

NOTICE OF STATE OWNERSHIP

File No. Sketch File 15

Cameron County

STATE OF TEXAS §
 §
COUNTY OF CAMERON §

Date Filed: September 23, 1999

David Dewhurst, Commissioner
by Douglas Howard

NOTICE IS HEREBY GIVEN that certain land situated in Cameron County, Texas and described as follows:

Approximately 0.307 acres (13,373 sq.ft.) of submerged and 0.043 acres (1,865 sq.ft.) filled submerged land out of State Tract 733, Laguna Madre, Cameron County, Texas, adjacent to parts of Lots 1, 2, and 3, Block 116, Padre Beach, Section VIII, in the Town of South Padre Island, as recorded in Volume 15, Page 27, Map Records, Cameron County, Texas, and as depicted on Exhibit "A" as to the existing Lots 1, 2, and 3, and on Exhibit "B" as to the proposed re-subdivision of Lots 1, 2, and 3 into Lots 1 and 2, said Exhibits "A" and "B" being attached hereto and incorporated herein by reference for all purposes,

is owned by the Permanent School Fund of the State of Texas (the "State") for the benefit of the public free schools of Texas. The State asserts its title to the Property as sovereign, continuous, and unbroken as of the date of this notice.

The State has never granted or conveyed the submerged land or any part thereof, to any person or entity, and no action or inaction by the State or any person or entity, nor limitation or document of record, singularly or in combination, has lawfully divested or encumbered the title of the State to the submerged land. The illegally filled submerged land was leased to the owner of the upland portion of Lots 1, 2, and 3 by Surface Lease SL-920063, but title and ownership remains with the State.

The Property has been and is now exempt from all ad valorem and other taxes under the provisions of the Texas Constitution and Section 11.11, Property Tax Code.

Use, enclosure, and/or encumbrance of the Property without permission of the State may subject the user to the assessment of a civil penalty of \$200.00 per day, as provided in Chapter 33 of the Texas Natural Resources Code, and/or a penalty of up to \$1,000.00 per day as provided in Chapter 51 of the Texas Natural Resources Code. Further information may be obtained from the Asset Management Division, Texas General Land Office,

Stephen F. Austin Building, 1700 North Congress Avenue, Austin, Texas, 78701-1495,
(512) 463-5102.

IN TESTIMONY WHEREOF, witness my hand and the seal of the Texas General Land
Office, executed the 7 day of September, 1999.

THE STATE OF TEXAS

By: David Dewhurst
DAVID DEWHURST, Commissioner,
Texas General Land Office and
Chairman, School Land Board

Approval:

Content:

Legal Services:

General Counsel:

Chief Clerk:

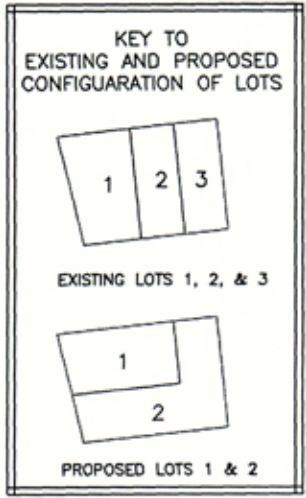
RHO
AKW
SP
CS

After Recording, Return to:

