

D-723

January 12, 1951

Mr. L. I. Griffin
Agent & Attorney in Fact For
Mrs. Mollie E. Brice and
Mrs. Fay D. Griffin

Corsicana, Texas.

Dr:

To Services Rendered

Complete Re-survey of the William Lapton Survey A-509, Navarro County, Texas Three days in Field Dec. 26, 27, 28, 1950 @ \$ 75.00 day	\$ 225.00
Office plotting field notes and preparing Report and Corrected Field Notes	<u>75.00</u>
Total Amount Due	\$ 300.00

Respectfully submitted

W. V. Mowlam
William V. Mowlam, C.E.
County Surveyor
Navarro County, Texas

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January 4, 1951.

Mr. Bascom Giles, Comm.,
General Land Office,
Austin, Texas.

Dear Sir:

I hand you, herewith, my report of the re-survey of the William Lapton Survey, A-509, Navarro County, Texas; together with corrected field notes for this Survey.

This re-survey of the Lapton Survey was made at the request of the present owners of all the land in the Lapton Survey, Mrs. Mollie E. Brice and Mrs. Fay D. Griffin; and at the direct request of Mr. L. I. Griffin, agent for the owners.

As a preliminary to the making of this survey, I had requested and obtained, from the General Land Office, a working map of the Lapton Survey with all the adjoining surveys shown. I have also examined the Surveyors record, as filed in the County Clerks Office of Navarro County, and find in Volume A, at page 42, a transcript of the original field notes of the Lapton Survey, as made by B. J. Chambers, Dep. Surveyor of Robertson County. His deposition states that the survey had been made since the 1st. day of August, 1838; and is dated at Franklin, Texas, November 8, 1840.

This Surveyor ties the Lapton Survey on to the Northeast line of the John Carpenter Survey, and places the northeast corner of the Lapton Survey at the Southwest corner of the John W. Moore Survey (now called the Robert Ray Survey, a-679, Navarro County, Tex.) this being the beginning corner of the survey.

The Surveyor states or recites, that he began at this corner and; thence ran N 60° E, with the Southeast line of the Moore Survey 1900 varas to a stake on said line, from which a Mesquite, 4" in Dia., bears S 76° W 50 varas. He then ran S 30° E 1900 varas to a stake on the prairie, S 60° W 1900 varas to a stake in the Northeast line of the Carpenter Survey, and N 30° W with the northeast line of the Carpenter 1900 varas to the place of beginning.

In the same volume A, at page 34, I find the same Surveyor had placed to record, his survey of the John B. Boyer Survey of 1280 acres of land, on Chambers Creek. This same Surveyor, B. J. Chambers, recites: beginning at the North corner of 640 acre survey for Wm. Lapton and on the South-east line of the John W. Moore Survey of 3/4 of a league, at a stake from which a Mesquite, 4" in dia., bears S 76° W 50 varas. This being the same reference as recited for the northeast corner of the Lapton Survey.

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REFERRED TO MAP

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He then ran, thence N 60° E, with said line of the John W. Moore Survey, and at 2544 varas, pass his South corner, and at 2688 varas cornerd on the North bank of Chambers Creek, from which an Ash tree, 15" in diameter, bears S 61° W 4 varas, and an Ash tree, 15" in dia., brs. N 53° W 2 varas.

Then he ran, thence S 30° E 2688 varas, to a stake for the southeast corner, with 2 small Mesquite trees for witness; thence S 60° W 2688 varas to a stake for southwest corner, whence a Wild China tree, 4" in dia., recorded to bear N 60° E 100 varas, and an Elm tree, 6" in dia, bears N 80° E 125 varas; thence he ran N 30° W 788 varas, come to the east corner of the Lapton; and running with his northeast line 2688 varas to the place of beginning.

The deposition for these field notes is the same as for the Lapton Survey, they are dated at Franklin, Texas, November 8, 1940. From these 2 sets of notes for the Lapton and Boyer Surveys, it is seen that the original Surveyor left no vacancy between these 2 Surveys. On this premise, it is this Surveyors report, that there is an excess of land in the Lapton Survey. This later statement is further based on the result of 3 days of surveying around and about the Lapton Survey.

