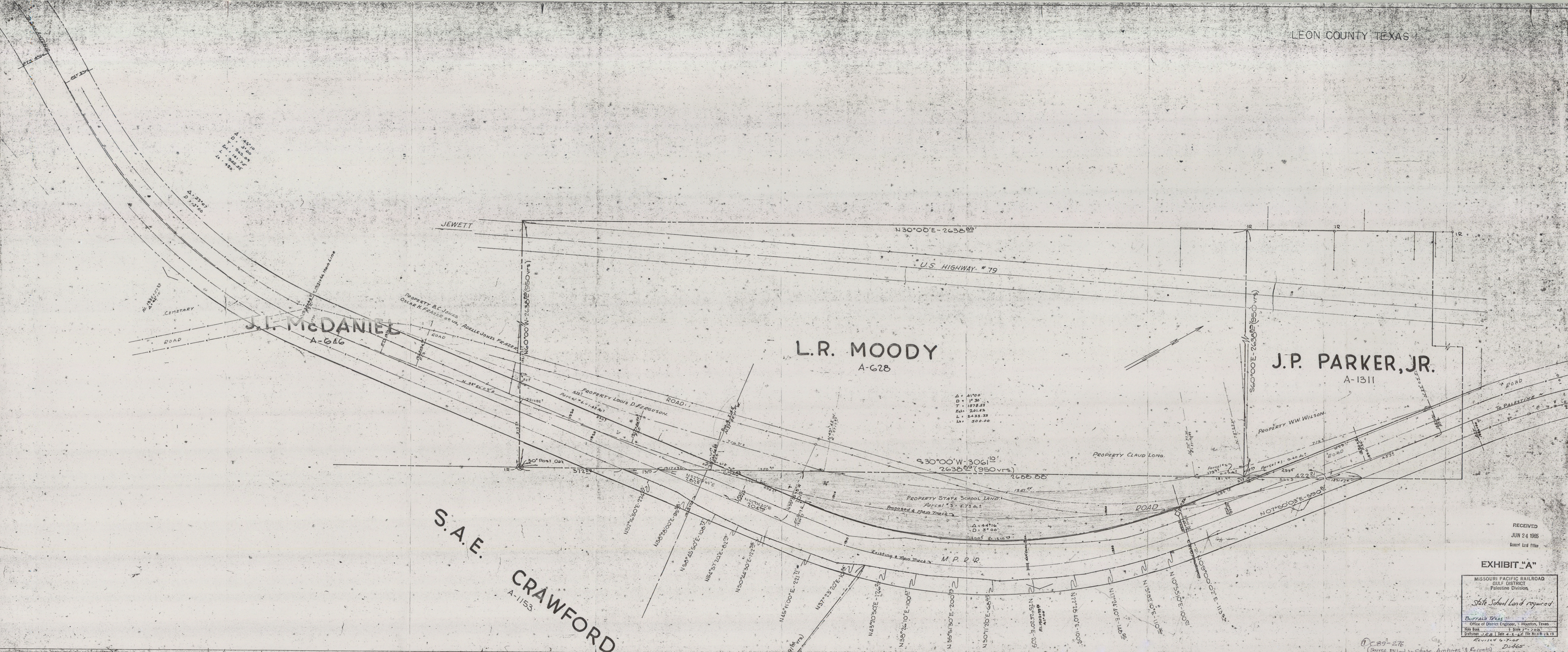


Missouri Pacific RR Co. v. State of Texas

CONTENTS OF FILE NO. C89-276

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25.	50.

File No. Sketch File 37
 Leon County State of Texas
 Copy of Suit File: Missouri Pacific RR Co. v. State of Texas
 Filed Dec. 23 19 96
 GARRY MAURO, Com'r
 Douglas Howard
 See SF-12265; 21; Railway Location Map # 130
 Leon W. Sk.



Δ = 41° 00'
 D = 19' 30"
 T = 1878.53
 Ext = 261.62
 L = 2435.35
 A = 300.00

Δ = 44° 16'
 D = 3' 00"
 Ext = 2.15103

RECEIVED
 JUN 24 1965
 General Land Office

EXHIBIT "A"

MISSOURI PACIFIC RAILROAD
 GULF DISTRICT
 Palestine Division

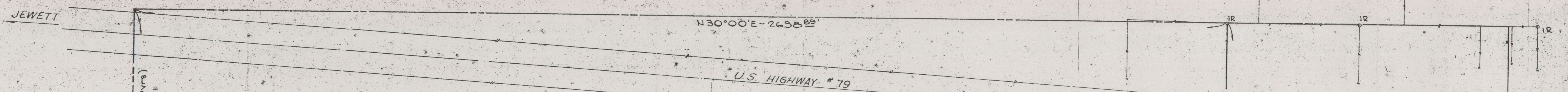
State School Land required

Buffalo Texas
 Office of District Engineer, Houston, Texas
 Note Book 1 Scale 7/8" = 200'
 Draftsman JEG Date 4-2-65 File No. 118-12-73
 Revised 6-7-65

DC 89-276
 (Source: Filed in State Archives & Records)

