

73. No. of Port Isabel-San Benito Navigation District, Patent No. 333

Center copy from Spencer's file concerning Cameron County

Received
3/19/75
18810

RIGHT-OF-WAY EASEMENT

THE STATE OF TEXAS }
COUNTY OF CAMERON }

KNOW ALL MEN BY THESE PRESENTS:

That PORT ISABEL-SAN BENITO NAVIGATION DISTRICT of Cameron County, Texas, for and in consideration of the sum of One (\$1.00) Dollar in hand paid by the County of Cameron, Texas, acting through the County Commissioners Court of said County, receipt of which is hereby acknowledged, and the further consideration hereinafter set out, does by these presents

GRANT, BARGAIN AND CONVEY unto said County of Cameron, Texas, the free and uninterrupted use, liberty, privilege and easement of passing in, along, upon and across the following land situated in Cameron County, Texas, to-wit:

Starting at U.S. Government Monument No. 9, said monument No. 9 being on the intersection point of the centerline (extended) on the Port Isabel-San Benito Navigation District's ship channel with the southerly boundary line of the Port Isabel Township, -

THENCE N. 33 deg. 10 min. E. a distance of 576.7' to a point

THENCE E. along a south line of Patent No. 333 a distance of 2171.03' to a point which is also the northeast corner of Patent No. 468,

THENCE South along the west line of Patent No. 333 a distance of 6856.9' to the southwest corner of said patent,

THENCE N. 56 deg. 25 min. E. a distance of 4844.49' to a point, -

THENCE N. a distance of 5164.93' to the point of beginning, said point being the intersection of the south right-of-way for the Port Isabel Causeway and the east line of Patent No. 333, -

THENCE in a northwesterly direction around a curve having a radius of 2149.3' and a central angle of 55 deg. 10 min. 40 sec., a distance of 2069.86' to the P.I. of the shrimp channel curve No. 9, on the Gulf Intracoastal Waterway, -

THENCE N. 41 deg. 41 min. 30 sec. W. along the West radius line of the shrimp channel curve No. 9, at 504.57' intersecting the south right-of-way line of the Gulf Intracoastal Waterway, a total distance of 1149.3' to a point in the North line of the shrimp channel. -

THENCE in a northeasterly direction along the North boundary line of the shrimp channel curve No. 9 having a central angle of 26 deg. 23 min. 30 sec. and a radius of 1149.3' for a distance of 529.39' to a point, -

THENCE N. 15 deg. 18 min. 30 sec. W. a distance of 33.64' to a point in southeastern boundary line of lot 17 Block 81 Port Isabel Townsite, -

THENCE N. 74 deg. 41 min. 30 sec. E. a distance of 299.85' to a point, said point being the southeastern most point of Lot 13, Block 81, Port Isabel Townsite and the intersection of the courses N. 74 deg. 41 min. 30 sec. E. and N. 11 deg. 01 min. E. from Patent No. 333, Cameron County, Texas, -

Cameron Co. Sk File 8B

Counters 17127

THENCE S. 11 deg. 01 min. W. a distance of 3.16' to a point, said point being the southwestern most point of a certain 13.93 acres in Patent No. 333, Cameron County, Texas, ✓

THENCE N. 54 deg. 11 min. E. along the southerly line of said 13.93 acres, a distance of 407.00' to a point, ✓

THENCE S. 47 deg. 18 min. E. a distance of 393.23' to a point on a curve, ✓

THENCE in a southeasterly direction around a curve with a central angle of 75 deg. 15 min. 15 sec. and a radius of 882.5', a distance of 1159.11' to a point, ✓

THENCE N. 69 deg. 15 min. 15 sec. E. a distance of 356.46' to a point that is the intersection of the northerly right-of-way line for the Causeway and the easterly line of Patent No. 333, Cameron County, Texas, ✓

THENCE South a distance of 588.14' crossing the centerline of the causeway a total distance of 1350.87' to the point of beginning, containing 73.50 acres more or less; subject, however, to those certain reservations, covenants and agreements contained in Patent No. 333 from the State of Texas, and subject also to the rights, if any, of the United States of America. —

The above described area is required by Cameron County, Texas, for the purpose of opening, constructing and maintaining a permanent causeway from the mainland to Padre Island in Cameron County, including hydraulic fill approaches, borrow pits, or channels, for obtaining hydraulic fill material, boat docks, landing sites and all other features connected with the construction of such project in, along, upon and across said premises. Grantee, its agents, employees, and representatives shall have the right of ingress, egress, and regress in, along, upon and across said premises for the purpose of making additions to, improvement on and repairs to the said causeway or any part thereof.

* It is expressly understood, agreed and stipulated, that as part of the consideration for the easement herein granted to Cameron County, the Port Isabel-San Benito Navigation District, the grantor herein, its officers, employees, agents, tenants, licensees, successors in title, and all persons now or in the future having or doing any business of any nature whatsoever with grantor, shall have, together with all owners, their employees, agents, tenants, licensees, and persons having or doing business with such owners, of any industry and/or business enterprise of whatsoever nature that may be established and/or operated on any land now owned by grantor herein lying South of the Intracoastal Canal in Patent No. 333 issued by the State of Texas, the full and free right and liberty at all times hereafter to pass and repass on foot or in vehicles from the mainland to and from said lands and any part thereof, by way of the Causeway, including the swing barge bridge or any type of structure that may be erected and used for transportation purposes in place of such swing

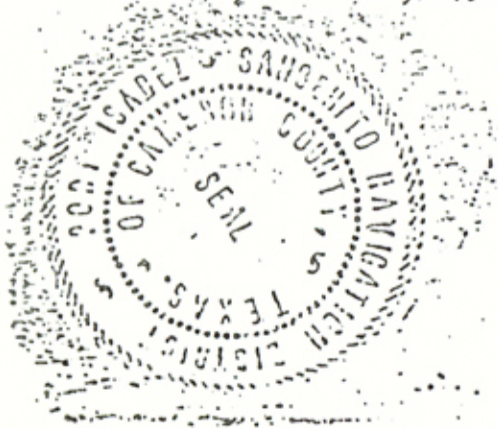
barge bridge, and such right of passage shall be without any charge of any nature whatsoever. This free right of passage is and shall be binding upon the County of Cameron, Texas, its successors and assigns, and upon the State of Texas and any department or agency thereof, and upon any person, persons, corporation or corporations that may at any time own or operate said causeway and any structure forming a part thereof crossing the Intercoastal Canal.

It is specifically understood that the County and its assigns shall be vested with the title to and the right to take and use, without additional compensation, any stone, earth, gravel, caliche or any other materials or minerals upon, in and under said land, except oil, gas and sulphur, for the construction and maintenance of the Causeway in so far as Grantor is concerned; but this conveyance is in all things subject to all reservations and conditions in said Patent No. 333, and of all conveyances of any kind by the predecessors of said Grantors in title to or right of possession to said lands herein described.

Full power is hereby granted to said County of Cameron to convey said easement to the State of Texas, subject, however, to all the terms, conditions and agreements contained in this instrument.

TO HAVE AND TO HOLD unto the said County of Cameron as aforesaid for the purposes aforesaid, the premises above described.

WITNESS the signature and seal of Port Isabel-San Benito Navigation District of Cameron County, Texas, acting herein by and through its commissioners, this September 12, 1952.



John V. Trump

Gilbert R. Crain

J. H. Schmidt

Commissioners of Port Isabel-San Benito Navigation District, Cameron County, Texas.

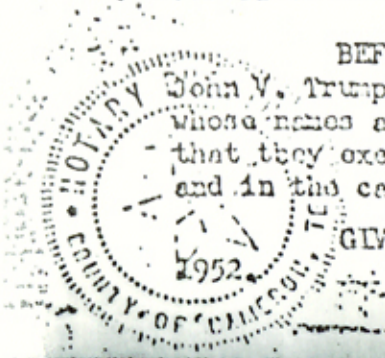
THE STATE OF TEXAS |

COUNTY OF CAMERON |

BEFORE ME, the undersigned authority, on this day personally appeared John V. Trump, Gilbert R. Crain and J. H. Schmidt, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 12th day of September,

[Signature]
County 17139



State of Texas in session

STATE OF TEXAS
OF CAMERON

I, H. D. SEACO, Clerk of the County Court in and for said County,

do hereby certify that the foregoing instrument dated the 12th day of Sept 1892
Commissary of Authentication was filed for record in my office the 3rd day of Sept
at 9:00 o'clock A.M. and duly recorded the 2nd day of Oct 1892
at 10:00 o'clock A.M. in Proceed Record of said County, Vol. 57 Page 53-56
I have had set out the Seal of the County Court of said County, at office in Brownsville, Texas this day and year last above

Ramona G. Bryan
Deputy

H. D. SEACO,
Clerk County Court, Cameron County, Texas

General Land Office



October 27, 1977

Mr. Geronimo G. Garcia

COMMISSION

STATE DEPARTMENT OF HIGHWAYS
AND PUBLIC TRANSPORTATION

ENGINEER-DIRECTOR
B. L. DEBERRY

REAGAN HOUSTON, CHAIRMAN
DEWITT C. GREER
CHARLES E. SIMONS

AUSTIN, TEXAS 78763

October 27, 1977

...ly, we join with the Department in concluding that title to that portion of the old causeway... and outside the Area actually owned... force of the Causeway easement... is now subject to the laws... right of way east of the Old Queen Isabella Causeway...

IN REPLY REFER TO
FILE NO.

D-15

Request for Transfer of Park Road 100
Right of Way to Cameron County

Cameron County
Control 331-4-13
Park Road 100

Mr. Geronimo G. Garcia
District Engineer
Pharr, Texas

Dear Sir:

By your letter of August 2, 1977, you recommended that a portion of Park Road 100 right of way at the east end of the Old Queen Isabella Causeway on South Padre Island be transferred to Cameron County as the County requested.

Intensive study has been given this matter, both by the Department's legal staff and the General Land Office. The General Land Office maintains title to be in the Public School Fund as submerged land eastward to the west line of Padre Island. As you are aware, in 1947 the 50th Legislature (Regular Session) enacted H. B. 835 as Chapter 304, enabling legislation for a county so situated and populated as Cameron County was at the time to issue Revenue Bonds to finance a Causeway, among other stipulated projects. The Act further ceded to such a county easements and right of way through, across, under and over any lands or property owned by the State necessary or convenient to such a project. The Causeway was thus constructed, maintained and operated until August, 1967, when, pursuant to said Act, the Causeway became a part of the State Highway System free of tolls. In October, 1974, a new Causeway located in roughly a parallel position with Queen Isabella Causeway became operational and the Department abandoned Queen Isabella Causeway as a roadway.

Adams v. Rowles, 149 Tex. 52, 228 SW2 849, is authority for the legal proposition that abandonment of an easement may be effected by the substitution of new property for the old for a particular use which, of course, is what happened when the Department closed Queen Isabella and opened the new Causeway.

RECEIVED

OCT 29 1977

General Land Office

Cameron Co. Sk File 8B

Counter 17141

Mr. Geronimo G. Garcia

-2-

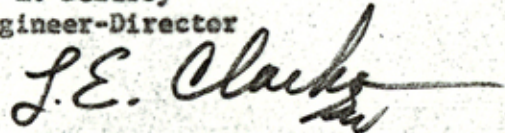
October 27, 1977

Consequently, we join with the General Land Office in concluding that title to that portion of the old causeway right of way west of the Boyles Survey Line and outside the area actually needed for right of way purposes, has reverted, free of the Causeway easement, to the status of submerged coastal tidelands and is now subject to the laws governing such lands. The portion of the old causeway right of way east of the Boyles Survey Line and terminating at the right of way of Park Road 100 will need to be researched further to determine the origin of the State's use of the land for highway purposes. Disposition of the State's interest in this land would then be governed by Commission policy and the reconveyance law, Article 6673a, V.A.C.S.

Sincerely yours,

B. L. DeBerry
Engineer-Director

By:



L. E. Clarke
Right of Way Engineer

CH:th

cc: General Land Office ✓

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OCT 29 1977

General Land Office

Counter 17142

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Cameron Co. Sk File 8B

Counter 17143

LAW OFFICES
McGINNIS, LOCHRIDGE & KILGORE

FIFTH FLOOR, REPUBLICBANK BUILDING
900 CONGRESS AVENUE
AUSTIN, TEXAS 78701
TELEPHONE (512) 476-6982

ROBERT W. CALVERT
OF COUNSEL

February 3, 1982

VIA HAND DELIVERY

DEAN M. KILGORE
THOMAS O. BARTON
FRANK OLIVER
JULIAN LOCKWOOD
BROOK BENNETT BROWN
MARC O. KNISELY
PATTON G. LOCHRIDGE
S. JACK BALAGIA, JR.
CAREY M. BRENNAN
JERRY A. BELL, JR.
CAMPBELL MCGINNIS
JAMES R. RAUP
DI ANN JOHNSTON
THERESA EILERS
W. TIMOTHY GEORGE
CHARLES D. OLSON
TRAVIS M. ROACH, JR.
A. RICK HIGHTOWER
MICHAEL A. WREN
DAVID R. RODRIGUEZ

ROBERT C. MCGINNIS
LLOYD LOCHRIDGE
JOE M. KILGORE
MORGAN HUNTER
WADE F. SPILMAN
B. D. ST. CLAIR
DENNY O. INGRAM
SHANNON H. RATLIFF
C. MORRIS DAVIS
J. GAYLORD ARMSTRONG
JOHN W. STAYTON, JR.
WILLIAM H. BINGHAM
ROBERT WILSON
DAVID L. ORR
JAMES W. HACKNEY
P. MICHAEL HEBERT
WILLIAM H. DANIEL
EARNEST CASSTEVENS
PAMELA M. GIBLIN
RICK HARRISON

Mr. Jack Giberson
Chief Clerk
General Land Office
1700 North Congress
Austin, Texas 78701

Re: Bay Colony Property Company Boundary on South
Padre Island

Dear Jack:

This letter will confirm that our client, Bay Colony Property Company, has agreed to your proposal concerning the location of the western boundary of its South Padre Island tract, if they are able to simultaneously secure a channel easement from the General Land Office. The boundary location to which I refer is the "squared off" boundary line which would give Bay Colony 12.0 acres West of the Highway 100 right-of-way, as depicted on the Claunch plat.

As I stated to you in our telephone conversation yesterday, I asked Bay Colony to have their architects and planners depict the easement area which they would like to have. A plat showing this area is attached. Bay Colony would like to have this easement area so that they can develop a marina with access to the navigable waters of the Laguna Madre.

We also discussed getting Milton Richardson involved, so that proceedings for a final resolution of this matter can be instituted. If Milton would like to discuss any aspect of this matter with us, we will of course be happy to do so. In addition, if you or Milton need any additional information, please contact Shannon or me.

Best wishes.

Sincerely,



Marc O. Knisely

Cameron Co. sk File 8B

MOK/jk

Counter 1714A

COPY

NO. 82-3751-C

STATE OF TEXAS	§	IN THE DISTRICT COURT OF
V.	§	CAMERON COUNTY, TEXAS
BAY COLONY PROPERTY COMPANY, INC.	§	197TH JUDICIAL DISTRICT

FINAL JUDGMENT

On this day came on for trial the above-entitled and numbered cause, wherein the State of Texas, acting by and through the Attorney General of Texas and the Commissioner of the General Land Office, is Plaintiff and Cross Defendant and Bay Colony Property Company, Inc. is Defendant and Cross Plaintiff. Plaintiff and Defendant appeared by and through their attorneys and announced ready for trial, and, no jury having been demanded, this cause was tried before the Court.

The Court, having considered the evidence adduced, the pleadings, and arguments of counsel, does hereby render the following judgment:

1. It is ORDERED, ADJUDGED and DECREED that Bay Colony Property Company, Inc. is the owner of all the lands described in Exhibit 1 and depicted on the plat marked Exhibit 2, such Exhibits 1 and 2 being attached to and made a part of this Final Judgment; that said lands, comprising approximately 12.0 acres and being located in Cameron County, Texas, are a part of the original grant of an island, now known as Padre Island, from the State of Tamaulipas to Padre Nicolas Balli and his nephew Juan Jose Balli; that Bay Colony Property Company, Inc. succeeded through mesne conveyances to the title to such lands.

2. It is further ORDERED, ADJUDGED and DECREED that the western boundary of the lands which are the subject of this suit, which western boundary is described in Exhibit 1, accurately demarks the boundary between Padre Island and the state owned Laguna Madre. The said western boundary shall become a fixed boundary and shall no longer be subject to change because of a change in the elevation of

Cameron Co. Sk. File 8B

Counter 17145

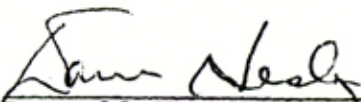
the tide, encroachment for any reason by water, temporary or permanent, or because of avulsion, reliction, accretion, erosion or any other causes whether natural or man made, and such described line shall, by this Judgment, become a fixed non-tidal boundary; provided, however, that for all other purposes and specifically for the purposes of the rights created or preserved by Sections 33.001, et seq. of the Texas Natural Resources Code, Bay Colony Property Company, Inc. shall be regarded as a littoral or riparian owner.

