Texas (hereinafter referred to as "Owner's Property").

WHEREAS, the State is the sovereign owner of certain lands underlying Copano Bay, adjacent to Owner's Property; and

WHEREAS, the parties assert conflicting claims of title to the filled lands adjacent to Owner's Property, which has created a dispute between the parties and has resulted in the inability of either party to fully utilize its lands; and

WHEREAS, the parties deem it to be in their respective best interests to resolve the dispute and conflict without protracted and costly litigation; and

WHEREAS, the parties agree that an equitable boundary between their lands will be delineated by the mutually agreed alignment of a bulkhead so that each party can have and hold, free of any claim by the other, all interests in its land as divided by said bulkhead;

NOW, THEREFORE, the parties being in agreement that each is receiving a benefit and value equal to that being received by the other, in consideration of the mutual agreements herein contained, the parties mutually agree as follows:

1. The common boundary between the State-owned coastal public lands and Owner's Property is hereby mutually agreed to be as depicted as shown on the on-the-ground survey, prepared by J. L. Brundrett, Jr., a Registered Public Land Surveyor, identified as "Exhibit A," attached hereto and incorporated herein by reference.

2. Owner shall, at its sole cost and expense, construct a bulkhead on the landward side of the line described in Exhibit "A" hereto. Upon completion, except as provided herein, the bulkhead shall be a fixed and permanent delineation between the State-owned coastal public lands and Owner's Property, which bulkhead shall be maintained and kept in good repair at all times by Owner.

a. In the event the bulkhead is destroyed or severely damaged by a storm or other sudden natural disaster, Owner shall replace or repair it as necessary within 90 days.

b. In the event the bulkhead is determined by the State to be in need of repair or maintenance, Owner shall be given written notice of the necessary repairs or maintenance by a representative of the Texas General Land Office and Owner shall have 60 days to complete the required repairs or maintenance.

c. Failure of Owner to maintain the bulkhead in a safe condition or to complete required repairs or maintenance within the time periods specified above shall constitute a default under this agreement and render it subject to termination at the option of the Commissioner of the General Land Office.

3. It is understood and agreed that the bulkhead referenced above is to be located entirely upon the private littoral property of Owner and that the State shall have no responsibility for repair or maintenance thereof nor shall the State incur any liability as a result of its placement or maintenance in place as described above.

4. This Agreement, upon execution by the parties, shall be filed for record by Owner, at its sole cost and expense, in the Deed Records of Aransas County, Texas, and in the Records of the General Land Office, Austin, Texas.

5. This Agreement is executed on behalf of the State by Garry Mauro, Commissioner of the Texas General Land Office and Chairman of the School Land Board, by virtue of and under the authority of TEX. NAT. RES. CODE ANN. §§33.060, 51.011-51.012 (Vernon Supp. 1996).

6. This agreement shall be binding on and inure to the benefit of the successors, representatives, and assigns of the parties hereto, but is limited to the specific area defined between the beginning and ending points of the bulkhead described in Exhibit "A" attached hereto.

IN WITNESS WHEREOF, this agreement is executed under Seal of Office, effective the ____ day of _____, 1996.

STATE OF TEXAS

Garry Mauro, Commissioner
Texas General Land Office and
Chairman, School Land Board

OWNER

Gerald Jewell

ACKNOWLEDGEMENT

THE STATE OF TEXAS §
 §
COUNTY OF ARANSAS §

This instrument was acknowledged before me on _____, 1996,
by Gerald Jewell, Owner.

Notary Public in and for
Aransas County, Texas

My Commission expires: _____



Texas General Land Office
Garry Mauro, Commissioner

Stephen F. Austin Building
1700 North Congress Avenue
Austin, Texas 78701-1495
(512) 463-5001

April 5, 1996

Mr. Gerald Jewell
818 Booth Drive
San Antonio, Texas 78216

RE: Coastal Public Lands Boundary Agreement
Copano Bay, State Tract No. 12, Aransas County, Texas

Dear Mr. Jewell:

The proposed boundary agreement will be considered by the School Land Board on April 16, 1996. The meeting begins at 10:00 a.m. in Room 831 of the Stephen F. Austin building, located at 1700 North Congress Avenue, Austin, Texas.