A = 42.10
D = 3.00
T = 14.12
L = 243.35
L = 135

A = 33.17
D = 3.00

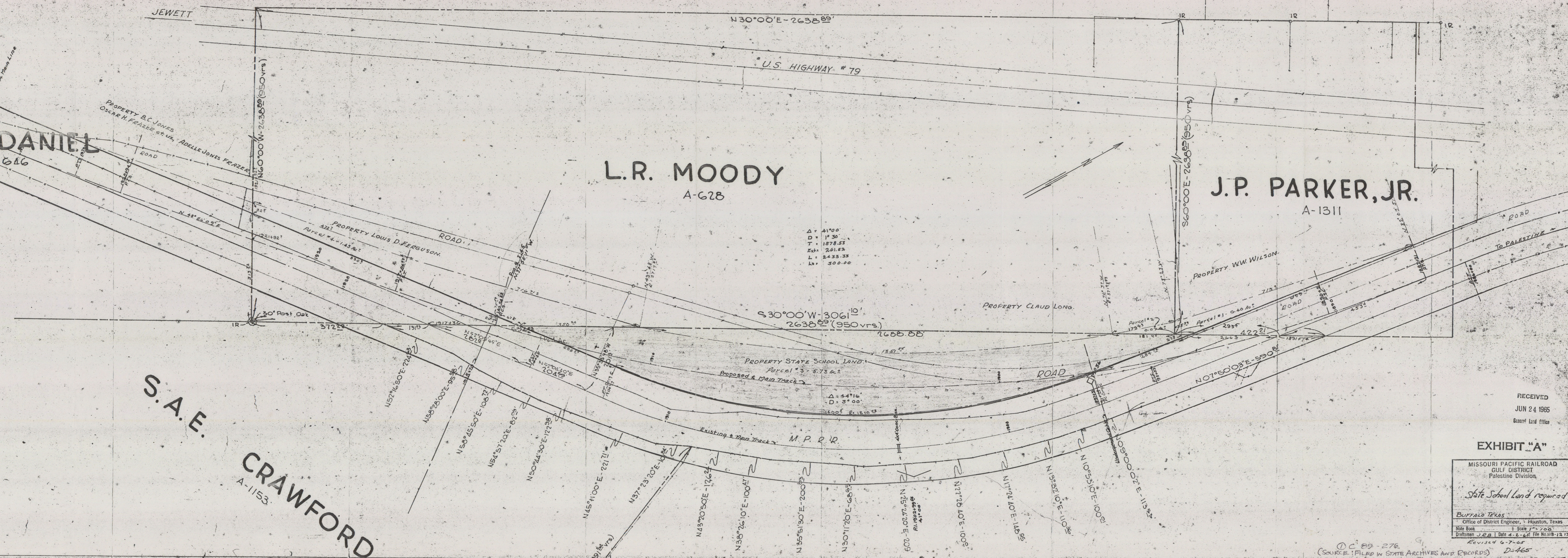


J. I. McDANIEL
A-646

L. R. MOODY
A-628

J. P. PARKER, JR.
A-1311

A = 41.00
D = 1.30
T = 1878.53
L = 261.85
L = 243.35
L = 300.00



S. A. E.
CRAWFORD
A-1153

RECEIVED
JUN 24 1965
General Land Office

EXHIBIT "A"

MISSOURI PACIFIC RAILROAD
GULF DISTRICT
Palestine Division

State School Land required

BUFFALO TEXAS
Office of District Engineer, Houston, Texas
Note Book 1 Scale 1" = 200'
Draftsman J.E.G. Date 4-2-64 File No. 118-13.13
Revised 6-7-65

① C 89-276
(SOURCE: FILED IN STATE ARCHIVES AND RECORDS) D-465

MISSOURI PACIFIC RAILROAD COMPANY

518 UNION STATION BUILDING
501 CRAWFORD ST., HOUSTON, TEXAS 77002
TEL. AREA CODE 713 CA 7-3151

RECEIVED

JUN 24 1965

General Land Office

D. L. DUKE

ASSISTANT GENERAL LAND AGENT

June 23, 1965

File: P-39-20

2

Mr. Jerry Sadler
Commissioner of the General Land Office
Archives and Library Building
Austin, Texas

Dear Mr. Sadler:

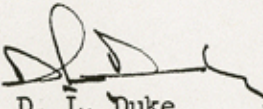
In connection with construction of a grade separation for Interstate Highway No. 45 near Buffalo, Leon County, Texas, it is necessary for the Missouri Pacific Railroad Company to acquire a portion of State School Land as additional right of way for relocation of its track.

For your convenience, we are attaching print showing in shaded green the area required, along with description of the property. Outlined in red pencil is the Railroad's present right of way.

It is our desire to acquire this 5.73-acre tract in fee simple at its present fair market value.

We will appreciate your advice as to how we might best proceed with this matter.

Sincerely yours,



D. L. Duke

DLD-s

Attachment - 2

D-465

MISSOURI PACIFIC RAILROAD COMPANY

518 UNION STATION BUILDING
501 CRAWFORD ST., HOUSTON, TEXAS 77002
TEL. AREA CODE 713 CA 7-3151

D. L. DUKE
ASSISTANT GENERAL LAND AGENT

RECEIVED

JUN 24 1965

General Land Office

DESCRIPTION

A tract or parcel of land located in the S.A.E. Crawford Survey A-1153, Leon County, Texas, more particularly described as follows:

Beginning at the Southeast corner of the J. P. Parker, Jr. Survey A-1311, Leon County, Texas, measure northeastwardly along the Southeasterly line of the said J. P. Parker Survey, 27.3 feet, more or less, to a point in the Missouri Pacific Railroad Company's Westerly right of way line; thence South $7^{\circ} 56' 09''$ West, along said Westerly right of way line, 284.74 feet; thence southwestwardly along said Westerly right of way line on a curve to the right with radius of 1810.08 feet, 1400.5 feet; thence South $52^{\circ} 09' 45''$ West along said Westerly right of way line, 298.39 feet, more or less, to a point in the Southeasterly line of the L. R. Moody Survey A-628, Leon County, Texas; thence North $30^{\circ} 00'$ East along the Southeasterly line of said L. R. Moody Survey, 350.20 feet; thence northeastwardly on a curve to the left with radius of 3719.83 feet, tangent to which at last described point bears North $40^{\circ} 12'$ East, 1351.55 feet to a point in the Southeasterly line of the said L. R. Moody Survey; Thence North $30^{\circ} 00'$ East, along the Southeasterly line of said L. R. Moody Survey, 181.62 feet, to the point of beginning, containing 5.73 acres, more or less.

counter 29855

June 30, 1965

Mr. D. L. Duke
Asst. General Land Agent
Missouri Pacific Railroad Co.
518 Union Station Bldg.
Houston, Texas 77002

Dear Mr. Duke:

In reply to your recent inquiry in which you point out that the Missouri Pacific Railroad Company desires to acquire a 5.73 acre tract for the purpose of relocating Missouri Pacific right of way.

The State of Texas does not have the statutory authority to make an arms length transaction with you, but if you will give us a complete explanation of your needs along with the price that the railroad company is willing to pay for the land, you could institute condemnation proceedings and acquire this property by the above method.

Sincerely yours,

JERRY SADLER, Commissioner

JS/jg

G4

Counter 29856

MISSOURI PACIFIC RAILROAD COMPANY

518 UNION STATION BUILDING
501 CRAWFORD ST., HOUSTON, TEXAS 77002
TEL. AREA CODE 713 CA 7-3151

D. L. DUKE
ASSISTANT GENERAL LAND AGENT

August 10, 1965

File: P-39-20

Mr. Jerry Sadler, Commissioner
General Land Office
Austin, Texas

Dear Mr. Sadler:

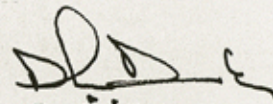
This has reference to your letter June 30 regarding Railroad's request to purchase 5.73 acres of State School Lands (S.F. 12265) in Leon County, in connection with State Highway Department's construction of a grade separation for Interstate Highway No. 45 near Buffalo, Texas.

With our letter of June 23 we enclosed a print showing our main track as presently located and its proposed location, thus necessitating acquisition of School Land shown in shaded green color. Print also shows the center line of Interstate Highway No. 45 crossing with reference to the relocated main track.

