



Texas General Land Office
Garry Mauro, Commissioner

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

February 3, 1994

Ms. Priscilla Hubenak
Assistant Attorney General
Energy Division
P.O. Box 12548
Austin, Texas 78711

Re: Susan and Gerald Sher; Unauthorized Structure (bulkhead);
adjacent to Lots 26 and 27, Block 101, Padre Beach Section
VII, Lower Laguna Madre, Cameron County, Texas

Dear Priscilla:

This letter is to inform you that the above-referenced matter has been resolved and that the General Land Office no longer requires the services of the Office of the Attorney General in this case. The Shers submitted a tidal survey depicting the location of the line of mean higher high water adjacent to the above-referenced property. The survey was reviewed and approved by Mr. Ben Thomson of our Survey Division. According to the survey plat the bulkhead constructed by the Shers is not located on State land and will not need to be removed as originally anticipated. Please find enclosed a copy of the letter delivered to the Shers regarding the acceptance of their survey by this office.

Thank for your assistance in the matter. Your negotiation skills were crucial in resolving this dispute. As always, it is a pleasure to work with you.

If you require further information for the closing of your file, please do not hesitate to contact me.

Sincerely,

TEXAS GENERAL LAND OFFICE

By: Maria Elena Ramon
Maria Elena Ramon, Attorney
Real Estate Section
Legal Services Division
(512) 463-5007

File No. Sketch File 14 County _____
Cameron
Filed Feb. 17 19 94
By GARRY MAURO, Com'r
Carol Rhodes

Enclosures

cc: Martha McCabe

Counter 17311

RECEIVED

MAY 25 1993

Lower Coast Field Office

May 25, 1993

Mr. and Mrs. Gerald Sher
c/o Mr. Robert Renbarger
Ford & Ferraro
2000 San Jacinto Center
98 San Jacinto Boulevard
Austin, Texas 78701-4286

Re: Lots 26 and 27, Block 101, Padre Beach Section VII,
Lower Laguna Madre, Cameron County, Texas (the
"Property")

Dear Mr. and Mrs. Sher:

This letter will confirm my conversation of earlier this month with Mr. Renbarger regarding the tidal survey of the Property submitted to this office. The survey was reviewed by Ben Thomson of our Surveying Division. The survey provided accurately depicts the line of mean higher high water at the time it was performed. Because the bulkhead constructed on the Property is located above the line of mean higher high water on the Property, an easement from the State will not be required for the bulkhead. However, please be advised that the boundary between private upland property and State-owned submerged land shifts with natural changes in the shoreline. Therefore, any future construction on the shoreline may require another boundary determination.

I have checked on the status of your easement application for the proposed construction on State-owned submerged land adjacent to the Property. The field office has not completed the field report needed prior to issuance of the easement. They will keep you informed as to the progress of the application.

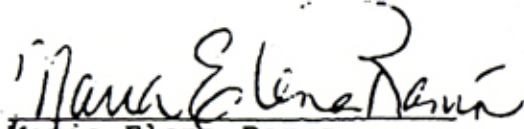
Mr. Robert Renbarger
May 25, 1993
Page 2

Thank you for your cooperation in the matter. If you require further information or assistance, do not hesitate to contact me at your convenience.

Sincerely,

TEXAS GENERAL LAND OFFICE

By:


Maria Elena Ramon
Attorney at Law
Real Estate Section
Legal Services Division
(512) 463-5007

cc: Mr. Spencer Reid, Resource and Asset Management Division
Ms. M'Lou Bell, Legal Services Division
Mr. Ben Thomson, Survey Division
Ms. Lynnda Kahn, Aransas Pass Field Office
Mr. Manuel Freytes, Aransas Pass Field Office

GENERAL LAND OFFICE

GARRY MAURO
COMMISSIONER

MEMORANDUM

DATE: April 26, 1993

TO: The File

FROM: C. B. Thomson, Director of Surveying *CBT*

SUBJECT: Survey of line of mean higher high water adjacent to Lots 26 and 27, Block 101, Padre Beach Section VII, South Padre Island, Cameron County, Texas.

Having reviewed the survey submitted by C. L. Fabian, Licensed State Land Surveyor, regarding the above referenced boundary, it is my opinion that the line of mean higher high water is shown correctly on the plat of survey by Mr. Fabian dated March 25, 1993, a copy of which is attached hereto.

