See RId. SKS. 148A \$ B

Blo No. Sketch File 49		
G.H.&. S.A. Ry. G., Blk. 9, 51/2 Sect 115		
Filed June 6 19 95		
GARRY MAURO, Com'r Douglas Howard		

To: The Honorable Garry Mauro, Commissioner Texas General Land Office

SURVEY REPORT

This report concerns the location of a 38.58 acre tract out of Survey 115, Block 9, G.H.&S.A. Ry. Co. Surveys, Brewster County, Texas and being that part lying between a tract known as the "North part of Survey 115" described in Patent Vol. 8, P. 318, and a tract known as the "South part of Survey 115" described in Patent Vol. 9, P. 413.

This survey is referenced to the State Plane Coordinate System, South Central Zone, NAD 1927. NGS GPS Station "ALPPORT" was utilized for coordinate origin while solar observations were taken to maintain directional integrity. From station "ALPPORT", a closed traverse including the area of this survey was run and adjusted. The coordinate datum was converted from NAD 1983 to NAD 1927 using the NGS program "CORPSCON".

ORIGINAL SURVEY OF BLOCK 9

G.H.& S.A. Ry. Co. Block 9 was originally surveyed by L. E. Edwards, Deputy Surveyor, El Paso District, in July of 1875. The Field Notes returned by Mr. Edwards contain very few descriptive or locative calls for monuments, indicating that perhaps few original monuments were actually set.

RESURVEY OF BLOCK 9

In March and April of 1889, J. B. Ammerman, State Surveyor, resurveyed said Block 9 and returned Corrected Field Notes of the individual Surveys. These Corrected Field Notes indicate that Mr. Ammerman monumented numerous Survey corners throughout the Block. Many of these monuments still exist and have been the framework for all resurveys in the area.

The Corrected Field Notes of Mr. Ammerman indicate that he established all four corners of Survey 115. As can be seen on a plat accompanying this report, all but the Southwest corner of Survey 115 have been recovered for this survey.

SOUTH PART OF SURVEY 115

The entire Survey 115 was awarded to L. T. Votaw in 1914 for 640 acres. This land was forfeited for nonpayment. An application to repurchase the entire 640 acres was issued to Mr. Votaw in 1926, again being all of Survey 115. This information is on file in School File Number 138505 in the General Land Office.

(Page 1 of 7)

In February of 1931, Mr. Votaw sold his interest in the South part of Survey 115 to the City of Alpine. This transaction is on file in Vol. 73, P. 375, Deed Records of Brewster County. The legal description of this property was based on a survey and Field Notes of Robert Withers, Licensed State Land Surveyor, performed in January of 1930, which called for the tract to contain 122.5 acres.

In October of 1932, L. T. Votaw granted to the State of Texas a strip of land 100 feet wide known as the Right-of-Way of Highway 3. This deed is on file in Vol. 77, P. 79, Deed Records.

On March 4, 1940, Mr. H. R. Gard, Licensed State Land Surveyor, resurveyed the South part of Survey 115 and wrote a Corrected Field Note description of the tract. This description calls for the tract to contain 120.4 acres and, along with a plat of the survey, is on file in Vol. 2, P. 312, Corrected Field Note Records. Mr. Gard's description is similar to Mr. Withers' in that both descriptions call for the centerline of the T.N.& O. Railroad track to be the North boundary of the tract and in the same place relative to the Southeast and Southwest survey corners of Survey 115, i.e., in both descriptions the centerline of the track along the East line of Survey 115 is called to be North 27deg. West 335 varas from the Southeast Survey corner and along the West line of Survey 115 the centerline of the track is called to be North 27deg. West 50 varas from the Southwest Survey corner. Apparently, Mr. Ammerman's monument for the Southwest corner of Survey 115 was in place at the time of both surveys. However, Mr. Gard's calls along the centerline of the track differ somewhat from the calls of Mr. Withers.

In January of 1938, Mr. Votaw sold his interest in the North part of Survey 115 to H. L. Kokernot and Son and Mrs. William T. Beard, Jr. This is on file in Vol. 88, P. 596, Deed Records. Included in this deed is a metes and bounds description of the tract, although I am unsure of its origin. This North part of Survey 115 will be discussed later in this report.

