

V. J. BENINATI, JR.  
CLERK DISTRICT COURT  
FILED 10:40

MAY 31 1988

NO. 116,360-A

THE STATE OF TEXAS, THE  
COMMISSIONER OF THE GENERAL  
LAND OFFICE and the SCHOOL  
LAND BOARD on behalf of THE  
PUBLIC FREE SCHOOL FUND OF  
THE STATE OF TEXAS,

Plaintiff

VS.

STANDARD DREDGING CORPORATION,

Defendant

IN THE DISTRICT COURT OF  
GALVESTON COUNTY, TEXAS  
Deputy

GALVESTON COUNTY, TEXAS

10TH JUDICIAL DISTRICT

AGREED JUDGMENT

On the 31st day of May, 1988 came on to be heard the above entitled and numbered cause and came the Plaintiff, the State of Texas, the Commissioner of the General Land Office and the School Land board on behalf of the Public Free School Fund of the State of Texas, by and through its attorney of record Jim Mattox, Attorney General of Texas in the person of Harold G. Kennedy, Assistant Attorney General of Texas, and came the Defendant, Standard Dredging Corporation, by and through its attorney of record, Ernest V. Rountree, and each party, through its respective attorney, announced ready for trial.

No jury having been demanded, all matters and things in controversy, of fact as of law, were submitted to the Court, and it was thereupon announced to the Court that the parties hereto have compromised and settled all matters in controversy between them and have agreed that, with the consent of the Court, an agreed judgment should be entered herein for the Plaintiff as prayed.

It is, therefore, ORDERED, ADJUDGED and DECREED that this judgment does not intend to include any of the original uplands as shown on the 1837 R. C. Trimble and Wm. Lindsey Survey and Plat of the Jones and Hall Survey on Galveston Island in Galveston County, Texas, of record in the General Land Office of Texas, at Austin, Travis County, Texas, that have, by dredging or other man-made means, become inundated or otherwise submerged by the waters of Offatt's Bayou, formerly known as Oyster Bayou.

It is further Ordered, Adjudged and Decreed that the Plaintiff, the State of Texas, the Commissioner of the General Land Office and the School Land Board on behalf of the Public Free School Fund of the State of Texas recover of and from the Defendant, Standard Dredging Corporation, the title and possession of all the submerged lands originally in what is known as Offatt's Bayou, formerly Oyster Bayou, in Galveston County, Texas, as same is shown by the 1837 R. C. Trimble and Wm. Lindsey Survey and Plat, specifically including therein all submerged lands:

(1) Lying within Tract 105-A, West Bay, Galveston County, Texas as shown on the official map of West Bay now on file in the General Land Office of Texas in Austin, Texas, which lands thereof that are also within the original confines of said Offatt's Bayou;

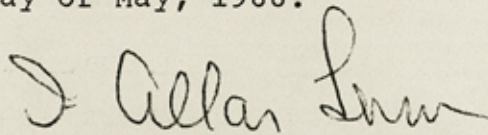
(2) That certain tract described as two hundred (200) acres, more or less, within the original confines of Offatt's Bayou, more fully described by metes and bounds in Exhibit "A"

hereto attached and incorporated hereat by reference, all of which tract lies within said Tract 105-A, above referred; and,

(3) That certain tract consisting of one hundred twenty (120) acres, more or less, within the original confines of Offatt's Bayou, more fully described in Exhibit "B" hereto attached and incorporated hereat by referenced; a small part of which tract also lies within said Tract 105-A, above referred.

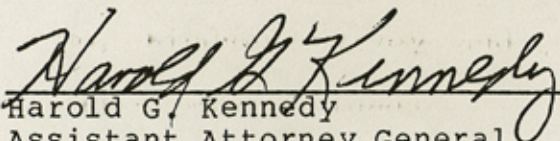
It is further ORDERED that said Plaintiff have Writ of Possession. All costs herein expended are taxed against the party incurring the same, but inasmuch as payment thereof is being provided for, no execution shall issue.

