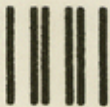


NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES



BUSINESS REPLY MAIL

FIRST CLASS

PERMIT NO. 1068

AUSTIN, TEXAS

POSTAGE WILL BE PAID BY

**GARRY MAURO, CHAIRMAN OF THE
VETERANS LAND BOARD
AUSTIN, TEXAS 78701-1496**

*City of Galveston Park Board
Big Reef Park
(Photos) (4)*

Counter 23784



GENERAL LAND OFFICE

GARRY MAURO
COMMISSIONER

MEMORANDUM

DATE: June 1, 1994

TO: Patti Martinez, Asset Management
FROM: *W* LaNell Aston, Surveying Division
SUBJECT: Big Reef, Galveston County, Texas

This memorandum is written for your files pertaining to the proposed surface lease (SL 940001) to the Park Board of Trustees for the City of Galveston, Galveston County, Texas.

Bob Dedman, Legal Service, GLO, and I have examined and discussed the letter and enclosures submitted to this office on February 22, 1994, by the law firm of McLeod, Alexander, Powel & Apffel under the signature of Mr. W. Daniel Vaughn pertaining to the ownership of Big Reef.

As pointed out by Mr. Vaughn, by Acts of 1911, 32nd Legislature, R.S., Ch. 71, p. 124 (Gammels Laws of Texas, Vol. 3), "Big Reef" and any accretions thereto were conveyed by the State to the U.S. government for military purposes. Patent 47, Volume 39 (Gal-S-103) was issued by the State of Texas to the U. S. Government on July 28, 1912. The patent included all accretions and all tide lands of the State of Texas northwesterly and northerly of the south jetty, with no mineral reservations to the state.

Mr. Vaughn also included with his letter a copy of a deed from the United States to Galveston County, recorded in Book 2567, Pages 606-625, Deed Records, Galveston County, conveying a tract of land containing 390.629 acres, more or less, on April 9, 1975. The description in the deed describes the property in two tracts: 1) Lower tract located south of the south jetty; 2) Accreted Area located north of the south jetty.

In light of the above referenced deed and patent, it would appear that all of Big Reef (accretion northwesterly and northerly of the south jetty) now belongs to the City of Galveston and has been so noted on GLO maps.

Counter 23786

LAW OFFICES
McLEOD, ALEXANDER, POWEL & APFFEL

A PROFESSIONAL CORPORATION

802 ROSENBERG
P. O. BOX 629
GALVESTON, TEXAS 77553

GALVESTON (409) 763-2481
HOUSTON (713) 488-7150
FAX: (409) 762-1155

HOUSTON OFFICE
2285 AMERICA TOWER
2929 ALLEN PARKWAY
HOUSTON, TEXAS 77019
(713) 527-9393
FAX: (713) 527-9437

PATRICIA M. ROSENDAHL
GEORGE P. PAPPAS
GENEVIEVE B. MCGARVEY
MARIA L. FOX
TOD A. PHILLIPS
KYLE L. DICKSON
PHILLIP W. SNYDER
WILLIAM R. FLOYD
ANDREW E. STEINBERG
MICHELE B. CHIMENE
DAVID K. VALLANCE
BRYAN R. LASSWELL
SHERRI R. MALPASS
CECILE E. CRABTREE
JEAN M. BRADLEY
CRAIG A. MCKNIGHT
LAURA B. WALTERS
GLYNIS L. ZAVARELLI
MARK S. LASPINA

V. W. McLEOD (1914-1977)
ROBERT W. ALEXANDER (RETIRED)
BENJAMIN R. POWEL
ERVIN A. APFFEL, JR.
FREDRICK J. BRADFORD
JAMES L. WARE
W. DANIEL VAUGHN
DOUGLAS W. POOLE
MICHAEL B. HUGHES
JAMES B. GALBRAITH
J. D. BASHLINE
ANTHONY P. BROWN
JAMES R. ANSELL
KENNETH J. BOWER
DAVID PARKE SALYER
WM. HULSE WAGNER
DAVID E. COWEN

WRITER'S DIRECT EXTENSION NO. 115

February 22, 1994

RE: Surface Lease No. SL940001 - "The Big Reef" to the Park Board
of Trustees for the City of Galveston, Galveston County, Texas

Ms. Patricia Martinez
Texas General Land Office
Stephen F. Austin Building
1700 North Congress Avenue
Austin, Texas 78701-1495

Dear Ms. Martinez:

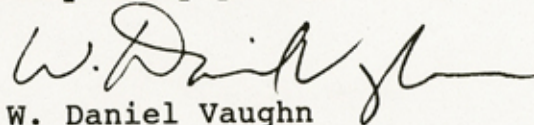
This letter is sent in response to your letter dated February 10, 1994 to Mr. Bob Randall on the subject lease attached hereto. Apparently, there has been a misunderstanding regarding a lease on The Big Reef. The Big Reef was conveyed to the City of Galveston as part of the enclosed deed dated April 9, 1975, from the United States Government recorded at Volume 2576, pages 606 - 625 of the deed records of Galveston County. Therefore, no lease is needed from the State of Texas. Please cancel the request on the subject lease.

For your information, the State of Texas conveyed 658 acres by the enclosed Land Patent dated June 28, 1912 "to the United States or assigns forever." This conveyance was expressly authorized by a legislative act of March 16, 1911, Chapter 71, 1911 Gen. Laws 124 and includes The Big Reef.

Ms. Patricia Martinez
Re: Surface Lease No. SL940001 - "The Big Reef"
February 22, 1994
Page 2

If you have any questions or comments, please give me a call
at your earliest convenience at the above direct extension.

Very truly yours,


W. Daniel Vaughn

WDV\CAM:msg
CC:WP51\PARKBD\LETTERS\TXLANDOF.TBR

Enclosures

cc: Bob Randall
1006 South Shore Drive
Clear Lake Shores, TX 77565
(without enclosures)

In the Name of the State of Texas.

