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Surveyor's Report  
ALLEGED VACANCY  
between Surveys #1570 and #263  
Kendall County,  
Texas

The original field notes on the 640 acre Survey #1570 were plotted, computed and written by B. C. Richards on Nov. 30, 1881. His knowledge of the actual location of the senior surveys defining the limits of #1570 have been found to be so erroneous as to lead one to believe that this survey was never actually made on the ground. However the Ingenhuett Ranch made application to purchase this 640 acres under the Richards Survey on Aug. 23, 1901.

After the third location of the C. Ramirez #2027, the first being made in 1879 and by due processes, it was found that #1570 conflicted with the Ramirez so a resurvey of #1570 was recorded by Frank Nowlin, County Surveyor of Kendall County on Aug. 28, 1909 reducing #1570 to 525 acres. Here is found a simple manipulation of Richards original field notes, the adjustment being made on two lines by subtracting the respective distances contained in #2027 and then routing the notes around three sides of #2027. The patent to #1570 issued Nov. 14, 1946 was based on this Nowlin "resurvey".

The integrity and accuracy of Richards' field notes were seriously assailed by a partition survey of #1569 made by R. K. Croskey, County Surveyor, during or before the year 1901 by which the Ingenhuett Ranch purchased and fenced 141. acres off the extreme east end of #1569. These notes are perpetuated in the warranty deed and the pertinent information they convey is as follows: "Beginning at a rk. md. the NE corner of Survey #279 from which a Sh. oak 4" brs. S34W, 20. varas. Thence N24°E, 1145 varas, a rk. md. in the south line of Survey #3. Thence S67°E, at 500 varas a rk. md. the SE corner of Survey #3, at 1368 varas a rk. md. the east corner of this division of Survey #1569.... "(on the south line of Survey #2)"

Using both Richards' and Nowlin's bearing and distance from the NE corner of #279 to the south line of Survey #2, namely N59½E, 1833 varas, the above line at N24°E would compute to be 1479 varas in length, (334. varas longer than Croskey's) and it's junction with the south line of Survey #3 would be 190. varas NW from the SE corner of Survey #3 whereas Croskey determined 500. varas.

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Superiority of adjacent surveys

<u>Survey</u>	<u>Date of Location</u>		<u>Surveyor</u>
	<u>Original</u>	<u>Resurvey</u>	
Ind.R.R. #2	3-25-75		A. Rosenthal
		Aug. 1949	F. T. Drought
Ind.R.R. #3	3-25-75		A. Rosenthal
		Aug. 1949	F. T. Drought
2027	11-25-79		W. H. Bonnel
		3-6-89	L. Von Brandenstein
		8-6-89	L. Von Brandenstein
263	2-19-80		D. W. Grady
264	2-19-80		D. W. Grady
		Dec. 17, 1937	Frank Nowlin
279	8-3-80		D. W. Grady
		3-15-84	D. W. Grady
1569	11-30-81		B. C. Richards
265	7-23-83		L. Polk
		Dec. 18, 1937	Frank Nowlin

A study of the various field notes gives the following:

- 1) Surveys Nos. 2, 3 and 263 are all located from the Theo Koester #1 and #264 in turn is located from #263. These therefore are securely tied together and define the northern and eastern limits of the area supposedly covered by #1570.
- 2) Surveys #279 and #1569 are located from J. Obiedo #2004 to the west, the only connection to #3 on the north being thru #1569 which by the survey of Croskey is erroneous.
- 3) Survey #265 is recorded by Polk as beginning at the west corner of #264 and follows a tortuous route to the east and south before closing into #279 and into the SW corner of #1570. Thence Polk, believing #2027 to be cancelled, apparently accepts Richards' distance along the then south line of #1570 as being 1179 varas, chains it out and references two trees at the end of the course. Thus this line is tied to #279 on the west.
- 4) The final location of #2027 was made from the above two trees set at the NE corner of #265.
- 5) In Nowlin's corrected field notes on #1570 one course is set, "..... to corner of Survey #2, Ind. Ry. Co. Thence S45W, 2655 varas to corner of Cerildo Rameriz Survey.....". There is no call for adjinder with #263 or #264.

