

File No. Sketch File 52

Brewster County

Report - "So. Part of the SE 1/2 of Sur. 3, Block 9, G.H. & S.A. Ry. Co. Ab. 9479

Filed December 12 19 96

GARRY MAURO, Com'r

By Debra Lee Howard

See V.R.D. SK. 152

Walker Land Surveying
Steven F. Walker
Registered Professional Land Surveyor
Licensed State Land Surveyor
Brewster County Surveyor

Date: November 14, 1996

To:
Honorable Garry Mauro
Commissioner of the Texas General Land Office
Austin, Texas

SURVEY REPORT

This report concerns a survey for patent of a 131.47 acre tract of land, now known as the "Southerly part of the Southeast 1/2" of Survey 3, Block 9, G.H. & S.A. Ry. Co. Surveys, Brewster County, Texas located North 40deg. West 2 miles from Alpine, the County seat. This tract is comprised of an 80 acre tract, a 20 acre tract and a 30 acre tract which are described in various deeds and field notes on file in the Surveyors Records of Brewster County and in File #142664 in the records of the General Land Office.

This survey was conducted on the Texas Coordinate System, South Central Zone, NAD 1927, and is tied to Station "ALPPORT", a first order GPS station established by the National Geodetic Survey. A Wild T-2 theodolite and DI4L Distomat were the instruments used to perform this survey.

G.H. & S.A. Ry. Co. Block 9

G.H. & S.A. Ry. Co. Block 9 was originally surveyed and field notes returned in 1875 by L. E. Edwards. Due to the lack of descriptive and locative calls for monuments in the field notes, it is believed that very few, if any, original monuments were established. This Block is senior to and has no calls for adjoiners to surrounding Surveys or Blocks.

RESURVEY OF J. B. AMMERMAN, 1889

In 1889, J. B. Ammerman, State Surveyor, resurveyed and wrote corrected field notes for all of Block 9. Acting under the Act of 1887, which authorized the Commissioner of the General Land Office to have lands in which the State of Texas had an interest resurveyed, R. M. Hall, Commissioner at that time, co-signed and approved these corrected field notes. Mr. Ammerman's corrected field notes contain numerous calls for specifically described monuments set during the course of his resurvey. Many of these monuments exist today and those recovered for this survey are indicated on the plat accompanying this report.

STATE VS. G.H. & S.A. RY. CO.

By the Act of 1854, patents in Block 9 were issued to the railroad company on the odd numbered Surveys. In the judgement rendered in the above styled case on September 14, 1893, Cause no. 101, Brewster County District Court, the State recovered the railroad Surveys in this Block, which were reclassified as School Land and repatented accordingly. These patents are based on the corrected field notes of Mr. Ammerman or those surveyors that perpetuated his monuments.



Y

Counter 16357

CONCLUSIONS AND CONSTRUCTION

Since Mr. Ammerman's resurvey, all subsequent surveys in Block 9 have relied on his monuments and corrected field notes as the framework from which to retrace and reconstruct the Surveys in Block 9. This is essentially what we have done to establish the Northwest and Northeast corners of Survey 3.

For the reconstruction of Survey 3 itself we have located the called for Ammerman monuments at the Southwest and Southeast corners of the Survey. We also know the position of the Northwest corner of Survey along the Western Block line. From the Northwest corner of said Survey 6 a proportion along the Block line to said Southwest corner of Survey 3 establishes the corners along that line.

We know from Mr. Ammerman's corrected field notes that the closest called for monument in an Easterly direction that could influence the construction of the Northeast corner of Survey is some four miles to the East. Unfortunately, there is a ranch road that runs East and West down the Survey line for several miles. I have had occasion to search for remains of called for rock mounds along this road and have been unable to find any.

Some four miles to the North of the Southeast corner of said Survey 3 in Survey 6, Mr. Ammerman calls for a definitive rock mound. However, this monument and those in the vicinity are well into some very rugged country and the land owner has not been cooperative with access. Furthermore, it is my opinion that the best evidence to be had for the retracement of Mr. Ammerman's footsteps in the vicinity of Survey 3 is to use more local monuments and bearings. The Southwest and Southeast corners of Survey 3 are in place and appear undisturbed. Two miles to the South of the Southeast corner of Survey 3 there is another undisturbed Ammerman monument. Therefore, I believe that the most realistic approach based on the best available evidence to reconstruct the Northeast corner of Survey 3 is to perpetuate the bearing between the Southeast corner of Survey 3 and the monument at the Northwest of Survey 25 Northward to intersect with a line parallel to the South line of Survey 3 from the Northwest corner as previously established.

PATENT LOCATION OF THE "NORTHWEST 1/2" OF SURVEY 3

In 1906, W. M. Harmon, Brewster County Surveyor at that time, wrote field notes for a 320 acre tract is known as the "Northwest 1/2" of Survey 3. Mr. Harmon calls to begin at Mr. Ammerman's monument for the Southwest corner of Survey 3. "THENCE N27degW 1900 vs. to R.M. on side of mountain. THENCE N63degE 1900 vs. to R.M. mkd. NE 3." These notes were used for the patent of this tract.

As indicated on the plat accompanying this report, we have located a rock mound in the vicinity of the Northeast corner of Survey 3 but no marks could be found. No other surrounding field notes or patent calls mention this monument. It is my opinion that since this rock mound does not conform to our reconstruction of Mr. Ammerman in Survey 3 nor are we sure without the called for marks that this is in fact Mr. Harmon's rock mound that it should not serve to locate the common corner of Surveys 3, 4, 21 and 22.