This conclusion was reached after a thorough study of the supporting documents tendered by Mr. Fabian and consultation with National Ocean Service personnel.

cc: Spencer Reid
Maria Elena Ramon
Lloyd Mullins
Claudette Carr ✓

File No. Sketch File 14
Cameron County
Filed Correspondence 19 94
By GARRY MAURO, Com'r
Carol Rhoads

Counter 17314

File No. Sketch File 14
Cameron County
Filed Feb. 17
By GARRY MAURO, Com'r
Carol Rhodes 19 94

Surveyor's Report

Lots 26 and 27, Block 101
Padre Beach Section VII
in the Town of South Padre Island
Cameron County, Texas, as Recorded
in Vol. 15, Page 21, Map Records

The primary objective of this survey was to determine the division line between State owned land and private ownership within the above referenced lots. Also shown for information purposes are concrete bulkhead, wooden bulkhead and tide line as set.

Field work was commenced on March 4, 1993 and completed March 18, 1993. The upland boundaries of the property were determined from pins found in the ground within the block and at the site. The transit work was performed using a Lietz TM6 theodolite with Top Con Model DMS-2 equipment. Level work was carried out using a Lietz automatic level. A line of levels was carried to the site from USGS Benchmark #M1142 1959, located on the east end of the Queen Isabela Fishing Pier (old causeway), elevation 4.98. A benchmark set by Mejia and Rose, Surveyors was verified and tide gauges were set at the site and on the north side of the Queen Isabela Fishing Pier opposite said benchmark. From information furnished by the Department of Commerce, National Ocean Service, the elevation of mean higher high tide at

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BM #M1147 is 0.59 feet USC&GS 1959 datum.

Water surface elevations recorded simultaneously at the fishing pier and at the site over periods of about 3 hours at high tide, indicated the elevation of water surface at the site to be 0.07 feet lower (elevation 0.52 feet).

Other observations during lowering tides indicated water surface elevations to be about 0.1 foot higher at the site than at the fishing pier.

Markers were then set on the Laguna Madre tidal plain and around the tidal lagoon within the site at elevation 0.52 feet. These markers were then located by angle and distance from a common point and the traverses calculated.

The lines on the west side of the concrete retaining wall between the 0.52 foot line and the concrete retaining wall, intersecting the wall near the angles in the wall, indicate the limit of the tidal plain that is obviously submerged or washed clean by waves. Wave action may be greater this time of year when winds are often from the north and west.

As the site now exists, water cannot enter the tidal lagoon at elevation 0.52, and has to be at about 0.8 to enter. As a guess, the lagoon is about 2 feet deep. The bottom is very soft and mud brought up on boots had a foul smell.

The water has a salty taste and may be diluted with drainage water. Spoil from construction of the wall appears

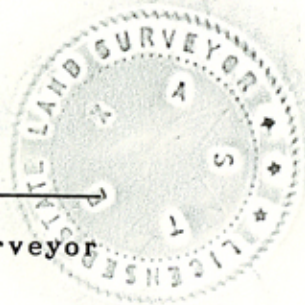
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to have covered some of the ground on each side of the
influent swale. To avoid the spoil a line of levels was
taken 19 feet east of and parallel to the wall.



C.L. FABIAN
Licensed State Land Surveyor
McAllen, Texas



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March 23, 1993

FIELD NOTES FOR SURVEY OF A TIDAL POND LOCATED IN LOT 26 AND LOT 27, BLOCK 101, PADRE BEACH SECTION VII, IN THE TOWN OF SOUTH PADRE ISLAND, CAMERON COUNTY, TEXAS, RECORDED IN VOL. 15, PG. 21, CAMERON COUNTY MAP RECORDS.

COMMENCING at the Southeast corner of said Lot 26; said corner located on the North line of 50.0 foot Huisache Avenue; THENCE, with the East line of said Lot 26, North 6 Deg. 00 Min. West, 48.2 feet to its point of intersection with the South line of said tidal pond, elevation 0.52, for the POINT OF BEGINNING and the Southeast corner of the following described parcel of land;

THENCE, with the meanders of said tidal pond and elevation 0.52, as follows:

South 89 Deg. 20 Min. 10 Sec. West, 33.10 feet;

South 80 Deg. 21 Min. 50 Sec. West, 17.10 feet;

North 55 Deg. 10 Min. West, 19.10 feet;

North 62 Deg. 17 Min. 10 Sec. East, 17.7 feet;