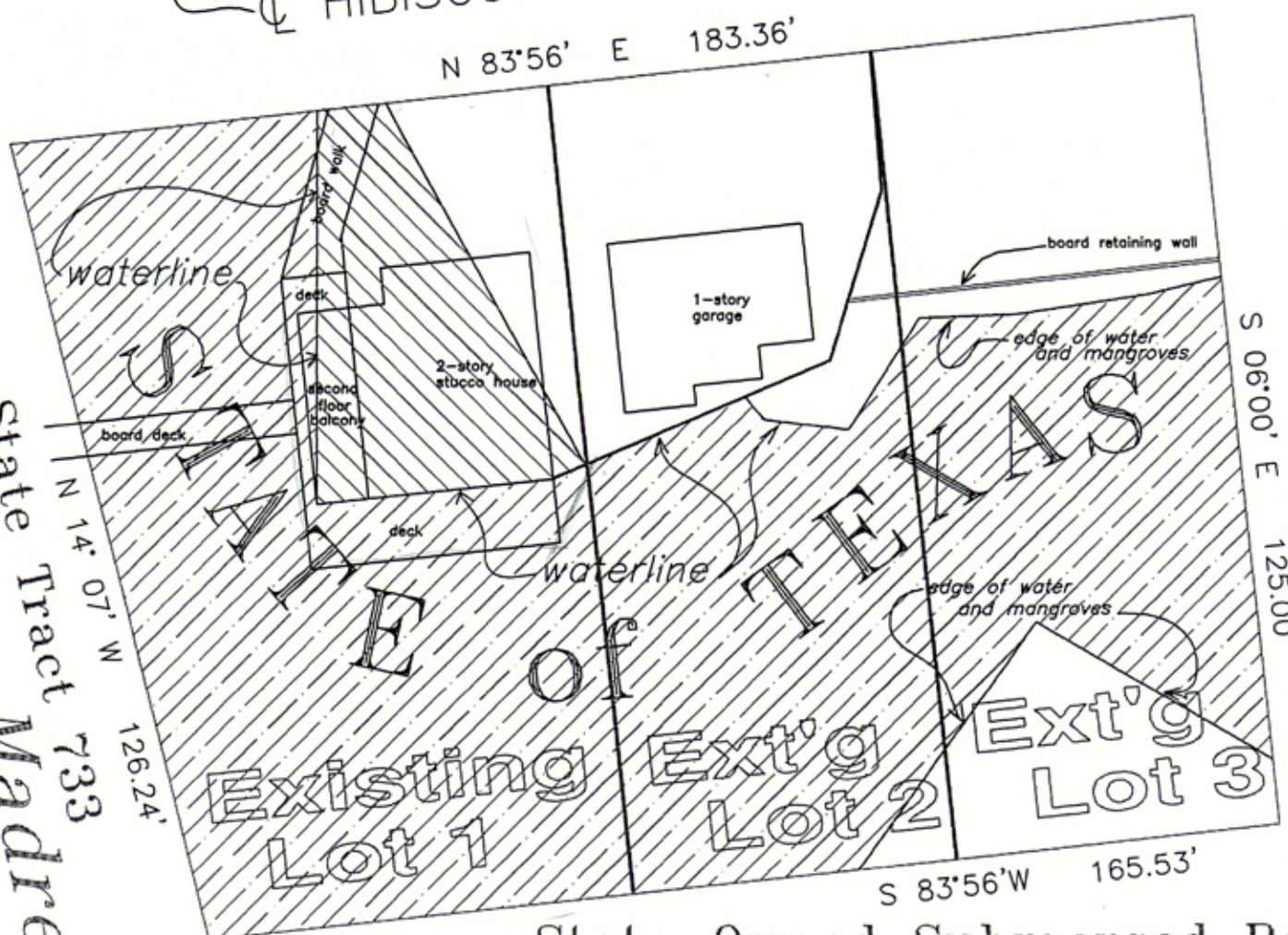
Robert H. Dedman
Asset Management Division
Texas General Land Office
1700 North Congress, Ste. 720
Austin, Texas 78701-1495

Counter 17321

HIBISCUS STREET (50 ft. R.O.W.)
 N 83°56' E 183.36'



Laguna
 State Tract Madre 733



- Approx. 13,373 sq. ft. State Submerged Land
- Filled State Submerged Land Approx. 1865 sq. ft. as shown in GLO Lease LC 920063

State-Owned Submerged Portion of Proposed Lots 1 & 2 for Joe Rayl (Existing Lots 1,2 & 3), Block 116 Padre Beach, Section VIII in the Town of South Padre Island Cameron County, Texas