This work in the field was begun on the 26th day of December, 1950, and completed in the lateafternoon of the 28th day of December, 1950. The base, for starting the survey, was the corner previously set as the result of other surveys, in July of 1948, at the point in the road intersection, assumed to be the Northeast corner of the Lapton Survey and the Northwest corner of the Boyer Survey, and in the South line of the Robert Ray Survey (or John W. Moore Survey as recited in the above field notes) was taken to be correct, until proven otherwise.

The instrument was set over this corner and running, thence N 60° E, with the center line of the road, and south line of the Ray Survey, and the north line of the Boyer; measurements were taken at all pertinent points, to and including; the center line of the old channel of Chambers Creek; the west right-of-way line of the T. & B. V. Railroad was encountered at 2575 feet, and the East right-of-way line at 2691 feet, the southeast corner of the Robert Ray Survey was passed at 7066 feet (2544 varas). No evidence of this corner was found as the line passed through a field and there are no intersecting fences. The north corner of the Boyer was passed at 2688 varas (as according to the field notes on the Boyer) or 7466 feet, and this point was also in the field; and at 7901 feet (2844 varas) we came to the old channel of Chambers Creek, which was recited as being in the northeast corner of the Boyer Survey. This channel has been cleared of all old trees and there is no evidence of the original witness trees, at this point. We note that this makes the North line of the Boyer some 156 varas longer than recited in the original field notes.

Still assuming the same corner to be the northwest corner of the Boyer and the northeast corner of the Lapton Survey, we again set on this corner and ran, thence S 60° W, with the South line of the Ray Survey and the north line of the Lapton, to the intersection of these lines with the east line of the John Carpenter Survey. We found this distance to be 5744 feet (2067.8 varas), about 167 varas longer than recited.

The east line of the Carpenter and the west line of the Ray, at this point had been checked by me on a previous survey, made in July of 1948, and was found to run true to the point where the line crossed Chambers Creek, but to be sure that neither the Lapton or Ray encroached on the Carpenter, I continued my course S 60° W across the Carpenter to the east line of the Frazier Survey, and came to the east line of the Frazier at 10912 feet from the beginning point, the northeast corner of the Lapton.

This gave a total distance of 5168 feet or 1860.48 varas across the Carpenter, which is recited and shown on your working sketch to be 1827 varas. This gives a 33 vara excess in the width of the Carpenter. This leaves no reason to assume any encroachments against the east line of the Carpenter, and also as further evidence, that the present line of the Carpenter Survey is approximately correct, there is an agreement entered into between G. W. Pruitt and Alex Beaton, dated Dec. 27, 1882, and of record in volume 43, page 114, of the Deed Records of Navarro County, Texas.

This agreement is witnessed by D. E. Greer and Luther Martin and sets up an agreed divisional line between the Wm. Lapton Survey and the John Carpenter Survey. It is to be pointed out that D. E. Greer was the County Surveyor of Navarro County, and Luther Martin was the County Surveyor of Ellis County.

The agreement recites certain witness trees as being on the corner, which is pointed out as being the southwest corner of the Robert Ray Survey of 3/4 League and Labor, and then runs, S 30° E with the variation of the needle of 9° and 10" E, for 1900 varas to a stake in a ravine or on the south bank of same; and sets up other bearing trees, as witness to the corner. The agreement further states, "and it is hereby agreed and fully understood by and between the parties hereto shall forever be the divisional line between the John Carpenter and the Wm. Lapton Surveys, each party herein quit claims any and all interest on either side of line as belonged to them respectively."

Having run this north line of the Lapton and determined the northwest corner, I returned to the original starting point, turned 90° off of this line and ran S 30° E, checking certain land corners as I passed them, along the west line of the Boyer and ultimately came to the southeast corner of the Lapton, as now fenced and has been long held, at 5344.5 feet or 1924 varas.