The Railroad has a program in effect to reduce excessive grades and curves in order to facilitate the movement of trains with safety and despatch. The location of crossing with respect to our present track would place the underpass between a reverse 3° and 4° curve, which is considered excessive in train operation today. Relocation of this track as shown on the print permits the use of a 1° 30' curve that is in line with company policy of curve reduction. For this reason additional right of way is being acquired from various adjoining property owners and 5.73 acres of State School Land is needed.

In view of your suggestion regarding friendly condemnation proceedings, please consider our offer of \$1,620.00 for this land, being based on \$300.00 per acre. We feel this is a fair price for the surface only, and await your further advice.

Yours very truly,


D. L. Duke

June 24 '65 to KK

DLD-s

RECEIVED

AUG 12 1965

General Land Office

Counter 29857

August 13, 1965

Missouri Pacific Railroad Company
501 Crawford Street
Houston, Texas 77002

Attention: Mr. D. L. Duke
Assistant General Land Agent

Re: SF 12265
25-1/3 acres
Leon County
5.73 acres for
Highway

Dear Mr. Duke:

In reply to your letter of August 10, 1965, and your offer of \$1,620.00 for 5.73 acres, for highway construction, this is to advise that, upon receipt of results from a further investigation on the ground you will be immediately advised with regard to your offer.

Yours very truly,

JERRY SADLER, COMMISSIONER

JS:kk

96

counter 29858

TO: Joel Reese
FROM: Appraisal Section

August 13, 1965
LEON COUNTY

File No. 12265

5.73 Acres

Enclosed is an assignment for an appraisal of State School Lands, ~~either excess or Scrap File~~, that the Board is contemplating selling. They want the Present Market Price exclusive of any improvements such as buildings, fences, wells, tank, etc.

You will note that about all the information you have to go on is the SF No. or Abstract No., location from County Seat, the latest Field Notes, and the name of the person making application to purchase. I am indeed sorry that we cannot give you any more information, but that is all we have. In most cases the prospective buyer can be a lot of help in showing corners, etc., if they are not present the County Surveyor, Abstractor, Tax Collector, or others may help. I am sure you Appraisers with your ingenuity can locate the tract.

In cases where excesses are being purchased, you will note that the field notes cover a large tract even though the excess to be purchased is small in all cases, put the Present Market Prices on the entire tract covered by the field notes.

Include minerals in arriving at your price unless notified otherwise from the office.

People, other than buyer, who might be able to help you are:

Joel, appraise just this portion of this State tract - should you have any questions, call me. The attached letters explain what is needed and the purpose of the sale (please keep these copies confidential).

A. J. Bishop
A. J. Bishop

kr

Use the special white appraisal form in making this report.

BAP-1162-5

The State of Texas,

Survey

Leon

County,

No. 44

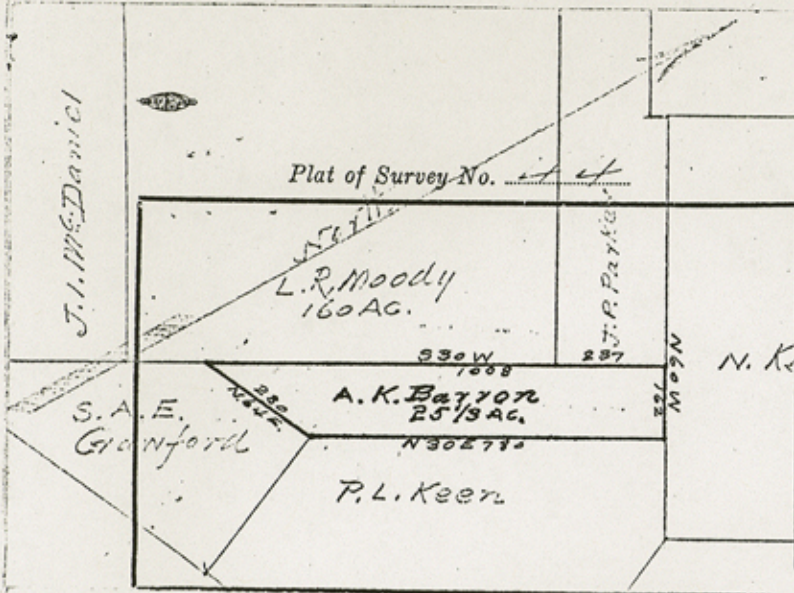
or

District

Blk.

FIELD NOTES of a survey of 25 1/3

acres of land made for A. K. Barrow



Variation 8° E

by virtue of his application filed with the Surveyor

of Leon Co. County, under Section 7 of an Act approved April 3, 1919, providing for the sale of the unsurveyed school land appropriated to the Public Free School Fund by an Act approved February 23, 1900.

Said land is situated in Leon County, about 14 miles N 23° W from county site, and known as Survey No. 44, in Block No. beginning at West Cor of

P.L. Keen 80 acres & the S.E. cor. of the S.A.E. Crawford survey, B.T. 14" 8.56 N. 5 vs. N.K. S. 7 vs. & a B.T. 10" S 45 E. 7 vs.

Thence N. 30 E. with P.L. Keen's N.L. 730 vs. to P.L. Keen's Cor. on N. Keen's S.W. S., a stake in an old field.

Thence N. 60 W. with Keen's line, 162 vs. to S.E. Cor of J.P. Parker sur., a stake, no brg. trees.

Thence S 30 W. with J.P. Parker & L.R. Moody's S.E. lines, 1008 vs. to one of S.A.E. Crawford's Cors., a B.T. N 11 E. 11 1/2 vs. & a N.K. N. 29 W. 12 1/2 vs.

Thence N. 64 E. 280 vs

to the place of beginning.

Bearings marked H.T. X

Tom Brewer

Chain Carriers.

A.C. Cooper

Surveyed 9/23 1919 but adapted for application made by A.K. Barrow Dec 10th 1919.

I, Ed L. Evans, Surveyor of Leon Co. Texas,

do hereby certify that the foregoing survey was made by me on the ground, and according to law; that the limits, boundaries and corners, with the marks, natural and artificial, are truly described in the foregoing Plat and Field Notes, just as I found them on the ground; and they are recorded in my office in Book 4, Page 149

This 15th day of Dec 1919.

Ed L. Evans

Surveyor of Leon County, Texas.

