



SURVEYORS' REPORT

ON THE

RESURVEY OF THE

McELROY & KELLY SURVEY, ABSTRACT NO. 606

McELROY & KELLY SURVEY, ABSTRACT NO. 607

LAVACA COUNTY, TEXAS

File No. SK. File 23  
Lavaca County  
Survey Report  
Filed Apr. 25 1986  
By GARRY MAURO, Com'r  
H. Foster

## HISTORY

This report covers the re-survey of the McElroy and Kelly Survey, Abstract No. 606, Script No. 21/246 and the McElroy and Kelly Survey, Abstract No. 607, Script No. 1055, Lavaca County, Texas.

The McElroy and Kelly Survey, Abstract No. 606, Script No. 21/246 began as a residue of the S.A. & M.G. Railroad Co. Survey No. 14; the J.H. Clayton Survey, Abstract No. 602 having been cut from its East end on July 5, 1897. Our findings show that Mr. H.H. Russell, in his survey for patent on July 5, 1912 also took in part of the T. & N.O. Railroad Co. Survey No. 14 (not patented). In his survey, Mr. Russell found the tract to contain 541.5 acres. My survey found the tract to contain 542.983 acres. The tract is bounded as follows: on the South by the S.A. & M.G. Railroad Co. Survey No. 13, Abstract No. 445, and the G.W. Hargrove Survey, Abstract No. 249; on the West by the Anna Teal Survey, Abstract No. 599; on the North by the said Anna Teal Survey and the McElroy and Kelly Survey, Abstract No. 607, and by the T.D. Nelson Survey, Abstract No. 696; on the East by the said J. H. Clayton Survey, Abstract No. 602.

The McElroy and Kelly Survey, Abstract No. 607, Script No. 1055, began as what was called to be the West one-half (1/2) of the original T. & N.O. Railroad Co. Survey No. 14 (not patented). It was surveyed for patent by the said Mr. H.H. Russell on August 10, 1910. His survey called the tract to contain 320.00 acres. Disputes between Mr. S.A. Clark, owner of the T.D. Nelson Survey, Abstract No. 696, and Mr. C.B. Kelly, owner of the McElroy and Kelly Survey, Abstract No. 607, as to the placement of the West line of the said T.D. Nelson Survey (common line between A-607 and 696), by Mr. Russell on August 18, 1910, led to Cause No. 4817, District Court, Lavaca County, Texas. In this decision the Court awarded Mr. S.A. Clark 24.00 acres off the West end of the 40.00 acres placed under fence by Mr. Kelly, thereby recognizing the West line of the said 24.00 acres as the correct placement of the line between the two Surveys. This was the same placement as Mr. Russell used in his survey for patent of the said T.D. Nelson

Survey on August 18, 1910. On September 7, 1912, the plaintiff and defendant exchanged the positions of the 24.0 acre tract and the 16.0 acre residue tract by virtue of a deed of the same date which is recorded in Volume 70, Page 232, of the Lavaca County Deed Records. I have enclosed certified copies of selected portions of the proceedings for your review. My survey found this tract to contain 326.084 acres of land. It is bounded on the South by the McElroy and Kelly Survey, Abstract No. 606, on the West and North by the Anna Teal Survey, Abstract No. 599, and on the East by the T.D. Nelson Survey, Abstract No. 695.

#### PURPOSE

The purpose of this survey, at the request of Mr. Gene Edward Glaze, was to determine the location of his titled acreage and its relationship to the existing fences.

#### INCLUSIONS

Included with this report are the following:

- A. Corrected field notes describing the McElroy and Kelly Surveys, Abstract Nos. 606 and 607.
- B. Certified copies of Cause No. 4817, District Court, Lavaca County, Texas.
- C. Survey plat showing the results of my survey and the origins of my corner placement.

#### RESOURCES

This survey is based on a search of the following sources of information:

- A. Archives and Records of the General Land Office, Austin, Texas
- B. Deed Records, Lavaca County Courthouse, Hallettsville, Texas
- C. County Surveyors Records, Lavaca County Courthouse, Hallettsville, Texas
- D. District Court Records, Lavaca County Courthouse, Hallettsville, Texas

- E. Survey records of Shell Oil Company, 1940 & 1960
- F. Survey records of L.J. Rains, County Surveyor,  
Lavaca County, Texas from 1963 to 1978, Registered  
Public Surveyor No. 584

#### ACCURACY

This survey was performed with a Topcon Guppy GT-1, a total station with direct read capabilities to the nearest five seconds (0 degrees 00'05") of horizontal angle and nearest one-hundredth of a foot (0.01') of slope distance. Third order accuracy (1:5000') was sought and exceeded.