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I continued along this line, with the East line of the Wm. Cox Survey, and passed the called distance for the southwest corner of the Boyer at 7466 or 2688 varas, and came to the southwest corner of the Boyer Survey, at 7637 feet or 2749.32 varas. I set a temporary stake at this corner and referring to the deed record, dated 1914, which gives field notes for a tract out of the southwest corner of the Boyer, made a measurement along the south line of the Boyer to its intersection with the T. & B. V. Railroad. This particular deed recites for the east line of this tract to run with the west right-of-way line of the T. & B. V. Railroad to the South line of the Boyer Survey; thence S 60° W, with the said south line, 2105 feet or 757.8 varas to the place of beginning.

Upon making this measurement, I found that the line that I had been running for the divisional line, between the Boyer and the Lapton Surveys, was 9 feet N 60° E off its true position. Based on this old deed record, I moved my line accordingly 9 feet S 60° W. This places the east line of the Lapton, more nearly, in the center of the road running with the east side of the Survey; and shortens the North and South lines of the Lapton Survey from 5744 feet to 5735 feet. This later measurement 5735 feet, or 2064.6 varas, is the length of the Lapton Survey from East to West, as I am reporting in the corrected field notes.

From the temporary stake, which I had set for the southwest corner of the Boyer and in the East line of the Wm. Cox Survey, I continued on the S 30° E course to a point assumed to be the southeast corner of the Cox; this was at 7984 feet from the beginning station and was based on the dimensions found for the width of the Lapton from North to South, plus the width of the Cox Survey. This southeast corner of the Cox falls in a pasture and there is no evidence on the ground of this corner whatsoever.

I continued my measurements S 30° E to a fence line in the Davis Survey, but could not identify anything at this point. I have had occasion previously to run across this part of the Cox Survey and the Davis Survey, and found that the dimensions across these 2 Surveys conform to the old deed records. From the southeast corner of the Cox, I ran S 60° W and came to the center of the road at 5207 feet, this road is assumed to be, on the west line of the Cox at this point; but I have not been able to check the deed records pertaining to same.

Continuing my measurements to station 5685 and at this point I set a temporary stake, this point being in the southern projection of the road, that runs with the west line of the Lapton and east line of the Carpenter Survey. This point is near the southeast corner of the John Bowie Survey, but I found no evidence of any corner. The John Bowie Survey lies just Southeast of the Carpenter Survey.

From this point, I ran S 30° E for some 1300 feet, to the south-east corner of Tate's Pasture, which is on the Wm. Petty Survey, and found that I was 37 feet N 60° E from this fence corner. I then returned to the last station above (at 5685) and turned a line, running N 30° 50' W, with the center line of the road, and at 2689 feet came to a point near the southwest corner of the Lapton Survey, and on the south line of the Lapton. At this point, I ran N 30° W, turning an angle of 50 minutes, and at 5344 feet from the south line of the Lapton, I came to the North line of the Lapton, some 16.8 feet N 60° E from the true northwest corner of the Lapton.

I then returned to the southeast corner of the Lapton, and running S 60° W, with the south line of the Lapton, came to the base line, as previously run at 5724.35 feet, allowing for the 16.8 feet which the base line lay east of the northwest corner, I found the total length of 5741.15 feet across this south line, and made an error of closure of 2.85 feet, primarily due to instrumentation, running up the base line from the southwest corner of the Cox, which I have previously stated was run by me, bearing of N 30° 50' W; and after making an allowance for this 2.85 feet, I still find that the West line of the Lapton lies in the road, but on the westerly side of the graded section. The fence, at this point, is some 35.5 feet west of the base line as run.

In conclusion, I find the lines as established by this Survey, do not encroach on any of the present land owners, or any of the adjoining surveys. I am reporting that the Wm. Lapton Survey actually contains 703.643 acres, there being an excess of 63.643 acres.

Corrected field notes for the Wm. Lapton Survey are submitted herewith on Land Office form titled "Corrected Field Notes".

Respectfully submitted,

WILLIAM V. MOWLAM, C. E.
County Surveyor of
Navarro County, Texas.

2 photos file no. 1

NAVARRO COUNTY

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21

