

D-141

File with
Jefferson St File 41

Kirbyville, Texas
April 4, 1957

Mr. J. Earl Rudder
Commissioner of the General Land Office
Austin 14, Texas

Dear Sir:

In connection with the corrected field notes I have made to the "North" John Bennett Survey in Jefferson County, I wish to make the following statement:

The Southwest corner of this survey is located in the Port Arthur turning basin according to a survey by the U.S. Engineers in 1902 and indicated by their records. I accepted this corner as my beginning point because of the fact that the lower Southeast corner of the B.C. Arthur Survey is located at the same point according to its meanders of Taylor's Bayou. The point is also accepted by the landowners, in so far as I know.

I gave the West boundary line its called course and distance within approximately four (4) vrs. and on the North line I ran a course of due East to the West bank of Sabine Lake a distance of 1741.02 vrs.

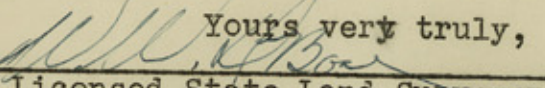
The patent field notes to the Bennett Survey was taken into consideration on the call of this line over the call in the original field notes due to the fact that said notes indicate some erasures on the distance called for.

I ran the meander line down the West bank of the Sabine Lake along the 1.9 ft. elevation above mean low tide as far as the lake meanders call to go which places the South line of the Survey to run on a course of S. 76-29' W. 875.6 vrs. to the point where the surveyor, Thomason, said he began this survey. I then accepted the calls in Thomason's field notes too, and including the forth station to my point of beginning which is indicated by his field notes.

The original field notes of this survey do not close. Should you accept the figure, 900, as given in the station table in the field notes, the closure would be out 235.95 vrs. North and South and 294.93 vrs. East and West, and if the figure 1200 is accepted as shown in the call of the North line and at the place the erasures appear, as stated above, the closure would be worse off than ever.

In 1904, E.N. Stephenson surveyed out the H.B. Moore Survey Abst. 847, in which he definitely separates the "North" John Bennett from the "South" John Bennett. His field notes do not call for the "North" John Bennett Survey, but it is clearly indicated on his map.

In view of the fact that considerable work has gone on in the immediate vicinity in recent years in locating the ship channel, and the Texas Company Refinery loading docks on the H.B. Moore Survey, there is no evidence on the ground of the mouth of Taylor's Bayou in Sabine Lake. It now empties into the ship channel as indicated on the plat attached to this report.

Yours very truly,

Licensed State Land Surveyor

December 27, 1957

Mr. J. Earl Rudder
Commissioner of the General Land Office
State of Texas
Austin, Texas

Re: Abstract 70, John Bennett Survey;
Abstract 71, John Bennett Survey;
Jefferson County, Texas.

Dear Sir:

Reference is hereby made to previous reports by the writer on the above captioned Surveys, which were filed with the General Land Office.

Corrected Field Notes on Abstract 71, John Bennett Survey, dated February 13, 1957, were submitted and subsequently approved by the General Land Office.

On April 4, 1957, I made corrected field notes on Abstract 70, John Bennett Survey and no action has been taken by your office on these field notes. On April 5, 1957, I completed a survey of a Good Faith Claim for Mrs. Hazel Mullin, subsequently filed with your office as S.F. 15920 Jefferson County, Texas. This file is still pending.

During the past few months considerable investigation of records, old maps and field surveying was undertaken which resulted in the construction as to the proper location and relationship of the two Bennett Surveys. It was, therefore, necessary to make a resurvey of these two surveys and to prepare corrected field notes.

The John Bennett Survey, Abstract 70, located North of Taylor's Bayou and calling for its meanders and the John Bennett Abstract 71, being on the South side of Taylor's Bayou and also calling for the Taylor's Bayou meanders, were surveyed by Wm. D. Thomason, both are dated October 19, 1838, and, therefore, they should be considered companion surveys. For identification, I shall refer to the John Bennett, Abstract 70 as the (North) John Bennett and to the John Bennett, Abstract 71, as the (South) John Bennett.

On April 5, 1957, application was made by Mrs. Hazel Mullin as Good Faith Claimant to purchase unsurveyed land situated between the (North) John Bennett on the North, the H. B. Moore on the West, the (South) John Bennett on the South and the Lake of Sabine on the East. (S.F. 19520, Jefferson County, Texas). I furnished the General Land Office field notes, map and a report on this Good Faith Claim, containing 237.48 acres.