D-465

MISSOURI PACIFIC RAILROAD COMPANY

518 UNION STATION BUILDING
501 CRAWFORD ST., HOUSTON, TEXAS 77002
TEL. AREA CODE 713 CA 7-3151

D. L. DUKE
ASSISTANT GENERAL LAND AGENT

RECEIVED

JUN 24 1965

General Land Office

DESCRIPTION

A tract or parcel of land located in the S.A.E. Crawford Survey A-1153, Leon County, Texas, more particularly described as follows:

Beginning at the Southeast corner of the J. P. Parker, Jr. Survey A-1311, Leon County, Texas, measure northeastwardly along the Southeasterly line of the said J. P. Parker Survey, 27.3 feet, more or less, to a point in the Missouri Pacific Railroad Company's Westerly right of way line; thence South $7^{\circ} 56' 09''$ West, along said Westerly right of way line, 284.74 feet; thence southwestwardly along said Westerly right of way line on a curve to the right with radius of 1810.08 feet, 1400.5 feet; thence South $52^{\circ} 09' 45''$ West along said Westerly right of way line, 298.39 feet, more or less, to a point in the Southeasterly line of the L. R. Moody Survey A-628, Leon County, Texas; thence North $30^{\circ} 00'$ East along the Southeasterly line of said L. R. Moody Survey, 350.20 feet; thence northeastwardly on a curve to the left with radius of 3719.83 feet, tangent to which at last described point bears North $40^{\circ} 12'$ East, 1351.55 feet to a point in the Southeasterly line of the said L. R. Moody Survey; Thence North $30^{\circ}-00'$ East, along the Southeasterly line of said L. R. Moody Survey, 181.62 feet, to the point of beginning, containing 5.73 acres, more or less.

*should
give
Better
call.*

counter 29861

MISSOURI PACIFIC RAILROAD COMPANY

518 UNION STATION BUILDING
501 CRAWFORD ST., HOUSTON, TEXAS 77002
TEL. AREA CODE 713 CA 7-3151

D. L. DUKE
ASSISTANT GENERAL LAND AGENT

August 10, 1965

File: P-39-20

Mr. Jerry Sadler, Commissioner
General Land Office
Austin, Texas

5.73
300
\$ 1719.00

Dear Mr. Sadler:

This has reference to your letter June 30 regarding Railroad's request to purchase 5.73 acres of State School Lands (S.F. 12265) in Leon County, in connection with State Highway Department's construction of a grade separation for Interstate Highway No. 45 near Buffalo, Texas.

With our letter of June 23 we enclosed a print showing our main track as presently located and its proposed location, thus necessitating acquisition of School Land shown in shaded green color. Print also shows the center line of Interstate Highway No. 45 crossing with reference to the relocated main track.

The Railroad has a program in effect to reduce excessive grades and curves in order to facilitate the movement of trains with safety and despatch. The location of crossing with respect to our present track would place the underpass between a reverse 3° and 4° curve, which is considered excessive in train operation today. Relocation of this track as shown on the print permits the use of a 1° 30' curve that is in line with company policy of curve reduction. For this reason additional right of way is being acquired from various adjoining property owners and 5.73 acres of State School Land is needed.

In view of your suggestion regarding friendly condemnation proceedings, please consider our offer of \$1,620.00 for this land, being based on \$300.00 per acre. We feel this is a fair price for the surface only, and await your further advice.

Yours very truly,

DLD
D. L. Duke

June 24 '65 to KK

\$282.37

DLD-s

5.73 | 1620
 | 1146

4740
4604

1360
1146

21409

43911/299

RECEIVED

AUG 12 1965

General Land Office

Plot of Survey No.

The State of Texas.

1103-619-1M

Survey

counter 29862

June 30, 1965

Mr. D. L. Duke
Asst. General Land Agent
Missouri Pacific Railroad Co.
518 Union Station Bldg.
Houston, Texas 77002

Dear Mr. Duke:

In reply to your recent inquiry in which you point out that the Missouri Pacific Railroad Company desires to acquire a 5.73 acre tract for the purpose of relocating Missouri Pacific right of way.

The State of Texas does not have the statutory authority to make an arms length transaction with you, but if you will give us a complete explanation of your needs along with the price that the railroad company is willing to pay for the land, you could institute condemnation proceedings and acquire this property by the above method.

Sincerely yours,

JERRY SADLER, Commissioner

JS/jg

counter 29863

AUG 27 1965

APPRAISER'S REPORT

August 17, 1965

Date Appraisal Made

- 1. TO THE STATE OF TEXAS, SCHOOL LAND BOARD
 JERRY SADLER, COMMISSIONER GENERAL LAND OFFICE, CHAIRMAN
 AUSTIN, TEXAS

I HAVE MADE A PERSONAL EXAMINATION OF AND IDENTIFIED THE PROPERTY IN Leon COUNTY AND REPORT AS FOLLOWS:

- 2. LEGAL DESCRIPTION (SF No. - Abstract No.)

State School Land SF 12265

- 3. (a) The community is composed principally of (white), (colored); (farming), (ranching) (stockfarming). + Urban development.

(b) This tract is being used as idle + county road comparing Average with the average of community.

(c) Total acres 5.73 located 1 miles SW from Buffalo, (nearest town) 1108 and 15 miles from Centerville, 836 (pop.) (County Seat) (pop.)

(d) This tract is 1 1/2 miles Buffalo (w) (c) 1 1/2 miles Buffalo (w) (c) (Grade School) (High School)

(e) This tract is on County Gravel type of road, R.F.D., School Bus, Power line, Available Telephone.

(f) Average rainfall 40".

- 4. The nearest production of oil, gas or minerals is 3 1/2 miles (distance), Southeast (direction). Flo Field

The nearest drilling oil or gas well is Don't know (distance) — (direction).

The nearest dry hole is — (distance) — (direction).

If the land is under oil and gas lease, fill in the following:

- (a) To whom leased Could NOT find record of land being
- (b) Date of lease leased but most of Adjoining land
- (c) Bonus received (per acre) is under lease
- (d) Total amount of rental received —

If there is production on this tract, fill in the following:

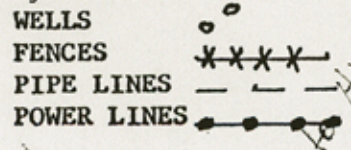
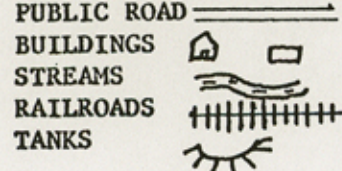
- (a) Number of producing wells —
- (b) Name of the field in which the tract is located —
- (c) Royalty payments received —

Tracts for Railroad: $\frac{321}{105}$
 #1. $\frac{4}{10}$ Ac From Wilson
 #2. $\frac{07}{100}$ Ac From Long
 #3. State Land 5.73 Ac