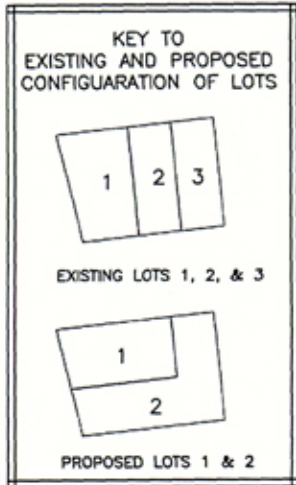
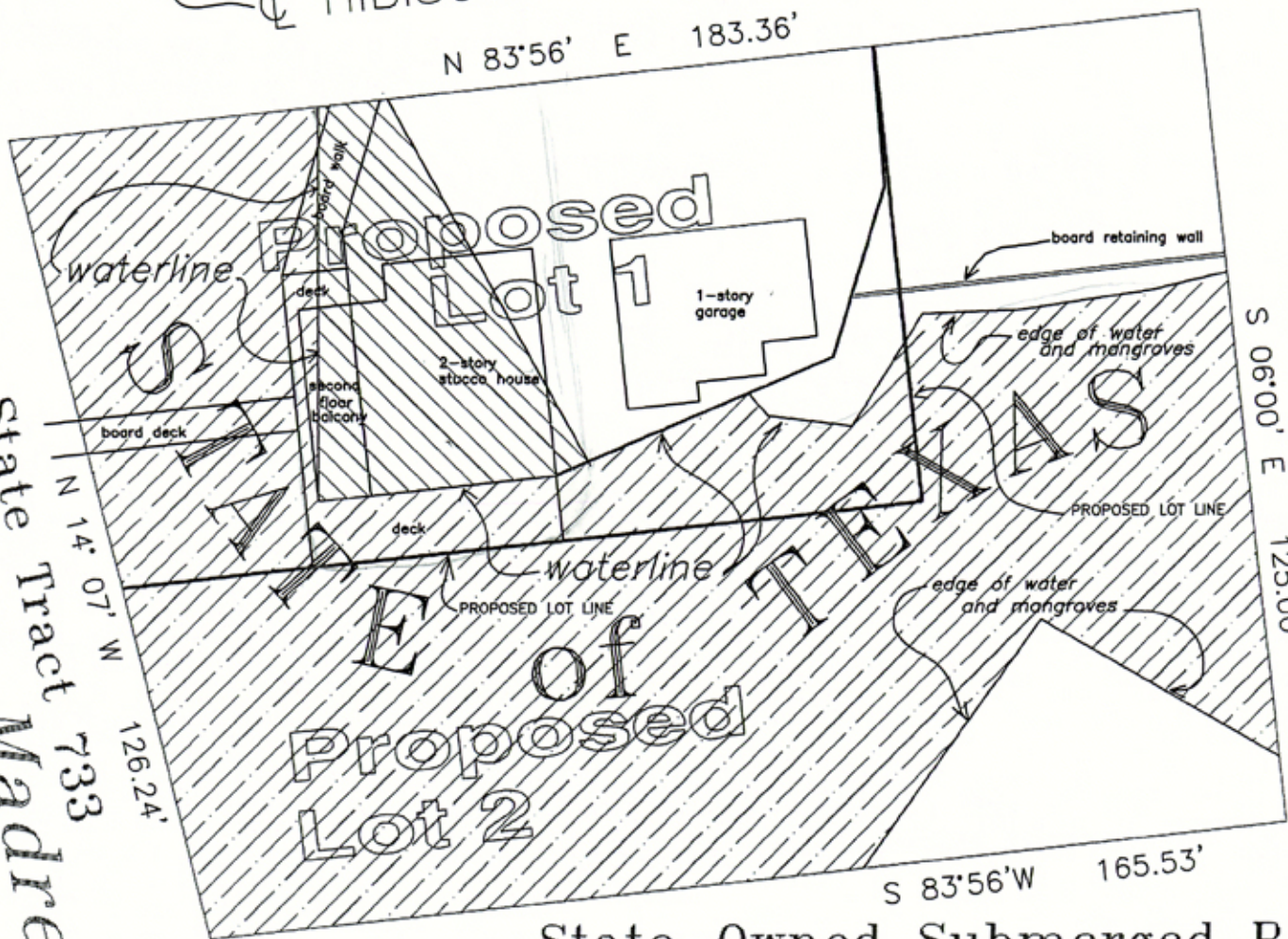
EXHIBIT A



counter 173322

HIBISCUS STREET (50 ft. R.O.W.)