#### HORIZONTAL CONTROL

Horizontal control was obtained by a traverse to the United States Coastal and Geodetic Survey benchmark number S-853, a third order station with a U.S.C. & G.S. traverse tie to the Hallettsville Lavaca County Courthouse Spire, a first order U.S.C. & G.S. triangulation station.

#### SURVEY TRAVERSE

I would like to point out that we have extensive work in this particular area. We have a continuous transit line with numerous closed traverses extending from beyond the Navidad River on the East to the Lavaca River on the West, from the James Chesher Survey, Abstract No. 113 on the South, to the North line of the James Underwood Survey, Abstract No. 478, to the North.

Because of our earlier work, I know this to be an area of many problems. These problems and problems of a similar nature exist throughout our county in areas where Mr. H.H. Russell performed the bulk of the work for State patents. In years of following Mr. Russell's work it has become apparent that many of his surveys were office surveys that may or may not have been put on the ground at a later date. It has also become apparent that many of his surveys were open traverses and that many times he encroached upon senior surveys.

The problems in this area begin with Mr. Russell's placement of the S.A. & M.G. RR. Co. Surveys Nos. 13 and 14 on November 26, 1874, the T. & N.O. RR. Co. Survey No. 14 on October 7, 1879, and the T. & N.O. RR. Co. Survey No. 16 on October 19, 1879. It seems that the S.A. & M.G. RR. Surveys Nos. 13 & 14 were, in all probability, office surveys. It seems improbable that an on-the-ground survey of the East lines of these surveys or of the common line between them would have permitted such a large discrepancy between the original call (S85W-1183 varas) in 1874 and the corrected call (S74.5W-1331 varas) in 1897 to go unnoticed in the original survey. This failure to establish the correct relationship between this common line separating the S.A. & M.G. RR. Co. Surveys Nos. 13 & 14 and the Northwest corner of the Amanda De La Croix Survey, Abstract No. 111, (Surveyed June 28, 1838) began the series of problems that exist in this area today.

Mr. Russell, believing that the Northwest corner of the said Amanda De La Croix Survey was further West and South than its' actual location, probably drew in the T. & N.O. RR. Co. Surveys Nos. 14, 15, and 16 as office surveys and filed the field notes with the General land office. Problems began to appear when these tracts were surveyed and partitioned for patents. In his original survey of the T. & N.O. RR. Co. Survey No. 16, Mr. Russell gave its most southerly West line a call of 1735.00 varas and gave an adjoiner call for the Northeast corner of the said S.A. & M.G. RR. Co. Survey No. 14. It is my belief that Mr. Russell went past the Northeast corner of the said S.A. & M.G. RR. Co. Survey No. 14, by a distance of 94.26 varas. From this placement, he proceeded to partition both the T. & N.O. RR. Co. Survey No. 16, and the S.A. & M.G. RR. Co. Survey No. 14.

I began my survey of the two McElroy and Kelly Surveys at the the Southwest corner of the Amanda De La Croix Survey, Abstract No. 111. This corner was established by marked trees found by a Shell Oil Company survey crew in 1940 and by a "T" iron found by me in a stump hole that marks the Northwest corner of the Sarah Wilmans Survey, Abstract No. 493. Said corner was found to bear

N 82°54'08" E a distance of 1180.29 varas from the said Northwest corner of the said Wilmans Survey (called N85E-1179 varas).

From this beginning point I ran N 07°51' 11" W along an existing fence a distance of 1859.07 varas until I intersected a line of marked trees found by the Shell Oil Co. survey crew in 1940 to mark the North line of the Amanda De La Croix Survey, Abstract No. 111. At this point I found an iron rod set by Rains and Henneke, Surveyors, and myself to mark the Northwest corner of the said Amanda De La Croix Survey.

I then continued with the fence along the same bearing until I reached its corner. I then followed another fence in a Southwesterly direction until it cornered near the East line of the G.W Hargrove Survey, Abstract No. 249.

I then ran the fence marking the occupied position of the East, South, and North line of the said Hargrove Survey.

I then ran the fenceline marking the occupied position of the North and West lines of the J. Roy Foster Survey, Abstract No.172.

I found the North line of the J. Roy Foster Survey to bear N 82°08'49" E a distance of 967.92 varas from corner post to corner post. I continued in an easterly direction along this same bearing until I reached a point where a 90 degree angle would hit a very old oak corner post marking the occupied Southeast corner of the said Hargrove Survey. I found this distance to also be 967.92 varas in length. I then ran S 07°51'11" E, setting an iron rod at a prorated distance of 400.41 varas for the most easterly Southwest corner of the McElroy & Kelly Survey, Abstract No.606, reentrant corner of the S.A.& M.G. RR. Co. Survey No. 13.