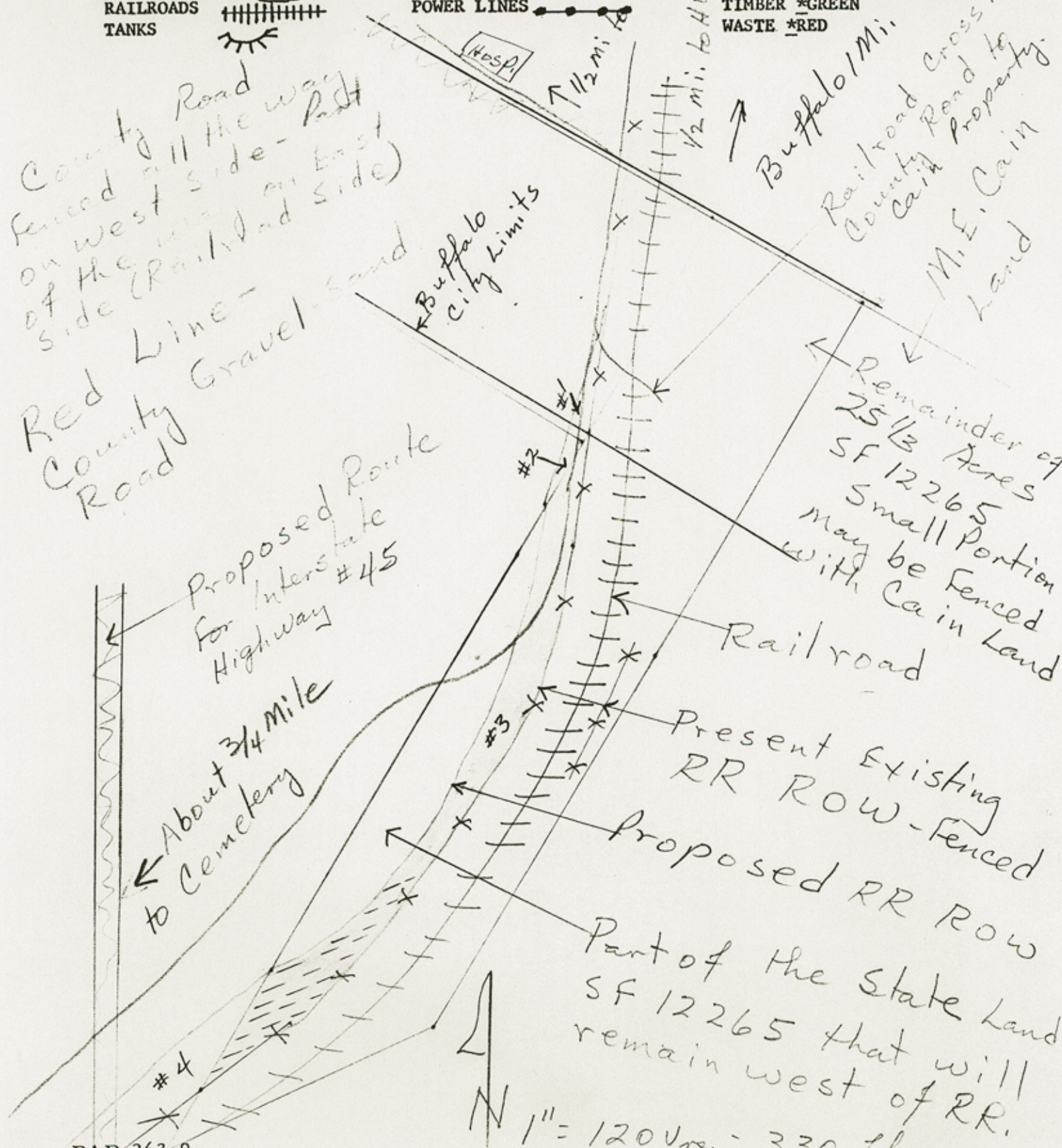
Tract #4 $\frac{327}{103}$
 1.45 Ac From Ferguson.

5. SOIL DATA: #3. State Land 5.73 Ac

Identify classes of soils by symbols.



Color Chart
 CULTIVATED *BLUE
 PASTURE *YELLOW
 CULTIVATABLE *BLUE LINES
 TIMBER *GREEN
 WASTE *RED



6. LAND ANALYSIS

(a) General condition of land. (Inhibitory factors, Erosion etc.)

About half of this 5.73 Acre tract has been in cultivation - fairly level Mixed type of soil with tight Subsoil.

(b) Drainage is good Type Natural There are 0 acres subject to overflow.
(Natural, Ditch)

(c) Acres Terraced 0, needing terraces 0, condition of terraces S

(d) Timber and brush land, estimated salable timber, acres 0 Value per acre \$ S

(e) Pasture land is (Describe topography, condition and kinds of grasses and browse, including stocking rate and number of months animal units can be carried without feed).

About half of this tract covered with brush and trees or County road. Mostly woods grass on entire tract - bluestem, green sprangle top, three awn, annuals and weeds with a little bermuda.

5.73 Ac - This tract would probably carry about 2 cows 4 months during the summer if it had water

CLASS	USE	ACRES	DEPTH	TEXTURE	SUBSOIL		SLOPE	EROSION	PRICE	TOTAL
					PERMABILITY					
5	Pasture	5.73	D	M	VS		B+C	1+2	\$200.	\$1146. ⁰⁰

5.73 Acres TOTAL LAND VALUE \$1146.⁰⁰

LOAN VALUE OF BUILDINGS 0

TOTAL VALUE \$1146.⁰⁰

9. SUMMARY OF VALUES

taking this 1101⁰⁰ off will probably lower the value of Remainder of state Land SF 12265 west of Railroad

PRINCIPAL CROPS SUITED	AVERAGE COMMUNITY YIELDS	YIELDS USED THIS TRACT

10. RATING OF FARM = above, average, below.

VALUE INDICATION BY Summation \$ 1146⁰⁰
 VALUE INDICATION by Comparison \$ 1575.75
 VALUE INDICATION by Capitalization \$ 0

Interstate Highway #45 will Raise Value this Plot. That is reason for this Plot being higher than Val. By Comparison

11 The present market price should be \$ 1720⁰⁰

12 NARRATIVE SUMMARY:

Land-outstanding features Joins City Limits - water and other utilities could be brought in fairly reasonable Hospital under construction closer than 1/4 Mile Area being developed for homes - 20 or 30 homes built within 1/2 miles in last 6 or 8 years, will be near Interstate HWY

Limiting factors

#45 when highway is complete. Part of place possibly under fence with Claud Long Property, part of

Mineral Discussion

this tract being used as long established County Road, odd shape,

Minerals do not apply this transaction

Community & amenities

Comp. #III was sold by an estate for the construction of County Hospital - would not sell other Comp. #II was bought for 12 Acres without a survey but actually contains only 5 or 6 Acres

Comparison Discussion

See Plat. Comp. #I is tract #9, Comp. #II is Tract #5, Comp. #III is Tract #8, Comp. #IV includes Tract #4 - Tract #4 is out of Comp. #IV. Comp. #I, #II, & #III are all in City Limits - Have city water.