PATENT LOCATION OF THE "NE PART OF THE SE 1/2" OF SURVEY 3

In 1938, John Stovell, Brewster County Surveyor, wrote field notes for a 192.3 acre tract, then on the same day wrote corrected field notes for a 190 acre tract. This tract is known as the "Northwest part of the Southeast 1/2" of Survey 3. The corrected field notes were used for the patent of this tract.

This tract calls to adjoin a 20 acre and a 30 acre tract lying along the West and South lines of this 190 acre tract and are part of the subject of this survey, will be discussed below.

80 ACRE, 20 ACRE AND 30 ACRE TRACTS

In 1912, a deed for a 20 acre tract was first transacted. This tract is the one now known as the "North Middle part of the Southeast 1/2" of Survey 3. The calls in the metes and bounds mention marked stakes and mounds for a few of the corners.

In 1916, we find a deed for the above tract and another 20 acre tract which was part of the 30 acre tract now known as the "Southeast part of the Southeast 1/2" of said Survey 3. The calls in this deed refer to a few definitely described rock mounds.

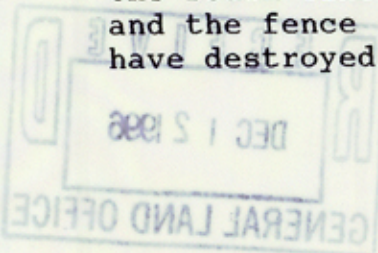
In 1928, we find the same two 20 acre tracts and an 80 acre tract now known as the "Southwest part of the Southeast 1/2" deeded to Oscar Roberts. The description of the 80 acres also call for marked stakes and mounds.

In 1938, John Stovell wrote field notes of the 80 acre tract mentioned above, corrected field notes for the 20 acre tract known as the "North Middle part of the Southeast 1/2" and field notes of a 30 acre tract which includes the other 20 acre tract mentioned above and 10 more acres. Mr. Stovell's field notes have essentially the same bearings and distances as the previous descriptions with the exception that he calls for "stakes" only and has adjoiner calls to the 190 acre tract mentioned earlier in this report. The field notes of Mr. Stovell are the same as the descriptions on file in the General Land Office File #142664 for these tracts.

In 1940, we find a deed from J. F. Miles to Oscar Roberts for the above described land. The deed calls read the same as Mr. Stovell's field notes.

CONCLUSIONS AND CONSTRUCTION

A thorough search was made for the marked mounds called for in the early deeds mentioned above, as I believe that they would control the positions they were called to represent. However, with the exception of the rock mound found for the Southeast corner of the Eastern 20 acre tract, none could be recovered. Possibly because the corners along the South line of the 190 acre tract fall off the creek bank and the fence line along the South line of Survey 3 could have destroyed them.



Brewster Co. - Sk. File 52

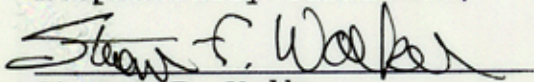
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Once the entire Survey 3 is established by the previously described method, the diagonal line run from the Northeast to the Southwest corners of the Survey would establish that line.

It is my opinion that the rock mound found in the South line of Survey 3 for the Southeast corner of the Eastern 20 acre tract would help re-establish the position of that tract and likewise the position of the 30 acre tract. The lines and corners of this 131.47 acre tract would then be established as indicated on the accompanying plat.

Respectfully submitted,



Steven F. Walker
Licensed State Land Surveyor

A plat of this survey and field note description of the 131.47 acre tract accompanies this report.



Brewster Co. SK. File 52

Y3

Counter 14360

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G.H. & S.A. Ry. Co. Block 9

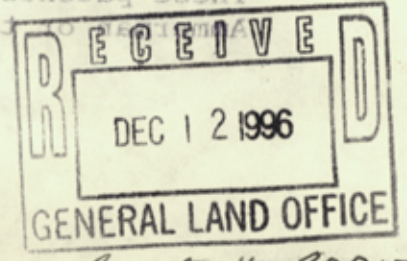
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Count 1889

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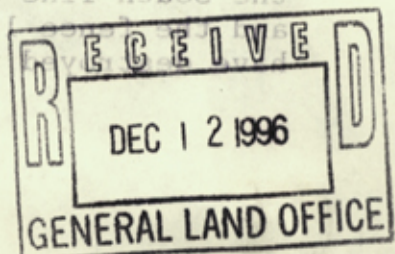
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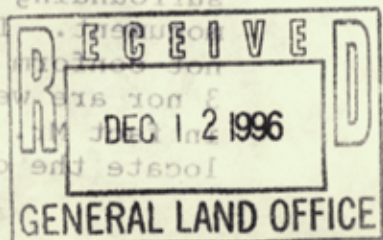
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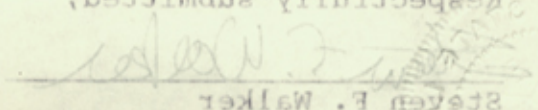
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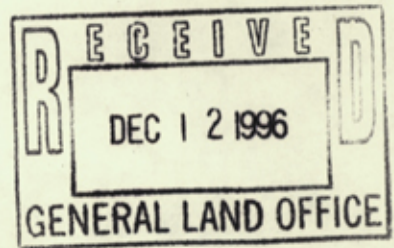
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Count # 80015