In 1943, the remainder of Survey 115 was forfeited by Mr. Votaw for nonpayment. This left a strip of unpatented land containing 38.58 acres between the North part and the South part of Survey 115.

On November 7, 1952, the City of Alpine received a patent from the State of Texas to this South part of Survey 115 for 120.4 acres. The patent Field Notes are based on Mr. Gard's Corrected Field Note description mentioned above. All minerals in this tract were reserved to the State.

Also on November 7, 1952, the City of Alpine conveyed portions of this 120.4 acre tract to Commercial Metals Company. This deed is on file in Vol. 121, P. 371, Deed Records.

(Page 2 of 7)

Brewster Co. Sk. File 49

In December of 1953, Commercial Metals Company deeded the above described property (along with other tracts in Surveys 100 and 101) to the Texas and New Orleans Ralroad Company. This instrument is on file in Vol. 124, P. 311, Deed Records. I have indicated on the enclosed plat the portions of this deed in Survey 115. The T.& N.O. Ry. Co. used the portions indicated for a realignment of their track. As can be seen on the plat, portions of the new Railroad Right-of-Way lie North of the North line of the 120.4 acre patented tract.

Also in 1953, the State granted to Mr. W. H. Stephenson an application to purchase minerals in four mining claims surveyed and described by H. R. Gard in the South part of Survey 115.

NORTH PART OF SURVEY 115

As mentioned previously, in January of 1938, Mr. Votaw sold his interest in the North part of Survey 115, containing 481.61 acres, to H. L. Kokernot and Son and Mrs. William T. Beard, Jr. The metes and bounds description of this tract calls for its South boundary to be the North Right-of-Way of Highway 3.

In August of 1939, Mr, Kokernot sold to the State of Texas a strip of land 120 feet wide across Survey 115 for the Right-of-Way of Highway 90. This deed is on file in Vol. 99, P. 459, Deed Records. As can be seen on the plat, part of this strip lies South of the North Right-of-Way of old Highway 3.

As previously stated, in 1943 Mr. Votaw forfeited his interest in the remaining part of Survey 115 for nonpayment. Since payments to the State on the North part were apparently being paid by Mr. Kokernot, et. al. and payments on the South part were being paid by the City of Alpine, this left the 38.38 acre strip between the two parcels reverting back to State ownership.

In November of 1945, Mr. H. R. Gard resurveyed this North part of Survey 115. His Field Note description is on file in Vol. 5, P. 311, Corrected Field Note Records. This description also has for its South boundary the North Rightof-Way of said Highway 3, previously granted to the State by Mr. Votaw.

In December of 1945, the State granted a patent to the North part of Survey 115 to H. L. Kokernot and Son, and Mrs. William T. Beard, Jr and containing 481.61 acres. The description of the tract in the patent is based on the survey and Field Note description of Mr. Gard.

In November of 1970, Mr. Kokernot conveyed a 6.64 acre tract out of Survey 115 to Freda M. Morehead. This instrument is on file in Vol. 170, P. 248, Deed Records, (corrected in May of 1971 to correct improper Survey number). Part of this tract lies South of the patented 481.61 acre tract comprising the North part of Survey 115. This conveyance has a metes and bounds description, complete with monuments described. This same description has been utilized in subsequent conveyances although I have been unable to determine its author.

(Page 3 of 7)

Brewster Co. Sk. File 49

Counter 16331

RECONSTRUCTION OF THE NORTH LINE OF HIGHWAY 3

As previously stated, the Corrected Field Notes of H. R. Gard of 1945 were incorporated into the patent of the North part of Survey 115. In his Field Notes, Mr. Gard calls to procede S.27deg.E. from the Northeast corner of Survey 115 1494.4 varas to "a point in the North Right-of-Way fence of State Highway No. 3. Thence along said Rightof-way line as follows:" He then procedes several courses and distances to "a point in the East line of said Section 100."

As indicated on the accompanying plat, a few concrete Highway monuments at points of curvature still exist along the North Right-of-Way in Survey 115. Although not indicated on the plat, a few Highway monuments were also located in Survey 114 lying to the East. These monuments served to help re-establish the North Right-of-Way. By matching the Field Note calls for courses and distances to these monuments, it became apparent that Mr. Gard must also have utilized them for his survey of the North Right-of-Way.