August 26, 1965

AUG 27 1965

To: Appraisal Section

From: Joel R. Reese

Re: State School Land SF12265 Leon County

It was difficult to locate the corners of this 25 1/3 acre tract but it appears that the railroad goes almost across the middle of the tract in a lengthwise direction.

1. If there is any of SF12265 East of the railroad it is possibly fenced in with property owned by M. E. Cain.

2. I did not find any record where the railroad purchased the land for the present location of the railroad and right-of-way.

3. A county road runs West of the railroad and almost parallel to the railroad. This road leads to the Louis D. Ferguson property, Oscar H. Frazer property, Adelle Jones Frazer property, B. C. Jones property, and probably other tracts. The road also leads to a cemetery that is still being used. The 5.73 acres for the railroad will block off the county road unless the county road is re-routed West of the 5.73 acres and the new railroad right-of-way.

4. If the county road is re-routed West of the new railroad r.o.w., it will possibly use up some of the remainder of SF12265 West of the railroad.

5. The new Highway Interstate 45 will cross the Ferguson property and the Claud Long property. Then the Jones, Frazer and other properties West of the highway will use a service road West of the highway. There probably will not be a service road on the East side of the highway.

6. After the new highway is constructed the only purpose of the county road would be to reach the remainder of the Ferguson property East of the highway and to reach the remainder of SF12265 West of the railroad. Also, the county road would give the Claud Long property access to a public road on the southeast side which it now enjoys. So, it appears that a county road or an access will need to be maintained.

7. The portion of SF12265 West of the railroad and West of the county road is fenced with the Claud Long property and the fence has been in place a long time. Probably very little of the State Land is inside of the Long fence.

8. The portion of SF12265 West of the railroad and East of the county road has been considered a part of

AUG 27 1965

the Ferguson tract.

9. After the 5.73 acres is taken off, there will only be a small amount of SF12265 remaining West of the railroad. Due to this tract being long and narrow and pointed at each end, it will not be worth as much otherwise.

I have considered the damage to the remainder of SF12265 West of the railroad in arriving at the present market price of the 5.73 acres as listed on the enclosed appraisal report.

Joel R. Reese
Joel R. Reese

$\frac{327}{103}$ Lewis D. Ferguson to Missouri Pacific
Railroad Company

June 21, 1965

1.45 Acres L. R. Moody Sur. A. 628
\$10⁰⁰ + O.C. - no stamps

Did not find out the price.

Surface Estate Only, No Minerals Conveyed

This is tract #4 on enclosed Plat

$\frac{327}{105}$ W. W. Wilson to Missouri Pacific
Railroad Company

June 18, 1965

0.4 Acres J. P. Parker, Jr. Sur. A.-1311
\$10⁰⁰ + O.C. No stamps

Did not find out the price
Surface Estate Only, No Minerals Conveyed
This is tract #1 on enclosed Plat.

counter 29871

September 16, 1965

Missouri Pacific Railroad Co.,
501 Crawford Street
Houston, Texas 77002

Attention: Mr. D. L. Duke
Assistant General Land Agent

Re: SF 12265 - 25-1/3 acres
Leon County, 5.73 acres
for Highway

Gentlemen:

As indicated to you by our letter of August 13, 1965, this is to advise that the sum of \$1,620.00 will be accepted for 5.73 acres, being the amount offered by you for acquisition of 5.73 acres out of the 25-1/3 acres, on which you are to acquire title to the surface only, the minerals to remain in the State of Texas.

I shall await your further action in the premises, and shall appreciate your keeping me advised as to your further processing.

Yours very truly,

JERRY SADLER, COMMISSIONER

JS:kk

NO. 1504

MISSOURI PACIFIC RAILROAD
COMPANY

VS.

STATE OF TEXAS

Y
:
Y
:
Y

PROCEEDINGS IN EMINENT DOMAIN

COUNTY COURT

LEON COUNTY, TEXAS

PLAINTIFF'S STATEMENT IN CONDEMNATION

Now Comes MISSOURI PACIFIC RAILROAD COMPANY, a railroad corporation, and files this statement in condemnation, and would respectfully show the following:

I.

The names of the owners of the land sought to be condemned herein, so far as known to Plaintiff, are as follows:

The State of Texas, and service of process can be had herein by serving the Attorney General of the State of Texas, Austin, Texas.

II.

The Missouri Pacific Railroad Company, hereinafter called "Plaintiff," is a railroad corporation and pursuant to Article 6241 and other articles of the Revised Civil Statutes of Texas has the power of eminent domain for the acquisition of easements in land for railroad purposes.

III.

Plaintiff has heretofore found and determined the necessity for and ordered the acquisition of an easement for a railroad right-of-way in and to the following described lot, tract or parcel of land lying and being situated in Leon County, State of Texas, to-wit:



THE ATTORNEY GENERAL
OF TEXAS

AUSTIN 11, TEXAS

November 10, 1965

WAGGONER CARR
ATTORNEY GENERAL

Chief Clerk

Hon. Jerry Sadler,
Commissioner General Land Office
Austin, Texas

Re: 1504, Missouri Pacific
Railroad Company v. State
of Texas

Dear Sir:

Enclosed is a check in the amount of \$1,620.00 which was the amount of the Commissioners award in the condemnation of a right-of-way easement in the above styled case. The State does not intend to file objections to the award and I have been told that the condemnor will also not file objections. When the judgment becomes final I will send you a copy.

Please acknowledge receipt of this check on the carbon and return it to me.

Yours very truly

C. L. Snow, Jr.
C. L. SNOW, JR
Assistant Attorney General

CLS/fb
encl.

Final Judgment in SF 12265

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NOV 10 1965

General Land Office

ck-1,620⁰⁰ 31565

912

counter 29875

A tract or parcel of land containing 5.73 acres of land out of the A. K. Barron Survey (Land Office file S.F. 12265) situated in Leon County, Texas, said survey status now being Unsold Surveyed Public Free School Land, being more particularly described as follows:

BEGINNING at the southeast corner of the J. P. Parker, Jr. Survey (Ab - 1311) in the northwest line of said Barron Survey;

THENCE N. 30° 00' E 9.83 varas with the line common to the said Parker and Barron Surveys to a point in the Missouri Pacific Railroad Company's Westerly right of way line;

THENCE S. 7°56'09" W. 102.51 varas with said Westerly right of way line to the point of beginning of a curve to the right having a radius of 651.63 varas and a central angle of 44°13'26";

THENCE Southwestwardly along said Westerly right of way line and along the curve an arc distance of 504.18 varas to a point;

THENCE S 52°09'45" W. 107.42 varas with said Westerly right of way line to a point in the Southeasterly line of the L. R. Moody Survey (Ab - 628), the northwesterly line of said Barron Survey;

THENCE N. 30°00' E. 126.07 varas with said Moody Survey to a point on a curve to the left having a radius of 1339.14 varas and a central angle of 20°49', the tangent to the curve at said point bears N. 40°12'E.;

THENCE northeastwardly along the curve an arc distance of 486.56 varas to a point in the Southeasterly line of said Moody Survey;

THENCE N. 30°00' E. 65.38 varas with said Moody Survey to the point of beginning.