Finally before beginning the actual ground resurvey Mr. Ernest Ingenhuett, Martinez Munoz and myself made a complete ground investigation searching

out all the corner locations of #1570 and #2027. The hiatus between #2027 and #264 was apparent on the ground even before commencing the survey.

To begin my resurvey I first established the east corner of #1569 on the south line of #2 at a point  $S67^{\circ}E$ , 868.0 varas from the SW corner of #2 as re-established by F. T. Drought in Aug. 1949. The 868.0 varas distance being adopted from Croskey's partition of #1569 which in turn was obtained by Croskey by a reduction of the pertinent field notes. This assures Survey #1569, the Senior Survey, it's fullest extent, it being demonstrated by Croskey's partition line that #1569 is without a doubt deficient of the patent acreage. Note here that the distances shown on the accompanying map showing 134.3 acres out of #1569 are by my own resurvey.

This east corner of #1569 falls on the slope of a deep canyon near the bottom. No survey mark could long endure here.

I then went to the NE corner of #279, an old fence corner from which a mott of small Shin Oak stumps bears  $S34^{\circ}W$ , 22.0 varas and a Sp. Oak 9", marked "X", bears  $N85^{\circ}W$ , 26.3 varas. Mr. August Flach the owner of #1569 has stated that this corner post was placed in the center of an old rock mound some 24 years ago.

Thence I ran  $N74^{\circ}-12'E$ , 1770.5 varas to stake for east corner of #1569.

Thence  $S67^{\circ}-00'E$ , along the south line of #2, 1012.0 varas to the SE corner of #2 as re-established by F. T. Drought in Aug. 1949, a large rock mound from which an old fence corner bears  $N74^{\circ}W$ , 24.5 varas. The patent distance for this course is 1032. varas.

Thence following the patent call for "the corner of the Cerildo Ramirez", I ran  $S54^{\circ}-14'W$ , at 160.3 varas the Ingenhuett-Nordan division fence, at 1511.1 varas the Ingenhuett-Northrup division fence, at 2041.4 varas the bluff of Bear Creek, at 2487.3 varas in all, the eastern SE corner of #2027, Cerildo Ramirez, an old rock mound from which an 8" L.O., with old marks, bears  $S40^{\circ}-18'W$ , 31.07 varas (the original bearing tree), and another old stone mound at a fence corner, the northeast corner of #265, bears  $S45^{\circ}-14'W$ , 175.4 varas. From this rock mound the NE corner of #265, an 8" L.O. stump, 22" high, bears  $N47^{\circ}-14'W$ , 22.0 varas; a 6" walnut stump, 12" high, bears  $N75^{\circ}-36'W$ , 19.9 varas and a 10" Cedar stump bears  $N71^{\circ}-55'W$ , 21.0 varas.

Thence from the eastern SE corner of #2027 I ran  $N0^{\circ}-22'W$ , 576.6 varas to the NE corner of #2027, an old rock mound from which the fence post at an angle in an old fence bears  $N13^{\circ}-26'W$ , 5.4 varas, and an old rock mound on top of a hill once identified by Felix Ramirez as a corner of #2027 bears  $N0^{\circ}-19'W$ , 300.2 varas. The patent distance for this east

line of Survey #2027 is 575. varas.

Thence  $S89^{\circ}-49'W$ , parallel to the south line of #2027, 935.7 varas to the NW corner of #2027, a stake on the south slope of a steep hill, from which an old fence corner bears  $N5^{\circ}-41'W$ , 50.1 varas. Patent distance 950. varas.

Thence  $S0^{\circ}-22'E$ , parallel to the east line of #2027, 699.7 varas, (690. varas being the patent distance), to the SW corner of #2027, a rock mound with evidences of having been rebuilt in recent years, from which a 3" Walnut, with an old blaze, bears  $N7^{\circ}W$ , 5.2 varas and a 7" Sp. O., marked "X", standing 2 varas west of a huge boulder, bears  $N59^{\circ}E$ , 19.2 varas.