According to the "strip maps" obtained from the Highway Department, the Right-of-Way of old Highway 3 was not a series of angle points, but contained several circular curves. Unfortunately, due to the construction of Highway 90 and other earth moving activity in the area, only three Right-of-Way monuments along old Highway 3 remain in Survey 115.

It also became apparent that Mr. Gard attempted to survey from the points of curvature around the Right-of-Way in a series of chords to the points of tangency. From the existing Highway monuments and the Field Note calls, a recreation of the curves of the Highway is possible. All reconstructions of Mr. Gard's bearings and distances along the curves are radial to the calculated radius points and are on the calculated radii.

Also note that the calls where the North Right-of-Way of old Highway 3 intersects the East and West lines of Survey 115 closely match Mr. Gard's calls down from the Northwest and Northeast corners of the Survey.

> RECONSTRUCTION OF THE CENTERLINE OF THE OLD T.N.& O. RAILROAD

As previously stated, all but the Southwest Survey corner of Survey 115 as set by J. B. Ammerman were recovered for this survey.

(Page 4 of 7)

Counter 16332



Browster Co. Sk. File 49

The Corrected Field Notes of Mr. Ammerman for Survey 115 along its East and West lines contain passing calls to the centerline of the *then existing* railroad track. Along the East line of Survey 115 Mr. Ammerman calls to pass the centerline of the track at S.27deg.E. 1565 varas from the Northeast corner of the Survey, which would be N.27deg.W. 335 varas from the Southeast corner of the Survey. Along the West line of Survey 115 Mr. Ammerman passes the centerline of the railroad N.27deg.W. 50 varas from the Southwest Survey corner. These calls are identical to the calls in the Field Notes of Mr. Withers and Mr. Gard for their surveys of the South part of Survey 115.

Also contained in the Corrected Field Notes of Mr. Ammerman is a call for a monument set by him at the Southwest corner of Survey 115. This is described as being a "rock mound, one rock marked NE 103 whence RR trustle #691 bears N.45deg.40'E. 91 varas, Darlings Windmill bears N.41deg.45'W." Again, both the Field Notes of Mr. Withers and Mr. Gard for the South part of Survey 115 call for recovering this monument, and both have ties to the old railroad trestle that coincide with the calls of Mr. Ammerman. However, since the time of these earlier surveys this monument has been destroyed due to earth work in the vicinity and the old trestle has been removed and rebuilt along the new track in a different position.

The evidence indicates that the old railroad track ran straight, or tangent, as it entered Survey 115 from the East and the West. The present track also enters straight from Survey 114 to the East but is curved as it enters Survey 115 from Survey 100 to the West, with the point of curvature being about 30 varas West of the West line of Survey 115, as indicated on the existing railroad strip map number V.11, 57.

Utilizing the best available evidence to re-establish the Southwest corner of Survey 115, I have connected the monument found for the Northwest corner of Survey 115 with the identified Ammerman monument found for the Southeast corner of Survey 107, said Block 9, which is depicted on the accompanying plat. Similarly, I have connected the monument found for the Southeast corner of Survey 115 with the monument found for the Southwest corner of Survey 100. By intersecting these two lines, the Southwest corner of Survey 115 is established. At this point I have set a 3/4" pipe which is 50.25 varas South of the approximate centerline of the *old* railroad, obviously very close to the called for 50 varas.

As indicated on the accompanying plat, near this position is a railiron set in the ground, apparently set by the railroad company for the same Southwest corner of Survey 115. However, this location is almost exactly 50 varas South of the centerline of the *new* or existing centerline which is now curved. This would place their location approximately 1.6 varas North of the location based on the centerline of the old track.

Brewster Co. St. File 49

(Page 5 of 7)

Counter 16333

The centerline of the present track along the East line of Survey 115 is 1564.47 varas (State Plane Grid distance) from the Northeast Survey corner, the call of Mr. Ammerman being 1565 varas. This indicates that the present track is in the same position as the old track as it enters Survey 115 from the East.

For the most part, the bed of the old railroad track is still in existence on the ground across the length of Survey 115. The exception being where the realigned new track is in close proximity to the old grade. This old grade is a very good indicator of the position of the centerline of the old track.