3. It is further ORDERED, ADJUDGED and DECREED that the Plaintiff, the State of Texas, take nothing by its suit.

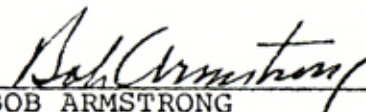
4. It is further ORDERED, ADJUDGED and DECREED that each party shall bear all costs and expenses incurred by such party, and therefore that no costs shall be taxed.

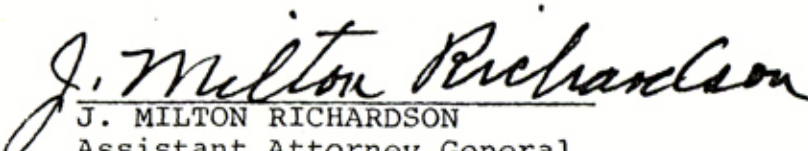
5. It is further ORDERED, ADJUDGED and DECREED that all relief not specifically granted herein is denied.

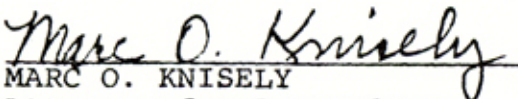
Signed this 3rd day of December, 1982.

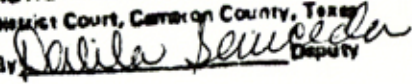

Darrell Hester, District Judge
197th Judicial District Court

APPROVED:


BOB ARMSTRONG
Commissioner of the General
Land Office


J. MILTON RICHARDSON
Assistant Attorney General


MARC O. KNISELY
Attorney for Bay Colony
Property Company, Inc.

TIME **FILED**
9:43 AM
DEC 8 1982
AURORA DE LA GARZA, Clerk
(District Court, Cameron County, Texas)
By  Deputy

DESCRIPTION

Twelve (12) acres on South Padre Island in Cameron County, Texas being a part of the said South Padre Island formerly known as the "Dickinson Tract" and more particularly being out of and a part of a certain "22.28 acres" tract as conveyed by Edith Branch Herbert, Independent Executrix of the Estate of Agnes A. Dickinson, to Richard B. Dorn by Warranty Deed dated April 12, 1961 and recorded in Volume 710, Pages 9-12, of the Deed Records of Cameron County; and the said twelve (12) acres being more particularly located and described as follows:

Commencing at a $4\frac{1}{2}$ "x $4\frac{1}{2}$ " concrete monument for the southwest corner of the above mentioned "22.28 acres" tract (at coordinate position X = 2,437,419.252 and Y = 152,362.466 on the plane of the Texas Coordinate System - South Zone); from which U.S. Coast and Geodetic Survey Triangulation Station "Brazos" (X = 2,438,525.630 and Y = 150,643.800) bears South $32^{\circ}-46'-16"$ East 2,043.98 feet (735.83 varas) and the northwest corner of a "10.51 acres" Coast Guard Station Tract (X = 2,438,130.099 and Y = 150,424.305) bears South $20^{\circ}-08'-28"$ East 2,064.41 feet (743.19 varas.); thence with a line for the southern boundary of the said "22.28 acres" tract, and for the northern boundary of Cameron County Isla Blanca Park, North $83^{\circ}-09'-25"$ East a distance of 7.01 feet (2.52 varas) to the southwestern corner and place of beginning of the twelve (12) acres herein described (at coordinate position X = 2,437,426.212 and Y = 152,363.302):

THENCE with a line for the western boundary of the twelve (12) acres herein described, North $6^{\circ}-50'-35"$ West, a distance of 1,023.65 feet (368.51 varas) to an intersection with a line for the north boundary of the said "22.28 acres"; the said place of intersection being the northwest corner of the tract herein described:

THENCE with the said line for the northern boundary of the said "22.28 acres", North $83^{\circ}-09'-25"$ East, a distance of 517.70 feet (186.37 varas) to a $4\frac{1}{2}$ "x $4\frac{1}{2}$ " concrete monument for the northeastern corner of this tract on the western right-of-way line of Texas State Park Road No. 100:

THENCE with the said western right-of-way of Texas State Park Road No. 100;

South $9^{\circ}-33'-13"$ East, 513.75 feet (184.95 varas) a $4\frac{1}{2}$ "x $4\frac{1}{2}$ " concrete monument, and

South $4^{\circ}-22'-10"$ West, 520.41 feet (187.35 varas) to the southeast corner of this tract on a line for the southern boundary of the above mentioned "22.28 acres" tract:

THENCE with the said line for the southern boundary of the said "22.28 acres" tract, South $83^{\circ}-09'-25"$ West, a distance of 440.80 feet (158.69 varas) to the place of beginning:

Containing according to the dimensions herein stated an area of twelve (12) acres, more or less.

The bearings and distances herein are based on the meridian and grid plane of the Texas Coordinate System (South Zone).

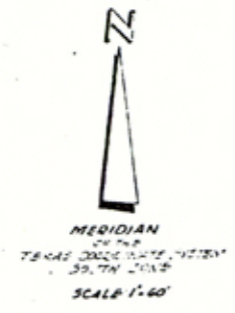

M. L. Claunch
Registered Public Surveyor

Counter 17147

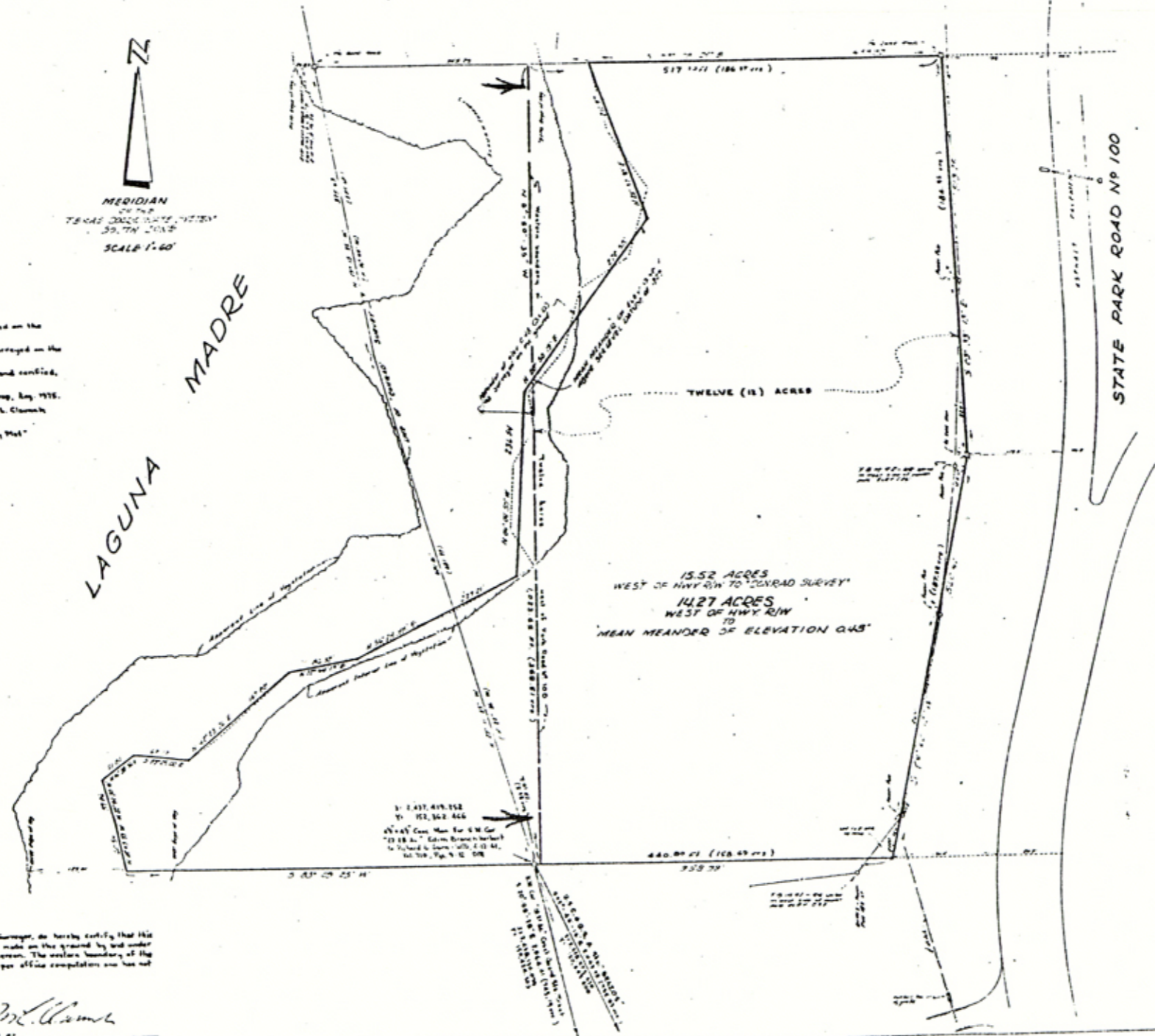
Exhibit 1

Notes Applied, August 1952

- 1. MEAN MEANDER OF ELEVATION QUAS' TO CONRAD SURVEY
- 2. 1975: ELEVATION QUAS' TO CONRAD SURVEY



- NOTES APPLIED August 5, 1952
1. Contour of Elevation +0.48 surveyed on the ground, August 18-20, 1952.
 2. North and south boundary lines surveyed on the ground, January, 1952.
 3. Survey markers, as shown, found and certified, February 1952.
 4. Original plat drafted by Wm. B. Lott, Aug. 1952.
 5. Revisions to above (2) acres by W.L. Claunch, August, 1952.
 6. Reference hereon made to "Preliminary Plat" prepared for South Park Co., Inc.



PLAT SHOWING
 TWELVE (12) ACRES
 OUT OF THE
 "CICKINSON TRACT"
 SOUTH PADRE ISLAND
 CAMERON COUNTY, TEXAS

PREPARED FOR
 BAY COLONY PROPERTY COMPANY, INC.
 AUGUST 5, 1952

SURVEYOR CERTIFICATE:
 I, W. L. Claunch, Registered Public Surveyor, do hereby certify that this is a true and correct plat of survey made on the ground by and under my supervision on the dates noted herein. The western boundary of the eastern twelve (12) acres, herein, as per office computation and has not been marked on the ground.

W. L. Claunch
 S. P. 02
 Surveyor Public Cameron

Exhibit 2
 Counter 17/48

NO. 82 375/c

STATE OF TEXAS,	§	IN THE DISTRICT COURT OF
	§	
Plaintiff,	§	
	§	
V.	§	CAMERON COUNTY, TEXAS
	§	
BAY COLONY PROPERTY	§	
COMPANY, INC.,	§	
	§	
Defendant.	§	197TH JUDICIAL DISTRICT

DEFENDANT'S ANSWER AND COUNTERCLAIM

NOW COMES Defendant, Bay Colony Property Company, Inc., and for answer to the Plaintiff's Original Petition would show the Court as follows:

Defendant denies each and every allegation of such petition and pleads not guilty thereto.

WHEREFORE, the Defendant prays that Plaintiff take nothing by its suit and that Plaintiff go hence without day with its costs.

Respectfully submitted,

McGINNIS, LOCHRIDGE & KILGORE
900 Congress Avenue
Austin, Texas 78701

Shannon H. Ratliff
Marc O. Knisely

By _____
Marc O. Knisely
State Bar No. 11614500

ATTORNEYS FOR DEFENDANT

COUNTERCLAIM

NOW COMES Bay Colony Property Company, Inc., as Counter-Plaintiff herein and files this its Counterclaim against Defendant, State of Texas, this Counterclaim being in the nature of a Trespass to Try Title action, and for same would show as follows:

1. Exhibit 1, attached hereto and made a part hereof, is a description of the property owned by Counter-Plaintiff in fee simple on South Padre Island in Cameron County, Texas.

Cameron Co. Sk. File 8B

Counter 1/7/49

2. This suit is a Trespass to Try Title action and as required by Rule 783, TEX. R. CIV. P., Counter-Plaintiff alleges:

a. On the 2nd day of January, 1981, Counter-Plaintiff was, and still is, the owner in fee simple of the tract described in Exhibit 1.

b. On such day, also, Counter-Plaintiff was entitled to possession of such premises; and afterward, on or about the 3rd of January, 1981, the Counter-Defendant unlawfully entered upon and dispossessed Counter-Plaintiff of such premises and withholds from Counter-Plaintiff the possession thereof.

c. Counter-Defendant has occupied and used such premises under such unlawful possession.

WHEREFORE Counter-Plaintiff, Bay Colony Property Company, Inc., prays that it have judgment against Counter-Defendant, the State of Texas, for the title and possession of the above-described premises, costs of suit and for such other and further relief to which Counter-Plaintiff may be entitled either at law or in equity.

Respectfully submitted,

McGINNIS, LOCHRIDGE & KILGORE
900 Congress Avenue
Austin, Texas 78701
512/476-6982

Shannon H. Ratliff
Marc O. Knisely

By _____
Marc O. Knisely
State Bar No. 11614500

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing Defendant's Answer and Counterclaim has been hand delivered to Mr. J. Milton Richardson, Assistant Attorney General, 100 W. 15th St., Austin, Texas 78701, this _____ day of _____, 1982.

Marc O. Knisely

Counter 17150

DESCRIPTION

Twelve (12) acres on South Padre Island in Cameron County, Texas being a part of the said South Padre Island formerly known as the "Dickinson Tract" and more particularly being out of and a part of a certain "22.28 acres" tract as conveyed by Edith Branch Herbert, Independent Executrix of the Estate of Agnes A. Dickinson, to Richard B. Dorn by Warranty Deed dated April 12, 1961 and recorded in Volume 710, Pages 9-12, of the Deed Records of Cameron County; and the said twelve (12) acres being more particularly located and described as follows:

Commencing at a $4\frac{1}{2}$ "x $4\frac{1}{2}$ " concrete monument for the southwest corner of the above mentioned "22.28 acres" tract (at coordinate position X = 2,437,419.252 and Y = 152,362.466 on the plane of the Texas Coordinate System - South Zone); from which U.S. Coast and Geodetic Survey Triangulation Station "Brazos" (X = 2,438,525.630 and Y = 150,643.800) bears South $32^{\circ}-46'-16"$ East 2,043.98 feet (735.83 varas) and the northwest corner of a "10.51 acres" Coast Guard Station Tract (X = 2,438,130.099 and Y = 150,424.305) bears South $20^{\circ}-08'-28"$ East 2,064.41 feet (743.19 varas); thence with a line for the southern boundary of the said "22.28 acres" tract, and for the northern boundary of Cameron County Isla Blanca Park, North $83^{\circ}-09'-25"$ East a distance of 7.01 feet (2.52 varas) to the southwestern corner and place of beginning of the twelve (12) acres herein described (at coordinate position X = 2,437,426.212 and Y = 152,363.302):

THENCE with a line for the western boundary of the twelve (12) acres herein described, North $6^{\circ}-50'-35"$ West, a distance of 1,023.65 feet (368.51 varas) to an intersection with a line for the north boundary of the said "22.28 acres"; the said place of intersection being the northwest corner of the tract herein described:

THENCE with the said line for the northern boundary of the said "22.28 acres", North $83^{\circ}-09'-25"$ East, a distance of 517.70 feet (186.37 varas) to a $4\frac{1}{2}$ "x $4\frac{1}{2}$ " concrete monument for the northeastern corner of this tract on the western right-of-way line of Texas State Park Road No. 100:

THENCE with the said western right-of-way of Texas State Park Road No. 100;

South $9^{\circ}-33'-13"$ East, 513.75 feet (184.95 varas) a $4\frac{1}{2}$ "x $4\frac{1}{2}$ " concrete monument, and

South $4^{\circ}-22'-10"$ West, 520.41 feet (187.35 varas) to the southeast corner of this tract on a line for the southern boundary of the above mentioned "22.28 acres" tract:

THENCE with the said line for the southern boundary of the said "22.28 acres" tract, South $83^{\circ}-09'-25"$ West, a distance of 440.80 feet (158.69 varas) to the place of beginning:

Containing according to the dimensions herein stated an area of twelve (12) acres, more or less.

The bearings and distances herein are based on the meridian and grid plane of the Texas Coordinate System (South Zone).