The meeting is open to the public and you may appear before the board if you wish. A copy of the docket item is attached for your information. If you have questions, please call me at (512) 475-1461.

Sincerely,

Corinna Klement
Asset Management

Attachments

cc: General Land Office Field Office, Aransas Pass



Texas General Land Office
Garry Mauro, Commissioner

Stephen F. Austin Building
1700 North Congress Avenue
Austin, Texas 78701-1495
(512) 463-5001

April 5, 1996

Mr. Gerald Jewell
818 Booth Drive
San Antonio, Texas 78216-4356

Re: Coastal Public Lands Boundary Agreement
Copano Bay, State Tract No. 12, Aransas County, Texas

Dear Mr. Jewell:

The time for the School Land Board meeting scheduled for April 16, 1996, has changed from 10:00 a.m. to 3:00 p.m. the same day.

If you have any questions, please call me at (512) 475-1461.

Sincerely,

Corinna Klement
Asset Management

GENERAL WARRANTY DEED

Attn - 4

THE STATE OF TEXAS)
) KNOW ALL MEN BY THESE PRESENTS:
 COUNTY OF ARANSAS)

THAT I, JEANNETTE W. BARNES, a single woman, of the County of Bexar, State of Texas, for and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS and other good and valuable consideration to me in hand paid by the Grantees herein named, the receipt of which is hereby acknowledged, have GRANTED, SOLD AND CONVEYED, and by these presents do GRANT, SELL AND CONVEY unto GERALD V. JEWELL and wife, IRENE C. JEWELL, of the County of Bexar, State of Texas, all of the following described real property in Aransas County, Texas, to-wit:

Lot No. 60, in Belaire Section of Holiday Beach, as shown by the plat thereof recorded in Volume 2, Page 143, Plat Records of Aransas County, Texas, subject to easements and restrictions of record.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said Grantees, their heirs and assigns forever; and I do hereby bind myself, my heirs, executors and administrators to WARRANT AND FOREVER DEFEND all and singular the said premises unto the said Grantees, their heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

EXECUTED this 15th day of November, 1995.

Jeannette W Barnes
 JEANNETTE W. BARNES

ADDRESS OF GRANTOR:
 4718 Vance Jackson
 San Antonio, TX 78230-5240

A CERTIFIED COPY
 Attest:

NOV 16 1995

Peggy L. Fairbelle
 COUNTY CLERK, ARANSAS
 COUNTY, TEXAS

counter 13559

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF BEXAR)

Before me, the undersigned authority, on this day personally appeared JEANNETTE W. BARNES, a single woman, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and considerations therein expressed.

Given under my hand and seal of office on this the 15th day of November, 1995.



Barbara De Lesdernier
BARBARA DE LESDERNIER
Notary Public, State of Texas

AFTER RECORDING, RETURN TO:

Gerald V. Jewell
GERALD V. JEWELL
IRENE C. JEWELL
818 Booth Drive
San Antonio, TX 78216

FILED FOR RECORD
At 3:15 P. M.

NOV 16 1995

Peggy L. Friebele
PEGGY L. FRIEBELE
COUNTY CLERK, ARANSAS CO., TEXAS

Ret to Shantee

SS
11 00 pd
2 c/c
14 00
25 00 pd

A CERTIFIED COPY
Attest:

NOV 16 1995

Peggy L. Friebele
COUNTY CLERK, ARANSAS
COUNTY, TEXAS

THE STATE OF TEXAS,
COUNTY OF ARANSAS,
I, Peggy L. Friebele, Clerk of the County Court, Aransas County, Texas do hereby certify that the attached is a true and correct copy of.....General Warranty Deed.....
.....Jeannette W. Barnes to Gerald V. Jewell et ux.....
.....
as the same appears of record under File No. 203427..... in the Official Public Records of Real Property of Aransas County, Texas.
Given under my hand and seal of office, this the 16th Day of November, A.D. 1995
By *Joy M. Dias* Joy M. Dias Deputy *Peggy L. Friebele* Clerk County Court, Aransas County, Texas

counter 13560



Texas General Land Office

Garry Mauro
Commissioner

Date: 1-30-96

To: Corinna Klement

- For your information
- For your files
- For appropriate action
- For your approval
- Material you requested
- Please return

Comment: Memo concerning
property value will be
fixed on 1-31-96.