N 83°56' E 183.36'

Laguna
State Tract Madre 733



-  Approx. 13,373 sq. ft. State Submerged Land
-  Filled State Submerged Land Approx. 1865 sq. ft. as shown in GLO Lease LC 920063

State-Owned Submerged Portion of Proposed Lots 1 & 2 for Joe Rayl (Existing Lots 1,2 & 3), Block 116 Padre Beach, Section VIII in the Town of South Padre Island Cameron County, Texas

EXHIBIT B

Number 17323



MEMORANDUM

Texas General Land Office • David Dewhurst • Commissioner

_____FYI

TIME SENSITIVE: Action Requested By: 9/7/99 9AM

DATE: September 2, 1999
To: Commissioner Dewhurst
CC: Larry Soward, Spencer Reid, Ashley Wadick
From: LaNell Aston, Bob Dedman
SUBJECT: NOTICE OF STATE OWNERSHIP, .350 ac. Submerged Land, South Padre Island, Cameron County

SUMMARY: The attached notice is to assert on record the State's ownership of a tract of submerged land included within a recorded sub-division plat and claimed by a private landowner.

DETAILS: As shown on Exhibit "A" to the Notice of State Ownership, a recorded plat in the town of South Padre Island, Cameron County, includes within 3 lots approximately 0.350 acres (15,238 sq. ft.) of State owned submerged and filled submerged land. The purchaser of the upland portion of the 3 lots was required to execute a surface lease (SL-920063) for the area of the illegally filled submerged lands encumbered by his house as built (1,865 sq. ft.). This action acknowledged the existence of the State owned filled submerged land. The property owner has now filed a preliminary re-subdivision plat, proposing to re-configure lots 1, 2, & 3 into lots 1 and 2 (Exhibit "B" to Notice). Of the 0.501 acres in the subject lots, the state owns 0.350 acres. The State does not allow its lands, submerged, filled, or otherwise, to be encumbered by platting without its joinder and approval. Attached hereto are letters from the GLO notifying both the upland owner and city officials of the unlawful action involving the State owned submerged lands.

Recommendations(s): Upon approval of the Notice of State Ownership by each necessary staff member, sign, date, and seal the Notice, returning it to staff for recording in the Real Estate Records of Cameron County, with a copy sent to the property owner.

Attachments: Notice of State Ownership (2) with Exhibits

Cameron Co. Sketch File 15 A

Counter 17324

MEMORANDUM



Texas General Land Office • David Dewhurst • Commissioner

____ FY

TIME SENSITIVE: Action Requested By 9/23/99

September 2, 1999

DATE

To:

Commissioner Dewhurst

CC:

Larry Bowers, Spencer R. Westbrook

From:

LaNell Astor, Bob Dewhurst

SUBJECT:

NOTICE OF STATE OWNERSHIP

Cameron County

File No. Sketch File 15A
Cameron County

Memo to Commissioner Dewhurst
Date Filed: September 23, 1999

David Dewhurst, Commissioner
Douglas Howard

By

SUMMARY: The attached notice is to assert on record the State's ownership of a part of submerged land included within a recorded sub-division plat and claimed by a private landowner.

DETAILS: As shown on Exhibit "A" to the Notice of State Ownership, a recorded plat in the town of South Padre Island, Cameron County, includes within 3 lots approximately 0.320 acres (15,238 sq ft) of State owned submerged and filled submerged land. The purchaser of the inland portion of the 3 lots was required to execute a surface lease (SL-920063) for the area of the illegally filled submerged lands encumbered by his house as built (1,865 sq ft). This action acknowledged the existence of the State owned filled submerged land. The property owner has now filed a preliminary re-subdivision plat proposing to re-configure lots 1, 2, & 3 into lots 1 and 2 (Exhibit "B" to Notice). Of the 0.201 acres in the subject lots, the state owns 0.320 acres. The State does not allow its lands, submerged, filled, or otherwise, to be encumbered by platting without its joinder and approval. Attached hereto are letters from the GLO notifying both the upland owner and city officials of the unlawful action involving the State owned submerged lands.

Recommendations(s): Upon approval of the Notice of State Ownership by each necessary staff member, sign, date, and seal the Notice, returning it to staff for recording in the Real Estate Records of Cameron County, with a copy sent to the property owner.