M. L. Claunch
Registered Public Surveyor

Exhibit 1

Counter 17151



The Attorney General of Texas

December 6, 1982

MARK WHITE
Attorney General

Supreme Court Building
P. O. Box 12548
Austin, TX. 78711-2548
512/475-2501
Telex 910/874-1367
Telecopier 512/475-0266

Mr. Jack Giberson
Chief Clerk
General Land Office
Austin, Texas 78711

1607 Main St., Suite 1400
Dallas, TX. 75201-4709
214/742-8944

4824 Alberta Ave., Suite 160
El Paso, TX. 79905-2793
915/533-3484

1220 Dallas Ave., Suite 202
Houston, TX. 77002-6986
713/650-0666

806 Broadway, Suite 312
Lubbock, TX. 79401-3479
806/747-5238

4309 N. Tenth, Suite B
McAllen, TX. 78501-1685
512/682-4547

200 Main Plaza, Suite 400
San Antonio, TX. 78205-2797
512/225-4191

An Equal Opportunity/
Affirmative Action Employer

Re: No. 82,3751-C
State of Texas v. Bay Colony
Property Company, Inc.,
197th Judicial District

Dear Jack:

Enclosed is a certified copy of the judgment entered Friday, December 3, 1982, in the above-styled cause. I also enclose a copy of Plaintiff's Original Petition, Defendant's Original Answer and Cross Action and Plaintiff's First Supplemental Petition and Answer to Defendant's Cross Action.

I am also enclosing a large plat by M. L. Claunch covering the area in question in this suit which was introduced in evidence in this cause. A reduced copy of this plat is made a part of the final judgment.

Yours very truly,

J. Milton Richardson
J. Milton Richardson
Assistant Attorney General

JMR:me
Enclosures

*Landes Court
maps & Records
JH*

Cameron Co. Sk. File 8B

Counter 17152

STATE OF TEXAS, PLAINTIFF	§	IN THE DISTRICT COURT OF
VS.	§	CAMERON COUNTY, TEXAS
BAY COLONY PROPERTY COMPANY, INC., DEFENDANT	§	197TH JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES the State of Texas, on behalf of the Public Free School Fund and the General Land Office of Texas, acting herein by and through the Attorney General, and files this Original Petition against Bay Colony Property Company, Inc., this action being in the nature of a trespass to try title action. For this petition, Plaintiff would show:

1. Bay Colony Property Company, Inc. is a Delaware Corporation with its principal office and place of business in Boston, Massachusetts. Among other things, it claims to own, based upon a prior land grant from the Mexican State of Tamaulipas, certain lands on South Padre Island in Cameron County, Texas. This controversy grows out of the claim by the State of Texas that it is the fee simple owner of the tract of land which is described in Exhibit A by metes and bounds, which tract is hereinafter referred to as "the disputed tract."

2. This suit is a trespass to try title action and as required by Rule 783, TEX.R.CIV.P., Plaintiff alleges:

A. On the 1st day of January, 1981, Plaintiff was, and still is, the owner in fee simple of the disputed tract.

B. On such day, also, Plaintiff was entitled to possession of such premises; and afterward, on the 2nd of January, 1981, the Defendant unlawfully entered upon and dispossessed Plaintiff of such premises and withholds from Plaintiff the possession thereof.

C. Defendant has occupied and used such premises under such unlawful possession for a period of one year and the

rental value thereof during such occupancy is \$700.00 (Seven Hundred Dollars), in which amount by virtue of such wrongs the Defendant is justly indebted to Plaintiff; but, though repeated demand for the payment thereof has been made of Defendant by Plaintiff, Defendant has failed and refused, and still fails and refuses to pay the same, to Plaintiff's damage in the sum of \$700.00 (Seven Hundred Dollars).

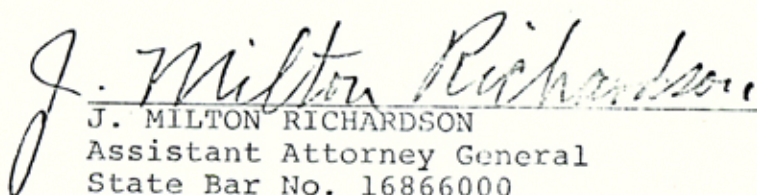
WHEREFORE, Plaintiff prays that the Defendant be cited to answer this petition, and that Plaintiff have judgment for the title and possession of the above-described premises, for Plaintiff's damages, for costs of suit and for such other and further relief to which Plaintiff may be entitled at law or in equity.

Respectfully submitted

MARK WHITE
Attorney General of Texas

JOHN W. FAINTER, JR.
First Assistant Attorney General

RICHARD E. GRAY, III
Executive Assistant Attorney General


J. MILTON RICHARDSON
Assistant Attorney General
State Bar No. 16866000

P. O. Box 12548
Austin, Texas 78711
512/479-8191

ATTORNEYS FOR PLAINTIFF
STATE OF TEXAS

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above and foregoing Plaintiff's Original Petition has been hand delivered to Mr. Marc O. Knisely, Texas State Bank Guilding, Austin, Texas 78701, Attorney for Bay Colony Property Co., Inc., this _____ day of _____, 1982.


J. Milton Richardson

DESCRIPTION

Twelve (12) acres on South Padre Island in Cameron County, Texas being a part of the said South Padre Island formerly known as the "Dickinson Tract" and more particularly being out of and a part of a certain "22.28 acres" tract as conveyed by Edith Branch Herbert, Independent Executrix of the Estate of Agnes A. Dickinson, to Richard B. Dorn by Warranty Deed dated April 12, 1961 and recorded in Volume 710, Pages 9-12, of the Deed Records of Cameron County; and the said twelve (12) acres being more particularly located and described as follows:

Commencing at a $4\frac{1}{2}$ "x $4\frac{1}{2}$ " concrete monument for the southwest corner of the above mentioned "22.28 acres" tract (at coordinate position X = 2,437,419.252 and Y = 152,362.466 on the plane of the Texas Coordinate System - South Zone); from which U.S. Coast and Geodetic Survey Triangulation Station "Brazos" (X = 2,438,525.630 and Y = 150,643.800) bears South $32^{\circ}-46'-16"$ East 2,043.98 feet (735.83 varas) and the northwest corner of a "10.51 acres" Coast Guard Station Tract (X = 2,438,130.099 and Y = 150,424.305) bears South $20^{\circ}-08'-28"$ East 2,064.41 feet (743.19 varas); thence with a line for the southern boundary of the said "22.28 acres" tract, and for the northern boundary of Cameron County Isla Blanca Park, North $83^{\circ}-09'-25"$ East a distance of 7.01 feet (2.52 varas) to the southwestern corner and place of beginning of the twelve (12) acres herein described (at coordinate position X = 2,437,426.212 and Y = 152,363.302):

THENCE with a line for the western boundary of the twelve (12) acres herein described, North $6^{\circ}-50'-35"$ West, a distance of 1,023.65 feet (368.51 varas) to an intersection with a line for the north boundary of the said "22.28 acres"; the said place of intersection being the northwest corner of the tract herein described:

THENCE with the said line for the northern boundary of the said "22.28 acres", North $83^{\circ}-09'-25"$ East, a distance of 517.70 feet (186.37 varas) to a $4\frac{1}{2}$ "x $4\frac{1}{2}$ " concrete monument for the northeastern corner of this tract on the western right-of-way line of Texas State Park Road No. 100:

THENCE with the said western right-of-way of Texas State Park Road No. 100;

South $9^{\circ}-33'-13"$ East, 513.75 feet (184.95 varas) a $4\frac{1}{2}$ "x $4\frac{1}{2}$ " concrete monument, and

South $4^{\circ}-22'-10"$ West, 520.41 feet (187.35 varas) to the southeast corner of this tract on a line for the southern boundary of the above mentioned "22.28 acres" tract:

THENCE with the said line for the southern boundary of the said "22.28 acres" tract, South $83^{\circ}-09'-25"$ West, a distance of 440.80 feet (158.69 varas) to the place of beginning:

Containing according to the dimensions herein stated an area of twelve (12) acres, more or less.

The bearings and distances herein are based on the meridian and grid plane of the Texas Coordinate System (South Zone).


M. L. Claunch
Registered Public Surveyor

NO. 82 3751 C

STATE OF TEXAS § IN THE DISTRICT COURT OF
V. § CAMERON COUNTY, TEXAS
BAY COLONY PROPERTY § 197TH JUDICIAL DISTRICT
COMPANY, INC.

PLAINTIFF'S FIRST SUPPLEMENTAL PETITION
IN ANSWER TO DEFENDANT'S CROSS ACTION

NOW COMES the Plaintiff and Cross Defendant, State of Texas, on behalf of the Public Free School Fund and General Land Office of Texas, for answer to the Cross Action of the Defendant and Cross Plaintiff, Bay Colony Property Company, Inc., and would show:

Cross Defendant denies each and every allegation of such Cross Action and pleads not guilty thereto.

WHEREFORE, the State of Texas prays for judgment as in its Original Petition.

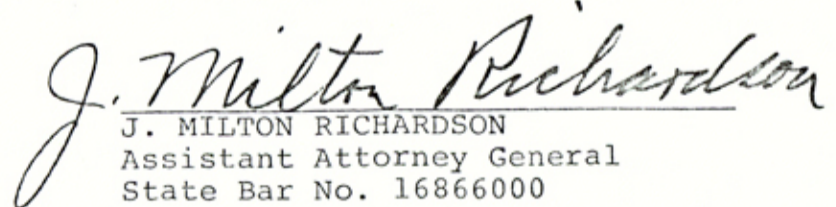
Respectfully submitted,

MARK WHITE
Attorney General of Texas

JOHN W. FAINTER, JR.
First Assistant Attorney General

RICHARD E. GRAY, III
Executive Assistant Attorney General

ANDREW KEVER
Assistant Attorney General
Chief, Energy Division


J. MILTON RICHARDSON
Assistant Attorney General
State Bar No. 16866000

P. O. Box 12548
Austin, Texas 78711
512/479-8191

ATTORNEYS FOR STATE OF TEXAS

CONTENTS of CAMERON Co.
SKETCH File # 9



COMMISSION

ROBERT C. LANIER, CHAIRMAN
ROBERT H. DEDMAN
JOHN R. BUTLER, JR.

STATE DEPARTMENT OF HIGHWAYS
AND PUBLIC TRANSPORTATION

DEWITT C. GREER STATE HIGHWAY BLDG.

11TH & BRAZOS
AUSTIN, TEXAS 78701

ENGINEER-DIRECTOR
MARK G. GOODE

December 28, 1983

IN REPLY REFER TO
FILE NO. D-18M

Mr. Gary Mauro
Commissioner
General Land Office
Stephen F. Austin Building
1700 N. Congress Avenue
Austin, Texas 78701

Dear Mr. Mauro:

Please be advised that on December 21, 1983, the State Highway and Public Transportation Commission approved the removal of a portion of Park Road 100 right-of-way in Cameron County from the highway system. A description of the exact area removed is included with the attached copy of Commission Minute Order No. 81488.

Events leading up to this action were discussed on various occasions between Mr. Bruce Smith of your Office and Mr. Tom Ohlendorf of this Department.

Should you have any questions concerning this matter, please contact Mr. Ohlendorf at 475-2773.

Sincerely yours,

M. G. Goode
Engineer-Director

By:

Handwritten signature of Henry A. Thomason, Jr.

Henry A. Thomason, Jr., Chief Engineer
of Safety & Maintenance Operations

TO/kah
Attachment
cc: District 21
D-15

TDHRT dealing with Lloyd Booth - TPWD
479-4909

Cameron Co. Sketch. File 8B

Counter 17157

TRACT NO. 1

A tract of land containing 15.33 acres, more or less, lying between that land under the jurisdiction of the State Parks and Wildlife Commission at the East end of the Old Queen Isabella Causeway and the West right of way line of Park Road 100 and West of the "Boyles Survey Line" on South Padre Island, and said 15.33 acre tract of land being more particularly described by metes and bounds as follows:

COMMENCING at the Northwest corner of the Mrs. A. D. Dickinson, Jr., Tract; thence South 16°44' East, along "Conrad's Survey Line", a distance of 892.70 feet to a point; thence South 22°36' East continuing along "Conrad's Survey Line", a distance of 465.19 feet to the POINT OF BEGINNING of the tract herein described;

- (1) THENCE, South 22°36' East, along "Conrad's Survey Line", a distance of 216.6 feet to a point;
- (2) THENCE, North 83°45' East, a distance of 445.71 feet to a point, said point being on the West right of way line of Park Road 100;
- (3) THENCE, South 4°22'10" West, along the West right of way line of Park Road 100, a distance of 66.28 feet to the point of curvature of a 716.78 foot radius curve to the Left;
- (4) THENCE, in a Southeasterly direction along the arc of said 716.78 foot radius curve and the West right of way line of Park Road 100, a distance of 424.57 feet to a point on "Boyles Survey Line"; said point bears South 60°25'53" West from the radius centerpoint;
- (5) THENCE, South 11°23' West, along "Boyles Survey Line" a distance of 351.09 feet to a point;
- (6) THENCE, South 69°06' West, a distance of 518.5 feet to a point;
- (7) THENCE, North 20°54' West, at 550 feet the centerline of the Old Queen Isabella Causeway, for a total distance of 1,100.0 feet to a point;
- (8) THENCE, North 69°06' East, a distance of 357.07 feet to the POINT OF BEGINNING and containing an area of 15.33 acres of land, more or less.

STATE DEPARTMENT OF HIGHWAYS AND PUBLIC TRANSPORTATION

CAMERON

County

MINUTE ORDER

District No. 21

WHEREAS, the Commissioner's Court of CAMERON COUNTY has requested that a portion of State right-of-way for PARK ROAD 100 at the east end of the Old Causeway on South Padre Island be considered for removal from the Highway System; and

WHEREAS, the portion of Park Road 100 right-of-way in which the County is interested is described on the attached sheets as Tract Nos. 1 and 2; and

WHEREAS, it has been determined that the portion of Park Road 100 right-of-way described as Tract Nos. 1 and 2 is no longer needed for State Highway purposes.

NOW THEREFORE, IT IS ORDERED that the portion of Park Road 100 described on the attached sheets as Tract Nos. 1 and 2 will no longer be considered as part of the highway system; and

FURTHER, that the Engineer-Director is directed to notify Cameron County, the Texas Parks and Wildlife Department and the General Land Office of this action.

Submitted by:

Examined and recommended by:

(Title)

Approved

Deputy/Assistant Engineer-Director

Chief Engineer of Safety & Maintenance Operations

Engineer-Director

Approved:

Commissioner
Commissioner
Commissioner

Minute Number

81488

Date Passed

DEC 21 83

Counter 17159

TRACT NO. 2

A tract of land containing 0.65 acres, more or less, lying entirely East of "Boyles Survey Line" and West of the West right of way line of Park Road 100 on South Padre Island, and said 0.65 acre tract of land being more particularly described by metes and bounds as follows:

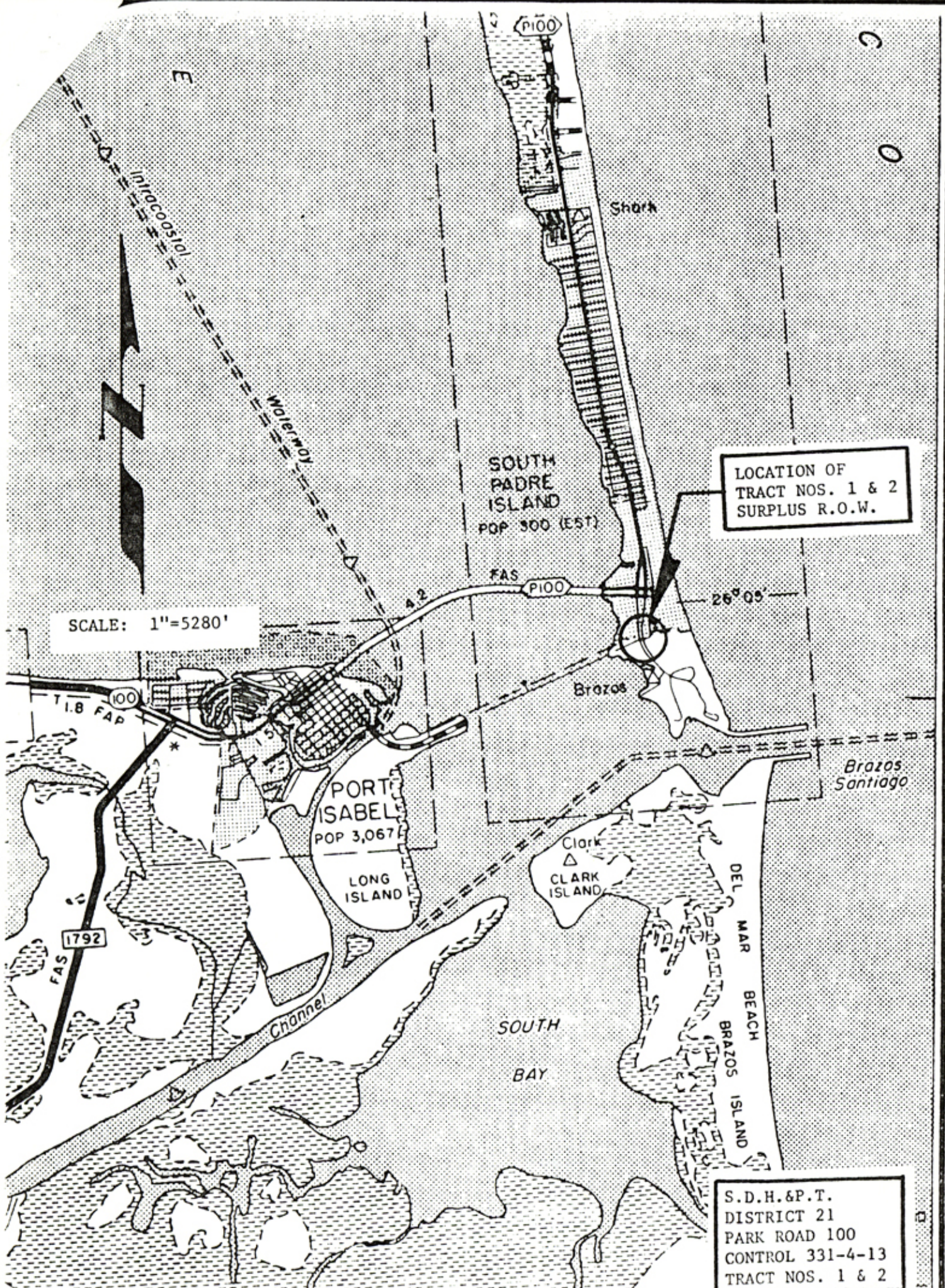
COMMENCING at the Northwest corner of the Mrs. A. D. Dickinson, Jr., Tract; thence South $16^{\circ}44'$ East, along "Conrad's Survey Line", a distance of 892.70 feet to a point; thence South $22^{\circ}36'$ East continuing along "Conrad's Survey Line", a distance of 681.79 feet to a point;

