

2 Year 2721

August 24, 1994

Hon. Garry Mauro, Commissioner
Texas General Land Office
Stephen F. Austin Building
1700 North Congress Avenue
Austin, Texas 78701-1495

SUBJECT: REPORT OF SURVEY
JACOB KNEIBER SURVEY NO. 293,
EL PASO COUNTY, TEXAS

File No. Sketch File 41
EL PASO County
Filed October 31 19 94
By Douglas Howard
GARRY MAURO, Com'r
Flattened
See Rld. Sk. 61
See Sk. File 31

Dear Sir:

Since the Kneiber Survey was patented in 1875 and does not contain excess acreage, it is my understanding that the filing of the corrected field notes and attached plat in the General Land Office requires no official action other than acknowledgement of their receipt, however, I have been asked by your Director of Surveying, Mr. Ben Thomson, to prepare a report on my recent resurvey of the Jacob Kneiber Survey No. 293.

Last fall, I was retained by representatives of several of the current owners of the Kneiber Survey to determine if it was possible to accurately locate its corners on the ground. After an extensive investigation, I concluded that it was possible and I was instructed to proceed with an on-the-ground survey to set its boundary. I set and marked the corners of the Kneiber Survey No. 293, as described in my corrected field notes and shown on the accompanying plat, dated August 3, 1994.

I found the Kneiber Survey to be completely located within Survey 40, Block 78, Township 3, of the Texas and Pacific Railway Surveys. The fact that the Kneiber Survey was overlapped by Texas and Pacific Railway Surveys conducted in 1879 came as no surprise, but the fact that it fell in Survey 40 instead of Survey 45, as shown on the current General Land Office Map, was definitely not anticipated.

In order to locate the Kneiber Survey, it is first necessary to locate the Southwest corner of the S.A. and M.G. RR. Co. Survey No. 291, since it is the only definite point to which the Kneiber Survey is referenced. I found no physical evidence of this corner on the ground because Survey 291 overlapped the senior San Elizario Grant and its original position was obliterated many years ago. The Southeast corner of Survey 291, along with its accessories has also been lost or obliterated by the Bureau of Reclamation's relocation of the channel of the Rio Grande River in the 1930's. I was able to locate monuments on the Southeast boundary of Survey 291 where it intersects the Southeast and Northeast boundary of the San Elizario Grant and also monuments on the Northeast boundary and at the Northwest corner of the alternate S.A. & M.G. RR. Co. Survey No. 292. All of these monuments have been accepted as correct by surveyors and tenants for many, many years. These corners have been found and tied by Otha Draper, L.S.L.S., when he surveyed Block L, University Lands, in 1972, then again by W.C. Wilson, Jr. during his resurvey of the Daughtery-Gibbs Block in 1984.

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I extended a line Northeast through the monuments on the Southeast boundary of Survey 291 and another line Southeast through the monuments on the Northeast boundary and at the Northwest (most Northerly) corner of Survey 292. At the point where these lines intersect, I established the Northeast (most Easterly) corner of Survey 291. The angle at this intersection is $89^{\circ}52'00''$ which I found within acceptable limits of the original field note calls. The distance between this intersection and the monument at the Northwest corner of Survey 292 is 2827.76 varas, as compared to the original measured distance of 2828 varas.

Since I found no evidence of its existence on the ground, I established the Northwest (most Northerly) corner of Survey 291 at the midpoint of the line between the Northwest (most Northerly) corner of Survey 292 and my position for the Northeast (most Easterly) corner of Survey 291.

I adjusted the called distance of 3264 varas for the Southeast boundary of Survey 291 to 3263.723 varas, based upon the ratio of my derived distance of 1413.88 varas for its Northeast boundary to the original call of 1414 varas. I established the Southeast (most Southerly) corner of Survey 291, 3263.723 varas Southwest of my position for its Northeast (most Easterly) corner.

I made the Northwest line of Survey 291 parallel to the monumented Southeast boundary, and to set my position for the Southwest corner of Survey 291, I intersected it with a line deflected 45° off the Southeast boundary, from my position for the Southeast corner. I derived a coordinate value of $X=202,237.00$ ft., $Y=692,822.07$ ft., Texas Central Zone, N.A.D.-27, for the Southwest corner of Survey 291, so established.