To all to Whom These Presents Shall Come, Know Ye,

I, O. B. Colquitt, Governor of the State aforesaid, by virtue of the power vested in me by Law, and in accordance with the Laws of said State, in such case made and provided, do, by these presents, Grant to The United States Government ~~and~~ or assigns, Forever, Six Hundred and Fifty-eight (658) Acres of Land, situated and described as follows: In Galveston County,

Being the entire northerly end of Galveston Island, about 2 1/2 miles N. 35 E. from the City of Galveston. By virtue of an act of the Legislature of the State of Texas approved March 11, 1911, ceding, granting and transferring said land to the United States Government. Beginning at a point in the S. Bdry. of the Fort Barr Jacinto Military Reservation, marked by a drift bolt in the center of the shore branch of the Galveston South Jetty at Station 69+82.6 of said jetty whence Fort Point Light House lies N. 35 27 35 E. 3,179.3 ft. Thence N. 82 W. along the S. Bdry. and its extension westerly to the easterly harbor line of Galveston Channel as established by the United States. Thence northerly along said harbor line, including all accretions and all tide lands of the State of Texas westerly of said harbor line and contiguous thereto, to the intersection with a line parallel with the center line of the Galveston South Jetty and 100 ft. northwesterly therefrom; then north-easterly, and easterly along said line parallel with the center line of the said jetty and 100 ft. distant therefrom, and along the extension of said parallel line, to a point whence a line drawn southerly at right angles to the eastern end of said parallel line, will pass 100 ft. easterly to the base of the end of the jetty, including all accretions and all tide lands of the State of Texas northwesterly and northerly of said parallel line and the extension described, and contiguous to said line and its extension. Thence southerly along said line drawn at right angles, and passing 100 ft. easterly of the base of the end of the jetty 200 ft., including all accretions and all tide lands of the State of Texas easterly of said line and contiguous thereto. Thence westerly along a line parallel with the center line of said jetty and 100 ft. southerly therefrom to low water line of the Gulf of Mexico, including all accretions and all tide lands of the State of Texas southerly of said parallel line and contiguous thereto. Thence southwesterly along said low water line, including all accretions and all tide lands of the State of Texas easterly thereof, to the South Bdry. of the said U. S. Military Reservation. Thence N. 82 W. along the said boundary to the place of beginning.

Galveston Strip.

File 103.

Hereby relinquishing to the said United States Government ~~and~~ or assigns Forever, all the right and title in and to said Land, heretofore held and possessed by the said State, and I do hereby issue this Letter Patent for the same.

IN TESTIMONY WHEREOF, I have caused the Seal of the State to be affixed, as well as the Seal of the General Land Office.

Done at the City of Austin, on the Twenty-eighth day of June in the year of our Lord one thousand nine hundred and Twelve.

Seal.

Seal.

J. H. Walker, Chf. Clk. + Actg. Commissioner of the General Land Office.

O. B. Colquitt, Governor.

the original papers in each case, to the county clerk of said county, and the said county clerk shall file the same and enter said cases on the respective dockets for trial by said court.

SEC. 9. The said court shall also have the power to hear and determine all motions against sheriffs and other officers of the court for failure to pay over moneys collected under the process of said court or other defalcation of duty in connection with such process, and shall have power to punish by fine not exceeding one hundred dollars, and by imprisonment in the county jail not exceeding three days, any person guilty of contempt of said court, and shall also have all other powers and jurisdiction conferred on county courts by the Constitution and general laws of this State.

SEC. 10. The terms of said court shall commence on the fourth Monday in February, and on the fourth Monday in May, and on the fourth Monday in August, and on the fourth Monday in November of each year, and shall continue in session for each term until the business may be disposed of; provided that the county commissioners court of said county may hereafter change the terms of said court whenever it may be deemed necessary.

SEC. 11. All laws and parts of laws in conflict with this Act be, and the same are hereby expressly repealed in so far as they relate to Oldham county.

SEC. 12. The importance of the passage of this measure to the people of Oldham county creates an emergency and an imperative necessity that the Constitutional rule requiring bills to be read on three several days in each House be suspended, and they are hereby suspended, and that this Act take effect from and after its passage, and it is so enacted.

Approved March 16, 1911.
Becomes a law ninety days after adjournment.

TRANSFER OF LANDS—PROVIDING FOR THE TRANSFER
OF CERTAIN TIDE-WATER LANDS IN GALVESTON
COUNTY, TEXAS, TO THE UNITED STATES
GOVERNMENT FOR A MILITARY
RESERVATION.

S. B. No. 121.] CHAPTER 71.

An Act to grant and transfer to the United States Government land belonging to the State of Texas, situated on Galveston Island, in Galveston county, Texas, comprising what is known as the Fort San Jacinto Military Reservation, on which to locate, construct and maintain a military post and fortification, and to grant, cede and transfer to said United States Government the tide lands in front of and all future accretions and accumulations to all of said lands; and for the cession by the State of Texas to the United States Government of jurisdiction over all such lands or the accretions thereto, or the accumulations thereof.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. That so much of the land belonging to the State of Texas, in amount nine hundred and seventy-eight acres more or

less, situated on State, described

The entire nor the State of Te boundary of the as hereinafter d and westerly to harbor line now United States, a the more specific

Beginning at Jacinto Military the shore branch of said jetty, w minutes 35 secon the said south b harbor line of G thence northerly all tide lands of contiguous there center line of th therefrom; thenc with the center l and along the ex drawn southerly line, will pass l including all acc westerly and no scribed, and cont along said line of the base of th and all tide lan contiguous there center line of s water line of th tide lands of th contiguous there including all ac easterly thereof. military reservat to the place of l

The co-ordina origin, the flagst North 7770.3 fe to the true meri

Be and the sa United States G barracks and oth

SEC. 2. That the improvement field notes of sai States Governm

Acts of 1911, 32nd Legislature, R.S. Ch 71, p 124

(Samuels
Samuels, Laws of Texas, Vol. 3)

less, situated on Galveston Island, in Galveston county, of said State, described as follows:

The entire northerly end of Galveston Island and all tide lands of the State of Texas adjacent thereto, lying northerly of the south boundary of the Fort San Jacinto United States Military Reservation as hereinafter described, extended easterly to the Gulf of Mexico and westerly to the easterly harbor line of Galveston channel as said harbor line now exists, or as it may hereafter be amended by the United States, and including the site of the Galveston south jetty, the more specific description of said tract being as follows:

Beginning at a point in the said south boundary of the Fort San Jacinto Military Reservation, marked by a draft bolt in the center of the shore branch of the Galveston south jetty at Station 69, plus 02.6 of said jetty, whence Fort Point light house bears N. 35 degrees 27 minutes 35 seconds E. 3179.3 feet; thence No. 82 degrees W., along the said south boundary and its extension westerly, to the easterly harbor line of Galveston channel as established by the United States; thence northerly along said harbor line, including all accretions and all tide lands of the State of Texas, westerly of said harbor line and contiguous thereto, to the intersection with a line parallel with the center line of the Galveston south jetty and 100 feet northwesterly therefrom; thence northeasterly and easterly along said line parallel with the center line of the said jetty and 100 feet distant therefrom, and along the extension of said parallel line, to a point whence a line drawn southerly at right angles to the eastern end of said parallel line, will pass 100 feet easterly of the base of the end of the jetty, including all accretions and all tide lands of the State of Texas northwesterly and northerly of said parallel line and the extension described, and contiguous to said line and its extensions; thence southerly along said line drawn at right angles, and passing 100 feet easterly of the base of the end of the jetty 200 feet, including all accretions and all tide lands of the State of Texas easterly of said line and contiguous thereto; thence westerly along a line parallel with the center line of said jetty and 100 feet southerly therefrom, to low water line of the Gulf of Mexico, including all accretions and all tide lands of the State of Texas southerly of said parallel line and contiguous thereto; thence southwesterly along said low water line, including all accretions and all tide lands of the State of Texas easterly thereof, to the south boundary of the said United States military reservation; thence N. 82 degrees W. along the said boundary to the place of beginning.

The co-ordinates of the point of beginning, with respect to the origin, the flagstaff on the Hendley building, city of Galveston, and North 7770.3 feet and East 5918.0 feet. All bearings are referred to the true meridian.

Be and the same is hereby ceded, granted and transferred to the United States Government, on which to locate said fortifications, forts, barracks and other necessary buildings.

SEC. 2. That the United States Government engineer, in charge of the improvements at the harbor of Galveston, shall furnish a plat and field notes of said land ceded and granted by this Act to the United States Government to the Commissioner of the General Land Office

of said county,
er said cases on

to hear and de-
of the court for
ss of said court
ch process, and
ne hundred dol-
exceeding three
, and shall also
ounty courts by

se on the fourth
May, and on the
ay in November
n term until the
ty commissioners
ns of said court

with this Act be,
ar as they relate

s measure to the
ed an imperative
ls to be read on
they are hereby
after its passage,

HE TRANSFER
ALVESTON
STATES
RY

gment land belong-
land, in Galveston
t San Jacinto Mill-
maintain a military
fer to said United
ll future accretions
ession by the State
ction over all such
thereof.

exas:
g to the State of
ht acres more or

of the State of Texas, giving the correct location of the said land, with the number of acres contained in said field notes; after the said Commissioner has received and has examined the said plat and field notes and found them correct, he shall issue a patent to the United States Government for the amount of land designated in said field notes, and the Governor of the State of Texas is hereby authorized to sign said patent, ceding, granting and transferring said land to the United States Government. **Provided, that the tide lands in front of and all future accretions and accumulations, as the result of nature, and resulting from the works for the improvements and defense of the said harbor, to all lands acquired by the United States Government under this Act, are hereby ceded and granted to the United States Government.**

SEC. 3. Whenever the United States shall acquire any lands in this State for any of the purposes authorized by this Act, and in the manner authorized by this Act, and shall desire to acquire constitutional jurisdiction over such lands for said purposes, it shall be lawful for the Governor of this State, in the name and in behalf of the State, to cede to the United States exclusive jurisdiction over any lands so acquired when application may be made to him for that purpose accompanied by the patent from the State of Texas authorized to be issued by this Act.

SEC. 4. No such cession or jurisdiction shall ever be made except upon the express condition that the State of Texas shall retain concurrent jurisdiction with the United States over the lands so ceded, and every portion thereof, so far that all process, civil or criminal, issuing under the authority of this State, or of any of the courts or judicial officers thereof, may be executed by the proper officers of this State upon any person amenable to the same within the limits of the lands so ceded in like manner and with like effect as if no such cession has taken place, and such condition shall be always inserted in any instrument of cession under the provisions of this Act.

SEC. 5. The United States shall be secure in their possession and enjoyment of all lands acquired under the provisions of this Act, and such lands and all improvements thereon shall be exempt from any taxation under the authority of this State so long as the same are held, owned, used and occupied by the United States for the purposes expressed in this Act, and not otherwise.

SEC. 6. The provisions of this Act shall not be construed to in any manner affect the title or claim of persons holding under the grant to Juan Seguin or the patent issued to M. B. Menard or the patents issued to W. A. A. Wallace for lands covered by the provisions of this Act. This Act shall in no way give effect to or validate any invalid or void claim, grant or patent to any of the land and accretions thereto on the island of Galveston, Texas, herein provided to be patented to the United States Government.

Approved March 16, 1911.
Becomes a law ninety days after adjournment.

COURTS—PRES
THIR

H. B. No. 542.]

An Act to prescribe
the various coun
the State of Texa
clearing an emerg

Be it enacted by
SECTION 1. The
eighth Judicial D
Medina, Bandera,
district court ther

In the county o
tember, and may.

In the county
Monday in Marc
two weeks.

In the county of
day in March ar
weeks.

In the county of
day in March an
weeks.

In the county o
Monday in March
weeks.

In the county
first Monday in
sion two weeks.

In the county
Monday in March
continue in sessio

SEC. 2. All wri
into or executed p
to terms of court
posing said distric
court as fixed by t
change had been r

SEC. 3. All law
of this Act are he

SEC. 4. The ne
said district and
emergency and an
of the Constitutio
days, and said r
force and effect fr

Approved Marc
Became a law N

370-0-1

CERTIFICATE OF RECORDATION

I, J. H. HUMPHREY, JR., of the Office of County Recorder of the County of GALVESTON, State of TEXAS, hereby certify that a certain Quitclaim Deed bearing the date as of April 9th, 1975, executed by The United States of America, conveying certain land situate in said County, to CITY OF GALVESTON, was filed for record on the 9th day of MAY, 1975 at 3:52 P.M.

I further certify that same Deed has been recorded in Book No. 2567 at Page No 606-625 ^{Incl.} of the Official Records of said County.