THENCE, North $83^{\circ}45'$ East, a distance of 445.71 feet to a point, said point being on the existing West right of way line of Park Road 100;

THENCE, South $4^{\circ}22'10''$ West, along the West right of way line of Park Road 100, a distance of 66.28 feet to the point of curvature of a 716.78 foot radius curve to the Left;

THENCE, in a Southeasterly direction along the arc of said 716.78 foot radius curve and the West right of way line of Park Road 100, a distance of 424.57 feet to the POINT OF BEGINNING of the tract herein described; which point bears South $60^{\circ}25'53''$ West from the radius centerpoint;

- (1) THENCE, in a Southeasterly direction along the arc of said 716.78 foot radius curve and the West right of way line of Park Road 100 a distance of 110.44 feet to the point of tangency with a line bearing South $38^{\circ}24'$ East;
- (2) THENCE, South $38^{\circ}24'$ East, continuing along the West right of way line of Park Road 100, a distance of 484.05 feet to the point of tangency of a 1,075.42 foot radius curve; which point bears North $51^{\circ}27'30''$ East from the radius centerpoint;
- (3) THENCE, in a Northwesterly direction along the arc of a 1,075.42 foot radius curve to the Left a distance of 392.31 feet to a point on a line bearing South $88^{\circ}03'$ West; which point bears North $30^{\circ}33'25''$ East from the radius centerpoint;
- (4) THENCE, South $88^{\circ}03'$ West, a distance of 112.02 feet (Calculated), (114.43 feet recorded), to a point on "Boyles Survey Line";
- (5) THENCE, North $11^{\circ}23'$ East, along "Boyles Survey Line" a distance of 223.03 feet to the POINT OF BEGINNING and containing an area of 0.65 acre of land, more or less.

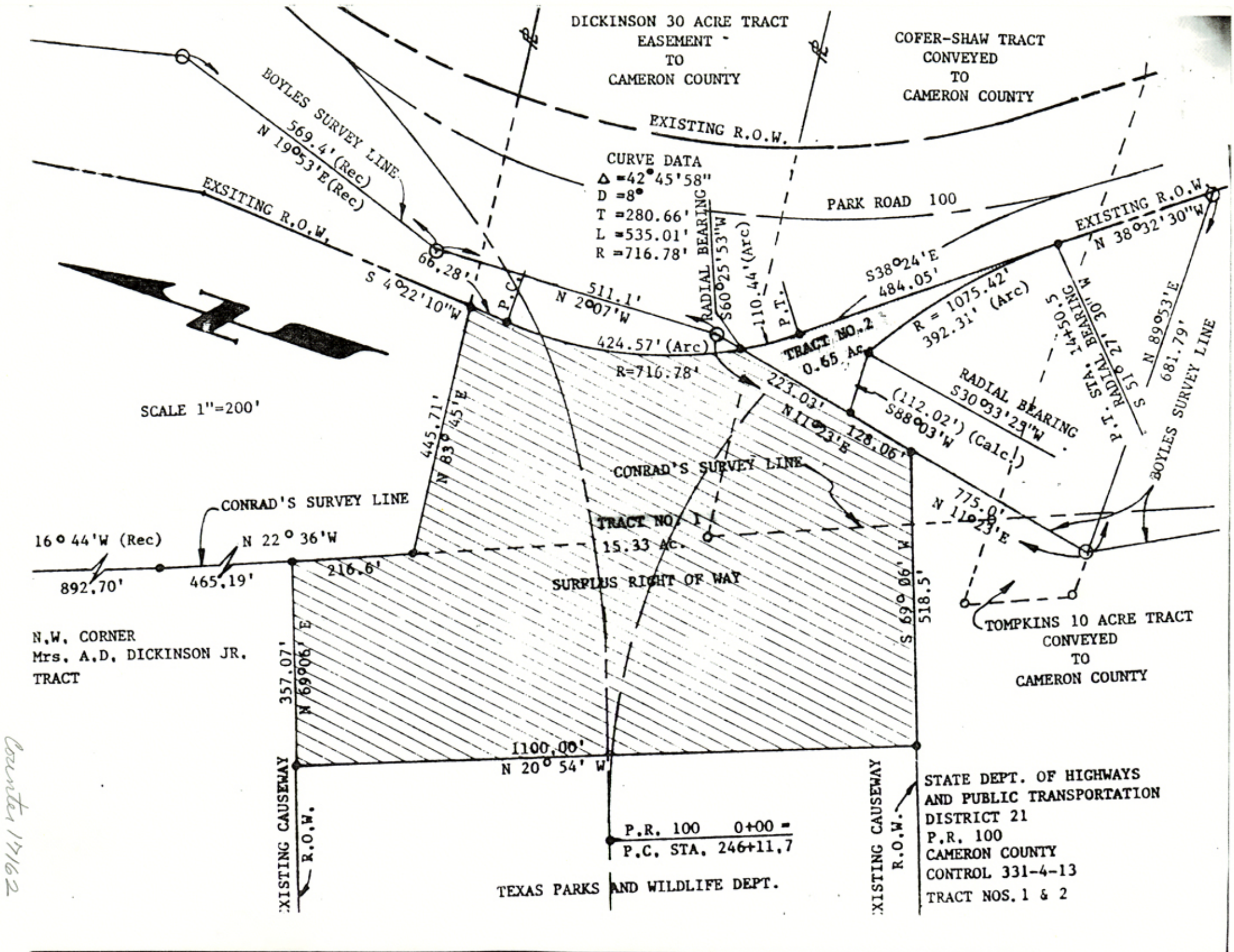


LOCATION OF TRACT NOS. 1 & 2 SURPLUS R.O.W.

SCALE: 1"=5280'

S.D.H.&P.T.
 DISTRICT 21
 PARK ROAD 100
 CONTROL 331-4-13
 TRACT NOS. 1 & 2

Counter 17161



County 17162

GENERAL LAND OFFICE

GARRY MAURO
COMMISSIONER

MEMORANDUM

DATE: 2/20/86

TO: Surveying Division

FROM: Bruce Smith - Land Management

SUBJECT: CORPS OF ENGINEERS PUBLIC NOTICE # 17676

PLEASE REVIEW THE ATTACHED PROJECT AND ADVISE:

* - Please compare this area to the limits of Bay Colony Settlement & advise if this site affects state land outside the judgement boundaries. Please provide overlay showing both sites.
1. Does the project affect state-owned land? Yes _____ No _____

2. If State-owned land is affected please provide the following information:

A. How much state land is involved? _____

B. This project affects State Tract # 748

PIM # _____

Water Body LAGUNA Madre

County _____

C. Comments: See Sketch File

8 & 8-A

By: _____

Date: _____

Cameron Co. Sk. File 8B

APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT

(33 CFR 325)

OMB APPROVAL NO. 0702-0036
Expires 30 June 1986

The Department of the Army permit program is authorized by Section 10 of the River and Harbor Act of 1899, Section 404 of the Clean Water Act and Section 103 of the Marine, Protection, Research and Sanctuaries Act. These laws require permits authorizing activities in or affecting navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters. Information provided on this form will be used in evaluating the application for a permit. Information in this application is made a matter of public record through issuance of a public notice. Disclosure of the information requested is voluntary; however, the data requested are necessary in order to communicate with the applicant and to evaluate the permit application. If necessary information is not provided, the permit application cannot be processed nor can a permit be issued.

One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.

1. APPLICATION NUMBER (To be assigned by Corps)

17676

3. NAME, ADDRESS, AND TITLE OF AUTHORIZED AGENT

Century Engineering, Inc.
9950 Westpark, Suite 200
Houston; Texas 77063 Attn: Tom King

Telephone no. during business hours

A/C () _____ (Residence)
A/C (713) 780-8871 _____ (Office)

2. NAME AND ADDRESS OF APPLICANT

Floyd Dellinger
4120 Southwest Freeway, Suite 210
Houston, Texas 77027

Telephone no. during business hours

A/C () _____ (Residence)
A/C (713) 627-8906 _____ (Office)

Statement of Authorization: I hereby designate and authorize CENTURY ENGINEERING, INC. to act in my behalf as agent in the processing of this permit application and to furnish, upon request, supplemental information in support of the application.

SIGNATURE OF APPLICANT

Floyd L. Dellinger

DATE

2-6-86

4. DETAILED DESCRIPTION OF PROPOSED ACTIVITY

4a. ACTIVITY

Fill 404 Wetlands Area to raise elevation above tidal influence, approximately 2.5 feet.

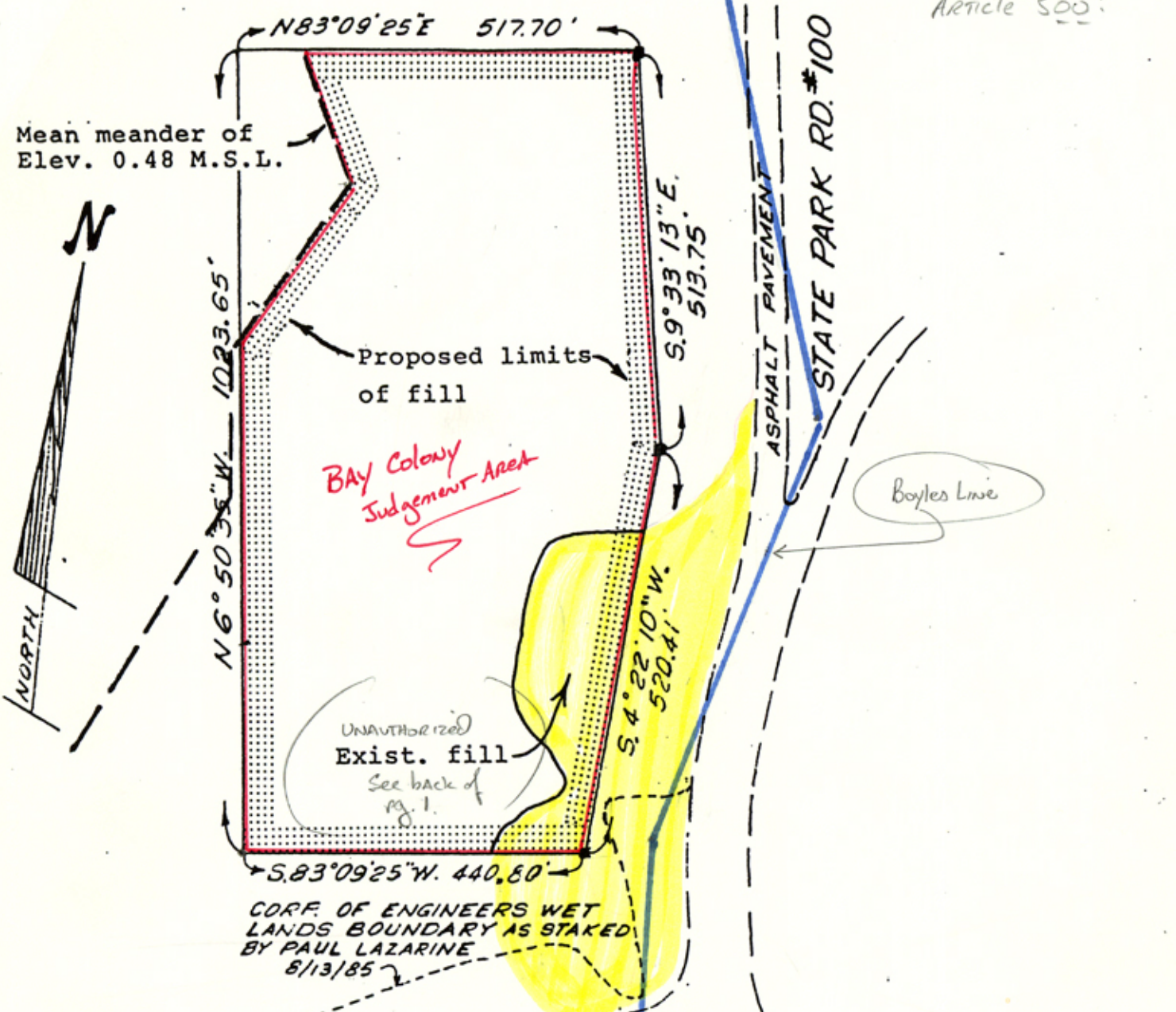
4b. PURPOSE

The filled area will be used for parking construction equipment.

4c. DISCHARGE OF DREDGED OR FILL MATERIAL

No discharge of fill material or dredging is planned or anticipated in the proposed activities.

Counter 17164



OLD CAUSEWAY PAVED DRIVE

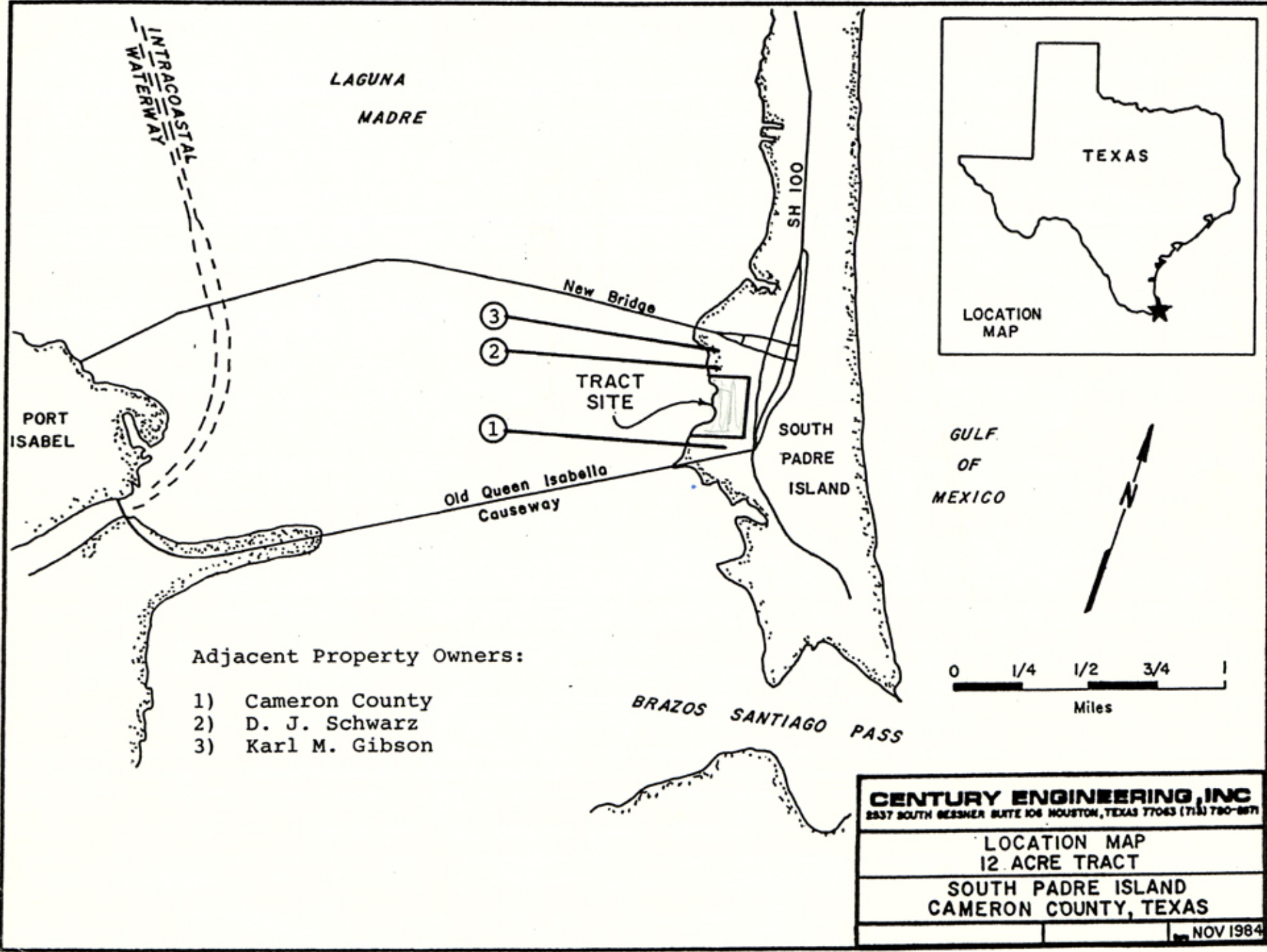
MAP
OF
A 12.0 AC. TRACT OF LAND
OUT OF THE
"DICKINSON TRACT",
SOUTH PADRE ISLAND,
CAMERON COUNTY, TEXAS

NOTE: THIS REPRESENTS A PARTIAL SURVEY OF THE 12.0 ACRE TRACT, INVOLVING GROUND SURVEY OF SOUTH LINE AND THE WET LANDS BOUNDARY LINE ONLY. THE 12.0 ACRE TRACT IS FROM SURVEY PREPARED BY WILLIAM N. LOTHROP, DATED 6-8-84.