Thence  $S87^{\circ}-31'E$ , 343.5 varas, along the north side of an old fence, to the SW corner of #1570, a large, old rock mound 1.3 varas NE of an old fence corner. From the mound a 9" Burr Oak bearing  $S10^{\circ}W$ , 6.5 varas was marked "X". The 4" S.O. at  $N39^{\circ}E$ , 12. varas called by L. Polk in 1883 was not found. Nothing was standing on the north side of the fence but a few small trees all older trees appear to have been destroyed by fire. A search was made for the tree west of the corner and to a distance of 110 varas,  $N24^{\circ}E$  from the corner.

Thence I ran  $N23^{\circ}40'E$ , 1646.6 varas, along an old fence, to the place of beginning. The patent distance for this course is 1600. varas. I find this Survey #1570 to contain 482.6 acres, the patent being for 525 acres.

Corrected Field Notes for Survey #1570 are submitted with this report.

I then returned to the SE corner of Ind. R.R. Survey #2, in the west line of #263, a new rock mound, from which I ran  $S47^{\circ}-29'W$ , along the west line of #263, at 813.7 varas the Ingenhuett-Nordan division line fence, at 1381.2 varas the Ingenhuett-Northrup division fence, at 1473.9 varas in all, the west corner of #263 the north corner of #264, a rock mound from which a 6" Live Oak bears  $S3^{\circ}E$ , 22.2 varas; an old rock mound bears  $N19^{\circ}W$ , 8.7 varas and a very old rock mound bears  $N33^{\circ}E$ , 8.6 varas. The mound used for the corner is in the exact alignment of the Nordan-Northrup fence bearing  $S45^{\circ}-28'E$ . This fence was aligned by Frank Nowlin.

From this corner a line was produced  $N45^{\circ}W$  to intersect a line  $N45^{\circ}E$  from the eastern SE corner of #2027. This intersection fell on a rocky shelf on top of a bluff above the creek bottom. A detailed search was made for a rock mound with Sp. oak bearing tree. The area is covered with very large cedars much more than 70 years old. No corner was found and the ground evidence is that none was ever set here.

Returning to the NE corner of #265 a line was extended  $S45^{\circ}W$  as far as 500 varas and an intensive search made for the corner and tree recorded by Polk in 1883 and Nowlin in 1937 as being the west corner of #264. The

entire line is on a steep, rocky hillside and nothing was found.

Thence a line was run S45°E, 325 varas to a location approximately S45°W, 1600 varas from the west corner of #263. The location falls in the head of a canyon abruptly breaking northward into thick rock ledges. Many evidences of an intense fire were noted, however a number of 7" to 10" Sp. oaks are standing. Neither the corner nor the bearing tree were found after a search by four men.

This completed my ground investigation and my findings are substantiated by a map in possession of Mr. P. G. Northrup of a Survey made by D. B. Scott of Bexar County in 1926. He shows beginning at SW corner of #1570 thence East, 1630.5 varas to the west line of #264, thence N45°E, 800 varas to the NW corner of #264, thence S45°E, 1993 varas to the west line of #260.

Joseph Chisum of Bandera also made a resurvey of #265 in 1917 wherein he found beginning at the SW corner of #1570 thence East 1624 varas to the west line #264, thence S45°W, 816 varas to it's SW corner (no trees given) thence S45°E, 1866 varas to the line of Survey #5. These field notes are also in possession of Mr. P. G. Northrup.

From the SW corner of #1570 I find it to be East, 1627 varas, thence N45°E, 824 varas to the NW corner of #264.

This definitely establishes the area between the new east line of #1570 and the west line of #263 to be vacant, unsurveyed land. North of the Ingenhuett-Northrup division fence, and west of the Ingenhuett-Nordan fence, the Ingenhuett Ranch is the good faith claimant. The field notes describing this area which the Ingenhuett Ranch is making application to purchase are submitted with this Report.

I find no dry holes and neither oil wells in production nor being drilled within five miles of this vacant land.

*Ralph G. Slocum*

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Licensed State Land Surveyor  
May 31, 1950

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