North 19 Deg. 16 Min. 50 Sec. West, 13.9 feet;

North 68 Deg. 34 Min. East, 18.1 feet;

South 89 Deg. 59 Min. 20 Sec. East, 33.9 feet to point of intersection of tide line with the East line of Lot 26;

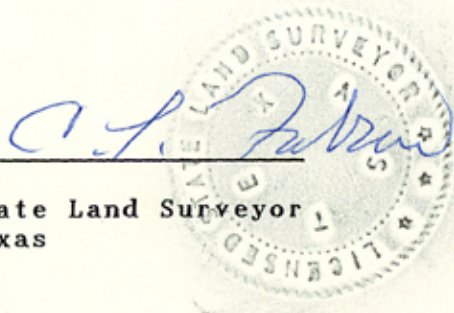
whence the Northeast corner of Lot 26 bears North 6 Deg. 00 Min. West, 41.0 feet from said point;

THENCE, crossing the lagoon, South 6 Deg. 00 Min. East, 35.8 feet to the POINT OF BEGINNING. Containing 0.04 acre of land, more or less.

Note:
Water surface of lagoon 0.80. Lagoon extends a short distance eastward beyond the East line of Lot 26.

File No. Sketch File 14 County _____
Cameron
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By GARRY MAURO, Com'r
Carol Rhodes

C.L. FABIAN
Licensed State Land Surveyor
McAllen, Texas



Counter 17319

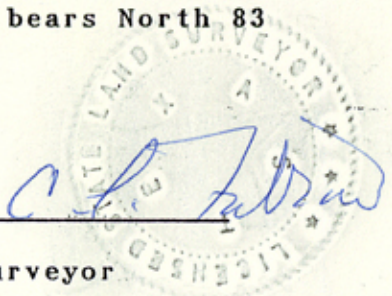
March 23, 1993

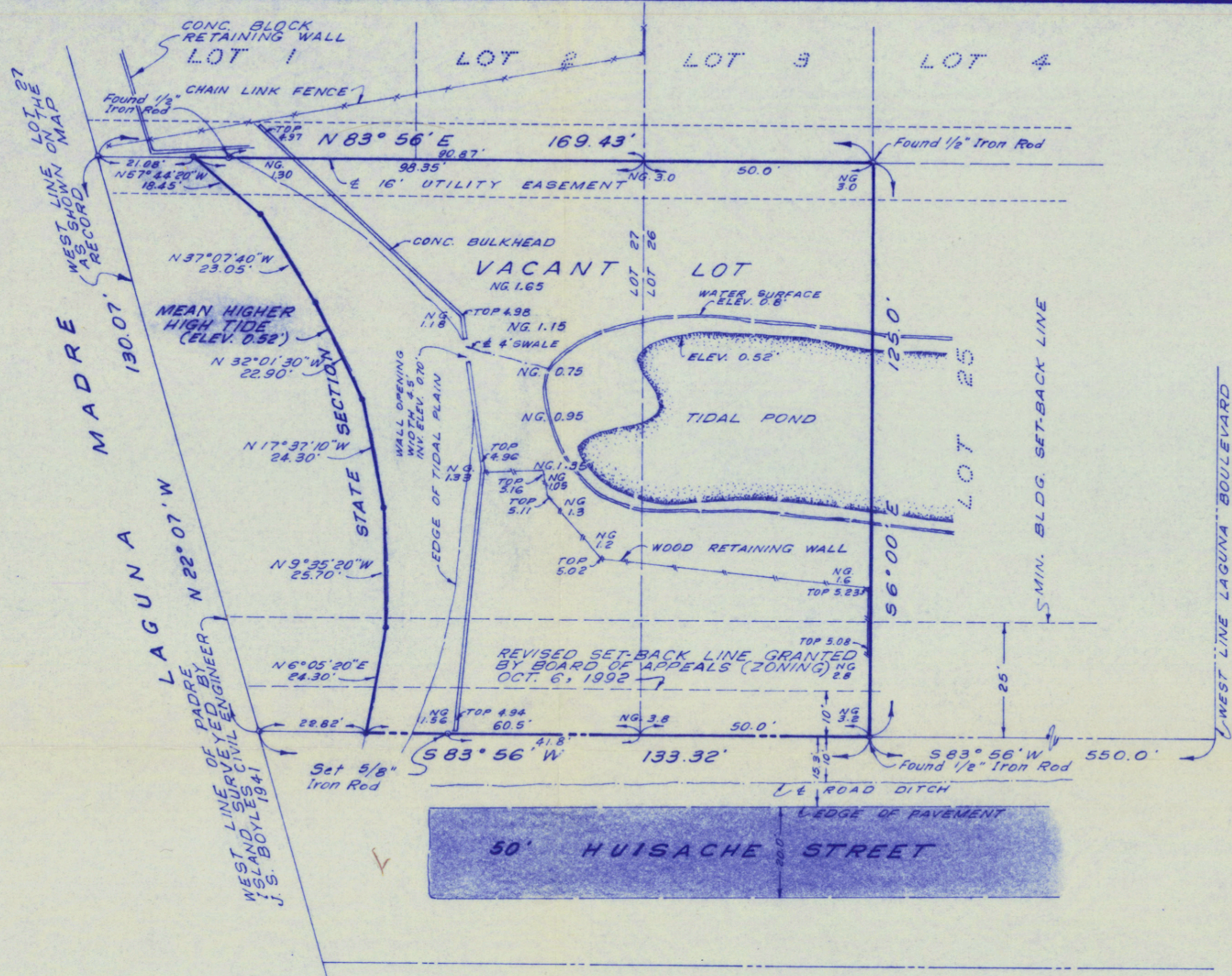
FIELD NOTES FOR SURVEY OF DIVISION LINE BETWEEN STATE LANDS AND LOT 27, BLOCK 101, PADRE BEACH SECTION VII, IN THE TOWN OF SOUTH PADRE ISLAND, CAMERON COUNTY, TEXAS, AS RECORDED IN VOL. 15, PG. 21, CAMERON COUNTY MAP RECORDS.