H. R. Gard's Field Notes for patent of the South part of Survey 115 call for the centerline of the tangent stretch of track entering Survey 115 from the East to be along a bearing of S.77deg.43'W. Our survey finds this bearing, referenced to State Plane Grid, to be S.79deg.03'08"W, or a difference of 1deg.20'08". Exiting Survey 115 on the West, Mr. Gard's bearing along the tangent is S.75deg.01'W. Our survey finds this bearing to be S.76deg.18'04"W., or a difference of 1deg.17'04". The average of these two differences is 1deg.18'30", rounded to the nearest 30".

To re-establish the centerline of the old railrioad track I believe it is necessary to honor the center of the existing old grade as the best evidence of the position of the centerline of the old track. With but two exceptions, by rotating the bearing calls of Mr. Gard by the average bearing difference mentioned above, or 1deg.18'30", and by honoring his call distances, the centerline of the old grade is followed quite closely.

The Field Note calls of Mr. Gard's description of the South part of Survey 115 do not close perfectly. Also, our distance along the South line of Survey 115 is 1.4 varas shorter than the call of Mr. Gard. These two factors may explain why the method mentioned above of re-establishing the centerline of the old track according to the calls of Mr. Gard must yield slightly in two places.

By beginning at the centerline of the existing track where it intersects the East line of Survey 115, proceeding Westward and establishing the centerline of the old track by the previously described method, at the sixth angle point the bearing must rotate 1deg.29'43" instead of the 1deg.18'30" mentioned above to maintain a location that is in agreement with the center of the old existing railroad grade, which is quite evident in that area. The call distance of 301 varas along that line establishes the length of that leg.

Similiarly, by beginning along the centerline of the old track where it intersects the West line of Survey 115, proceeding Eastward and establishing the centerline by rotating Mr. Gard's Field Note calls and honoring the call distances, three angle points can be established. A connecting line between this third point and the end of the leg described above completes the re-establishment of the centerline of the old track.

(Page 6 of 7)

Brewster Lo. Sk. File 49

Counter 16334

It should be mentioned that an attempt was made to proportion the distance calls of Mr. Gard along the centerline of the old track but this method seemed to deviate unacceptably from the center of the old existing grade, which I believe is the best evidence of the location of the old track.

It should also be mentioned that the Southern Pacific Railroad was contacted to see if any plans existed of the old railroad that might be used to help re-establish the centerline by a curvalinear method similiar to the one used to establish the North Right-of-Way of old Highway 3. Only plans showing the new alignment could be obtained.

Respectfully submitted, no bos 1. F. W Clus

Steven F. Walker Registered Professional Land Surveyor #4425 Licensed State Land Surveyor Brewster County Surveyor Date: November 4, 1994

A plat, Corrected Field Notes of Survey 115 and Field Notes of said 38.58 acre tract accompany this report.

This report is filed in Vol. 11, P. 96-102, Corrected Field Note Records of Brewster County.

(Page 7 of 7)

JUN 6 1995 Brewster Co. Sk. File

Counter 16335

405 E. Ave. "B" Alpine, TX

500 RID SKS 1494 43

*2.H.C

SURVEY REPORT

ORIGINAL SURVEY OF BLOCK 9

G.H.& S.A. Ry. Co. Block 9 was originally surveyed by L. E. Edwards, Deputy Surveyor, El Paso District, in July of 1875. The Field Notes returned by Mr. Edwards contain very few descriptive or locative calls for monuments, indicating

In March and April of 1889, J. B. Ammerman, State Surveyor, resurveyed said Block 9 and returned Corrected Field Notes of the individual Surveys. These Corrected Field Notes indicate that Mr. Ammerman monumented numerous Survey corners throughout the Block. Many of these

SOUTH PART OF SURVEY 115



The entire Survey 115 was awarded to L. T. Votaw in for 640 acres. This land was forfeited for nonpayment D.J. Won to repurchase the entire 640 acres was issue and all of Survey 115. This and a for file in School File Number 138505 in the Lt office.

The Corrected Freid Notes of MF. Ammerman for survey 115 along its Bast and West lines contain passing calls to the centerline of the then existing railroad track. Along centerline of the track at S.27deg.E. 1565 varas from the Northeast corner of the Survey, which would be N.27deg.W. 335 varas from the Southeast corner of the Survey. Along the West line of Survey 115 Mr. Ammerman passes the centerline of the railroad N.27deg.W. 50 varas from the Southwest Survey corner. These calls are identical to the calls in the Field Notes of Mr. Withers and Mr. Gard for their surveys of the South part of Survey 115.