J. G. HUMPHREY, JR. COUNTY CLERK
(Signature)

COUNTY CLERK, GALVESTON, TEXAS
(Title)

BY Audrina Mussel Deputy

RETURN TO:

RETURN TO:
Regional Director
Bureau of Outdoor Recreation
Room 211, Patio Plaza Building
5000 Marble, N.E.
Albuquerque, New Mexico 87110

390.629 acres
(Boulder Drive)

THE UNITED STATES OF AMERICA, by and through the Secretary of the Interior or his authorized representative, hereinafter referred to as GRANTOR, pursuant to the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, in particular as amended by P.L. 91-485, 84 Stat. 1084 (1970), for good and valuable consideration paid by the GRANTEE herein, has bargained, sold, quitclaimed, and released, and by these presents does bargain, sell, quitclaim, and release unto the City of Galveston, State of Texas, hereinafter referred to as GRANTEE, all right, title, interest, and estate in and to a tract of land consisting of 390.629 acres, more or less, in Galveston County, Texas, and more particularly described in the Exhibit "A" attached hereto; together with all and singular the hereditaments and appurtenances thereunto belonging or in any wise appertaining.

The subject lands are conveyed, subject to the reservations, conditions, restrictions, and easements as set forth in that certain letter assignment dated November 4, 1974, from the General Services Administration to the Department of the Interior, attached hereto as Exhibit "A" and made a part hereof.

This conveyance is further subject to the following covenants which shall run with the land:

A. That the conveyed premises shall be used and maintained in perpetuity for the public purposes set forth in the program of utilization and plan included as part of GRANTEE'S application dated August 8, 1974, which program and plan may be amended at the request of either party with the written concurrence of the other party, and such amendments shall be added to and become part of the original application; PROVIDED, HOWEVER, in the event

the conveyed premises cease to be used for said public purposes, all right, title, and interest in and to all or any portion of said premises, in its then existing condition, shall revert at the option of GRANTEE to the GRANTEE.

B. That GRANTEE shall, within six (6) months of the date of this Quitclaim Deed, erect and maintain a permanent sign near the principal access to the premises, indicating that the property is a park or recreation area that has been acquired from The United States of America for use by the public.

C. That the property shall not be sold, leased, assigned, or otherwise disposed of except to another eligible governmental agency without the written consent of the Secretary of the Interior; PROVIDED, HOWEVER, nothing in this provision shall preclude GRANTEE from providing recreational facilities and services through concession agreements with third parties, provided prior concurrence to such agreements is obtained in writing from the Secretary of the Interior.

D. That the GRANTEE, its successors and assigns, shall submit biennial reports to the Secretary of the Interior, setting forth the use made of the property during the preceding two-year period, and other pertinent data establishing its continuous use for the purposes set forth above, for ten consecutive reports, and as further determined by the Secretary of the Interior.

E. That the program for which this Deed is made will be conducted in compliance with all regulations of the Department of the Interior in effect on the date of this Deed (43 CFR Part 17) issued under the provisions of Title VI of the Civil Rights Act of 1964.

F. That the GRANTEE, its successors and assigns, will obtain from each other person (any legal entity) who, through contractual or other arrangement, is authorized to provide services or benefits under said program, a written agreement that such other person shall comply with this covenant, and furnish a copy of such agreement to the Secretary of the Interior or his successor.

In the event there is a breach of any of the conditions and covenants herein contained by the GRANTEE, its successors and assigns, for any cause, all right, title and interest in and to the said premises shall revert to GRANTOR, at its option, which, in addition to all other remedies for such breach, shall have the right of entry upon said premises, and the GRANTEE, its successors and assigns, shall forfeit all right, title and interest in said premises and any and all the tenements, hereditaments and appurtenances thereunto belonging; PROVIDED, HOWEVER, that the failure of the Secretary of the Department of the Interior to require in any one or more instances complete performance of any of the conditions or covenants shall not be construed as a waiver or relinquishment of such future performance, but the obligation of the GRANTEE, its successors and assigns, with respect to such future performance, shall continue in full force and effect.

To have and to hold the subject premises unto the said GRANTEE and its assigns forever.

IN WITNESS WHEREOF, the GRANTOR has caused these presents to be executed in its name and on its behalf this the 9th day of April, 1975.

THE UNITED STATES OF AMERICA

By R. W. [Signature]
 acting for Regional Director
 South Central Region
 Bureau of Outdoor Recreation

The foregoing conveyance is hereby accepted, and the undersigned agrees, by this acceptance, to assume and be bound by all the obligations, conditions, covenants, and agreements therein contained.

CITY OF GALVESTON, TEXAS

By R. A. Agffel
Mayor

and

By Jack E. Nichols
City Manager

ACKNOWLEDGMENT

STATE OF Texas
COUNTY OF Galveston

SS:

On this 2nd day of May, 1975,

before me, the undersigned officer, personally appeared

R. A. Agffel and Jack E. Nichols

to me known and known to me to be the same persons whose names are subscribed to the foregoing acceptance, who being by me duly sworn, did depose and say that they are the Mayor and City Manager, respectively, of the City of Galveston, Texas; that they are duly designated, empowered, and authorized by a Resolution adopted by the City Council of said City on July 25, 1974, to execute the foregoing acceptance and sign their names thereto; and that they signed their names thereto and acknowledge that they executed the foregoing instrument for and on behalf of said City for the purposes and uses therein described.

Adeline J. Novich
Notary Public

My Commission expires: June 1, 1975

UNITED STATES OF AMERICA
GENERAL SERVICES ADMINISTRATION



DATE: November 4, 1974

Region 7
819 Taylor Street
Fort Worth, TX 76102

REPLY TO
ATTN OF: 7PKU-2

SUBJECT: D-Tex-867-A

*Ind. activity 11/8
G.S.A. Summary*

Mr. Rolland B. Handley
Regional Director
Bureau of Outdoor Recreation
Patio Plaza, 5000 Marble Avenue, NE
Albuquerque, New Mexico 87110

Your letter of August 29, 1974, requested assignment of 390.629 acres of land at the Galveston Harbor and Channel Project for conveyance to the City of Galveston for public park and recreational use.