Attachment: Notice of State Ownership (2) with Exhibits

Counter 17325

Texas General
Land Office



David Dewhurst
Commissioner

August 31, 1999

VIA REGULAR MAIL & CERTIFIED MAIL -
RETURN RECEIPT REQUESTED NO. P795-975-553

Mr. Joe Rayl
P. O. Box 197
Bolivar, Missouri 65613-0197

RE: Lease Agreement No. 92-0063;
Lot One, Block 116, Town of South Padre Island

Dear Mr. Rayl:

It has been brought to our attention that you are in the process of replatting a lot which is under contract with the General Land Office in the above referenced lease agreement. Due to your failure to notify the Land Office of your intentions to replat and pursuant to the terms of the contract issued to you on July 1, 1992, you are in default of Article XII (d) of the contract due to your representation that certain submerged state-owned land is privately owned. This breach of contract may result in the termination of your contract by action of the School Land Board or the Texas Land Commissioner. In the event of such termination, you will be required to remove the structure described above. It will be considered an unauthorized use of state land and you will be subject to civil penalties of up to \$1,000 per day for each day of violation pursuant to Texas Natural Resources Code, Section 51.302, and or up to \$200 per day for each day of violation of Texas Natural Resources Code, Section 33.112. In addition, the Commissioner may have the unauthorized structure removed from Coastal Public Land and seek restitution for costs incurred pursuant to Texas Natural Resources Code, Section 51.3021.

Please contact my office at (512) 463-5236 within 30 days of the receipt of this letter to discuss resolution of this matter.

Sincerely,

Handwritten signature of Spencer L. Reid in black ink.

Spencer L. Reid, Acting Deputy
Commissioner, Asset Management
Division

SR/sgs

Stephen F. Austin Building

1700 North
Congress Avenue

Austin, Texas
78701-1495

512-463-5001

Cameron Co - Sketch File 15 B

Counter 17326



David Dewhurst
Commissioner

August 31, 1999

VIA REGULAR MAIL & CERTIFIED MAIL -
RETURN RECEIPT REQUESTED NO. 752-975-553

Mr. Joe Rayl
P. O. Box 197
Bolivar, Missouri 65613-0197

RE: Lease Agreement No. 92-0063,
Lot One 116 Town of Spring Lake Island
File No. Sketch File 15B

Cameron County

Letter to Joe Rayl

Date Filed: September 23, 1999


David Dewhurst, Commissioner

By Douglas Howard

Contract may result in the termination of your contract by action of the
School Land Board or the Texas Land Commissioner. In the event of
such termination, you will be required to remove the structure
described above. It will be considered an unauthorized use of state
land and you will be subject to civil penalties of up to \$1,000 per day
for each day of violation pursuant to Texas Natural Resources Code,
Section 51.302, and or up to \$200 per day for each day of violation of
Texas Natural Resources Code, Section 33.12. In addition, the
Commissioner may have the unauthorized structure removed from
Coastal Public Land and seek restitution for costs incurred pursuant to
Texas Natural Resources Code, Section 51.3021.

Please contact my office at (512) 463-5236 within 30 days of
the receipt of this letter to discuss resolution of this matter.

Sincerely,


Spencer L. Reid, Acting Deputy
Commissioner, Asset Management
Division

SR/sgs

Stephen F. Austin Building

1700 North
Congress Avenue

Austin, Texas
78701-1492

512-463-5001

Counter 17327

Texas General
Land Office



David Dewhurst
Commissioner

August 31, 1999

Mayor Edmund K. Cyganiewicz
Town of South Padre Island
4501 Padre Boulevard
South Padre Island, Texas 78597-7326

Re: Lot 1, Block 116, Padre Beach Section VIII,
Cameron County, Texas

Dear Mayor Cyganiewicz:

Enclosed please find a copy of a letter forwarded by our office to Mr. Joe Rayl regarding the above referenced property along with a copy of the plat in the Map and Plat Records of Cameron County. Mr. Rayl has failed to notify the Texas General Land Office (the Lessor in Lease Agreement 92-0063) of his intentions to replat and subdivide his lot.

Please be advised that the General Land Office will take all steps necessary to ensure the protection of Permanent School Fund land in this matter.

If you have any questions, please do not hesitate to give me a call at (512) 463-5236.

Sincerely,

A handwritten signature in cursive script that reads "Spencer L. Reid".