PREPARED BY FABIAN, NELSON & MEDINA, INC. McALLEN, TEXAS	
C. L. FABIAN - P. C. MEDINA Registered Public Surveyors <i>[Signature]</i> BK. 356-M P. 7 SCALE 1" = 200' DATE 8-26-85	

Counter 17165

Courtesy 1/7/66



Adjacent Property Owners:

- 1) Cameron County
- 2) D. J. Schwarz
- 3) Karl M. Gibson

CENTURY ENGINEERING, INC	
2537 SOUTH BESSNER SUITE 106 HOUSTON, TEXAS 77063 (713) 790-8871	
LOCATION MAP	
12 ACRE TRACT	
SOUTH PADRE ISLAND	
CAMERON COUNTY, TEXAS	
	NOV 1984

John Warren Hwy Dept R-O-W

GENERAL LAND OFFICE

50th legisl

GARRY MAURO
COMMISSIONER

Ch. 835

MEMORANDUM

DATE: March 13, 1986

TO: Sidney Swearingen
FROM: Bruce Smith
SUBJECT: Highway Department R.O.W.

Incident

I have learned that fill material is being placed on the area depicted in yellow on Attachment A, adjacent to Park Road 100 on South Padre Island. An aerial photograph of the area is attached.

Circumstances

The area outlined in red on Attachment A was state-owned land before being conveyed to the Bay Colony Property Company, Inc. by court judgement as shown in Attachment B. Field notes for this tract call for the eastern judgement line to follow the western R.O.W. line for Park Road 100.

Herman Forbes advises that the Highway Department was granted authorization for construction of the Old Queen Isabella Causeway by the state legislature, but is unsure of the date or article number. This authorization presumably included authority to establish R.O.W. limits for Park Road 100 but we have no documentation to confirm this.

An approximate location of the Boyles Line is shown in blue on Attachment A.

In previous situations (i.e. Packery Point Limited - CE 81-057) the Land Office has retained authority, and has in fact issued grants of interest within highway R.O.W. so long as it did not interfere with maintenance or use of the roadway.

Additional information about ownership limits in the area is attached for your reference.



Cameron Co Sk. File 8B

Counter 17167

Questions

- 1) Does the original grant from GLO to the Highway Department for construction of the Old Queen Isabella Causeway set R.O.W. limits for Park Road 100 in the area indicated in yellow, or was the grant limited to the Causeway itself?
- 2) Does the Land Office have authority to regulate works and set fees for projects within the highway R.O.W. at this location when those works are not related to maintenance or use of the public roadway?

Coates 1/7/68

RECEIVED
JUN 30 1986
GENERAL LAND OFF.

June 25, 1986

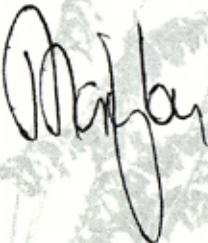
The Honorable Garry Mauro
General Land Office of Texas
Commissioner
Stephen F. Austin Building
1700 North Congress Avenue
Austin, Texas 78711

Dear Garry,

Enclosed are my comments and the comments of Don Hockaday on an application to fill the marsh between the two causeways, South Padre Island.

As you can see we think it ridiculous or worse. I believe part of this land belongs to the State of Texas. Would you care to comment?

Sincerely,



Cameron Co. Sk. File 8B

mary lou campbell post office box 2189 south padre island texas 78597 512 943 5571

Counter 17169

June 25, 1986

Colonel Gordon Clarke
United States Army Corps of Engineers
Post Office Box 1229
Galveston, Texas 77553

Dear Colonel Clarke,

I am writing to protest the acceptance of the application 17676, much less any permitting that might result. How could such a project be allowed into the permitting process? How can this project be even remotely water dependent? What happened in your screening process? I have spoken with Mr. Edward Hummel on the telephone, but received vague or unsatisfactory answers, therefore, I am writing you.

This is a beautiful, classic wetland. It is in a resort area. It is very productive for wildlife. It is vegetated with black mangrove and other typical marsh growth. It harbors both resident and migratory birds. It is important to the commercial and recreational fishery. The waters are an excellent and very popular wade-fishing spot.

The applicant has already filled some of this area. This was reported to the Brownsville office and were were assured that it was not permitted and would be stopped. Now comes the applicant, after the fact, asking for permission. In my view, he should rebuild what he has desecrated and the permit should be denied.

I am sure that the agencies will comment as to specific environmental and biological facts. As a member of the public who receives applications, and comments from time to time, I resent the Corps of Engineers sending out an application to fill a wetland for the storage of heavy equipment. It is ludicrous. The presumption is that the applicant must prove that he has an over-riding need to fill a wetland. Where is this need? Could he not accomplish this storage, away from water, in a much safer, economical and more practicable manner? Why should the public and governmental agencies have to take up time and money to comment on such an application. Could not this have been taken care of in-house? These questions need to be answered.

Yours very truly,

Mary Lou Campbell

encl

cc: Texas General Land Office ✓
Texas Water Commission
Texas Parks and Wildlife Department
United States Fish and Wildlife Service
National Marine Fisheries Service

mary lou campbell post office box 2189 south padre island texas 78597 512 943 5571

counter 17170



PAN AMERICAN
UNIVERSITY

Coastal Studies Laboratory
(512) 943-2644
101

June 23, 1986

Department of the Army
Galveston District, Corps of Engineers
P.O. Box 1229
Galveston, TX 77553-1229

RE: PERMIT APPLICATION - 17676 13 June 1986
of Mr. Floyd Dellinger, Laguna Madre Wetlands, So. Padre Is.

Dear Sirs:

My first reaction to reading this permit application was to check to see if it was dated "April 1." It looks like the winning entry in a contest, "Who can identify a particularly valuable wetland area and think up the most absurdly wasteful use for it?"

1.0 Value: The wetland in question has ecological, social and economic value to the general public.

1.1 Ecological value: This wetland area is vegetated for the most part by a Salicornia marsh, mostly composed of Salicornia bigelovii, but with at least some Avicennia germinans and other typical marsh species of the area. Without surveying the area, it is difficult for me to tell where the western extent of this project ends. It may extend into one of the most well developed growths of A. germinans in the area. Small A. germinans are obviously within the project area, and filling to near the well developed plants will certainly impact them from fill erosion and from a cut-off of the natural transition into high marsh. Also in danger of impact due to filling process and modification of transition is the extensive bed of Thalassia testudinum that exists in the broad flat to the west of the project area, beyond the mangroves.

1.1.1 Inlet influence: This marsh area is about one mile from a natural pass, Brazos Santiago Pass, and receives benefit of an influence of the pass. This marsh, the one just north of the New Queen Isabella Causeway, and the one at Mexiquita Flats are the only well developed marshes in the Lower Laguna Madre that receive this high of a beneficial influence from the inlet.

1.1.2 Red Mangroves: Sherrod, et al. (1986) documented the establishment of Rhizophora mangle in the bordering low marsh prior to the 1983 freeze, which killed these plants. Although this species is now gone from this area, and consequently the coast of Texas, the fact that this species did establish here is an indication of the unique quality of this particular marsh.

1.1.3 Limited habitat: Brown, et al. (1980) estimates that there are only two square miles of marine to brackish water marsh left in the Cameron/Willacy County area. This 12 acres alone amounts to nearly one percent of all of such marshland in a two county area.

1.1.4 Low intertidal: West of the project area, beyond the mangroves is a broad lower-intertidal shelf. This area has a well developed seagrass bed composed mostly of Thalassia testudinum, which is limited in abundance in the Lower Laguna Madre north of the Brownsville Ship Channel. During low tide, the shelf is seen to be intensively utilized as a feeding area for waterbirds.

1.2 Economic value: This marsh is of economic value through the importance of such marshes to commercial fisheries, sportsfishery and tourism.

1.2.1 Commercial fisheries: It is well established that the Lower Laguna Madre is a nursery area for commercial shrimp. Marshes are known to be beneficial to juvenile and young adult shrimp. Shrimp landings in the Port Isabel/Brownsville area account for a direct, yearly economic impact of around \$50 Million. There is some oyster, Crassostrea virginica, production in the intertidal area west of the project area. Although not extensive adjacent to the project area, the oyster production of the area is presently low and apparently declining.

1.2.2 Sportsfishing: Marshes are known to be beneficial to the young of sports and commercial fishes of the area (Hook, 1986). The proposed project will directly eliminate a significant amount of high marsh, usable by young fishes. It will also indirectly impact the adjacent low marsh. In addition, the water west of the project area is used by sportsfishermen, being one of the few areas on South Padre Island that provides both good wadefishing and easy access by land. The area is adjacent to the State Fishing Pier which presently is the only public fishing pier in South Texas.

1.2.3 Tourism: The project area is located just south of the access to the New Queen Isabella Causeway. It is part of the entrance to the Town of South Padre Island. South Padre Island is a major tourist destination, bringing millions of dollars into the area by way of tourism. The residents, business people, and elected officials of the Town of South Padre Island are very aware of the impact of the entrance area of their town on their

economy. An extensive beautification project is presently underway for the area north of the project area. Last year about \$40,000 was spent on initial work covering about half of the intended beautification area. Another \$10-12,000 was spent this year on that same area, not counting maintenance (Beacher, 1986). I conclude that the town of South Padre Island places a value of upward of \$100,000 plus annual maintenance costs on the first impression of a visitor to the Town. I personally think that converting this marsh into a storage yard of heavy equipment and materials would be disastrous to the first impression of visitors and would be damaging to the local economy. The money already invested in beautification of the access area to the town of South Padre Island would be a total waste if this project application is approved.

Likewise, Cameron County is presently undergoing an extensive development of Isla Blanca Park, beginning just south of the project area. Visitors to this park will have to drive right past this storage yard. Cameron County expects to gain direct revenue from these visitors by way of a toll. The impact on these visitors, and consequently the revenue of the toll gate, would be negatively affected.

1.3 Social value: The marshland impacted by this project, along with the somewhat less developed marsh immediately to the north, are the only such well developed marshes that are commonly seen by residents of the lower Rio Grande Valley. They are the only such marshlands that are ever seen by many visitors to Cameron County from other parts of the United States. This gives the project added value from the standpoint of education and awareness of the marine, semi-tropical marsh.

2.0 Deficiencies: The permit application is deficient in information needed to properly evaluate the project.

2.1 Location information: The application is vague concerning the exact location of the proposed project. Certainly the general location and the specific dimensions of the project area are clear. However, I must assume a scale and estimate the distance from the paved roads in order to get an idea of the areas to be impacted. I can not take the time and expense to survey the area to learn what environmental components will be directly impacted. The applicant should at least provide a map scale and the distances of the boundaries from the Old Causeway Paved Road and State Park Road 100. Better would be to establish temporary monuments at surveyor's turns.

2.2 Environmental survey: The applicant should provide a survey of the habitat types present in the project area and the surrounding area. It should not be left to commenters, including governmental agencies, to expend time and energy to each go through the project area to survey the habitats. The information should be sufficiently clear to allow a spot check for accuracy

I further urge the US Army Corps of Engineers to refuse to publish applications that are so blatantly obvious to be contrary to the public good.

yours truly,

Don Hockaday, Educational Assistant

references

- Beacher, Gary. 1986. Personal communication. Director of Public Works. Town of South Padre Island, Texas.
- Brown, F.L. Jr., J.L. Brewton, T.J. Evans, J.H. McGowen, W.A. White, C.G. Groat, and W.L. Fisher. 1980. Environmental Geologic Atlas of the Texas Coastal Zone: Brownsville-Harlingen Area. Bureau of Eco. Geol., Univ. Texas, Austin. 140 pp.
- Hook, John. 1986. Seasonal variation in relative abundance and diversity of fishes in South Bay, Texas, A secondary bay in the Laguna Madre bay system. MS Thesis, Pan American University, draft.
- Sherrod, C. Lee, Donald L. Hockaday & Calvin McMillan. in press. Survival of red mangroves, Rhizophora mangle, on the Gulf of Mexico coast of Texas.



DEPARTMENT OF THE ARMY
GALVESTON DISTRICT, CORPS OF ENGINEERS
P.O. BOX 1229
GALVESTON, TEXAS 77553-1229

REPLY TO
ATTENTION OF:

JOINT PUBLIC NOTICE
U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT
AND
TEXAS WATER COMMISSION

SWGCO-RP, PERMIT APPLICATION-17676

13 June 1986

To Whom It May Concern:

This district has received an application for an after the fact Department of the Army permit as described below:

APPLICANT: Mr. Floyd Dellinger, Suite 210, 4120 Southwest Freeway, Houston, Texas 77027.

AUTHORIZED AGENT OF APPLICANT: Century Engineering, Inc., 9950 Westpark, Suite 200, Houston, Texas 77063. Attn: Mr. Thomas King (713) 780-8871.

WATERWAY AND LOCATION: Laguna Madre wetlands, adjacent to the west side of Park Boulevard, just outside the South Padre Island Corporate limits, Cameron County, Texas.

WORK: The applicant has placed fill in an approximately 400-foot by 80-foot wetland area adjacent to the north side of the Old Queen Isabella Causeway access road and in another 300-foot by 165-foot area adjacent to the west side of Park Boulevard. The applicant proposes to continue filling in a 12-acre tract of wetlands as shown on the attached plans. The purpose of the fill is to establish a storage yard for heavy equipment and materials.

AUTHORIZATION FROM OTHER AGENCIES: Texas Water Commission certification is required. Concurrent with processing of this Department of the Army application, the Texas Water Commission (TWC) is reviewing this application under Section 401 of the Clean Water Act and applicable State regulations to determine if the work would comply with State water quality standards. By virtue of an agreement between the U.S. Army Corps of Engineers and the TWC, this public notice is also issued for the purpose of advising all known interested persons that there is pending before the TWC a decision on water quality certification under such act. Comments on the water quality certification process should be submitted to the Texas Water Commission, Water Quality Division, P.O. Box 13087, Capitol Station, Austin, Texas 78711.

Plans of the proposed work may be seen at the office of the District Engineer in the Essayons Building, 444 Barracuda, Galveston, Texas or at the Brownsville Area Office, Brownsville, Texas.

Counter 17175

A preliminary review of this application indicates that an Environmental Impact Statement is not required. Since permit assessment is a continuing process, this preliminary determination of EIS requirement will be changed if data or information brought forth in the coordination process is of a significant nature.

The application will be processed pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. Any person may request a public hearing. The request must be submitted in writing to the District Engineer within 30 days of the date of this notice and must clearly set forth with particularity the reasons for holding a public hearing.

Evaluation of the probable impacts involving deposits or discharge of dredged or fill material into Waters of the United States will include the application of guidelines established by the Administrator of the Environmental Protection Agency.

The District Engineer has consulted the published listings of the National Register and has determined that National Register properties do not exist within the affected area.