From: Angela

Aransas Pass Field Office
111 W. Wilson, 2nd Floor
Naylor Building
Aransas Pass, Texas 78336
(512) 758-3777

COUNTER#
41459

10-7-98

GERALD JEWELL

CE-30000

Thomas Town 10-07-98

of Florida State

10-7-98
L GIVENS

Faint handwritten notes, possibly describing a location or survey details.

looking in a southeasterly direction from the northwest corner of the adjacent lot (B), as view of shoreline to be delineated and listed

20

10-7-98
L GIVENS

1998
10/07/98
10:20 AM
L. GIVENS

Center # 98769

98769

Quartz # 7876 8

19

10-7-98
L GIVENS

QUARTZ # 7876 8

18

10-7-98
L GIVENS

COALYCLIMBOL

1000

County # 18767

47

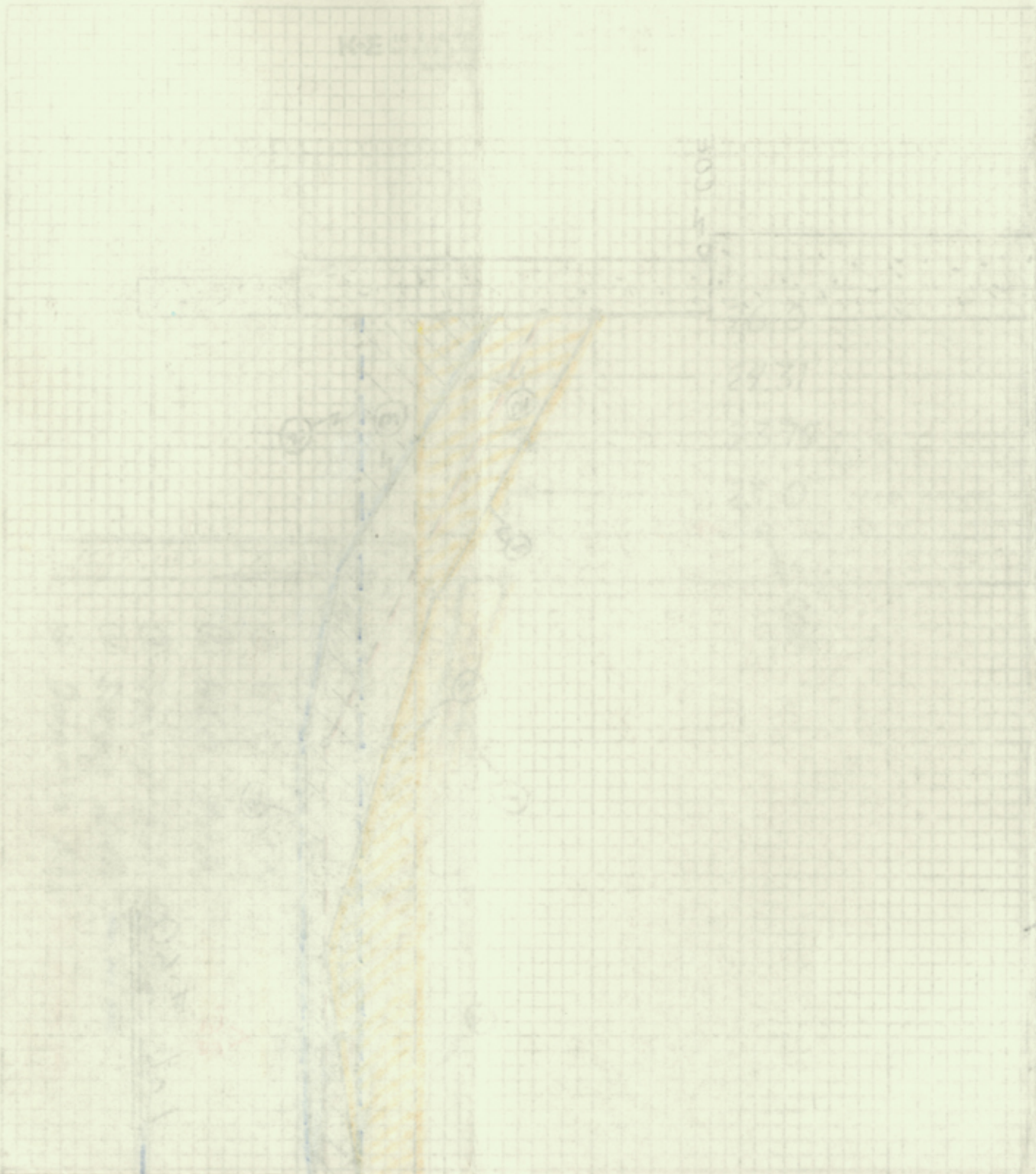
17

10-7-98

L GIVENS

max. volume

Quartz # 78766



1000

29.31

28.0

8-11-98
C. V. Neene II

78766
11

TERESA JEMERT

APPROXIMATELY ONE OF THIS VINTAGE ON MY...
VINTAGE COE (VINTAGE: 18.) LOW STRENGTH...
IS I HAD BEEN CHANGED APPROXIMATELY TO COM...

RECEIVED
APR 11 1996
ASSET MANAGEMENT

OF PROBABLY I BELIEVE I PURCHASED
BUCKS WAS MANAGED TO OBTAIN A DISCOUNT...
PROBABLY TO THE STATE THE TEXAS SCHOOL...
REQUEST A MEM APPROXIMATELY OF THIS...
THIS DISCOUNT YOUNG'S COMPANY WILL TAKE SCHOOL LUX BRANDS WHEN I
THIS STATE I THINK THIS IS ANOTHER GOOD EXAMPLE NO ONE GAINED IN
THE SAN ANTONIO EXPRESS NEWS HAD AN ARTICLE ABOUT THE BIG GAME IN

THERE SHOULD BE NO FURTHER INTEREST NOR INTERFERENCE FROM THE GRO
PRESENT WORKHEAD BUT BACK TO BEEL FROM THE NW CORNER OF LOT #21