Anmerman is a contained in the Corrected Field Notes of Nr. Southwest corner of Survey 115. This is described as being a "rock mound, one rock marked NE 103 whence RR trustle #691 bears W.45deg.40'B. 91 varas, Darlings Windmill bears N.41deg.45'W." Again, both the Field Notes of Mr. Withers and Mr. Gard for the South part of Survey 115 call for recovering this monument, and both have ties to the old this monument has been destroyed due to earth work in the this monument has been destroyed due to earth work in the vicinity and the old trestle has been removed and rebuilt along the new track in a different position.

The evidence indicates that the old railroad track ran straight, or tangent, as it entered Survey 115 from the East and the West. The present track also enters straight from Survey 114 to the East but is gurved as it enters Survey 115 from Survey 100 to the West, with the point of curvature being about 30 varas West of the West line of Survey 115, as indicated on the existing railroad strip map number V.11, 57.

Utilizing the best available evidence to re-establish the Southwest corner of Survey 115, I have connected the monument found for the Northwest corner of Survey 115 with the identified Amherman monument found for the Southeast corner of Survey 107, said Block 9, which is depicted on the accompanying plat. Similarly, I have connected the monument found for the Southeast corner of Survey 115 with the monument found for the Southwest corner of Survey 100. By intersecting these two lines, the Southwest corner of Survey 115 is established. At this point I have set a 3/4" pipe which is 50.25 varas South of the approximate centerline of the old railroad, obviously very close to the called for 50

As indicated on the accompanying plat, near this position is a failtron set in the ground, apparently set by the railroad company for the same Southwest corner of Survey 115. However, this location is almost exactly 50 varas South of the centerline of the new or existing centerline which is now curved. This would place their location approximately 1.6 varas North of the location based on the UT A 2 of the oid track.

	Breck (Pag	ester S.K. Fil 49
	EGEIVE	
m	JUN 6 1995	
GE	NERAL LAND OFF	ICE

RECONSTRUCTION OF THE NORTH LINE OF HIGHWAY 3

As preveodsly stated, the Corrected Field Notes of H. R. Card of 1945 were incorporated into the patent of the North part of Survey 115 In his Field Notes, Mr. Gard calls to procede S.27deg.E. from the Northeast corner of Survey 115 1494.4 varas to "a point in the North Right-of-Way fence of State Highway No. 3. Thence along said Rightof-way line as follows:" He then procedes several courses and distances to "a point in the East line of said Section 100."

As indicated on the accompanying plat, a few concrete Highway momuments at points of curvature still exist along the North Right-of-Way in Survey 115. Although not indicated on the plat, a few Righway monuments were also located in Survey 114 lying to the East. These monuments served to help re-establish the North Right-of-Way. By matching the Field Note galls for courses and distances to these monuments, it became apparent that Mr. Gard must also have utilized them for his survey of the North Right-of-Way.

According to the "strip maps" obtained from the Highway Department, the Right-of-Way of old Highway 3 was not a series of angle points, but contained several circular curves. Unfortunately, due to the construction of Highway 90 and other earth moving activity in the area, only three Right-of-Way monuments along old Highway 3 remain in Survey 115.

It also became apparent that Mr. Gard attempted to survey from the points of curvature around the Right-of-Way in a series of chords to the points of tangency. From the existing Highway monuments and the Field Note calls, a recreation of the curves of the Highway is possible. All reconstructions of Mr. Gard's bearings and distances along the curves.are radial to the calculated radius points and are on the calculated radius.

Also note that the calls where the North Right-of-Way of old Highway 3 intersects the East and West lines of Survey 115 closely match Mr. Gard's calls down from the Northwest and Northeast corners of the Survey.