10/29/65

N. 30° E

*W. P. Survey
A. K. BARRON
SF 12265
1/4 mile N 23° W
of Centerline*

Beginning at the Southeast corner of the J. P. Parker, Jr. Survey A-1311, Leon County, Texas, measure northeastwardly along the Southeasterly line of the said J. P. Parker Survey, 27.3 feet, more or less, to a point in the Missouri Pacific Railroad Company's Westerly right of way line; thence South 7° 56' 09" West, along said Westerly right of way line, 284.74 feet; thence southwestwardly along said Westerly right of way line on a curve to the right with radius of 1810.08 feet, 1400.5 feet; thence South 52° 09' 45" West along said Westerly right of way line, 298.39 feet, more or less, to a point in the Southeasterly line of the L. R. Moody Survey A-628, Leon County, Texas; thence North 30° 00' East along the Southeasterly line of said L. R. Moody Survey, 350.20 feet; thence northeastwardly on a curve to the left with radius of 3719.83 feet, tangent to which at last described point bears North 40° 12' East, 1351.55 feet to a point in the Southeasterly line of the said L. R. Moody Survey; Thence North 30°-00' East, along the Southeasterly line of said L. R. Moody Survey, 181.62 feet, to the point of beginning, containing 5.73 acres, more or less.

is this boundary curve

and tangent here

IV.

The said interest in land is required for the following public purpose: a railroad right-of-way.

V.

Plaintiff specially alleges that it has been unable to agree and cannot agree with the said owner upon the value of said land or the damages, and therefore brings this proceeding.

WHEREFORE, Plaintiff prays that the Judge appoint three disinterested freeholders of Leon County, Texas, as Special Commissioners to assess the said damages, that the owners be served with notice, and for such other proceedings, orders and judgment as may be necessary in these premises.

McGREGOR, SEWELL, JUNELL & RIGGS

By BEA C. SEWELL
1300 First City National Bank
Houston, Texas - Capitol 4-5704

Attorneys for Plaintiff,
Missouri Pacific Railroad Co.

1022.30
 167.02
 87.67
 16.69

N 30	E	27 3	86603	5 -	23 64		13 65
S 75 09 W		284 74	99043	13802		282 02	
S 30 6 9 W		1365 88	86515	50151		1121 69	
S 52 9 45 W		298 39	61337	78980		183 02	
N 30	E	350 20	86603	5 -	303 28		175 -
N 29 47	E	1345 52	86791	49672	1167 79		668 35
N 30	E	181 62	86603	5 -	157 29		90 81
					1652 00	1646 73	947 91

1882 17
 1856 52
 1132 22
 211 55
 175 -
 1018 55
 1777 71

① $\frac{1810.08}{2} [1400.5 - (1365.88 \times \cos 22^\circ 10')]$

$905.04 (135.6)$

= 2.817 Ac.

5 27

12 06

②

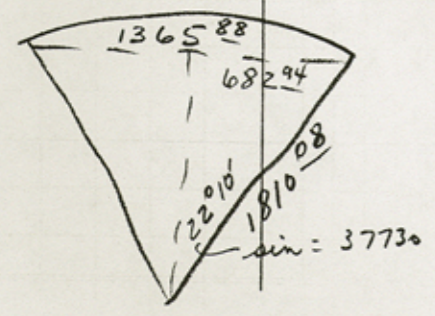
$\frac{1859.91}{2} [1351.55 - (1345.52 \times \cos 10^\circ 25')]$

282

= 12 04 Ac

5 44 1

① +
 R = 1810.08
 Ch = 440 19'
 arc = 1400 5
 1/2 I = 22° 10'