I CHOOSE TO BUILD A WORKHEAD AS A REPRESENTATIVE TO MA
MENTIONED ABOVE OR AS CLOSE AS I CAN TO THE GRO NW CORNER #1
RESERVE THE RIGHT TO BUILD A WORKHEAD APPROXIMATELY TO THE #2
ALTHOUGH I REQUEST APPROXIMATELY TO BUILD AT THE SUBJECTED NW CORNER I

- METHOD WAS INTERFERENCE FROM THE GRO
- (2) SHOWS AN EXAMPLE OF A LINE WHERE I CAN CONSTRUCT A WORKHEAD
 - (4) SHOWS THE YOUNG'S COMPANY SUBJECTED NW CORNER THAT WILL REPRESENT
 - (3) SHOWS THE YOUNG'S COMPANY SUBJECTED HIGH LINE MARK LINE
 - (5) SHOWS THE GRO NW CORNER BOTTLED FROM EXHIBIT C
 - (1) SHOWS THE GRO NW CORNER SUBJECTED LINE REFERRED TO IN YOUR LETTER
- WILL SEE BLUE LINES DRAWN
PLEASE REFER TO THE DRAWING I HAVE PROVIDED DATED 8 APR 96 YOU

REQUIRED
INTERFERENCE FROM THE GRO AND THERE IS NO FURTHER SUBJECT
YOUR LETTER ALSO STATED IF I CHOOSE THIS OPTION THERE WILL BE NO

LOT #21 AT 30 FT
TO A TOWNWARD DEPTH OF 30 FT THEN CORNER BACK TO THE SW CORNER OF
STABBING AT 30 FT BACK FROM THE NW CORNER OF LOT #20 AND CORNER
DATED 3-DEC-95 DRAWN BY W D BOSCH THE GRO NW CORNER IS INDICATED AS
ACCORDING TO THE BOSS YOUNG'S GRO FIELD OFFICE DRAWING EXHIBIT C

COVERED AS THE "VINTAGE" STATE BONDING
IS DELETED AS A COVERED LINE ON THE FIELD OFFICE DRAWING AND IS
FIELD STAFF YOU WOULD STATE THAT THIS ESTIMATED HIGH WATER MARK
TOWNWARD OF THE ESTIMATED HIGH WATER MARK AS DETERMINED BY THE GRO
THE FIRST OPTION STATES THAT I MAY CONSTRUCT A WORKHEAD AS OF

