

P A D R E I S L A N D

KLEBERG CO.
NUECES CO.

COUNTY PARK
(103.919 ACRES)
(COUNTY PARK AREA)

692.26 ACRES GROSS AREA
(39.794 ACRES)
(103.919 ACRES)
548.55 ACRES NET AREA

M U S T A N G
(39.794 AC.)

WILLIAM BRYAN SURVEY
L.S. 64

WILLIAM BRYAN SURVEY
L.S. 205

G U L F O F M E X I C O

692.26 AC.			39.794 AC.			103.919 AC.		
BEARING	VARAS	FEET	BEARING	VARAS	FEET	BEARING	VARAS	FEET
N 58° 22' W	1957.45	5437.36'	N 58° 22' W	833.50	2315.27'	N 89° 16' W	425.10	1180.83'
S 13° 55' E	149.8	416.14'	S 20° 08' W	168.31	467.54'	S 16° 19' W	97.24	270.10'
S 12° 35' E	365.0	1013.89'	S 12° 07' E	380.18	1056.05'	S 23° 53' W	1085.00	3013.89'
S 05° 07' W	210.0	583.33'	N 89° 08' E	593.75	1649.31'	S 15° 47' E	629.00	1747.23'
S 25° 55' W	150.0	416.67'	N 48° 23' E	125.88	349.67'	N. E. ly	1832.86	5091.28'
S 37° 27' E	300.0	833.33'						
S 09° 23' E	250.0	694.44'						
S 00° 53' W	150.0	416.67'						
S 14° 46' W	250.0	694.44'						
S 15° 58' W	200.0	555.56'						
S 25° 46' W	134.1	372.50'						
S 22° 31' W	287.4	798.33'						
S 04° 07' W	298.0	827.78'						
S 30° 35' E	513.0	1425.11'						
S 16° 19' W	822.0	2283.33'						
S 23° 53' W	1085.0	3013.89'						
S 15° 47' E	629.0	1747.23'						
N. E. ly	4816.9	13,380.19'						

Scale 1 Inch = 200 Varas (555.56 Feet)

Note
- I. P. = Large iron pipe found

WM. W. GREEN, COUNTY SURVEYOR
LICENSED STATE LAND SURVEYOR
NUECES COUNTY, TEXAS
JANUARY 12, 1973

TO ACCOMPANY DESCRIPTIONS:
SURVEY OF 692.26 ACRE TRACT
SAVE AND EXCEPT
103.919 ACRE, 39.794 ACRE PORTIONS
AND SHOWING
VEGETATION LINE, AS DESCRIBED
BY
WM. W. GREEN, COUNTY SURVEYOR
LICENSED STATE LAND SURVEYOR
NUECES COUNTY, TEXAS
JANUARY, 1973

350 8713

GENERAL LAND OFFICE

1: 1000

3- 9-87



Counter 32874

08-11-88

1: 500

GENERAL LAND OFFICE

388 078

counter 32875



388 079

GENERAL LAND OFFICE

1: 500

03-11-88

counter 32876

PRELIMINARY
NOT FOR
RECORDING

ATL



REV BY	DATE	DESCRIPTION	APPROVED

URBAN
ENGINEERING
CORPUS CHRISTI, TEXAS

George M. By S

counter 32877

File No. Sketch File 56 f
NUECES County
153534 St. of Tx vs. Padre Is. / av.
Filed March 28 19 28
By Douglas Howard
GARRY MAURO, Clerk

S. 13° 55' E. 149.8 varas (416.14 feet),
 S. 12° 35' E. 365.0 varas (1013.89 feet),
 S. 05° 07' W. 210.0 varas (583.33 feet),
 S. 25° 55' W. 150.0 varas (416.67 feet),
 S. 37° 27' E. 300.0 varas (833.33 feet),
 S. 09° 23' E. 250.0 varas (694.44 feet),
 S. 00° 53' W. 150.0 varas (416.67 feet),
 S. 14° 46' W. 250.0 varas (694.44 feet),
 S. 15° 58' W. 200.0 varas (555.56 feet),
 S. 25° 46' W. 134.1 varas (372.50 feet),
 S. 22° 31' W. 287.4 varas (798.33 feet), to an iron pipe
 S. 04° 07' W. 298.0 varas (827.78 feet) to an iron pipe, and
 continuing, leaving the shoreline of said old pass, S. 30° 35' E.
 513.0 varas (1425.11 feet) to an iron pipe set to be on the centerline
 of said old pass (as pass was known to be about 1925)
 S. 16° 19' W. 822.0 varas (2283.33 feet) to an iron pipe
 S. 23° 53' W. 1085.0 varas (3013.89 feet) to an iron pipe
 and S. 15° 47' E. 629.0 varas (1747.23 feet) to a point on the
 shoreline of the Gulf of Mexico, at mean high tide, for a corner of
 this survey,-