Spencer L. Reid, Acting Deputy
Commissioner, Asset Management
Division

SLR/ss
enclosures

File No. Sketch File 15C

Cameron County

Letter to Mayor Edmund K. Cyganiewicz

Date Filed: September 23, 1999

David Dewhurst, Commissioner

By Douglas Howard

Stephen F. Austin Building

1700 North
Congress Avenue

Austin, Texas
78701-1495

512-463-5001

Cameron Co. Sketch File 15C Counter 17328

41375

*Sketch file
LoNell
Ashley*

NOTICE OF STATE OWNERSHIP

File No. Sketch File 15D

Cameron County

Retained for Co. Clerk's reording information (41375)

STATE OF TEXAS §
 §
COUNTY OF CAMERON §

Date Filed: October 11, 1999

By David Dewhurst, Commissioner
Douglas Howard

NOTICE IS HEREBY GIVEN that certain land situated in Cameron County, Texas and described as follows:

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is owned by the Permanent School Fund of the State of Texas (the "State") for the benefit of the public free schools of Texas. The State asserts its title to the Property as sovereign, continuous, and unbroken as of the date of this notice.

The State has never granted or conveyed the submerged land or any part thereof, to any person or entity, and no action or inaction by the State or any person or entity, nor limitation or document of record, singularly or in combination, has lawfully divested or encumbered the title of the State to the submerged land. The illegally filled submerged land was leased to the owner of the upland portion of Lots 1, 2, and 3 by Surface Lease SL-920063, but title and ownership remains with the State.

The Property has been and is now exempt from all ad valorem and other taxes under the provisions of the Texas Constitution and Section 11.11, Property Tax Code.

Use, enclosure, and/or encumbrance of the Property without permission of the State may subject the user to the assessment of a civil penalty of \$200.00 per day, as provided in Chapter 33 of the Texas Natural Resources Code, and/or a penalty of up to \$1,000.00 per day as provided in Chapter 51 of the Texas Natural Resources Code. Further information may be obtained from the Asset Management Division, Texas General Land Office,

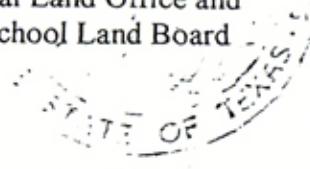
Counter 17329

Stephen F. Austin Building, 1700 North Congress Avenue, Austin, Texas, 78701-1495,
(512) 463-5102.

IN TESTIMONY WHEREOF, witness my hand and the seal of the Texas General Land
Office, executed the 7 day of September, 1999

THE STATE OF TEXAS

By: David Dewhurst
DAVID DEWHURST, Commissioner,
Texas General Land Office and
Chairman, School Land Board



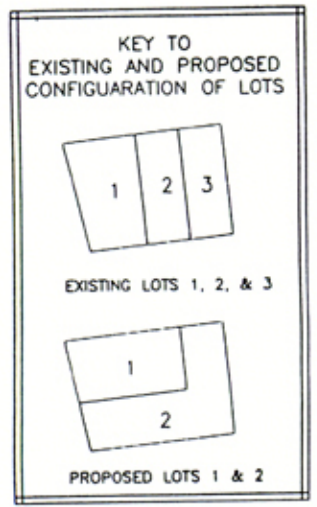
Approval:
Content: RKD
Legal Services: AKW
General Counsel: SK
Chief Clerk: B

After Recording, Return to:

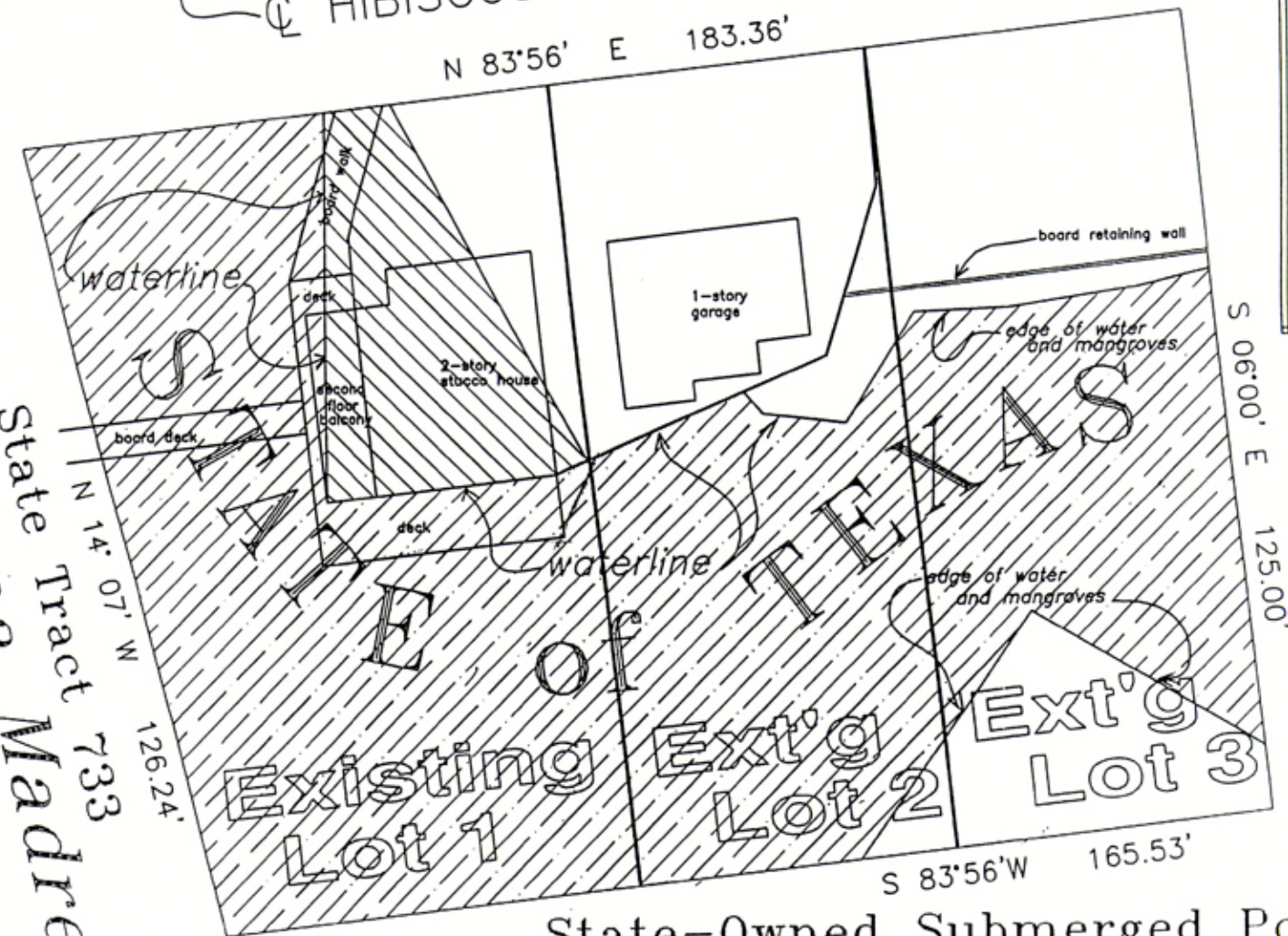
Robert H. Dedman
Asset Management Division
Texas General Land Office
1700 North Congress, Ste. 720
Austin, Texas 78701-1495



Counter 17330

HIBISCUS STREET (50 ft. R.O.W.)
 N 83°56' E 183.36'



Laguna
 State Tract Madre 733



-  Approx. 13,373 sq. ft. State Submerged Land
-  Filled State Submerged Land Approx. 1865 sq. ft. as shown in GLO Lease LC 920063