Pursuant to the authority vested in the Administrator of General Services by the provisions of the Federal Property and Administrative Services Act of 1949, as amended, and the delegation of that authority by him, I hereby assign this 390.629 acres of land as described on the attached Exhibit "A-1" to the Secretary of the Interior for conveyance to the City of Galveston, Texas, for public park and recreational use in accordance with Section 203(k)(2) of said Act, as amended. This property is shown crosshatched on the attached map, Exhibit "A-2."

The assignment of this property to your Department is made subject to the following conditions, restrictions and reservations:

1. All existing easements, if any, for public roads and highways, public utilities and pipelines.
2. Reservation to the United States of America and its assigns of all right, title and interest in and to all of the oil, gas and other minerals underlying the land conveyed, together with the right of the United States of America and its assigns to enter upon the land at any time and prospect for and/or mine or remove such minerals.
3. This tract of land is subject to flooding during high tides, particularly those accompanying a hurricane. The tide levels that can be expected to occur in this area are about 13 and 15 feet above mean sea level, respectively, for the 100 year and the standard project hurricane. These elevations represent still water levels only, and do not take into account the additional heights that could occur as a result of wind and wave action. The tract would be subject to severe wave action during storms in which the land would be inundated to depths of four feet or more.

Because this land is within the 100 year flood plain and is subject to flooding, the conveyance will be made subject to the restriction that no

Keep Freedom in Your Future With U.S. Savings Bonds

counter 23800

structure for human habitation shall be constructed or maintained on said property, and no other type of structure shall be constructed or maintained except as may be obtained in writing from the District Engineer, U. S. Army Corps of Engineers, Galveston, Texas District.

4. There shall be reserved to the United States of America and its assigns the following:

a. The existing jetty structure together with the perpetual right, privilege and easement in the land described in the attached Exhibit "B" to construct, reconstruct, enlarge, remove, alter, replace, operate and maintain levees, seawalls, dikes, drains, ditches, ramps, jetties, roads, and any and all other flood or shore protection works, including all appurtenances thereto and full rights of ingress and egress to and from said land for such purposes, over, upon and across the adjacent land conveyed hereby.

b. The existing power lines and a rear range light system and appurtenances, together with a perpetual easement therefor and rights-of-way on, over and across two strips of land identified as Parcels Nos. "E" and "G" to operate, maintain, patrol, repair, remove, or replace such power lines and rear range light system and appurtenances, with reasonable ingress and egress for exercising such rights. Parcel "E," containing 7.33 acres, and Parcel "G," containing 0.12 of an acre, are described on the attached Exhibit "E." A sketch showing the location of such easements is contained on the attached Exhibit "D."

5. Subject to a restrictive covenant condition to be inserted in your conveyance document worded as follows over Parcel "F" containing 169.60 acres. The attached map (Exhibit "D") shows the location of such Parcel "F." Parcel "F" is described on the attached Exhibit "E."

"The said grantee, its successors and assigns covenant and agree as a part of the consideration of this conveyance that they will not use nor permit a use of the land herein conveyed in such a manner as to cause electro-magnetic radiation capable of causing interference of any kind whatsoever that will impede or diminish in any way the efficient monitoring operation of the United States Government LORAN facility located on land adjacent to the land conveyed by this instrument. The grantee, its successors and assigns further covenant and agree not to install or permit to be installed on the land herein described any device or devices, mechanical, electrical or otherwise causing or likely to cause interference of any kind whatsoever with the reception of radio signals at the aforesaid United States Government LORAN facility. The grantee, its successors and assigns also covenant and agree not to build or permit to be built on said land without obtaining the written permission of the Commander, 8th Coast Guard District, Custom House, New Orleans, Louisiana. The grantee, its

DEED
BOOK 2567 PAGE 613

3

successors and assigns also covenant and agree not to make any installation nor engage in any activity which would result in aircraft flying over the LORAN facility property. The covenants herein shall run with the land, be binding upon the parties and all persons claiming under them until such time as the adjacent property is no longer used by the United States Government for purposes requiring the above protective restrictions."

6. If at any time the United States of America shall determine that the premises herein conveyed, or any part thereof, are needed for the national defense, all right, title and interest in and to said premises or part thereof determined to be necessary to such national defense shall revert to and become the property of the United States of America.

7. The document conveying the property shall contain a provision requiring that the recipient shall comply with your Agency's non-discrimination regulations issued pursuant to Title VI of the Civil Rights Act of 1964, in accordance with Federal Property Management Regulation 101-6.2.

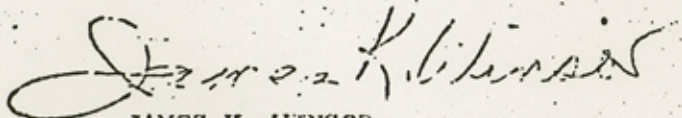
We estimate the value of this 390.629 acres to be \$800,000. Its acquisition cost for accounting purposes is \$1.00.

We have no objections to the proposed transfer of this property by your Agency to the City of Galveston, Texas, subject to the usual terms and conditions of such transfers of real property, and subject to the conditions, restrictions and reservations stated above.

Responsibility for custody and accountability of the property and protection and maintenance thereof pending disposition will be governed by provisions of the Federal Property Management Regulations, Subchapter H, Subpart 101-47.402.

The U. S. Army, Corps of Engineers, is the holding agency for this property. When you are ready for possession of the property to be granted to the City of Galveston, Texas, you should advise Mr. Ronald H. Nelson, Chief, Real Estate Division, Department of the Army, Galveston District, Corps of Engineers, P. O. Box 1229, Galveston, Texas 77550.

When the transfer has been consummated, please furnish us two copies of the transfer document.