Thence, along said shoreline of the Gulf of Mexico, following mean
 high tide line, northeasterly 4816.9 varas (13,380.19 feet) to the
 place of beginning,-

Containing a gross area of 692.26 acres, of which 39.794 acres is
 embraced within the original patent survey lines of said Wm. Bryan
 survey, and 103.919 acres is embraced within a County park, leaving a
 net area of 548.55 acres, said tracts being more particularly described,
 as surveyed, as follows:

39.794 Acres

Beginning at a point on the south boundary line of the north 280
 acres of the original Wm. Bryan survey, (L.S. 64) as said south boundary
 line is described in agreement of record in the Deed Records of Nueces
 County, Texas, in Volume 528 at page 312, at the point of intersection
 of said south boundary line of north 280 acres of Wm. Bryan survey with
 the east boundary line of original Wm. Bryan survey (L.S. 64), for the
 east corner of this tract, whence a point, the intersection of said

south boundary line of north 280 acres, and its easterly extension, with shoreline of the Gulf of Mexico, is reached by running S. 58° 22' E. 52.70 varas (146.38 feet),-

Thence N. 58° 22' W., crossing low dunes and sand flat, along said south boundary line of north 280 acres, 833.50 varas (2315.27 feet) to intersection with west boundary line of original Wm. Bryan survey, for the north corner of this tract,-

Thence, following courses of said original survey, traversing sand flat, and skirting dune area, S. 20° 08' W. 168.31 varas (467.54 feet), S. 12° 07' E. 380.18 varas (1056.05 feet), N. 89° 08' E. 593.75 varas (1649.31 feet) and N. 48° 23' E. 125.88 varas (349.67 feet) to the place of beginning,-

Containing an area of 39.794 acres.

103.919 Acres
County Park Area

Beginning at a point on the west shoreline of the Gulf of Mexico, at mean high tide, at the point of intersection of said shoreline with line of center of old dry pass, as found by J. S. Boyles in 1941, following earlier work by Conrad M. Blucher, for the south corner of this tract,-

Thence in a northeasterly direction, with said shoreline of Gulf, 1832.86 varas (5091.28 feet) to a point on the easterly extension of north boundary line of Nueces County Park No. 1, for a corner of this tract,-

Thence N. 89° 16' W., along said north boundary line of County Park, and parallel with and fifty feet northerly, measured at right angles, from the center of paved County road, 425.10 varas (1180.83 feet) to a point on said center of old Corpus Christi Pass, as used by J.S. Boyles to establish boundary for Padre Island, for the northwest corner of this tract,-

Thence following said centerline of old pass, S. 16° 19' W. 97.24 varas (270.10 feet) to an iron pipe, S. 23° 53' W. 1085.0 varas (3013.89 feet) to an iron pipe, and S. 15° 47' E. 629.0 varas (1747.23 feet) to the place of beginning.

Containing an area of 103.919 acres.

Description of

A vegetation line established to connect clearly marked vegetation lines, of uniform elevation, on each side of said 548.55-acre tract, and crossing said 548.55-acre tract, as surveyed, as follows:

Beginning at a point on north boundary line of Nueces County Park No. 1 on Padre Island, for the southerly terminus of this line, whence a point on clearly marked vegetation line to the south, through park area, at elevation 4.6 feet above mean sea level, bears S. 24° 09' 34" W. 77.7 varas (215.8 feet) and a point marked by iron pipe on said J. S. Boyles 1941 survey for shoreline of Padre Island, is reached by running N. 89° 16' W. 280.87 varas (780.19 feet) and thence S. 16° 19' W. along said line 97.24 varas (270.10 feet),-

Thence N. 24° 09' 34" E. 415.75 varas (1154.87 feet) to a point at elevation 4.6 feet, for point on vegetation line,-