I then returned to the iron rod set for the most easterly Southwest corner of the said McElroy & Kelly Survey, Abstract No. 606, and ran on a bearing of N 74°14'42" E a distance of 1333.97 varas to the Northwest corner of the said Amanda De La Croix Survey, Abstract No. 111, as established earlier in this report.

I then returned to the Northeast corner of the said Foster Survey, Abstract No. 172, Northwest corner of the G.W. Hargrove Survey, Abstract No. 249, where I set an 1/2 inch iron rod. Using this corner and the North line of the said Hargrove Survey for

control (as did Mr. Russell in his surveys) I place the boundaries of the S.A. & M.G. RR. Co. Survey No. 14 and the T. & N.O. RR. Co. Survey No. 14 by called angle and distance and by the intersection of previously established lines. This was done after following all the fences marking the occupied boundaries of the Glaze land and finding them to not match either Deed or Patent calls.

J.H. CLAYTON 160.00 ACRE SURVEY, ABSTRACT NO. 602

I then returned to the Northwest corner of the said Amanda De La Croix Survey, Abstract No. 111, and ran N 07° 51' 11" E (parallel to the West line of the S.A. & M.G. RR. Co. Survey No. 14) a distance of 52.29 varas to the Southwest corner of the T. & N.O. RR. Co. Survey No. 16, Southwest corner of the J.H. Clayton Survey, Abstract No. 603, Northwest corner of a parcel of land believed to be vacant. I then continued on the aforesaid bearing a distance of 1735.00 varas as called by Mr. Russell in his July 4, 1897 survey of the J.H. Clayton Surveys, Abstracts Nos. 603 and 658. Here I set a 1/2 inch iron rod for the Northwest corner of the said J.H. Clayton Survey, Abstract No. 658, Southwest corner of the T.D. Nelson Survey, Abstract no. 695, Northeast corner of the J.H. Clayton Survey, Abstract No. 602. I found this point to be N 07° 51' 11" E a distance of 94.27 varas from the Northeast corner of the S.A. & M.G. RR. Co. Survey No. 14.

Turning 90 degrees deflection angle left, I then ran S 82° 08' 49" W, passing at 493.95 varas, the present fence, at a total distance of 508.00 varas as called by Mr. Russell in his July 5, 1897 survey, I set a 1/2 inch iron rod for the Northwest corner of the J.H. Clayton Survey No. 602.

I then turned 90 degrees deflection angle left and ran S 07° 51' 11" E a distance of 1857.80 varas to set a rod in the South line of the said S.A. & M.G. RR. Co. Survey No. 14, North line of the S.A. & M.G. RR. Co. Survey No. 13, as previously established in this report. I found this point to be S 74° 14' 42" W, a distance of 512.87 varas from the Northwest corner of the Amanda De La Croix Survey, Abstract no. 111. I also found the said J.H. Clayton Survey No. 602 to contain 164.002 acres.

MCELROY & KELLY SURVEY, ABSTRACT NO. 607

In his survey of the J.H. Clayton Survey, Abstract No. 602, Mr. Russell placed its' North line 94.27 varas North of the South line of the T. Co. Survey No. 14. It is my belief that he used an extension of this line to place both the McElroy and Kelly Survey, Abstract No. 607, and the T.D. Nelson Survey, Abstract No. 696, in August of 1910, and later in 1912, the McElroy and Kelly Survey, Abstract No. 606. It is very evident he used this line in his survey of the T.D. Nelson Survey, Abstract No. 696 on August 18, 1910. Since the survey of the McElroy and Kelly Survey, Abstract No. 607, on August 18, 1910 is only eight (8) days senior, it must be assumed that he used the same placement for the South line of both tracts.

I began my survey of the McElroy and Kelly Survey, Abstract No. 607 at the Northeast corner of the J.H. Clayton Survey, Abstract No. 602, Northwest corner of the J.H. Clayton Survey, Abstract No. 658, Southwest corner of the T.D. Nelson Survey, Abstract No. 695.

I then ran S 82°08'49" W along the North line of the said J.H. Clayton Survey, Abstract No. 602, and an extension thereof until at 739.37 varas (Mr. Russell called this distance 739.00 varas), I intersected an extension of an old fenceline recognized in 1912 by the District Court of Lavaca County, to be the West line of the T.D. Nelson Survey, Abstract No. 696 (Certified copies of the original petition and decree are included with this report.) At this point I set an iron rod for the Southeast corner of the McElroy and Kelly Survey, Abstract No. 607, Southwest corner of the said T.D. Nelson Survey, Abstract No. 696.