From my position for the Southwest corner of Survey 291, I ran a trial line North 10° West, 30,500 varas, determined the theta angle at the center of the Kneiber Survey No. 293, and placed the Southeast corner of the Kneiber Survey at a point, from which my location of the Southwest corner of S.A. & M.G. RR. Co. Survey No. 291 bears a true course of South 10° East, a distance of 30,500.00 varas. I then ran West, North, and East, 1344.00 varas each course, and set the remaining corners of the Kneiber Survey.

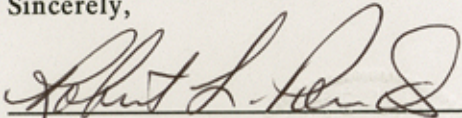
As I stated previously, the General Land Office Maps of El Paso County prepared in 1921 and 1977 show the Kneiber Survey in Survey 45, instead of Survey 40, where my survey positions it. It is my belief that this map location was apparently plotted from the South or Southeast corner of Survey 291, not its Southwest corner. This was and still is an easy mistake to make since three sides of Survey 291 were originally laid out at 45° to North and the Southwest and Southeast corners were positioned North and South of each other. Fortunately, Surveys 291, 292 and 293 were all originally surveyed by Joseph W. Tays, within a few months of each other, and the field notes of Surveys 291 and 292 clearly indicate what Tays considered to be the Southwest corner of Survey 291. If the most Southerly corner of Survey 291 (called Southeast corner by Tays) is mistaken for its Southwest corner, it moves the plotted location of the Kneiber Survey 2000 varas too far South. If the map compiler only had the Kneiber Survey field notes to work from, which is probably the case, it is easy to understand why the Kneiber Survey was plotted in Survey 45.

The correspondence records of the General Land Office should reflect the numerous attempts of the current owners to resolve where the Kneiber Survey was located. The main obstacle not only has been re-establishing the Southwest corner of Survey 291, but also the 30,500 vara distance that had to be measured after it was located. Until the advent of electronic measuring equipment, considering the terrain that had to be traversed, survey costs were prohibitive.

Another problem has been the Tay's call, "beginning at a point just below the junction of two arroyas, known as the Arroyas of the Comales". J.W. Carter in his report filed with his resurvey of Survey 46, Block 78, Township 3, in 1952, identified the Arroyas of the Camales as being the same that is now known as the San Felipe Arroya. He stated this would place the Kneiber Survey Northeast of Fabens at point below where the San Felipe Arroya empties into the Rio Grande Valley and in the vicinity of Survey 40, Block 78, Township 4. To place the Kneiber Survey in this area would require proving that Tay made an error of approximately 19,000 varas or almost 10 miles in his beginning call. El Paso County Rolled Sketch File 19, prepared by Paul McCombs in 1905, shows the Arroya de los Comales and its relationship to the T. & P. Ry. Co. Surveys. It shows the Southern end at approximately the same location as depicted by J.W. Carter, but it also shows the Arroyas lying to the East and to the North of Survey 40, Block 78, Township 3. It even indicates a junction of branches of the Arroyas being about 3-1/2 miles North of Survey 40. At the very least, McCombs map proves that someone, besides Tays, believed the Arroyas of the Camales to be in the immediate area of Survey 40, Block 78, Township 3 and my on-the-ground location of the Kneiber Survey. Current U.S.G.S. topographic maps indicate a wide North-South depression that supports McCombs location of the Arroya, and also explains the use of the Spanish word "Comales", that means wide, flat, and pan-like, when the Arroya was originally named.

In conclusion, I feel my location of the Kneiber survey is correct, based upon all existing evidence. Since the Kneiber Survey is senior to Survey 40, it follows that Survey 40 must yield to the extent they are in conflict. Believing the location of the Kneiber Survey to be in the adjacent Survey 45 to the South, the State issued a conflicting patent to the County of El Paso in 1961 with the stipulation "in the event any portion of said property shall ever cease to be used for public park purposes, then in that event the property herein described shall automatically revert to the State and the Fund to which it originally belonged without recourse by the County of El Paso". I think that there is enough evidence, both of record and on the ground, that proves portions of this land have ceased to be used for public park purposes, which, if true, would void the patent and eliminate any concern in the matter for the General Land Office, unless it chooses to contest my location of the Kneiber Survey. I hope the latter will not be the case, as I assure you that I have carefully and diligently conducted my survey and followed the footsteps of the original surveyor to the best of my ability.

Sincerely,



Robert L. Pounds
Licensed State Land Surveyor

wsfile: glo-k293.rpt