Thence N. 25° 18' 10" E. - at 56 varas (155.6 feet) south face of concrete wall at south end of present sea wall, 84.17 varas (233.80 feet) westerly, measured along face of wall, from east face of parapet wall at top of seawall, at 1629.49 varas (4370.77 feet) north face of concrete retaining wall at north end of present sea wall, 58.56 varas (162.67 feet) westerly from said east face of parapet wall,- in all, 2043.55 varas (5676.52 feet) to a point at elevation of 4.6 feet, for point on vegetation line,-

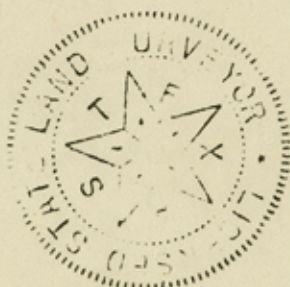
Thence N. 25° 03' 04" E., 595.98 varas (1655.50 feet) to a point (elevation 4.6 feet) in said south boundary line of north 280 acres of Wm. Bryan survey (L.S.64) for the northern terminus of this description, a point found on the southerly extension of clearly marked vegetation line, whence a point, east corner of said 692.26-acre tract bears S. 58° 22' E. 104.1 varas (289.2 feet),-

Description prepared January 3 - 17, 1973

Surveyed October - December, 1972, and January, 1973 following evidence found on the ground of work done by J. S. Boyles and Conrad M. Blucher at earlier times.

Meridian and bearings used are those of Texas Co-ordinate System, South Zone, as established by law.

Variation of grid north of the Texas Co-ordinate System from meridian of original Bryan survey is 0° 52' E. Variation from 1941 Boyles survey is 0° 27' E.



Wm. W. Green

Wm. W. Green
County Surveyor, Nueces County, Texas
Licensed State Land Surveyor

PLAT OF DEED CALLS FOR P.I.



North for Beginning Tract Indicated by Arrow: Beginning Point Indicated by Box
WARNING! AREA VOID DUE TO GROSS ERRORS IN DEED ENTRIES

SQFT= 492906: SCALE= 2000 FT/IN: PERIMETER= 5,910.67 FT: PRECISION=1/1
ACRES= 11.316: CLOSING ERROR= 4,374.58 FT: ERROR BEARING= N47.3452W

1. S37.27E 616.21
2. S9.23E 235.81
3. S78.1640E 2900.64
4. S24.21W 1503.66
5. S65.39E 654.35

counter 32883

NO. 115,340-A Filed March 28 19 74

THE STATE OF TEXAS,
ET AL

VS.

PADRE ISLAND INVESTMENT
CORPORATION

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§
§
§
§
§
§

GARRY MAURO, Com'r
IN THE DISTRICT COURT OF
By Douglas Howard

NUECES COUNTY, TEXAS

28TH JUDICIAL DISTRICT

JUDGMENT

On the 29th day of July, 1974, came on to be heard the above entitled and numbered cause, wherein THE STATE OF TEXAS and JOHN L. HILL, Attorney General of Texas, FRANKLIN L. SMITH, County Attorney of Nueces County, Texas, and BOB ARMSTRONG, Commissioner of the General Land Office of Texas, are Plaintiffs and PADRE ISLAND INVESTMENT CORPORATION is Defendant;

And came the Plaintiffs in person and/or by their respective attorneys and came the Defendant by its attorneys of record and announced ready for trial; and neither Plaintiffs nor Defendant having demanded a jury, all matters in controversy, as well of fact as of law, wherein the right of title and possession of the surface estate, only, was in issue, were submitted to the Court; and it appearing to the Court, after hearing the pleadings, the evidence and the argument of counsel, that a portion of the land described in Plaintiffs' First Amended Original Petition is in fact a part of the Padre Island Balli Grant, a portion is a part of the William Bryan Survey No. 606, L.S. 64 on Mustang Island, a portion is natural accretion to the Padre Island Balli Grant; a portion is State owned islands and natural accretion to these State owned islands and a portion is State owned submerged lands below the level of mean higher high tide; and a part is the unpatented bed of Packery Channel of Corpus Christi Pass, and, a part is the unpatented bed of Old Corpus Christi Pass, which at times, as a result of storm action and not natural accretion, rises above the line of mean higher high tide and at times falls below such line of mean higher high tide; all of which lies in Nueces County, Texas; and that the following judgment as to

the surface estate, only, should be entered to wit:

1.