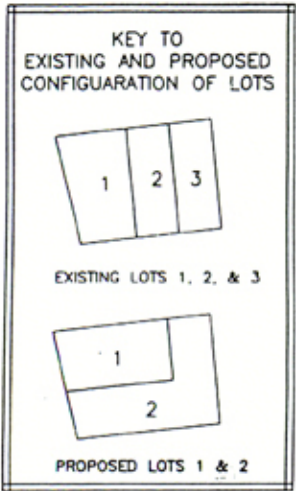
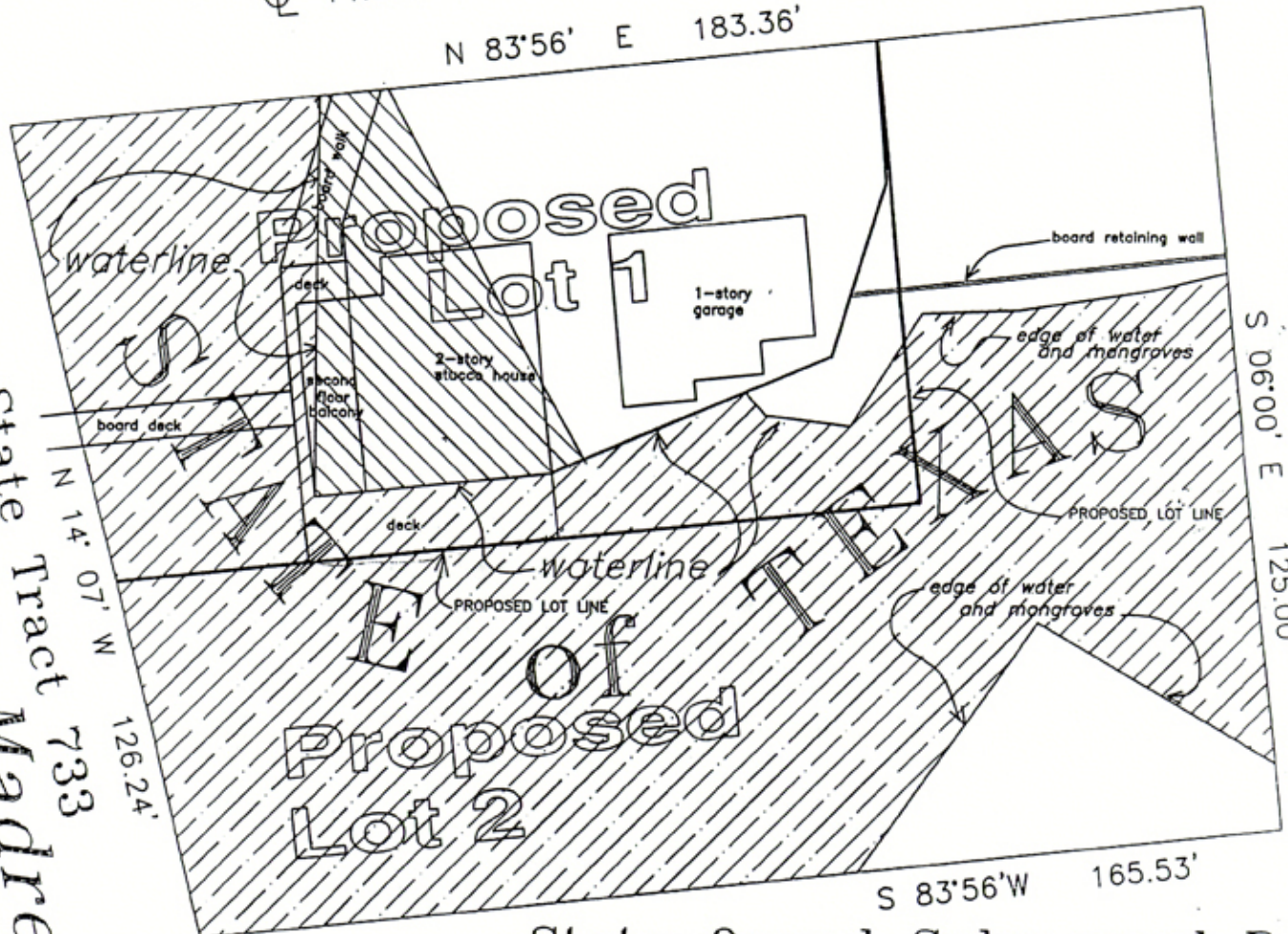
State-Owned Submerged Portion of Proposed Lots 1 & 2 for Joe Rayl (Existing Lots 1,2 & 3), Block 116 Padre Beach, Section VIII in the Town of South Padre Island Cameron County, Texas



EXHIBIT A

Counter 173331

HIBISCUS STREET (50 ft. R.O.W.)
 N 83°56' E 183.36'

Laguna State Tract Madre 733



-  Approx. 13,373 sq. ft. State Submerged Land
-  Filled State Submerged Land Approx. 1,865 sq. ft. as shown in GLO Lease LC 920063

State-Owned Submerged Portion of Proposed Lots 1 & 2 for Joe Rayl (Existing Lots 1, 2 & 3), Block 116 Padre Beach, Section VIII in the Town of South Padre Island, Cameron County, Texas

EXHIBIT B

Counter 17332