OPTIONS THAT I MAY CHOOSE FROM
IN YOUR LETTER DATED FEB 23 1996 YOU STATE THAT THERE ARE THREE

HERE IS A COPY OF THE BLUE LINES THAT I MENTIONED TO YOU ON

ME SMITH

8 APR 96

County # 78764

Texas Veterans Land Board
Veterans County Commissioner, Gary Baskin
State Representative, Frank Cook
cc: State Senator, Bill Mitchell

Only Memo

Sincerely,

Please let me know if you have any further questions or need additional information.

for your information.
to you dated February 25, 1988. A copy of the check information will be forwarded separately
meeting. When approved, we will complete processing of the document as outlined in our letter.
We will consider your purchase conditions referred to the April 10, 1988 School Land Board
position.

You will receive a talk hearing from the board should you choose to appear and discuss your
Chairman of the School Land Office Board. This, however, is not the case and I assure you that
I'm sorry you feel there is a conflict of interest in my dual role as Land Commissioner and
is acceptable to the office.

determination. The survey you have provided establishes an agreement for your purchase that
institutions are not licensed surveys and as such, do not have authority to make final purchase
"abbreviated state purchase", as shown in their field report of December 1, 1988. Our field
Our field staff have attempted to assist you by determining a purchase agreement based upon an

Office
Austin County, Texas) and approved state-owned land awarded by the Texas General Land
purchase between your private property (Tract 80, Berline Section, Holiday Beach Subdivision)
I am writing in response to your letter dated March 25, 1988 regarding the construction of a

Dear Mr. Jewell:
290 Victoria, Texas 78516-4328
318 South Dix
LT Col' DAVID (Ret)
Mr. Gerald A. Jewell

April 9, 1988

16
10-7-98
L GIVENS



11

10-7-98
L GIVENS

PROFESSOR

Count # 18762

Counter # 78761

13

10-7-98
L GIVENS

WASH DC 20540
1300 M. CONGRESS ST
LEXIS GENESIS FIVE OFFICE
COMMUNICATIONS CENTER

12

10-7-98
L GIVENS

Birth # 78760

Center # 78759

[Faint, illegible handwriting on lined paper, possibly bleed-through from the reverse side of the page.]

9
10-7-98
L GIVENS

010 CONTACT REPORT

010 CONTACT NUMBER: 010
DATE: 10/15/98
TIME: 0915

PROJECT NAME: Wheat Island
CALLER: John Smith

PERSON: John Smith
TELEPHONE: 1616161

PERSON CONTACTED: Wheat Island
PERSON CONTACTED NUMBER: 010

ADDRESS: 010
TELEPHONE: 010

010-545-015
TELEPHONE: 010

Describe all non-routine contacts recorded on this report: 010

Handwritten signature
010

GENERAL NOTES: 010

1. 010

2. 010

3. 010

4. 010

5. 010

6. 010

112

010 CONTACT

What are the other 010 you know of: 010

7. 010

8. 010

9. 010

010 # 18757

10-7-98
L GIVENS

Counter # 18755

5

10-7-98
L GIVENS

8

Counter # 00752

Combu # 98952

(213) 386-1338
Virginia State Police
1111 W. Main St., 3rd Floor
Richmond, VA 23219
Office Hours: 8:00 AM - 5:00 PM

Combu # 12200

LYX SUBJECT: *unsub's book and gun parts*
to go with
unsub's book - gun parts

LYX SUBJECT:

LYX:

unsub

PHONE NO.:

452-1854

COMP. BY:

TO:

Conrad

NUMBER OF BYCES INCLUDING COVER BYCES:

2

DATE:

10/15/98

TIME:

8:00

BYX 1:

200-512-203

DEPT. OR (S) OR XAX

DEPT. OR (S) OR XAX

Office of the Director



10-7-98
L GIVENS

Combu # 12200

4

3

10-7-98
L GIVENS

Project Number 013

Project Number 013

Date 10/7/98

Page 1 of 1

013

Project Name

Project Name

013

Project No.

Project No.

Project No. 013

Project No.

Project No.

Project No.

Project No.

Project No. 013

Project No. 013

Project No. 013

Project No. 013

Project No. 013

Project No. 013

Project No. 013

Contract # 78751

Project No. 013

2

10-7-98
L GIVENS

PLEASE TO

UNITED STATES DEPARTMENT OF JUSTICE

10-7-98

Counter # 78750

4