(1) That the Court finds: The North line of the Padre Island Balli Grant, with its natural accretions, crosses the lands described in Plaintiffs' First Amended Original Petition as follows:

BEGINNING at a 5/8 inch iron rod 8" up set at the intersection of the curved Southeast boundary of Park Road No. 53, 200 feet measured radially from the centerline thereof, with J. S. Boyles 1941 Shoreline Survey of Padre Island, for the most Westerly end of this line, from which point the centerpoint of the circular curve for said curved Southeast boundary bears North 23°04'10" West, 2403.87 feet and a drill hole ~~at~~ the South corner of a concrete bridge across Packery Channel bears North 29°59'42" East, 219.91 feet;

THENCE, South 37°27'00" East, with said J. S. Boyles 1941 Shoreline Survey 616.21 feet to a 1-1/2 inch iron pipe set at angle point on said Boyles line for corner; \perp

THENCE, South 09°23'00" East, continuing with said Boyles Shoreline, 235.81 feet to a 1-1/2 inch iron pipe;

THENCE, leaving Boyles line, South 78°16'40" East, 2900.64 feet to a 5/8 inch iron rod 8 inches deep;

THENCE, South 24°21'00" West, 1503.66 feet to a 5/8 inch iron rod set flush for corner;

THENCE, South 65°39'00" East, parallel to and 50.0 feet North measured at right angles from the North face of a concrete seawall and its Westerly extension at 104.40 feet, the North face at the West end of said seawall bears South 24°21'00" West, 50.0 feet, at 479.40 feet pass a 5/8 inch iron rod set 12 inches deep, at 500.0 feet pass the Northerly extension of the East face of the bottom step of a concrete seawall running South 24°21'00" West, in all a distance of 654.35 feet to the mean high tide line of the Gulf of Mexico (Elevation 1.37 feet above mean sea level, USC & GS 1927 Datum) for Eastern end of this line of demarcation.

(2) That all of the land described in Plaintiffs' First Amended Original Petition, lying to the North of said line, (except for that portion thereof lying within the William Bryan Survey and hereinafter described by metes and bounds as Tract No. 4) is ungranted and unpatented State-owned lands, a part presently forming the bed of Old Corpus Christi Pass, a part presently forming the bed of Packery Channel of Old Corpus

Christi Pass; a part being lands that have risen above the bed of the sea as State-owned islands and natural accretion thereto; and a part being submerged lands of the State of Texas; and is hereinafter described by metes and bounds as Tract No. 1; and,

(3) That all land described in Plaintiffs' First Amended Original Petition lying to the South of said line above set out, (save and except Tract No. 3, hereinafter described by metes and bounds) constitutes a part of the Padre Island Balli Grant, becoming so by natural accretion to Padre Island Balli Grant, the same being hereinafter described by metes and bounds as Tract No. 2; the said Tract No. 3, hereinafter described, not having become a part of the Padre Island Balli Grant by reason of its being a part of a mouth of Old Corpus Christi Pass which has never been granted or patented out of the sovereign and this portion not having become a part of any granted or patented land by natural accretion, but remaining unpatented State-owned submerged land;

It is, therefore, ORDERED, ADJUDGED and DECREED, that the Plaintiff, State of Texas, do have and recover of and from the Defendant, Padre Island Investment Corporation, the title and possession of the surface estate of Tracts Nos. One (1) and Three (3), as follows:

TRACT NO. 1

BEGINNING at a 5/8 inch iron rod 8" up set at the intersection of the curved Southeast boundary of Park Road No. 53, 200 feet measured radially from the centerline thereof, with J. S. Boyles 1941 Shoreline, for the most Westerly corner of this survey, from which corner the centerpoint of the circular curve for said curved Southeast boundary bears North 23°04'10" West, 2403.87 feet and a drill hole on the South corner of a concrete bridge across Packery Channel, bears North 29°59'42" East, 219.91 feet;

THENCE along said curved Southeast boundary of Park Road No. 53, in a Northeasterly direction curving to the left for an arc distance of 405.23 feet to the point of tangency;

THENCE North 57°16'19" East, with said Southeast boundary of Park Road No. 53, parallel to the

centerline thereof and 200.00 feet distant therefrom measured at right angles thereto, 399.16 feet to the point of curvature of a curve to the left, the centerpoint of which bears North 32°43'41" West, 2,230.42 feet;