> RECONSTRUCTION OF THE CENTERLINE OF THE OLD T.N.& O. RAILROAD

As previously stated, all but the Southwest Survey corner of Survey 115 as set by J. B. Ammerman were recovered

(Page 4 of 7)

GEOV JUN 6 1995 **GENERAL LAND OFFICE**

Brewster SK File 49

Counter # 80004

Deed Records of 1 have indicated on the enclosed plat the portions of this deed in Survey 115. The T.& N.O. Ry. Co used the portions indicated for a realignment of their track. As can be seen on the plat, portions of the new Railroad Right-of-Way lie North of the North line of the

As mentioned previously, in January of 1938, Mr. Votaw William T. Beard, Jr. The metes and bounds description of this tract calls for is South boundary to be the North

In November of 1945, Mr. H. R. Gard resurveyed this North part of Survey 115. His Field Note description is on file in Vol. 5, P. 311, Corrected Field Note Records. This description also has for its South boundary the North Right-of-Way of said Highway 3, previously granted to the State by

number1. Part of this track lies South of the patented 481.61 acre tract comprising the North part of Survey 115 481.61 acre trac EGEIVE

D U JUN 6 1995 GENERAL LAND OFFICE

Brewster Sk. Fil 49

In February of 1931, Mr. Votaw sold his interest in the South part of Survey 115 to the City of Alpine. This transaction is on file in Vol. 73, P. 375, Deed Records of Brewster County. The legal description of this property was based on a survey and Field Notes of Robert Withers, Licensed State Land Surveyor, performed in January of 1930, which called for the tract to contain 122.5 acres.

In October of 1932, L. T. Votaw granted to the State of Texas a strip of land 100 feet wide known as the Right-of-Way of Highway 3. This deed is on file in Vol. 77, P. 79, Deed Records.

On March 4, 1940, Mr. H. R. Gard, Licensel State Land Survevor, resurveyed the South part of Survey 115 and wrote a corrected Field Note description of the tract. This description calls for the tract to contain 120.4 acres and, along with a plat of the survey, is on file in Vol. 2, P. 312, Garrected Field Note Records. Mr. Gard's description is similar to Mr. Withers' in that both descriptions call for the centerline of the T.N.& O. Railroad track to be the North boundary of the tract and in the same place relative to the Southeast and Southwest survey corners of Survey 115, i.e., in both descriptions the centerline of the track along West 335 varas from the Southeast Survey corner and along the West line of Survey 115 is called to be North 27deg. Survey corner. Apparently, Mr. Ammerman's monument for the Southwest corner of Survey 115 was in place at the track is both surveys. However, Mr. Gard's calls along the southwest corner of Survey 115 was in place at the time of southwest corner of Survey 115 was in place at the time of Mr. Withers.

In January of 1938, Mr. Votaw sold his interest in the North part of Survey 115 to H. L. Kokernot and Son and Mrs. William T. Beard, Jr. This is on file in Vol. 88, P. 596, Deed Records. Included in this deed is a metes and bounds description of the tract, although I am unsure of its origin. This North part of Survey 115 will be discussed later in this report.

In 1943, the remainder of Survey 115 was forfeited by Mr. Votaw for nonpayment. This left a strip of unpatented land containing 38.58 acres between the North part and the South part of Survey 115.

On November 7, 1952, the City of Alpine received a patent from the State of Texas to this South part of Survey 115 for 120.4 acres. The patent Sield Notes are based on (Mr. Gard's Corrected Field Note description mentioned above. All minerals in this tract were reserved to the State.

Also on November 7, 1952, the City of Alpine conveyed portions of this 120.4 acre tract to Commercial Metals Company. This deed is on file in Vol. 121, P. 371, Deed



Brewstor St File 49

Page 2 of 7)

Counter # 80002

It should be mentioned that an attempt was made to proportion the distance calls of Mr. Gard along the centerline of the old track but this method seemed to deviate inacceptably from the center of the old existing grade, which I believe is the best evidence of the location of the old track.

It should also be mentioned that the Southern Pacific Railroad was contacted to see if any plans existed of the old railroad that might be used to help re-establian the centerline by a curvalinear method similiar to the one used to establish the North Right-of-Way of old Bighway 3. Only plans showing the new alignment could be obtained.

rallow. 7 merce

Steven From Market Registered Professional Land Surveyor #4425 Licensed State Land Surveyor Brewster County Surveyor Date: November 4, 1994

> A plat, Corrected Field Notes of Sarvey 115 and Lie Notes of said 38.58 acre tract accompany this report

This report is filed in Vol. 11. P. 96-102, Correbusic vield Note Records of Brewster County.

(Page 7 of 7)

Brewster SK File 49