Due to extensive harbor and canal construction by the United States Government over a period of 60 years, most original features of the Taylor's Bayou have been altered and obliterated. Therefore, a study of maps dated prior to the above named construction was necessary to ascertain the course of the original Taylor's Bayou at the time the two Bennett Surveys were surveyed on the ground. These maps were compared with the sketches shown in the original field notes by Wm. D. Thomason and the result of this study showed beyond a doubt that the original course of Taylor's Bayou was located as given in the meander calls of the (North) John Bennett Survey (see table). Therefore, it can be assumed that the three meander calls in the field notes of the (South) John Bennett, which differ with the corresponding meander calls given in the (North) John Bennett should read as follows:

- S 86° W 310 varas
- S 56° W 286 varas
- S 33° W 310 varas.

By changing these three meander calls from Northwest to Southwest both surveys then follow the meander courses of the Taylor's Bayou as evidenced by old maps (on file in the General Land Office) and the sketches contained in the original field notes of both John Bennett Surveys. By this construction the North and South Bennett Surveys will only be separated by the Taylor's Bayou which in part is filled in by harbor construction work.

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Since both surveys obviously were intended to follow the Taylor's Bayou on opposite sides, I am giving herewith a tabulation of the meander calls as shown on the table of the original field notes:

(North) John Bennett:

- (1) N. 38° 50' W. 131 varas
- (2) S. 86° W. 310 varas
- (3) S. 56° W. 286 varas
- (4) S. 33° W. 310 varas

(South) John Bennett:

- (1) N. 38° 50' W. 131 varas
- (2) N. 86° W. 310 varas
- (3) N. 56° W 286 varas
- (4) N. 33° W. 310 varas
- (5) N. 60° W. 270 varas

From the above tables it is apparent that:

- (1) The distances of the four companion meander calls are the same;
- (2) One course (N. 38° 50' W) is the same in both surveys;
- (3) Three calls are given in different quadrants of the compass.

My corrected field notes previously filed and referred to above, constructed the two surveys according to the above tabulated courses and distances. By accepting the two sets of field notes as correct, an area of approximately 312 acres would develop between the North and the South Bennett Surveys. On July 18, 1904, E. N. Stephenson made a survey in the name of H. B. Brown, containing 74.5 acres of land, for the purpose of partially filling the area between the two Bennett Surveys. This application was granted as File No. 6266 and patent on August 4, 1904. The original field notes bear the following notation:

"Not disclosed by lithograph map.----According to official map and the calls of the Southern John Bennett Survey for meanders of Taylor's Bayou, this is on said John Bennett Survey. Otherwise correct on map of Jefferson County for 74.5 acres.

7/26/04

Legg."

Another notation in different writing appears below:

"According to affidavit this may be accepted over the seeming conflict with Bennett Surveys, all parties at interest being owner of all of the land anyhow.

7/27/1904

Robinson."

Since most of the present Taylor's Bayou Channel in that area has been widened by dredging for navigation purposes it was very difficult to find a location in the immediate vicinity where the banks of the Taylor's Bayou were not materially disturbed. One such point was found and a width of 180' (64.8 varas) was measured. An aerial photograph (scale 1"=500') of this location is submitted with my report. A profile section of Taylor's Bayou given in a ROW Map made for the now abandoned Sabine & East Texas Railroad shows the Taylor's Bayou as having approximately the same width.

For all practical purposes the width of 180 feet was accepted for the streambed of Taylor's Bayou, except where the called distances and courses prevent the Taylor's Bayou from having a uniform width.

(NORTH) JOHN BENNETT SURVEY, ABSTRACT 70.

The beginning point of the original (North) John Bennett Survey field notes is presently in the Sabine-Neches Canal. The second call (S. 86° W. 210.0 varas) crosses a narrow land portion at the North end of the so called "Texas Island" which was filled in after the Taylor's Bayou was re-routed to flow into the Port Arthur Ship Channel. The third and fourth calls fall into the East Turning Basin and follow the original location of Taylor's Bayou. Thence we follow the original field notes N. 20° E 2600 varas (called distance) to the Northwest corner of the (North) John Bennett. Thence East 1538.42 varas (Original call in field notes and Patent 1200.00 varas) to the Mean High Tide on the shore of Sabine Lake. The Mean High Tide on Sabine Lake was computed by W. G. Hugly as being 1.9 foot above Mean Low Tide by tabulation of gauge records covering many years of observation. A letter from W. G. Hugly, Registered Public Surveyor, to J. Earl Rudder, Commissioner, dated December 14, 1956, and filed in Abstract 71, John Bennett Survey, explains in detail his work regarding the calculation and the surveying of the Mean High Tide contour on the ground. Thence

I followed the Mean High Tide contour along Sabine Lake in a Southerly direction with nine meander calls which follow the meander calls and the general contour of the lake shore as given in the original field notes fairly close. At the end of our ninth meander call we are N. 76° 29' E. 43.2 varas from the last meander call on Sabine Lake as called for in the original field notes. The next and final course was omitted in the original field notes and the calculated closure is S. 76° 29' W. 719.57 varas (calculated closure of original field notes: S. 76° 29' W. 676.37 varas), which brings us to the point of beginning.