THENCE with said Southeast boundary of Park Road No. 53, along last mentioned curve to the left in a Northeasterly direction, 1,049.32 feet to a 2 inch iron pipe found flush at the point of tangency;

THENCE North 30°19'00" East, continuing with the Southeast boundary of Park Road No. 53, parallel to the centerline thereof and 200 feet distant therefrom measured at right angles thereto, 307.79 feet to a 1 inch iron rod set flush on the Westerly extension of the South boundary of the North 280 acres of the William Bryan Survey, L.S. 64 for the most Northerly corner of this survey;

THENCE South 58°22'00" East, with said Westerly extension, 877.92 feet to a 1"x2" stake found at the Southwest corner of the North 280 acres of said William Bryan Survey, for a corner of this survey;

THENCE South 20°09'00" West, with the West boundary of the William Bryan Survey, 468.03 feet to a 2"x2" stake 14" up found in flat, for a corner of this survey;

THENCE South 12°07'00" East, with said West boundary of William Bryan Survey, 1,056.03 feet to a 2"x2" stake 14" up found in flat for a corner of this survey;

THENCE North 89°08'00" East, with the South boundary of said William Bryan Survey, 1,649.31 feet to a broken 2"x2" stake found 6" deep for a corner of this survey;

THENCE North 48°22'00" East, with the Southeast boundary of said William Bryan Survey, 350.15 feet to a 1"x2" stake set flush at the Southeast corner of the North 280 acres of said William Bryan Survey for a corner of this survey;

THENCE South 58°22'00" East, with the Easterly extension of said South boundary of the North 280 acres of William Bryan Survey, at 32.72 feet pass a 1 inch iron pipe, in all a distance of 155.60 feet to the mean high tide line of the Gulf of Mexico (Elevation 1.37 feet above mean sea level, USC & GS 1927 datum) for the East corner of this survey, said corner being a shoreline corner;

THENCE with the mean high tide line as follows:
South 25°03'20" West, 382.76 feet; South 26°04'05" West, 400.18 feet; South 22°46'30" West, 400.15 feet; South 24°21'00" West, 400.00 feet; South 25°46'55" West, 400.12 feet; South 22°37'50" West, 400.18 feet; South 24°21'00" West, 400.00 feet and South 25°38'20" West, 91.13 feet for the South corner of this survey, said corner being a shoreline corner;

THENCE North 65°39'00" West, parallel with and 50.0 feet measured at right angles from the North face of

a concrete seawall and its Easterly extension at 154.35 feet pass the Northerly extension of the East face of the bottom step of a concrete seawall running South 24°21'00" West, at 174.95 feet pass a 5/8 inch iron rod set 12 inches deep, in all a distance of 654.35 feet to a 5/8 inch iron rod set flush for an inside corner of this survey;

THENCE North 24°21'00" East, 1,503.66 feet to a 5/8 inch iron rod set 8 inches deep for an inside corner of this survey;

THENCE North 78°16'40" West, 2,900.64 feet to a 1-1/2 inch iron pipe 12 inches up set on J. S. Boyles 1941 Shoreline, for a corner of this survey;

THENCE North 09°23'00" West, with said Boyles line, 235.81 feet a 1-1/2 inch iron pipe 12 inches up set at an angle point in said Boyles line, for a corner of this survey;

THENCE North 37°27'00" West, with said Boyles line, 616.21 feet to the PLACE OF BEGINNING, containing 138.876 acres of land.

TRACT NO. 3

BEGINNING at a one inch iron rod set flush on the North boundary of Nueces County Park No. 1 for the Southwest corner of this survey, from which point a 1 inch iron pipe at the Southeast corner of Block 31, Padre Island No. 1, a map of which is recorded in Volume 13, Pages 1-8 of the Nueces County Map Records, bears North 89°16'00" West, 934.95 feet and North 0°44'00" East 50.0 feet and a drill hole on the South corner of a concrete bridge across Packery Channel bears North 01°16'27" West, 8,053.50 feet;

THENCE North 24°21'00" East, 1,369.16 feet to a 5/8 inch iron rod set flush for the Northwest corner of this survey;