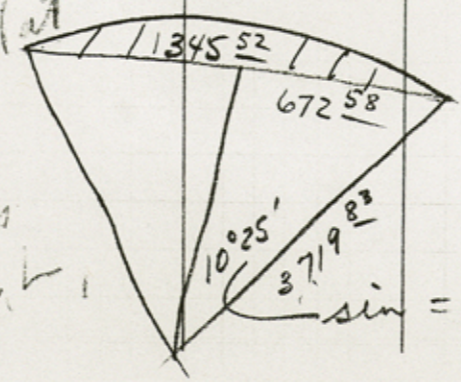


22 10
 7 56 09
 30 6 09

2.817
 - 1.204
 1.613

②
 Tan = N 40° 12' E
 R = 3719 83
 arc = 1351.55

F/N
 30
 100
 100



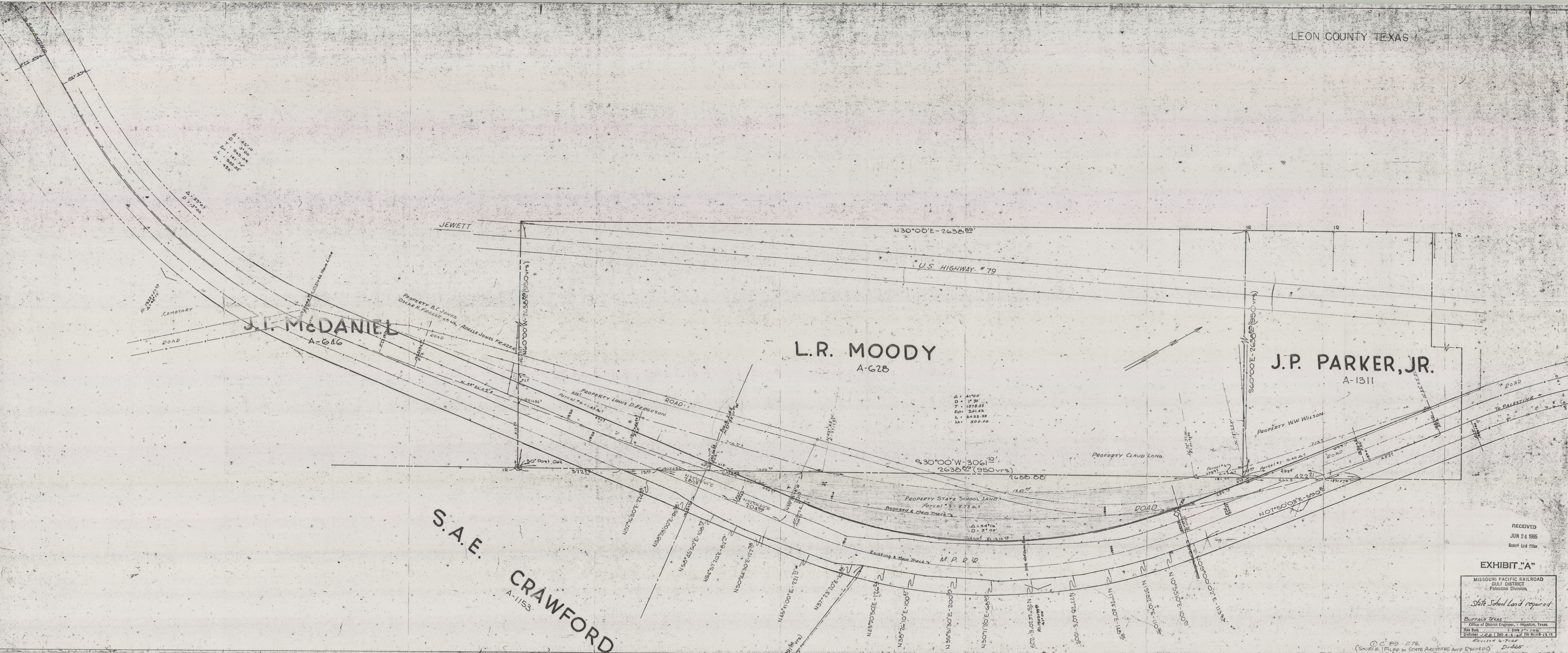
40 12'
 39 72
 - 10 25
 29° 47'

$\frac{1351.55}{2R} = \frac{x}{21,600} = \frac{1249}{49}$

6.2832 (3719.83)

23,372.44

2/20° 49'
 1/2 I = 10° 25'



Δ = 41'00"
 D = 1'30"
 T = 1878.53
 E = 261.85
 L = 2433.35
 A = 300.00

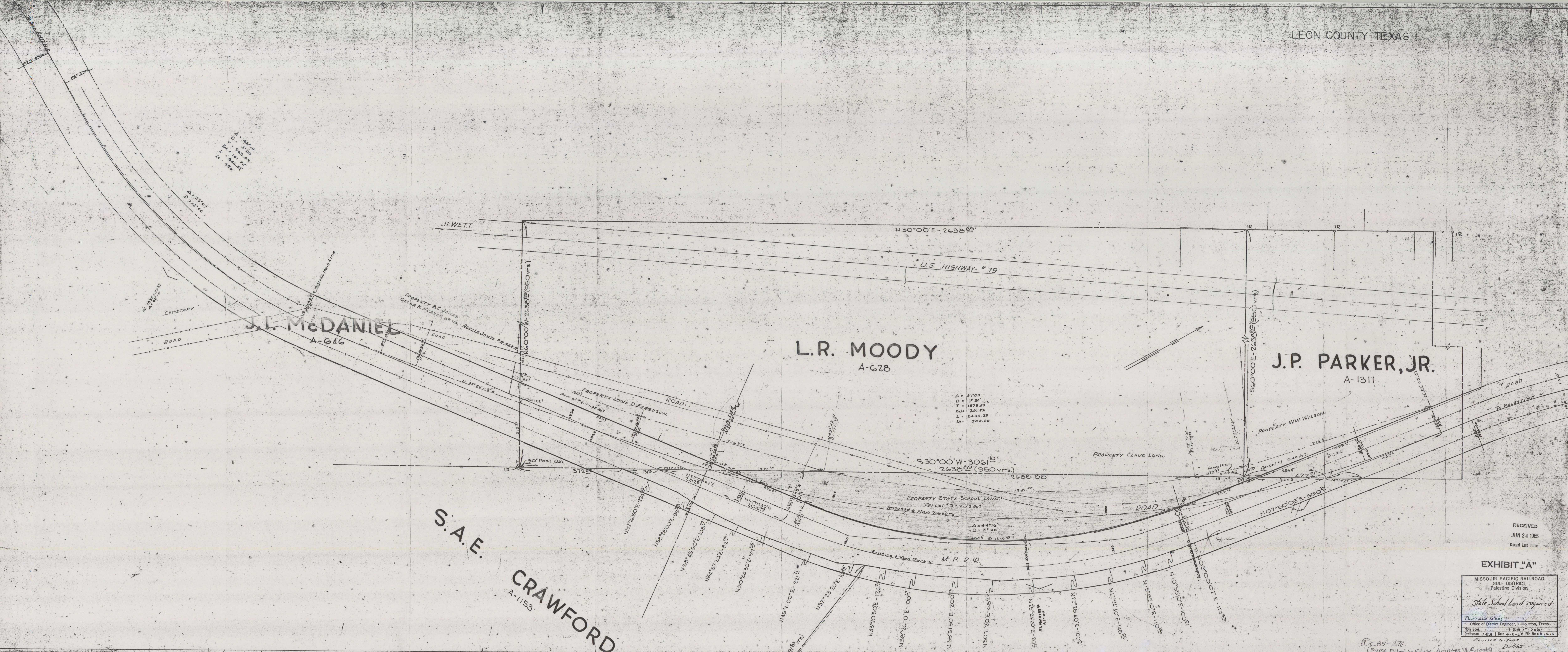
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 JUN 24 1965
 General Land Office

EXHIBIT "A"

MISSOURI PACIFIC RAILROAD
 GULF DISTRICT
 Palestine Division
 State School Land required

BUFFALO TEXAS
 Office of District Engineer, Houston, Texas
 Note Book 1 Scale 1" = 200'
 Draftsman J.E.G. Date 4-2-64 File No. 118-13.13
 Revised 6-7-65

① C-89-276
 (SOURCE: FILED IN STATE ARCHIVES AND RECORDS) D-465



Δ = 41° 00'
 D = 19' 30"
 T = 1878.53
 Ext = 261.62
 L = 2435.35
 A = 300.00

Δ = 44° 16'
 D = 3' 00"
 Ext = 2.15103

RECEIVED
 JUN 24 1965
 General Land Office

EXHIBIT "A"

MISSOURI PACIFIC RAILROAD
 GULF DISTRICT
 Palestine Division
 State School Land required
 Buffalo Texas
 Office of District Engineer, Houston, Texas
 Note Book 1 Scale 7/8" = 200'
 Draftsman JEG Date 4-2-65 File No. 118-12.73
 Revised 6-7-65

DC89-276
 (Source: Filed in State Archives & Records) D-465