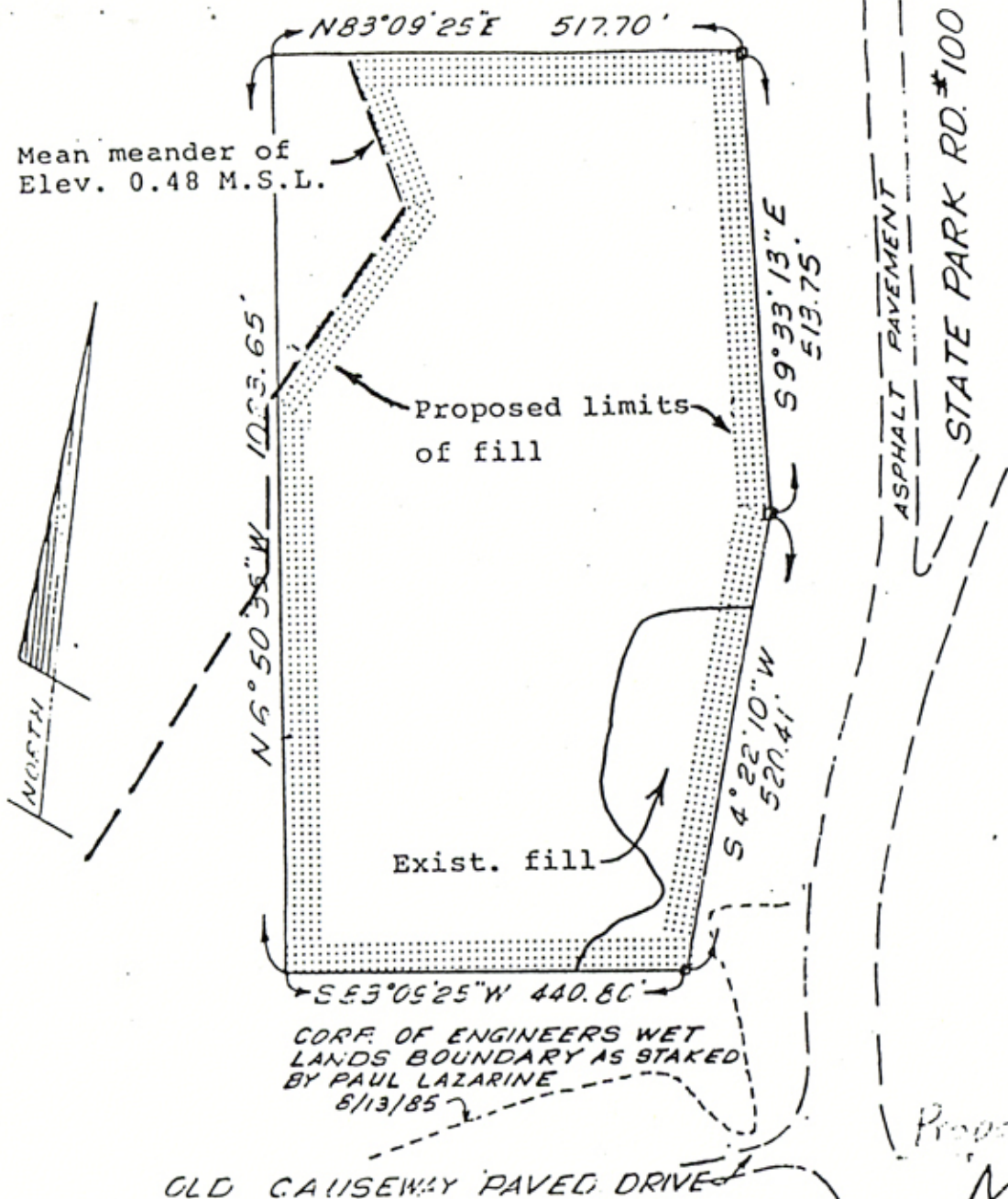
Preliminary indications are that no known endangered species or their critical habitat will be affected by the proposed work.

This public notice is being distributed to all known interested persons in order to assist in developing facts on which decision by the Corps of Engineers can be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition. The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and, in general, the needs and welfare of the people. No permit will be granted unless its issuance is found to be in the public interest.

17676

Counter 17176

17676

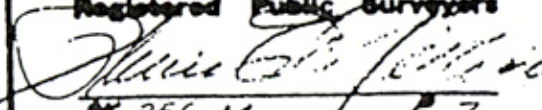



OLD CAUSEWAY PAVED DRIVE

Proposed
MAP

OF
A 12.0 AC. TRACT OF LAND
OUT OF THE
"DICKINSON TRACT",
SOUTH PADRE ISLAND,
CAMERON COUNTY, TEXAS

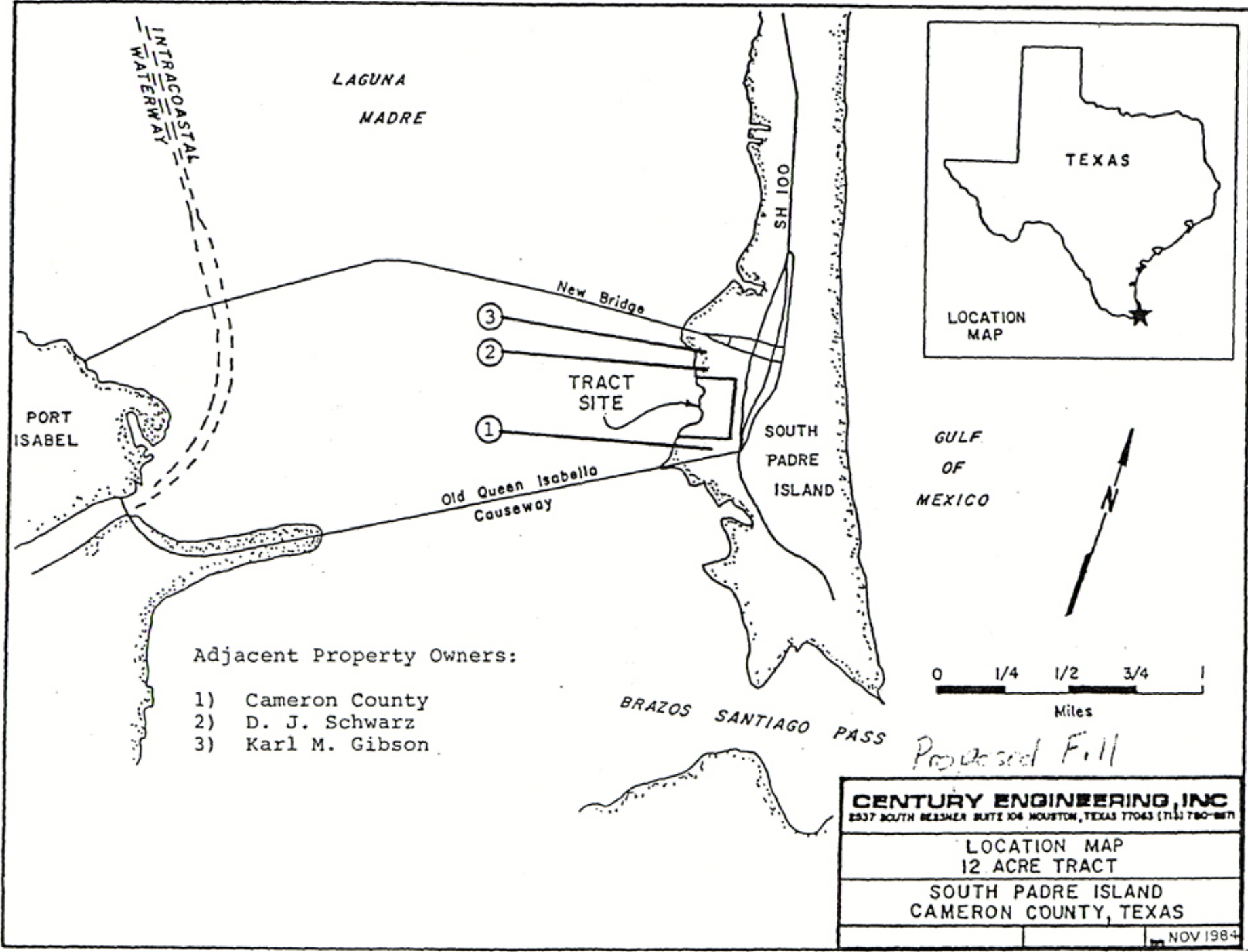
NOTE: THIS REPRESENTS A PARTIAL SURVEY OF THE 12.0 ACRE TRACT, INVOLVING GROUND SURVEY OF SOUTH LINE AND THE WET LANDS BOUNDARY LINE ONLY. THE 12.0 ACRE TRACT IS FROM SURVEY PREPARED BY WILLIAM N. LOTHURP, DATED 6-8-84.

PREPARED BY FABIAN, NELSON & MEDINA, INC. McALLEN, TEXAS	
C. L. FABIAN - P. C. MEDINA Registered Public Surveyors  EX. 356-M P. 7 SCALE 1" = 200' DATE 8-26-85	

Counter 17177

17676

Counter 17178



PORT ISABEL

LAGUNA MADRE

SH 100

New Bridge

- ③
- ②
- ①

TRACT SITE

SOUTH PADRE ISLAND

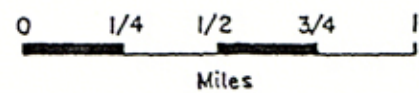
Old Queen Isabella Causeway

GULF OF MEXICO

Adjacent Property Owners:

- 1) Cameron County
- 2) D. J. Schwarz
- 3) Karl M. Gibson

BRAZOS SANTIAGO PASS



Proposed Fill

CENTURY ENGINEERING, INC 2537 SOUTH BEESNER SUITE 104 HOUSTON, TEXAS 77063 (713) 780-8871	
LOCATION MAP 12 ACRE TRACT	
SOUTH PADRE ISLAND CAMERON COUNTY, TEXAS	
	NOV 1984

Bruce - FYL

7-7-86

DAN,

Copy of letter drafted by Land Mgmt. in response to Ms. Campbell's letter to the Commissioner.

Our files indicate that this matter went through surveying and then to your shop on 3/13/86. So FAR NO response.

Please call if you need more info. (3-5055) Bruce

July 3, 1986

Ms. Mary Lou Campbell
P. O. Box 2189
South Padre Island, Texas 78597

Re: Your letter of June 25, 1986

Dear Ms. Campbell:

I appreciate your concern and comments about possible damage to state-owned and private wetlands near South Padre Island.

My staff is aware of the unauthorized filling described in Corps of Engineers Public Notice 17676 and has been working on the matter since February of this year.

Due to a judgement entered into between the General Land Office and Bay Colony Property Company, Inc., on December 3, 1982, the state no longer owns a 12-acre parcel of land between the old and new Queen Isabella causeways and just west of the fill site in question. The limits of this 12-acre site are shown on the map attached to your letter.

Our Legal Division is now working to determine if the state has jurisdiction over the area between the 12-acre site and Park Road 100. If so, we will take appropriate action to protect the state's interest in these lands.

Thank you for your continued support.

Sincerely,

Garry Mauro
Garry Mauro
Texas Land Commissioner
GM:CBS:vw

Cameron Co. Sk. File 8B

Garry Mauro
Commissioner
General Land Office
Stephen F. Austin Building
1700 North Congress Avenue
Austin, Texas 78701
(512) 475-2071

7-11-86
+ fully developed
Call Bruce Smith &
get copy of letter
from Mary Lou Campbell
(to which GM's 7-3-86
letter responded)

3-5055

Counter 17179

Garry Mauro
Commissioner
General Land Office



August 7, 1986

Mr. G. G. Garcia, District Engineer
State Department of Highways and Public Transportation
P.O. Drawer EE
Pharr, Texas 78577

Re: Right-of-way, State Park Road 100,
South Padre Island, Cameron County
Our Project #86-256

Attention: Mr. Mike Vourcos

Dear Mr. Vourcos:

Pursuant to our conversation I enclose copies of the 1982 judgment and the application filed with the Army Corps of Engineers regarding property in the area we were discussing.

It will certainly be appreciated if you can furnish a copy of whatever documentation exists showing how the Highway Department and the county (originally) acquired the right of way (or fee interest) in the area to the west of Boyles Line.

Thank you for offering to help us examine these questions.

Sincerely,

C. Fielding Early, Jr.

C. Fielding Early, Jr.
Legal Services Division
(512) 463-5019

CFE/kam

Enclosures

Cameron Co. Sk. File 8B

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

Counter 17180

July 3, 1986

Ms. Mary Lou Campbell
P. O. Box 2189
South Padre Island, Texas 78597

Re: Your letter of June 25, 1986

Dear Ms. Campbell:

I appreciate your concern and comments about possible damage to state-owned and private wetlands near South Padre Island.

My staff is aware of the unauthorized filling described in Corps of Engineers Public Notice 17676 and has been working on the matter since February of this year.

Due to a judgement entered into between the General Land Office and Bay Colony Property Company, Inc., on December 3, 1982, the state no longer owns a 12-acre parcel of land between the old and new Queen Isabella causeways and just west of the fill site in question. The limits of this 12-acre site are shown on the map attached to your letter.

Our Legal Division is now working to determine if the state has jurisdiction over the area between the 12-acre site and Park Road 100. If so, we will take appropriate action to protect the state's interest in these lands.

Thank you for your continued support.

Sincerely,

Garry Mauro
Garry Mauro
Texas Land Commissioner
GM:CBS:vw

Cameron Co. Sk. File 8B

Garry Mauro
Commissioner
General Land Office
Stephen F. Austin Building
1700 North Congress Avenue
Austin, Texas 78701
(512) 475-2071

Counter 17181



MEMO from
DAN MILLER

July 9, 1986

"Who is working on this ~~money~~,
what is the ~~status~~?"
Status
Dan

*Have response to Dan
7-11-86
CFE*

*Dan,
/ Charles deal get
a copy of this.
He assigned it
to fielding.*



191

COMMISSION

ROBERT C. LANIER, CHAIRMAN
THOMAS M. DUNNING
RAY STOKER, JR.

STATE DEPARTMENT OF HIGHWAYS
AND PUBLIC TRANSPORTATION

P. O. Drawer EE
Pharr, Texas 78577-1231
August 15, 1986

ENGINEER-DIRECTOR
MARK G. GOODE

District 21
Cameron County
Park Road 100
Control 331-4-

Fill Area on Bay Colony Property Company, Inc.

Mr. C. Fielding Early, Jr.
Legal Services Division
General Land Office
Stephen F. Austin Bldg.
1700 North Congress Ave.
Austin, Texas 78701

*CF called Austin Row
Division on 8-21-86
I talked to
Ronald Cloyd
who will get
copy of document
recorded at
Vol. 910, Pg 833
Cameron County
Deed Records, but
it will have to
come from Cameron
County*

Dear Mr. Fielding:

A review by this office of the area owned by the Bay Colony Property Company, Inc., indicates that the fill area does not encroach on the State owned right of way for Park Road 100.

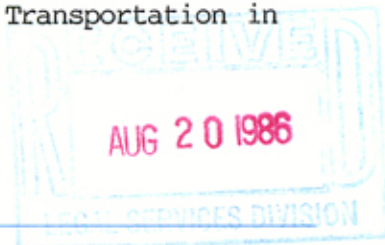
The original road right of way was obtained by Cameron County as an easement in 1954. The instrument is recorded in Vol. 586, Page 502, of the Deed Records of Cameron County, Texas. On the enclosed map, the area of the easement is shown in red.

The additional right of way required for the reconstruction of Park Road 100 was obtained in 1971 by Cameron County in fee and is recorded in Vol. 910, Page 833 of the Deed Records of Cameron County, Texas. This area is shown in green on the attached map.

We have shown the area owned by Bay Colony Property Company, Inc. as described by metes and bounds in the copy of Judgement you furnished this office. This area is colored in brown.

Enclosed for your use and information is a copy of the Park Road 100 right of way map and a copy of the instrument by which Cameron County obtained the original road right of way in 1954. A copy of the instrument by which the State acquired the additional right of way in 1971 may be obtained from the Right of Way Division of the State Department of Highways and Public Transportation in Austin.

Cameron Co. Sk. File 8B



Counter 17182

Mr. C. Fielding Early, Jr.

-2-

August 15, 1986

If we can be of further assistance, please advise.

Sincerely,

G. G. Garcia
District Engineer

By: 

M. E. Vourcos
District Right of Way Engineer

MEV:vss
Enclosures

cc: D-15

Counter 17183

BE IT REMEMBERED that on this the 27th day of May, A. D. 1954, at a Special meeting of the Commissioners' Court of Cameron County, Texas, at which there were present the following County Commissioners, to-wit: Oscar C. Dancy, County Judge
B. H. Ginn, Jr., Commissioner Precinct Number Two
J. T. Foster, Commissioner Precinct Number Four

It was moved by Commissioner J. T. Foster, and seconded by Commissioner B. H. Ginn, Jr., that the following order be adopted. Upon being put to vote the motion was unanimously carried, including the adoption of the order.

The Order is as follows:

ORDER

Authorizing the County Judge of Cameron County, Texas, to execute an instrument providing for the exchange between Cameron County, Texas, and Agnes Anna Dickinson, of certain right-of-way easements on Padre Island.