JAMES K. WINSOR
Director, Real Property Division
Public Buildings Service

6 Enclosures

counter 23802

D E E D

BOOK 2567 PAGE 614

EXHIBIT "A-1"

PARK AND RECREATIONAL LAND

390.629 acres of land, more or less, more particularly described as follows:

Lower Tract

Located South of the South Jetty

All of the United States Government land east of the Galveston Seawall ROW, south of Galveston South Jetty ROW line, west of average Mean Low Water line surveyed May 1966 and north of the old south boundary of U. S. Military Reservation line located on the east end of Galveston Island, Galveston County, Texas and described by metes and bounds as follows:

POINT OF BEGINNING, the intersection of the south ROW line of the said Galveston South Jetty and the east ROW line of said Galveston Seawall and said point of beginning having the following Lambert Grid Coordinates, South Central Zone of Texas: X = 3,352,366.845 Y = 570,418.470

THENCE parallel along the south ROW of the South Jetty 100' from the centerline S70°34'45"E 388.87 feet to a point;

THENCE continuing along the said ROW S84°07'41"E 7138.93 feet to the intersection of the average Mean Low Water line established in May 1966;

THENCE along said Mean Low Water line S50°55'15"W 3880.32 feet to the intersection with said U. S. Military Reservation line;

THENCE along said U. S. Reservation line N84°04'45"W 5758.61 feet to the intersection with said east ROW line of the Galveston Seawall;

THENCE along said east ROW line of the Galveston Seawall N25°06'38"E 2995.47 feet to the POINT OF BEGINNING, containing 418.94 acres, surveyed May 1966, all bearings and distances are Lambert.

Counter 23803

D E E O
BOOK 2567 PAGE 815

Accreted Area
Located North of the South Jetty

The east portion of the Galveston Harbor and Channel Project, Texas, bounded on the north side by USED reference line, the south side by the north right-of-way property line of the South Jetty, and the east and west sides by the average Mean Low Water line. Said property being north of the South Jetty in the vicinity of USED Monument "East Beach" located at centerline station 205+20, Galveston South Jetty, Galveston County, Texas, and the description by Metes and Bounds are as follows:

POINT OF BEGINNING is a Mean Low Water point established 1973, intersecting the north right-of-way line of the South Jetty being 100.00' N05°52'19"E from a centerline point on South Jetty that is N84°07'41"W. 2884.55' of the USED Brass Cap Monument "East Beach" Lambert Coordinates Y = 569,922.08; X = 3,358,271.98;

THENCE with the meanders of the Mean Low Water line N65°57'W. 302.00 feet to P. I. #1;

THENCE N43°56'W 304.00 feet to P. I. #2;

THENCE N17°45'W. 266.00 feet to P. I. #3;

THENCE N06°00'W. 315.00 feet to P. I. #4;

THENCE N53°39'E. 208.00 feet to P. I. #5, a Mean Low Water point intersecting said USED reference line;

THENCE along said reference line N84°05'39"E. 4694.40 feet to P. I. #6, a Mean Low Water point intersecting the reference line;

THENCE with the average Mean Low Water line S76°59'W. 208.00 feet to P. I. #7;

THENCE continuing along meandering of said Mean Low Water line S40°51'E. 225.00 feet to P. I. #8;

THENCE S39°09'E. 463.00 feet to P. I. #9;

THENCE S34°56'E. 218.00 feet to P. I. #10;

THENCE S26°29'E. 314.00 feet to P. I. #11;

THENCE S41°35'E. 285.00 feet to P. I. #12;

THENCE S77°32'E. 204.00 feet to P. I. #13;

THENCE S64°23'E. 407.00 feet to P. I. #14;

THENCE S68°23'E. 296.00 feet to P. I. #15;

THENCE S57°26'E. 220.00 feet to P. I. #16;

THENCE S61°19'E. 546.00 feet to P. I. #17;

THENCE S68°38'E. 371.00 feet to P. I. #18;

THENCE S70°49'E. 420.00 feet to P. I. #19;

THENCE S74°04'E. 134.00 feet to P. I. #20, a Mean Low Water point intersecting the north right-of-way property line of the South Jetty;

THENCE N84°07'41"W. 7898.68 feet with the said north right-of-way property line of South Jetty to the POINT OF BEGINNING, containing 221.679 acres, surveyed 5 October 1973, all bearings and distances are Lambert.

South Jetty Area

The Galveston South Jetty tract, east of the Galveston Seawall and north of U. S. Military Reservation line, located on the east end of Galveston Island, Galveston County, Texas and described by metes and bounds as follows:

POINT OF BEGINNING is the intersection of the south ROW line of the Galveston South Jetty and the east ROW line of said Galveston Seawall and said point of beginning having the following Lambert Grid Coordinates, South Central Zone of Texas: X = 3,353,366.845 Y = 570,418.470

THENCE across the ROW of the South Jetty N25°06'38"E 200.99 feet to a point on the North Jetty ROW line;

THENCE parallel along the North ROW of the South Jetty S70°34'45"E 349.86 feet to a point;

THENCE continuing along said ROW S84°07'41"E 1640.57 feet to a point (Mean Low Water point, established Oct 1973);

THENCE continuing along said ROW S84°07'41"E 7898.68 feet to a point;

THENCE across said South Jetty ROW S05°52'19"W 200.00 feet to a point on the south ROW line of said South Jetty ROW;

THENCE continuing along said ROW N84°07'41"W 2427.64 feet to a point,
(the intersection of the average Mean Low Water line established in May 1966);

THENCE continuing along said ROW N84°07'41"W 7138.93 feet to a point;

THENCE continuing along said ROW N70°34'45"W 388.87 feet to the POINT
OF BEGINNING, containing 45.35 acres, surveyed 5 October 1973, all bearing
and distances are Lambert.

AND EXCEPT two parcels from the above 685.969 acres of land described
follows:

PARCEL NO. 1 (National Oceanic and Atmospheric Administration Tract)

United States Government land east of the Galveston Seawall
ROW, north of U. S. Military Reservation Line and south of Galveston South
Jetty, located on the east end of Galveston Island, Galveston County, Texas
and described by metes and bounds as follows:

POINT OF BEGINNING, a point on the north ROW line of the South Jetty
being 200.99 feet, N25°06'38"E from the intersection of the South ROW of
the Galveston South Jetty and the east ROW line of said Galveston Seawall
and said point of beginning having the following Lambert Grid Coordinates,
South Central Zone of Texas: X = 3,353,452.14 Y = 570,600.46

THENCE parallel along the north ROW line of the South Jetty 100' from
centerline S70°34'45"E 348.86 feet to a point;

THENCE continuing along the said north ROW line S84°07'41"E 583.90 feet
to a point;

THENCE S25°06'38"W, 3110.76 feet across the South Jetty ROW to the
intersection with said U. S. Military Reservation line;

THENCE along said U. S. Military Reservation line N84°04'45"W, 951.29
feet to the intersection with said east ROW line of the Galveston Seawall;

THENCE along said seawall east ROW of Galveston Seawall N 25°06'38" E
3196.46 feet to the POINT OF BEGINNING, containing 64.50 acres, surveyed
May 1966, all bearings and distances are Lambert.