The original acreage calculation based on the original field notes compute 434.27 acres. The corrected field notes as submitted herewith contain 485.89 acres or an excess of 51.62 acres, for which application to purchase said excess acreage is submitted herewith.

(SOUTH) JOHN BENNETT SURVEY, ABSTRACT 71.

From evidence explained above it seems that the meander calls along Taylor's Bayou as given in the original field notes of the (North) John Bennett Survey are the correct ones and that the three calls contained in the original field notes of the (South) John Bennett Survey need to be corrected so as to conform with known facts regarding the old location of Taylor's Bayou prior to the relocation and extensive dredging operation in the Taylor's Bayou.

In order to conform with this construction and since the South and West lines of the (South) John Bennett Survey are well established and recognized (monumented) by the owners of the adjoining surveys, it was necessary to extend the Northwest corner of the (South) John Bennett Survey 119.82 varas North of the called distance of 5000 varas. This point is at the entrance of the West Turning Basin, which is the widened channel of the old Taylor's Bayou.

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Thence we follow the original call S. 60° E. 270 varas with the course of the original Bayou to a point which is S. 16° 19' E. 64.80 varas from the Southwest corner of the (North) John Bennett Survey. In order to follow and parallel the meanders of the North bank of Taylor's Bayou as given in the original field notes of the (North) John Bennett Survey it was necessary to correct an obvious error in the next three meander calls and change the South-East courses to Northeast courses. The fourth call (S. 38° 50' E. 131 varas) is the same on both sets of the original field notes. Thence we parallel the North line of Taylor's Bayou and giving the Taylor's Bayou a width of 180 feet (64.80 varas) as measured and explained above (see aerial map for the location). The extension of this line with the intersection of the Mean High Tide Contour on the Sabine Lake will establish the Northeast corner of the (South) John Bennett Survey. This corner is located S. 4° 25' W. 66.25 from the Southeast corner of the (North) John Bennett Survey. Thence I followed the meanders of the shore of Sabine Lake along the 1.9 foot Mean Low Tide, being the Mean High Tide contour in this area. Then I passed the previously accepted Northeast corner of the South John Bennett Survey (see report and corrected field notes dated February 13, 1957.) Then I followed the same meanders as given in the previous field notes and continue to the place of beginning.

By conforming the (South) John Bennett Survey meanders of the Taylor's Bayou with the meanders along the North side of Taylor's Bayou as given in the (North) John Bennett Survey, we calculate the area in the (South) John Bennett Survey to be 1264.92 acres of land. The original field notes call this Survey to have 6 1/2 labors or 1151.38 acres of land, therefore, there exists an excess of 113.54 acres, for which an application is filed for the purchase of said excess acreage.

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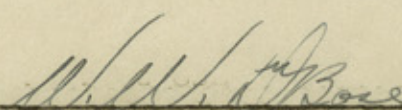
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I placed concrete monuments at the intersections of the Mean High Tide line with the survey lines of the (North) and (South) John Bennett Surveys and calculated the Lambert Plane Coordinates to each of these corners (see plats). For proper references wherever possible the intersection points of the survey lines with the USED Reference lines are shown on the maps which are submitted herewith.

The reason this report covers both the (North) and the (South) John Bennett Surveys is because they are companion surveys. Both of these surveys have to be treated as a block or unit and their relative positions can only be constructed if the field notes of these two surveys are considered as a whole rather than as two separate surveys.

Due to the fact that the area within these two Bennett Surveys has undergone large size plant and loading dock construction, canal and turning basin dredging during the past 60 years, the accurate locating of these surveys was rather difficult. However, I am convinced that the corrected field notes for the (North) and (South) John Bennett Surveys as submitted with this report represent the true location of these two surveys.

Yours very truly,



W. W. DuBose
Licensed State Land Surveyor

Kirbyville, Texas



AERIAL PHOTOGRAPH
SHOWING
PORTION OF TAYLORS BAYOU

NOTE

X - Location at which width of original Taylor's Bayou was measured to be 180 ft. (64.8 vrs)

NORTHWEST CORNER OF (SOUTH) JOHN BENNETT
SOUTH 28° EAST 11,850 FT. (4,262.59 VRS)
FROM THIS LOCATION

SCALE: 1" = 500 FT.

W.W. DUBOSE
DEC. 9, 1957

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TAYLORS

X SEE NOTE

BAYOU

File No. 41
JEFFERSON County
Sketch File
Filed Dec 30 19 57
J. EARL RUDDER, Com'r.
By V. E. Hargis

county 28076