Be it, and it is hereby, ORDERED that Oscar C. Dancy, County Judge of Cameron County, Texas, and H. D. Seago, County Clerk of Cameron County, Texas, are hereby authorized to execute and deliver an instrument exchanging one easement for right-of-way on Padre Island for another which Cameron County, Texas desires to abandon, the said instrument to be executed to be included in a certified copy of this order, so that the certified copy of this order and the instrument to be executed shall comprise one instrument for the purpose of recording; the said instrument being in words and figures of the tenor following, to-wit:

Vol 586 Page 502

THE STATE OF TEXAS |
COUNTY OF CAMERON |

KNOW ALL MEN BY THESE PRESENTS:

THAT WHEREAS, heretofore, on the 6th day of May, A. D. 1949, Agnes Anna Dickinson, a feme sole, executed and delivered to Cameron County, Texas an instrument conveying to Cameron County, Texas a right-of-way for highway purposes on Padre Island, which instrument is recorded in Vol. 464, p. 463, Deed Records of Cameron County, Texas, said tract being hereinafter described as Tract No. 1; and

WHEREAS, it has subsequently been discovered that the said easement for said right-of-way purposes, hereinafter described as Tract No. 1, is not suitable for the purposes for which it was intended, and it is desired to abandon said easement and transfer said right-of-way to the owners of the fee, and receive in exchange an easement for right-of-way purposes, hereinafter described as Tract No. 2;

NOW KNOW, the County of Cameron, Texas, by authority of an order adopted by the Commissioners' Court of Cameron County, Texas, and in consideration of the exchange of easements hereinafter set forth, and of other good and valuable considerations in hand paid by Agnes Anna Dickinson, of Cameron County, Texas, does hereby abandon the said easement over the lands hereinafter described as Tract No. 1, and has quitclaimed and does by these presents quitclaim unto the said Agnes Anna Dickinson all of its right, title, interest, claim and demand in and to said tract of land situated on Padre Island in the County of Cameron, State of Texas, bounded and described as follows, to-wit:

TRACT NO. 1

BEGINNING at a concrete monument, said monument is the northwesterly corner of the Coast Guard Station's 10.51 acre tract on Padre Island in Cameron County, Texas;
THENCE, N. 13 deg. 28 min. W. 692.4 ft. to a point;
THENCE, N. 22 deg. 36 min. W. 160.4 ft. to a point;
said point is the northwesterly corner of the U. S. Government's Reservation 148.70 acre tract on Padre Island in Cameron County, Texas;
THENCE, N. 22 deg. 36 min. W. 698.5 ft. to a point;
THENCE, N. 1 deg. 12 min. 20 sec. E. 502.94 ft. to a point;
THENCE, N. 83 deg. 45 min. E. 50 ft. to a point, for a point of beginning of the tract herein described;
THENCE, N. 1 deg. 12 min. 20 sec. E. 1534.43 ft. to a point;
THENCE, N. 83 deg. 45 min. E. 201.7 ft. to a point;
THENCE, S. 1 deg. 12 min. 20 sec. W. 1534.43 ft. to a point;
THENCE, S. 83 deg. 45 min. W. 201.7 ft. to a point, the point of beginning, containing 7.04 acres, more or less;

With all and singular the right, title, interest, estate, claim and demand of the County of Cameron, Texas, in and to the hereditaments and appurtenances thereunto belonging or in anywise pertaining;

TO HAVE AND TO HOLD the above released rights, titles, interests, claims and demands unto the said Agnes Anna Dickinson, her heirs and assigns, forever.

In consideration of the presents, and of the above release and quitclaim of the aforesaid right-of-way easement over said Tract No. 1, Agnes Anna Dickinson, of Cameron County, Texas, does by these presents GRANT, BARGAIN, SELL AND CONVEY unto the County of Cameron, Texas, the free and uninterrupted use, liberty and privilege of the passage in, along, upon and across the following lands, more particularly described as follows, to-wit:

TRACT NO. 2

BEING a tract of land for road right-of-way purposes containing 5.10 acres out of and a part of a certain 133.33 acre tract located on South Padre Island, Cameron County, Texas. Said 133.33 acre tract being conveyed by a Deed dated February 22, 1929, from Padre Island Hotel Company to A. B. Dickinson, Jr., and recorded in Vol. 196, p. 2 of the Deed Records of Cameron County, Texas, said 5.10 acre tract being more particularly described as follows:

BEGINNING at the N.W. Corner of the U.S. Coast Guard 10.51 acre tract on South Padre Island, Cameron County, Texas; THENCE N. 13 deg. 28 min. W. 692.4 ft.; THENCE N. 22 deg. 36 min. W. ~~160.4~~ 158.9 ft. to the S.W. Corner of the said 133.33 acre tract; THENCE with the W. line of the said 133.33 acre tract N. 22 deg. 36 min. W. 518.91 ft.; THENCE N. 83 deg. 45 min. E. 47.16 ft. to the place of beginning of the 5.10 acre tract and the S.W. Corner of same; THENCE following a curve in a NORTHEASTERN direction, the tangent of which bears N. 39 deg. 36' 55" E. and the radius of which is 2927.22 ft. thru an arc of 14 deg. 39' 55", a distance of 748.39 ft. THENCE N. 25 deg. 01' E. 422.51 ft. THENCE following a curve to the left the radius of which is 1382.4 ft. thru an arc of 25 deg. 27' 10", a distance of 614.11 ft. more or less to a point in the N. line of the said 133.33 acre tract; THENCE following the N. line of the said 133.33 acre tract N. 83 deg. 45 min. E. 100.67 ft. THENCE following a curve in a southwesterly direction, the tangent of which bears S. 0 deg. 50' 40" E. and the radius of which is 1482.40 ft. thru an arc of 25 deg. 50' 40" a distance of 668.67 ft. THENCE S. 25 deg. 01' W. 422.51 ft. THENCE following a curve to the left the radius of which is 1,110.53 ft. thru an arc of 22 deg. 12' 45" a distance of 430.53 ft. THENCE S. 2 deg. 47' 15" W. 131.61 ft. more or less, THENCE S. 83 deg. 45 min. W. 383.05 ft. to the point and place of beginning, containing 5.10 acres, more or less.

The said conveyance is made for the purpose of opening, constructing and maintaining a permanent highway in, along, upon and across said premises, with the right and privilege at all times of the grantees herein, its agents, employees, workmen and representatives having ingress, egress, and regress in, along, upon and across said premises for the purpose of making additions to, improvements on and repairs to the said highway, or any part thereof.

It is specifically understood that the County and its assigns shall be vested with the title to and the right to take and use, without additional compensation, any stone, earth, gravel, caliche or any other materials or minerals upon, in and under said land, except oil, gas and sulphur, for the construction and maintenance of the Highway System of Cameron County, Texas.

And it is further agreed that Cameron County in consideration of the benefits above set out, will remove from the property above described such fences, buildings and other obstructions as may be found upon said premises.

Full power is hereby granted to said County of Cameron to convey said easement to the State of Texas.

TO HAVE AND TO HOLD unto the said County of Cameron as aforesaid for the purposes aforesaid the premises above described.

Witness the signature of the County Judge of Cameron County, Texas, thereunto duly authorized by order of the Commissioners' Court of Cameron County, Texas, and the hand of Agnes Anna Dickinson this the 27th DAY OF May, A.D. 1954.

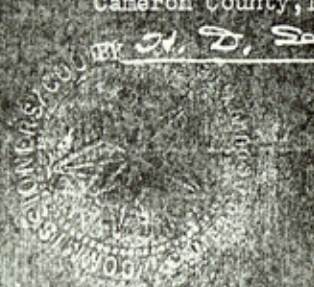
COUNTY OF CAMERON, TEXAS

BY George E. Dow
County Judge of Cameron County
TEXAS.

ATTEST: (SEAL)
H. D. SEAGO, County Clerk,
Cameron County, Texas

H. D. Seago Deputy.

Agnes Anna Dickinson
Agnes Anna Dickinson



THE STATE OF TEXAS |
COUNTY OF CAMERON |

BEFORE ME, the undersigned authority, on this day personally appeared Oscar C. Dancy, County Judge of Cameron County, Texas, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same as the free act and deed of said County, as County Judge thereof, and for the purpose and consideration therein expressed, and in the capacity therein stated.

GIVEN under my hand and seal of office this 27 day of May, A. D. 1954.



Mrs. Sara E. Montgomery
Notary Public in and for
Cameron County, Texas

THE STATE OF TEXAS |
COUNTY OF CAMERON |

BEFORE ME, the undersigned authority, on this day personally appeared Agnes Anna Dickinson, 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 consideration therein expressed.

GIVEN under my hand and seal of office this 3 day of December, A. D. 1954.



Sammie R. Reed
Notary Public in and for
Cameron County, Texas

Oscar C. Dancy
County Judge of Cameron
County, Texas

Co. Commissioner Precinct No. 1

J. H. Lind
Co. Commissioner Precinct No. 2

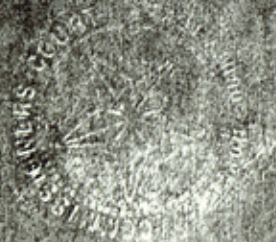
Co. Commissioner Precinct No. 3

J. J. Hoelke
Co. Commissioner Precinct No. 4

THE STATE OF TEXAS |
COUNTY OF CAMERON | I, H. D. Seago, County Clerk of Cameron County, Texas, and as such Ex-officio Clerk of the Commissioners' Court of Cameron County, Texas, do hereby certify that as such County Clerk and such Ex-officio Clerk, I have in my possession and have charge of the minutes of the meetings of the Commissioners' Court of Cameron County, Texas; that the above and foregoing is a true and correct copy of an order adopted by the said Commissioners' Court on the date therein set forth, with the exception that any signatures, or dates, or signatures to acknowledgments and dates thereof in the form of deed set forth in said order which may appear hereinabove were not a part of said order at the time the said order was adopted and certified.

H. D. SEAGO, County Clerk of Cameron County, Texas,
and Ex-Officio Clerk of the Commissioners' Court
of Cameron County, Texas

BY Lepia Garcia Deputy



STATE DEPARTMENT OF HIGHWAYS
AND PUBLIC TRANSPORTATION

INTEROFFICE MEMORANDUM

Austin, Texas

Mr. Fieldings Early

Date August 25, 1986

To: Legal Services Division - General Land Office

From: Ron Cloyd - D-15

Remarks:

Per our telecon of August 21, 1986, attached is
a copy of the instrument of conveyance recorded in
Volume 910, Page 833, Deed Records of Cameron County.

If I can be of further assistance, please advise.

Ron Cloyd

Tel: 835-0803

For your file

Action

Approval

Attention

For your suggestions and please return

For your information and file
please return

For an answer by memo
letter
teletype to be signed by you
telegram me Cameron Co. Sk File 8B

TO:

ENGINEERING SECTION

~~XXXXXXXXXXXXXXXXXXXX~~
D-15

FROM:

DISTRICT 21

ATTN:

MR. RON CLOYD

Counter 17189

Texas Highway Department
Form D-15-14
Page 1 of 4
Rev. 10-61

VOL 910 PAGE 833

DEED RECORDS

DEED
Parcel L-70 8609

THE STATE OF TEXAS

COUNTY OF Cameron

KNOW ALL MEN BY THESE PRESENTS:

That I. Richard B. Dorn

of the County of Nueces, State of Texas, hereinafter referred to as Grantors, whether one or more, for and in consideration of the sum of One Hundred Nine Thousand Six Hundred Twenty (\$ 109,620.00) Dollars to Grantors in hand paid by the State of Texas, acting by and through the State Highway Commission, receipt of which is hereby acknowledged, and for which no lien is retained, either expressed or implied, have this day sold, and by these presents do Grant, Bargain, Sell and Convey unto the State of Texas, all that certain tract or parcel of land in Cameron County, Texas, and being more particularly described as follows, to wit:

Being 11.73 acres of land, more or less, out of and a part of a 22.28 acre parcel of land and a 37.26 acre parcel of land, both being out of and a part of the Mrs. A. D. Dickinson, Jr., tract on Padre Island, as described in an instrument recorded in Volume 196, page 24, Deed Records of Cameron County, Texas; said 22.28 acre tract being the same land described in a deed from Edith Branch Herbert, Executrix of the Estate of Agnes A. Dickinson, to Richard B. Dorn, dated April 12, 1961, recorded in Volume 710, page 9, and said 37.26 acre tract being the same land described in a deed from Edith Branch Herbert, Executrix of the Estate of Agnes A. Dickinson, to Richard B. Dorn, dated April 12, 1961, recorded in Volume 710, pages 3-8, Deed Records of Cameron County, Texas; said 11.73 acres of land, more or less, being more particularly described by metes and bounds as follows:

COMMENCING at the Northwest corner of said Mrs. A. D. Dickinson, Jr., tract, said corner being on the shore line of Laguna Madre, thence as follows:

South 17° 19' 35" East, along the West line of said Mrs. A. D. Dickinson, Jr., tract, along the shore line of Laguna Madre, a distance of 507.02 feet to a point on the North line of said 22.28 acre parcel of land, said point being the Southwest corner of a 11.87 acre parcel of land described in a deed from Jettie View Development Company, Inc., to D. J. Schwarz, dated March 31, 1965, recorded in Volume 780, pages 507-510, Deed Records of Cameron County, Texas;

North 83° 09' 25" East, along the North line of said 22.28 acre tract, a distance of 785.00 feet to a point on the proposed West right of way line of P.R. 100 for the Point of Beginning;

Cameron Co. Sk File 8B

RECEIVED
AUG 25 1965

Coaster 17190

THENCE, continuing North $83^{\circ} 09' 25''$ East, along said North line, a distance of 231.18 feet to the Northeast corner of said 22.28 acre parcel of land;

THENCE, continuing North $83^{\circ} 09' 25''$ East, along said North line, a distance of 423.41 feet to a point on the existing West right of way line of P.R. 100, said point being on the arc of a 1382.69 foot radius curve; said radius bearing at this point South $69^{\circ} 05' 02''$ East from the center point of said curve;

THENCE, continuing North $83^{\circ} 09' 25''$ East, along said North line, across existing road right of way of P.R. 100, a distance of 111.97 feet to a point on the existing East right of way line of P.R. 100, said point being on the arc of a 1482.69 foot radius curve; said radius bearing at this point South $71^{\circ} 06' 00''$ East from the center point of said curve;

THENCE, in a Southwesterly direction along the arc of said 1482.69 foot radius curve to the right, a distance of 144.26 feet to the point of tangency between said 1482.69 foot radius curve and a tangent bearing South $24^{\circ} 28' 30''$ West;

THENCE, South $24^{\circ} 28' 30''$ West, along the existing East right of way line of P.R. 100, a distance of 428.35 feet to the point of tangency between a tangent bearing South $24^{\circ} 28' 30''$ West and the arc of a 1110.53 foot radius curve;

THENCE, in a Southerly direction along the arc of said 1110.53 foot radius curve to the left, a distance of 430.35 feet to the point of tangency between said 1110.53 foot radius curve and a tangent bearing South $2^{\circ} 15' 45''$ West;

THENCE, South $2^{\circ} 15' 45''$ West, along the existing East right of way line of P.R. 100, a distance of 131.82 feet to a point on the South line of said 37.26 acre tract;

THENCE, South $83^{\circ} 09' 25''$ West, along said South line, a distance of 383.38 feet to a point on the proposed West right of way line of P.R. 100, said point also being on the South line of said 22.28 acre parcel of land;

THENCE, North $4^{\circ} 22' 10''$ East, along said proposed West right of way line, a distance of 520.88 feet to a point;

THENCE, North $9^{\circ} 33' 13''$ West, along said proposed West right of way line, a distance of 513.75 feet to the Point of Beginning and containing 11.73 acres of land, more or less, of which 3.90 acres of land, more or less, is within the existing road right of way of P.R. 100.

All bearings appearing in these field notes are grid bearings of the courses run on the Texas Coordinate System, South Zone, use of which Texas Coordinate System, South Zone, for any map, survey, or document has been authorized by House Bill 657.

SAVE and EXCEPT, HOWEVER, it is expressly understood and agreed that Grantors are retaining title to the following improvements located on the above described property, to wit:

None

Grantors covenant and agree to remove the above described improvements from said land by _____, 19____, subject, however, to such extensions of time as may be granted by the State in writing; and if, for any reason, Grantors fail or refuse to remove same within said period of time prescribed, then, without any further consideration, the title to all or any part of such improvements not so removed shall pass to and vest in the State of Texas forever.

Grantors reserve all of the oil, gas and sulphur in and under the land herein conveyed but waive all rights of ingress and egress to the surface thereof for the purpose of exploring, developing, mining or drilling for same; however, nothing in this reservation shall affect the title and rights of the State to take and use all other minerals and materials thereon, therein and thereunder.

Form D-15-14
Page 3 of 4
Rev. 10-63

TO HAVE AND TO HOLD the above described premises herein conveyed together with all and singular the rights and appurtenances thereto in anywise belonging, unto the State of Texas and its assigns forever; and Grantors do hereby bind ourselves, our heirs, executors, administrators, successors and assigns, to Warrant and Forever Defend all and singular the said premises herein conveyed unto the State of Texas and its assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof.