D E E D

BOOK 2567 PAGE 618

PARCEL NO. 2 (U. S. Coast Guard Tract)

Parcels A, B, C and D, containing a total of 230.84 acres of land, as described below:

Said Parcels "A," "B," "C," and "D" lie south of the Galveston South Jetty south ROW line, west of the average Mean Low Water line as surveyed May 1966, and north of the old south boundary of the U. S. Military Reservation, on the east end of Galveston Island, Galveston County, Texas, and described by metes and bounds as follows:

POINT OF BEGINNING, a point on the south ROW line of said Galveston South Jetty S 81°46'49" E 2223.80 feet from the intersection of said line with the east ROW line of the Galveston Seawall, said point of beginning having the following Lambert Grid Coordinates, South Central Zone of Texas: X = 3,355,567.80 Y = 570,100.53

THENCE along said South Jetty ROW line S 84°07'41" E 5296.06 feet to a point of intersection with said Mean Low Water line;

THENCE along said Mean Low Water Line S 50°55'05" W 3880.39 feet to a point of intersection with said boundary of the U. S. Military Reservation;

THENCE along said Reservation boundary line N 84°04'45" W 1380.00 feet to a point;

THENCE N 38°31'14" W 1671.95 feet to a point;

THENCE N 05°52'19" E 1546.10 feet to the POINT OF BEGINNING, containing 230.84 acres more or less. All bearings and distances are Lambert's.

LEAVING a net area of 390.629 acres of land, more or less.

EXHIBIT "B"

SOUTH JETTY AREA

Said Galveston South Jetty easement ROW tract lies east of the Galveston Seawall and north of U. S. Military Reservation line, located on the east end of Galveston Island, Galveston County, Texas and described by metes and bounds as follows:

POINT OF BEGINNING is the intersection of the south ROW line of the Galveston South Jetty and the east ROW line of said Galveston Seawall and said point of beginning having the following Lambert Grid Coordinates, South Central Zone of Texas: X = 3,353,366.845 Y = 570,428.670

THENCE across the ROW of the South Jetty N25°06'38"E 200.99 feet to a point on the North Jetty ROW line;

THENCE parallel along the North ROW of the South Jetty S70°34'45"E 348.86 feet to a point;

THENCE continuing along said ROW S84°07'41"E 1640.57 feet to a point (Mean Low Water point, established Oct 1973);

THENCE continuing along said ROW S84°07'41"E 7898.68 feet to a point;

THENCE across said South Jetty ROW S05°52'19"W 200.00 feet to a point on the south ROW line of said South Jetty ROW;

THENCE continuing along said ROW N84°07'41"W 2427.64 feet to a point, (the intersection of the average Mean Low Water line established in May 1966);

THENCE continuing along said ROW N84°07'41"W 7138.93 feet to a point;

THENCE continuing along said ROW N70°34'45"W 388.87 feet to the POINT OF BEGINNING, containing 45.35 acres, surveyed 5 October 1973, all bearing and distances are Lambert.

EXHIBIT "C"

POWER LINE AND REAR RANGE LIGHT SYSTEM EASEMENTS
(PARCELS E and G)

Two perpetual easements and rights-of-way, on, over and across the strips of land identified below as Parcels No. E and G, to operate, maintain, patrol, repair, remove, or replace existing Coast Guard power lines and a Coast Guard rear range light system and appurtenances, with reasonable ingress and egress for exercising such rights. Parcel E contains 7.33 acres of land and Parcel G contains 0.12 of an acre of land.

(a) Parcel E is located on the east end of Galveston Island, Galveston County, Texas, and is described by metes and bounds as follows:

POINT OF BEGINNING, a point S 33°43'14" E 1051.76 feet from the intersection of the Galveston South Jetty south ROW line and the Galveston Seawall east ROW line, said point of beginning having the following Lambert Grid Coordinates, South Central Zone of Texas:
X = 3,353,950.72 Y = 569,543.66

THENCE N 84°19'12" E 1114.90 feet to a point of intersection with a circular arc of radius 75 feet, with the center of said arc along said radius bearing S 61°59'27" E;

THENCE clockwise 165.11 feet along said circular arc, through a central angle of 126°08'05", to a point of intersection with a line, with the center of said arc along a radius of said point of intersection bearing S 64°08'38" W;

THENCE S 82°10'01" E 326.24 feet to a point;

THENCE S 05°52'19" W 100.00 feet to a point;

THENCE N 82°10'01" W 385.15 feet to a point;

THENCE S 84°19'12" W 1230.05 feet to a point;

THENCE N 25°09'03" E 116.39 feet to the POINT OF BEGINNING, containing 7.33 acres more or less. All bearings and distances are Lambert.

(b) Parcel G is located south of the Galveston South Jetty south ROW line, on the east end of Galveston Island, Galveston County, Texas, and is described by metes and bounds as follows:

D E E D

BOOK 2567 PAGE 622

POINT OF BEGINNING, a point on the south ROW line of said Galveston South Jetty S 81°16'19" E 1628.37 feet from the intersection of said line with the east ROW line of the Galveston Scawall, said point of beginning having the following Lambert Grid Coordinates:

X = 3,355,174.04

Y = 570,141.03

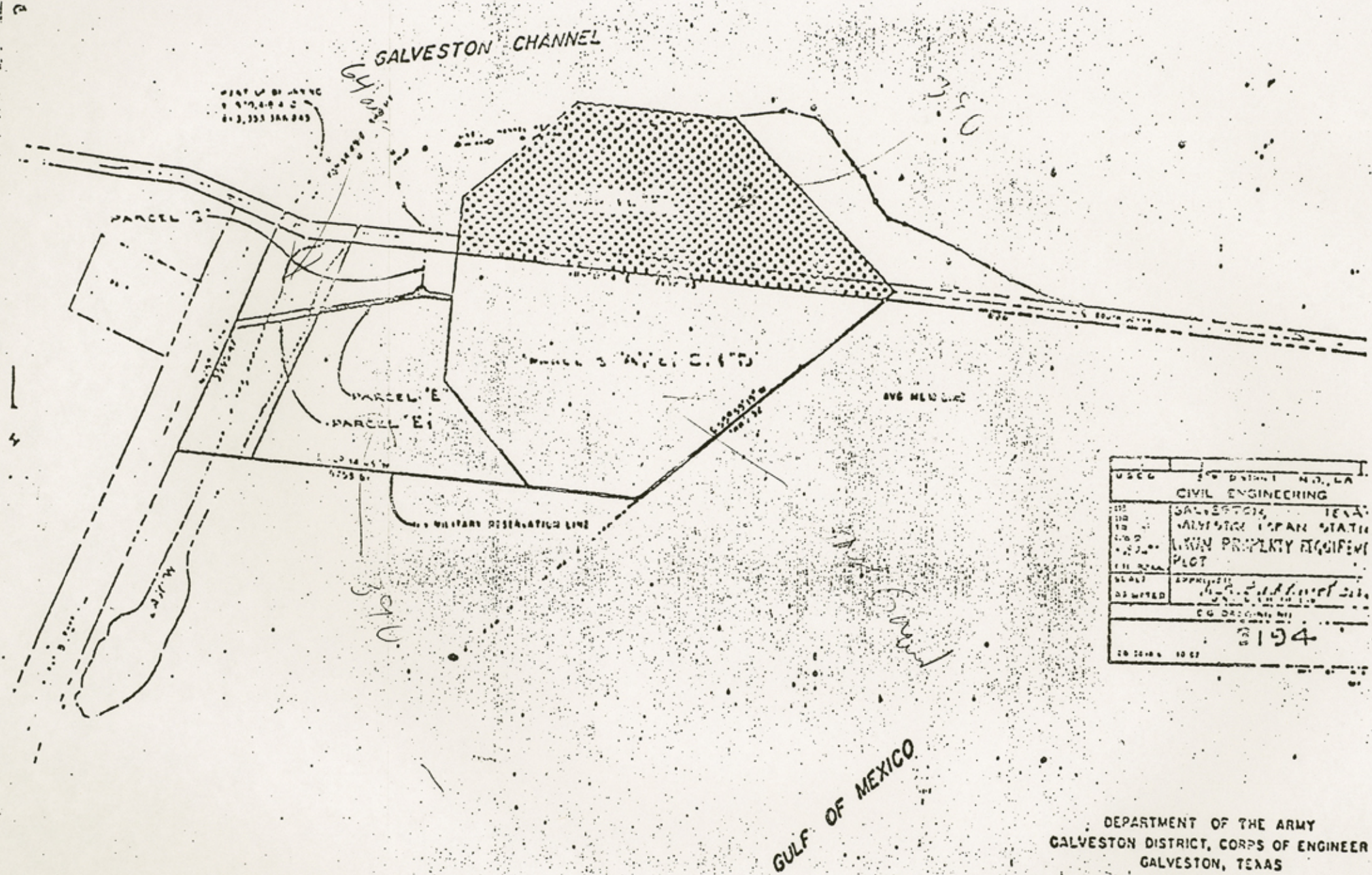
THENCE along said South Jetty ROW line S 84°07'41" E 12.00 feet to a point;

THENCE S 05°52'19" W 449.62 feet to a point of intersection with a circular arc of radius 75 feet, with the center of said arc along said radius bearing S 10°27'38" W;

THENCE counterclockwise 12.01 feet along said circular arc, through a central angle of 09°10'37", to a point of intersection with a line, with the center of said arc along a radius at said point of intersection bearing S 01°17'00" W;

THENCE N 05°52'19" E 449.62 feet to the POINT OF BEGINNING, containing 0.12 acres more or less. All bearings and distances are Lambert.

BOOK 2567 PAGE 623



| | |
|-------------------|---------------------------|
| USCG | NEW DISTRICT NO. 1, LA |
| CIVIL ENGINEERING | |
| DATE | GALVESTON, TEXAS |
| DESIGNED | GALVESTON ISLAND STATE |
| FILE NO. | LAND PROPERTY ACQUISITION |
| SCALE | AS SHOWN |
| APPROVED | <i>[Signature]</i> |
| CG DISTRICT NO. 1 | |
| 3194 | |
| 28 DEC 1957 | |

0 500 1000 2000
 SCALE IN FEET
 DATE OCT 8, 1957

DEPARTMENT OF THE ARMY
 GALVESTON DISTRICT, CORPS OF ENGINEERS
 GALVESTON, TEXAS
 SURVEY OF
 GALVESTON EAST BEACH
 DRAWING NO. 1 OF 10
 STATE PLANE COORDINATE SYSTEM
 NAD 83
 GCS NAD 83
 UTM
 16QUD
 500000 1600000

count 23812

EXHIBIT "E"

PARCEL F RESTRICTIVE COVENANT

Property description for Parcel F which lies north of the Galveston South Jetty south ROW line, on the east end of Galveston Island, Galveston County, Texas, is described by metes and bounds as follows:

POINT OF BEGINNING, a point on the Galveston South Jetty south ROW line S 81°46'49" W 2223.80 feet from the intersection of said line with the east ROW line of the Galveston Seawall, said point of beginning having the following Lambert Grid Coordinates, South Central Zone of Texas: X = 3,355,567.80 Y = 570,100.53

THENCE N 05°52'19" E 580.00 feet to a point;

THENCE N 50°52'19" E 1830.00 feet to a point;

THENCE S 84°07'41" E 1980.00 feet to a point;

THENCE S 44°14'08" E 2766.03 feet to a point;

THENCE S 50°55'05" W 141.56 feet to a point of intersection with said Galveston South Jetty south ROW line;

THENCE along said Jetty ROW line N 84°07'41" W 5296.06 feet to the POINT OF BEGINNING, containing 169.60 acres more or less. All bearings and distances are Lambert.

DEED
BOOK 2567 PAGE 625

STATE OF TEXAS COUNTY OF GALVESTON
I hereby certify that this instrument was filed on the
date and time stamped hereon by me and was duly recorded
in the volume and page of the named records of Galveston
County, Texas as stamped hereon by me.



MAY 7 1975

Clayton G. Glenn Jr.
CLAYTON GLENN, Galveston County, Texas

FILED FOR RECORD
MAY 7 3 52 PM 1975
COUNTY CLERK, GALVESTON COUNTY, TEXAS

over
Bob Shattuck
City Clerk's Office
City of Galveston

Counter 23814