COMMENCING at the Southeast corner of Lot 27, Block 101, on the North line of 50.0 foot Huisache Avenue; THENCE, with the North line of 50.0 foot Huisache Avenue and South line of Lot 27, South 83 Deg. 56 Min. West, 60.5 feet to its intersection with the mean higher high tide elevation of 0.52 feet, of the Laguna Madre as it presently exists, for the POINT OF BEGINNING of the following described line;

THENCE, with the meanders of the mean higher high tide line of the Laguna Madre as follows:
North 6 Deg. 05 Min. 20 Sec. East, 24.30 feet;
North 9 Deg. 35 Min. 20 Sec. West, 25.70 feet;
North 17 Deg. 37 Min. 10 Sec. West, 24.30 feet;
North 32 Deg. 01 Min. 30 Sec. West, 22.90 feet;
North 37 Deg. 07 Min. 40 Sec. West, 23.05 feet;
North 57 Deg. 44 Min. 20 Sec. West, 18.45 feet to a point on the North line of said Lot 27, for end of this survey, whence the common North corner of said Lots 27 and 26 bears North 83 Deg. 56 Min. East, 98.35 feet.

C.L. FABIAN
Licensed State Land Surveyor
McAllen, Texas





MAP
 OF
LOTS 26 & 27, BLOCK 101,
PADRE BEACH SECTION VII,
IN THE TOWN OF SOUTH PADRE ISLAND,
CAMERON COUNTY, TEXAS
 AS RECORDED IN VOL. 15, PAGE 21, MAP RECORDS
 SHOWING MEAN HIGHER HIGH TIDE LINE CROSSING SAID LOT 27

File No. Sketch File 14
Cameron County
 Filed Feb. 17
 By GARRY MAURO, Com'r 19 94
Carol Rhodes

I, C.L. FABIAN, A LICENSED STATE LAND SURVEYOR
 DO HEREBY CERTIFY THIS PLAT TO CORRECTLY
 REPRESENT SURVEY AS MADE ON THE GROUND UNDER
 MY SUPERVISION FROM MARCH 4 TO MARCH 18, 1993.
 C.L. FABIAN
 LICENSED STATE LAND SURVEYOR

PREPARED BY FABIAN, NELSON & MEDINA, INC. TEL. 320 N. 15TH ST. FAX (210)682-3414 McALLEN, TEXAS 78501 (210)682-3418	
C. L. FABIAN REGISTERED PROFESSIONAL LAND SURVEYOR L.I.C. STATE LAND SURVEYOR V. O. # 35728 BK. 356-N PG. 73-79 SCALE: 1" = 20' DATE: 3-25-93	