IN WITNESS WHEREOF, this instrument is executed on this the 12^d day of May, 1971.

Richard B. Dorn
Richard B. Dorn

SINGLE ACKNOWLEDGMENT

THE STATE OF TEXAS }
County of Nueces }

NOT 910 PAGE 835

Before me, Billie I. Hoffman, a notary public in and for said County and State, on this day personally appeared Richard B. Dorn

_____, known to me (or proved to me on the oath of _____, a credible witness) to be the person _____ whose name _____

is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this the 12th day of May, 1971

Billie I. Hoffman
Notary Public in and for Nueces County, Texas.

WIFE'S SEPARATE ACKNOWLEDGMENT

THE STATE OF TEXAS, }
County of _____ }

Before me, _____, a notary public in and for said County and State, on this day personally appeared _____, wife of _____,

known to me (or proved to me on the oath of _____, a credible witness) to be the person whose name is subscribed to the foregoing instrument, and having been examined by me privily and apart from her husband, and having the same fully explained to her, she the said _____,

acknowledged such instrument to be her act and deed, and declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

Given under my hand and seal of office, this the _____ day of _____, 19____

Notary Public in and for _____ County, Texas.

Counter 17192

Form D-15-14
Page 4 of 4
Rev. 10-61

CORPORATION ACKNOWLEDGMENT

STATE OF TEXAS

County of _____

VOL 910 PAGE 836

BEFORE ME, the undersigned authority, a notary public in and for _____ County, Texas, on this day personally appeared _____, of _____, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said _____, a corporation and that he executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

Given under my hand and seal of office, this the _____ day of _____, 19_____.

Notary Public in and for _____ County, Texas.

8609

Parcel No. 4-70
County Cameron
Highway No. P.R. 100
Control 8021 Sec. 1 Job 20
Account or Federal No. _____
Between Across Laguna Madre From: Port Isabel To: South Padre Island and _____

DEED

TO Grantors
THE STATE FOR RECORD
Filed for Record
This _____ day of JUN 21 1971 at _____ o'clock _____ M.
A. D. 19 _____

This _____ day of _____, in _____ County, Texas, Records of Deeds, Book _____ Page _____ County Clerk _____ Deputy _____
J. M. Diltz
County Clerk
Deputy
*Right of Way Department
Cameron County Courthouse
Brownsville, Texas 78520*

ENDORSEMENTS

THE STATE OF TEXAS,
County of _____

I, _____, Clerk of the County Court of _____ County, Texas, hereby certify that the foregoing instrument of writing, dated the _____ day of _____, 19_____, with its authentication, was filed for record in my office on this _____ day of _____, 19_____, at _____ o'clock _____ M., and duly recorded this the _____ day of _____, 19_____, at _____ o'clock _____ M., in the Deed Records of said County, in _____

Witness my hand and the seal of the County Court of said County, _____ Texas, the day and year last above written.

Clerk of Court, _____ County, Texas.
By _____ Deputy.

STATE OF CAMERON
COUNTY CLERK
I hereby certify that this instrument was FILED FOR RECORD on the _____ day of _____, 19_____, at _____ o'clock _____ M. and of the time stamped hereon by me. In the _____ page of the DEED Records of Cameron County, Texas, as stamped hereon by me.
J. M. DILTZ
County Clerk
Cameron County, Texas
17A
24-71
17A

GENERAL LAND OFFICE

GARRY MAURO
COMMISSIONER

MEMORANDUM

DATE: October 1, 1986

TO: Bruce Smith

FROM: Fielding Early ^{CFE}

SUBJECT: Highway Department R. O. W.
Fill near Queen Isabella Causeway 86-256

I have been researching the issues raised in your March 13, 1986 memorandum to Sidney Swearingen, and have discussed it with Charles Lewis and Dan Miller, who have approved the following course of action. We suggest that you approach the Bay Colony Property Company about securing approval from the GLO for the fill operations and for an easement providing access from their 12 acre tract to Park Road 100.

If Bay Colony meets the requirements you set forth, then nothing further need be done by our division. However, if they object, we will need to study any materials supporting their objection, as the law is not entirely clear on this issue.

CC: Dan Miller
Charles Lewis

File No. SKETCH FILE 8B County _____
CAMERON
OFFICE WORK FILE _____
Filed JUNE 10 19 91
By GARRY MAURO, Com'r
Douglas Howard

Counter 17194

GENERAL LAND OFFICE

GARRY MAURO
COMMISSIONER

MEMORANDUM

DATE: September 25, 1986

TO: Dan Miller

FROM: Fielding Early *eYe*

SUBJECT: Fill/Queen Isabella Causeway 86-256

As shown in the project log, we have been looking into the possibility, raised by Bruce Smith, that the GLO may have some jurisdiction over a portion of Park Road 100 right of way that is seaward from Boyles Line on the western shore of South Padre Island. Bruce is looking for a way for the GLO to control access to Bay Colony Property from Park Road 100, as such control would probably give the GLO a chance to raise more revenue in the future.

I talked to Spencer Reid, Herman Forbes and John Warren (Hwy. Dept.) and they did not know how the R-O-W was acquired. Mike Vourcos and Ron Cloyd of the Hwy. Dept. furnished a copy of a 1971 deed from an individual (Richard B. Dorn) to the State of Texas "acting by and through the State Highway Commission," which deed covers the property in question as well as property landward of Boyles line.

Although I do not think Mr. Dorn had any title to convey in the property seaward of Boyles Line, it is arguable that the Hwy. Dept. acquired an easement over such property through Art. 6795b-1 V.A.C.S., of which Section 3 provides that the State grants a county "full easements" over State land "necessary or convenient to the construction, acquisition or efficient operation of the project."

The project referred to above is described in Section 1 of that article as "a causeway, bridge, tunnel, or any combination of such facilities, including all necessary approaches ..." from one point in the county to another "in over, through or under the waters of the Gulf ..." The information I have gathered so far leads me to believe that Cameron County acquired such an easement over the property in question and conveyed it later to the Hwy. Dept.

Cameron Co. Sk. File 8B

Coaster 11/19/85

Fill/Queen Isabella Causeway 86-256
Page 2
September 25, 1986

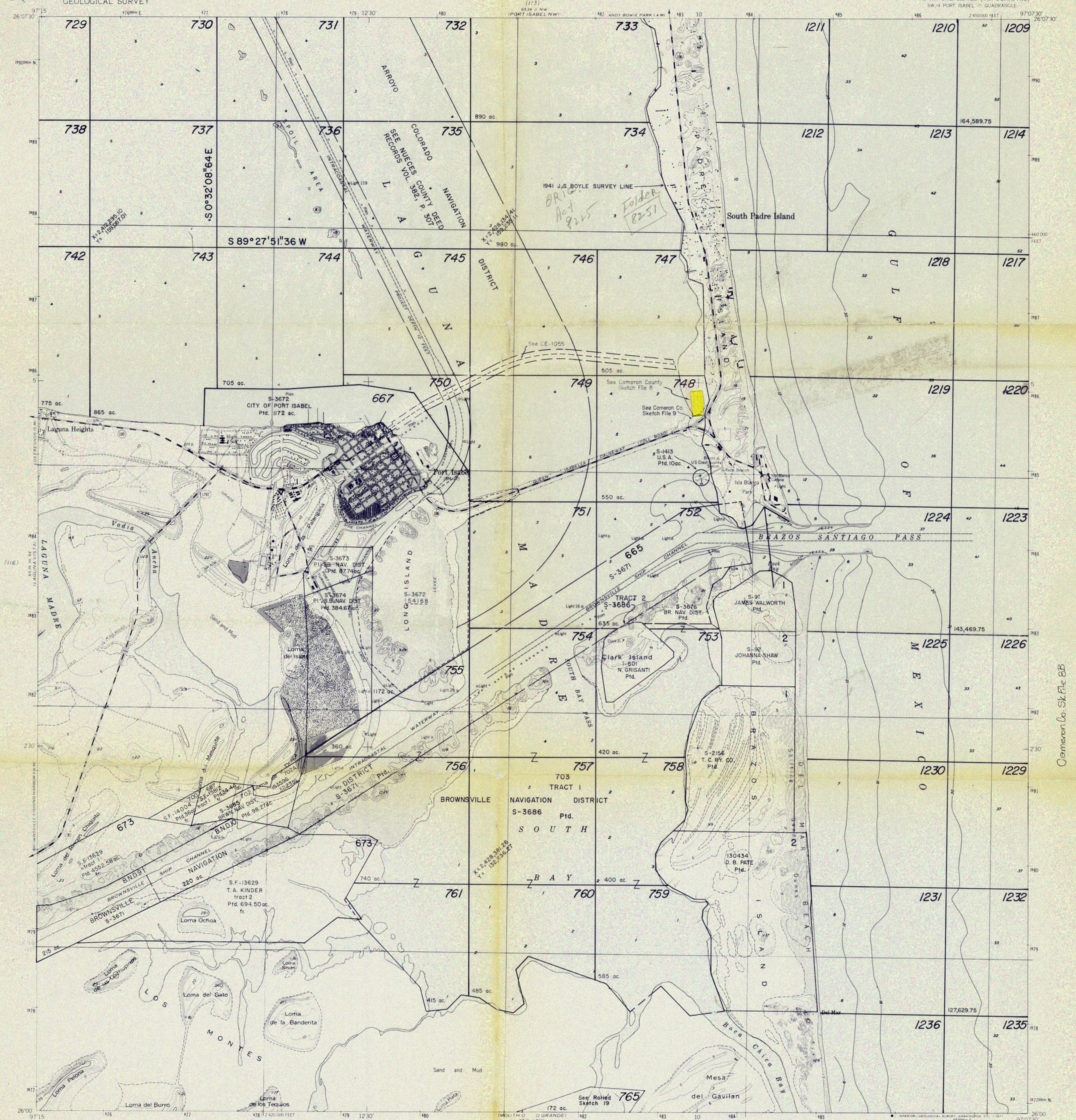
If the assumption above is correct, then the remaining question would be whether the GLO has the authority to exercise any control in the area concurrently with the Hwy. Dept. Without ruling out the possibility that the GLO may have some kind of authority over this area, it is difficult to believe that a court would allow the GLO to block the access of Bay Colony Property to Park Road 100 when the Hwy. Dept. has the R-O-W all the way up to the tract held by Bay Colony Property.

John Warren has stated that Park Road 100 is a non-controlled access road, and he is convinced that nobody has the authority to charge an access fee to Bay Colony Property in order for that company to have the right to cross the area in question. The GLO has apparently acquiesced in Hwy. Dept. control over this area for many years, and it would be awkward, and probably futile, for the GLO now to assert the right to block access or charge an access fee to Bay Colony Property. I am convinced that this Company acquired the right of public road access by implication through the 1982 agreed judgment by which the company was decreed to be owner of the 12 acre tract.

Although more inquiries could be made about when the county acquired its rights and the transfer of those rights to the Hwy. Dept., I will await your decision on whether any more time should be spent on this project. However, I do not think we will find anything to support a position that the GLO can block access or charge an access fee in this area. Neither the Hwy. Dept. nor Bruce Smith opposes the fill being placed in the area being discussed, and the Hwy. Dept. gave written authorization for such fill operations, according to John Warren.

CC: Charles Lewis

Counters 1/7/96



Mapped, edited, and published by the Geological Survey
Control by USGS, USC&GS, and USCE
Hydrography compiled from USC&GS charts 898 and 1288
Culture and drainage in part compiled by U.S. Coast and Geodetic Survey from aerial photographs taken 1948-1950. Topography from 1929 map by USGS revised by plane-table surveys 1955
Polyconic projection. 1927 North American datum
10,000-foot grid based on Texas coordinate system, south zone
1,000-meter Universal Transverse Mercator grid ticks, zone 14, shown in blue
Water stages vary in this area with meteorological conditions
Approximate limits of occasional inundations shown by dashed blue lines where mean high water is undetermined for lack of visual evidence
Dotted blue lines indicate the approximate limits of low water

Revisions shown in purple compiled from aerial photographs taken 1970. This information not field checked
Purple tint indicates extension of urban areas

UTM GRID AND 1970 MAGNETIC NORTH DECLINATION AT CENTER OF SHEET

CONTOUR INTERVAL FIVE FEET
DATUM IS MEAN SEA LEVEL
DEPTH CURVES AND SOUNDINGS IN FEET. DATUM IS MEAN LOW WATER
SHORELINE SYMBOLS REPRESENTS THE APPROXIMATE LINE OF MEAN HIGH WATER
THE AVERAGE RANGE OF TIDE IN THE GULF OF MEXICO IS 1 FOOT
AND IN LAGUNA MADRE LESS THAN 1 FOOT

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U.S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225, OR WASHINGTON, D.C. 20242
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

ROAD CLASSIFICATION
Medium duty Light duty
Unimproved dirt
State Route

PORT ISABEL TEX.
SW 1/4 PORT ISABEL QUADRANGLE
N2600-W97075175
1955
PHOTOREVISED 1970
AMS FROM IT SW-SERIES V882

LAGUNA MADRE:
NOTE: Boundary lines of all tracts, except where controlled by shoreline or other predetermined boundary, are perpendicular or parallel to a line S. 89° 27' 51" 36 W. from U.S.C. & G.S. triangulation station "Desert 1939".
Desert 1939
X = 2,385,503.36
Y = 348,924.78

NOTE: The base coordinates for Tracts 236 through 764 is the Northeast corner of Tract 447, having coordinate values of X = 2,373,559.44 and Y = 348,813.11, located S. 89° 27' 51" 36 W. 11,944.44 feet from U.S.C. & G.S. triangulation station Desert 1939.
NOTE: Coordinates, bearings, and areas are grid and are based on the Texas Plane Coordinate System, South Zone.

NOTE: Tracts 236 through 764 are one mile by one mile and contain 640 acres, except where otherwise indicated.
NOTE: The area shown in tracts bound by shop line or other undetermined boundary is approximate.

NOTE: Padre Island meanders taken from survey made by J. Stuart Boyles July 1 - Sept. 26, 1941 in Mineral Application File MA-33721. Reference Map: Sheet No. 5 Map of a part of Laguna Madre in Cameron County showing Subdivision for Mineral Development by Jerry Sadler, Commissioner General Land Office, Austin, Texas Feb. 21, 1963, Scale: 1" = 2000 feet

SUBMERGED AREA MAP NO. 2697-112
SUBDIVISION FOR MINERAL DEVELOPMENT IN
LAGUNA MADRE
CAMERON COUNTY
GENERAL LAND OFFICE - BOB ARMSTRONG, COMMISSIONER
Date Nov 17, 1981 Revised October 1, 1985

5. NAMES AND ADDRESSES OF ADJOINING PROPERTY OWNERS, LESSEES, ETC., WHOSE PROPERTY ALSO ADJOINS THE WATERWAY

Adjacent property owners as indicated on the attached location map:

- 1) Cameron County (Old Causeway Right-of-Way).
- 2) D. J. Schwarz, P. O. Box 584, Mercedes, Texas 78570.
- 3) Karl M. Gibson, 522 East Van Buren, Harlingen, Texas 78550.

6. WATERBODY AND LOCATION ON WATERBODY WHERE ACTIVITY EXISTS OR IS PROPOSED

The adjacent Waterway is Laguna Madre as indicated on the attached map.

7. LOCATION ON LAND WHERE ACTIVITY EXISTS OR IS PROPOSED

ADDRESS:

State Park Road 100

STREET, ROAD, ROUTE OR OTHER DESCRIPTIVE LOCATION

Cameron
COUNTY

TEXAS

STATE

ZIP CODE

Cameron County

LOCAL GOVERNING BODY WITH JURISDICTION OVER SITE

8. Is any portion of the activity for which authorization is sought now complete? YES NO
If answer is "Yes" give reasons, month and year the activity was completed. Indicate the existing work on the drawings.

The area currently filled occurred in May of 1985, as shown on the attached survey.

9. List all approvals or certifications and denials received from other federal, interstate, state or local agencies for any structures, construction, discharges or other activities described in this application.

ISSUING AGENCY	TYPE APPROVAL	IDENTIFICATION NO.	DATE OF APPLICATION	DATE OF APPROVAL	DATE OF DENIAL
----------------	---------------	--------------------	---------------------	------------------	----------------

N/A

10. Application is hereby made for a permit or permits to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities or I am acting as the duly authorized agent of the applicant.

Flloyd L. Deller
SIGNATURE OF APPLICANT

2-6-86
DATE

Thomas King
SIGNATURE OF AGENT
Thomas King

2/3/86
DATE

The application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in Block 3 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of The United States knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

Do not send a permit processing fee with this application. The appropriate fee will be assessed when a permit is issued.

counter 40795 Cameron Co. St. File #8-B