Then continuing on a bearing of S 82°08'49" W, I ran 1412.85 varas to a point in the East line of the Anna Teal Survey, Abstract No. 599, for the Southwest corner of the said McElroy and Kelly Survey, Abstract No. 607. At this point I set a 1/2 inch iron rod which bears N 07°51'11" W a distance of 94.27 varas from the Southwest corner of the T. & N.O. RR. Co. Survey No. 14 (not



patented), same being a Southeast corner of the said Anna Teal Survey.

I then turned 90 degrees deflection angle right and went N 07°51'11" W, passing at 677.18 varas the present fence, at a total distance of 694.73 varas I set a 1/2 inch iron rod for a reentrant corner of the said Anna Teal Survey. This iron rod bears N 07°51'11" W a distance of 789.00 varas, as called, from the Southwest corner of the T. & N.O. RR. Co. Survey No. 14.

I then followed a South line of the said Anna Teal Survey, a senior survey, on a course of N 82°08'49" E for its called distance of 592.00 varas. Here I set a 1/2 inch iron rod for the reentrant corner of the said McElroy and Kelly Survey, Abstract No. 607, and a Southeast corner of the said Anna Teal Survey.

From this corner I ran N 07°51'11" W a distance of 1060.00 varas, as called, to a point where I set an iron rod for a reentrant corner of the said Anna Teal Survey, Northwest corner of the said McElroy and Kelly Survey, Abstract No. 607.

I then turned 92 degrees, deflection angle right, as called and ran N 84°08'49" E until at 822.46 varas I intersected evidence of an old fence marking the West line of the T.D. Nelson Survey, Abstract No. 696, as established by the District Court of Lavaca County, Texas in 1912. At this point I set a 1/2 inch iron rod to mark the Northeast corner of the McElroy and Kelly Survey, Abstract No. 607, and continued on a course of N 84°08'49" E until I intersected the West line of the T. & N.O. RR. Co. Survey No. 13 as established and marked with iron rods and pipes by L.J. Rains in his 1959 survey and partition of the Teltschick Estate. At this point, I set an iron rod to mark the Northeast corner of the T.D. Nelson Survey, Abstract No. 696, Southeast corner of the said Anna Teal Survey, Abstract No. 599, and from which the Southeast corner of the William Parks Survey, Abstract No. 362 bears N 21°40'18" W a distance of 1209.34 varas (called N20W - 1200.00 varas).


I then returned to the Northeast corner of the said McElroy and Kelly Survey, Abstract No. 607, and followed the aforesaid fence on a course of S 07°48'58" E a distance of 1726.03 varas to my Beginning Point.

I found the McElroy and Kelly Survey, Abstract No. 607, to contain 326.084 acres of land.

MCELROY AND KELLY 541.5 ACRE SURVEY, ABSTRACT NO. 606

All of the corners of this survey have been established earlier in this report. The most westerly Northwest corner of this survey being common with the the Northwest corner of the original S.A. & M.G. RR. Co. Survey No. 14, which is also a reentrant corner of the Anna Teal Survey, Abstract No. 599; being N 07°51'11" W a distance of 1476.00 varas, as called, from the Northeast corner of the J. Roy Foster Survey, Abstract No. 172, Northwest corner of the G.W. Hargrove Survey, Abstract No. 249; the most westerly Southwest corner being occupied and equidistant from the Northwest corner of the said J. Roy Foster Survey, Abstract No. 172, and the Northeast corner of the said G.W. Hargrove Survey, Abstract No. 249; the most southerly reentrant corner being common with the Northeast corner of the said G.W. Hargrove Survey, Abstract No. 249; the most easterly Southwest corner being proportionately placed along the East line of the said G.W. Hargrove Survey, Abstract No. 249; the Southeast corner being common with the Southwest corner of the said J.H. Clayton Survey, Abstract No. 602; the Northeast corner being common with the Northwest corner of the said J.H. Clayton Survey, Abstract No. 602; the most easterly Northwest corner being common with the Southwest corner of the said McElroy and Kelly Survey, Abstract No. 607; the most northerly reentrant corner being common with the Southwest corner of the original T. & N.O. RR. Co. Survey No. 14, which is also a Southeast corner of the said Anna Teal Survey, Abstract No. 599, a senior survey. I found the McElroy and Kelly Survey, Abstract No. 606, to contain 542.715 acres of land.

Report prepared: February 8, 1986

  
S. MICHAEL RAINS, LAVACA COUNTY SURVEYOR  
REGISTERED PUBLIC SURVEYOR NO. 3970