SIGNED this 31st day of May, 1988.



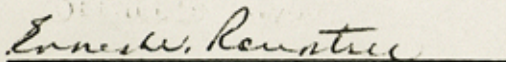
I. Allan Lerner, Judge Presiding

Approved as to form and content:



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Attorney for Defendant

EXHIBIT A

TRACT ONE

200 acres of land more or less located on Galveston Island in the County of Galveston, State of Texas, being known as part of what is known as Offatt's Bayou formerly called Oyster Bayou, and described by metes and bounds as follows, to wit: Beginning at the S.W. corner of Lot No. 528 in Section No. 2 of the Jones and Hall Partition lying in Section No. 1 of the Trimble and Lindsey Survey of Galveston Island, and depicted on a map or plat of said Survey dated 1837, Thence Eastwardly along the water's edge of said Offatt's Bayou and with the South line of said Lot Nos. 528 and of Lot Nos. 527, 526, 524, 523, 520, 519, 516, 515, 512, and with the South line of Lot 535 a distance of two and five tenths chains to stake in said line; Thence S 23° E. about fifteen chains across said Offatt's Bayou to the Northern line of Lot No. 120; Thence Southwestwardly with the said North line of said Lot No. 120 about three chains to the N.W. corner of said Lot No. 120 and the N.E. corner of Lot No. 131; Thence Southwestwardly and Westwardly with the Northern line of Lot Nos. 131, 134, 145, 146, 158, 160, 173, 176, 189, 192, 205, 208, 222, 223, 238, 239, 254, 255, to the N.E. corner of Lot 270 about fifteen chains to a point in said line S 23° E from the S.W. corner of Lot No. 528; Thence North 23° West about fifteen chains across said Offatt's Bayou to the place of Beginning, the said named lots all being in both said Section No. 2 of the Jones and Hall Partition and in said Section No. 1 of the Trimble and Lindsey Survey and depicted on the map or plat of said Survey.

EXHIBIT B

TRACT TWO

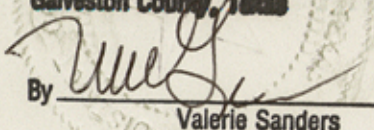
120 acres of land more or less located on Galveston Island in the County of Galveston, State of Texas, being known as part of what is known as Offatt's Bayou, and described by metes and bounds as follows, to wit: Beginning at a point in the center of the north boundary line of Lot No. one hundred and twenty (120) and on the margin of said Bayou in Section No. One (1) of the Trimble and Lindsey Survey of Galveston Island, and depicted on a map or plat of said Survey dated 1837; Thence running Eastwardly along the margin of said Bayou and with the north boundary lines of Lot Nos. 120, 119, 108, 107, 96, 95, 85, 80, 71, 64 and 55 to a point in the west boundary line, near the southwest corner of Lot No. 46 in said Survey; Thence running Northwardly and with the west boundary line of said Lot No. 46 to the center of said west line of said Lot No. 46; Thence in a Northwesterly direction along the margin of said Bayou with the southern boundary lines of Lot Nos. 54, 531 and 532 to the southwest corner of Lot No. 532 of said Survey; Thence running in a Westwardly direction along the margin of said Bayou and with the southern boundary lines of Lot Nos. 533, 534 and 535 opposite the point of beginning; Thence at right angles and running with straight line across said Bayou to the center of Lot No. 120 in said Section No. One (1) being the point of beginning.

A TRUE COPY I CERTIFY UNDER MY HAND  
AND SEAL OF OFFICE.

V. J. BENINATI, JR., Clerk District Court

Galveston County, Texas

By

  
Valerie Sanders

Deputy

V. J. BENINATI, JR.  
CLERK DISTRICT COURT  
FILED

10-46  
MAY 31 1988

GALVESTON COUNTY, TEXAS

BY

  
Deputy