THENCE South 65°48'00" East, at 172.40 feet the South face of a seawall at its West end bears North 24°21'00" East, 51.10 feet and then continuing South 65°48'00" East parallel to said South face, 455.40 feet a jog in said seawall, the most southerly face of which bears North 24°21'00" East 50.00 feet and then continuing South 65°48'00" East at 479.40 feet pass a 5/8 inch iron rod set 12 inches deep, at 500.00 feet pass the Southerly extension of the East face of bottom step on a concrete seawall running North 24°21'00" East, in all a distance of 629.49 feet to a point on the mean high tide line of the Gulf of Mexico (Elevation 1.37 feet above mean sea level, USC & GS 1927 datum) for the Northeast shoreline corner of this survey;

THENCE with the mean high tide line of the Gulf of Mexico as follows: South 23°29'25" West, 393.99 feet
South 24°21'00" West, 400.00 feet and
South 23°29'25" West, 297.13 feet to a point on said North boundary of Nueces County Park No. 1, for the Southeast shoreline corner of this survey;

THENCE North 89°16'00" West, with said North boundary of Nueces County Park No. 1, 698.35 feet to the PLACE OF BEGINNING, containing 17.946 acres of land.

For which said Plaintiff may have its writ of possession.

It is further ORDERED, ADJUDGED and DECREED, that the Plaintiffs, State of Texas, take nothing by its trespass to try title suit as to the surface estate of Tract No. Two (2) described as follows:

TRACT NO. 2

BEGINNING at a one inch iron rod set flush at the intersection of the J. S. Boyles 1941 Shoreline with the North boundary of Nueces County Park No. 1, for the Southwest corner of this survey, from which corner a 1 inch iron pipe at the Southeast corner of Block 31, Padre Island No. 1, a map of which is recorded in Volume 13, Pages 1-8, of the Nueces County Map Records bears North 89°16'00" West 429.87 feet and North 0°44'00" East, 50.0 feet, and a drill hole on the South corner of a concrete bridge across Packery Channel bears North 2°19'12" East, 8,051.63 feet;

with

THENCE/said J. S. Boyles 1941 Shoreline as follows:
North 16°19'00" East, 2,013.62 feet, found a 2 inch iron pipe;
North 30°35'00" West, 1,425.11 feet, found a 2 inch iron pipe;
North 04°07'00" East, 827.78 feet, found a 2 inch iron pipe;
North 22°31'00" East, 798.33 feet;
North 25°46'00" East, 372.50 feet;
North 15°58'00" East, 555.56 feet;
North 14°46'00" East, 694.44 feet;
North 00°53'00" East, 416.67 feet and
North 09°23'00" West, 458.63 feet to a 1-1/2 inch iron pipe 12 inches up set for the Northwest corner of this survey;

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THENCE South 78°16'40" East 2,900.64 feet to a 5/8 inch iron rod 8 inches deep set for the Northeast corner of this survey;

THENCE South 24°21'00" West, 1,503.66 feet to a 5/8 inch iron rod set flush for an inside corner of this survey;

THENCE South 65°39'00" East, parallel to and 50.0 feet North, measured at right angles from the North face of a concrete seawall and its Westerly extension at 104.40 feet, the North face at the West end of said seawall bears South 24°21'00" West, 50.0 feet, at 479.40 feet pass a 5/8 inch iron rod set 12 inches deep, at 500.00 feet pass the Northerly extension of the East face of the bottom step of a concrete seawall running South 24°21'00" West, in all a distance of 654.35 feet to the mean high tide line of the Gulf of Mexico (Elevation 1.37 feet above mean sea level, USC & GS 1927 datum) for a corner of this survey, said corner being a shoreline corner;

start

THENCE with the mean high tide line as follows:
26 South 25°38'20" West, 308.97 feet; South 23°46'35" West, 400.02 feet; South 24°21'00" West, 400.00 feet; South 23°29'25" West, 400.04 feet; South 26°21'15" West, 400.24 feet; South 23°38'00" West, 400.03 feet; South 24°21'00" West, 400.00 feet; South 26°21'15" West, 400.24 feet; South 25°46'55" West, 400.12 feet;

South 25°21'10" West, 400.06 feet; South 22°37'50" West, 400.18 feet and South 23°29'25" West, 6.19 feet for a shoreline corner of this survey;

THENCE North 65°48'00" West, at 129.49 feet cross the Southerly extension of the East face of the bottom step on a concrete seawall running North 24°21'00" East and continuing North 65°48'00" West, parallel to and 50.0 feet Southerly measured at right angles from the South face of a concrete seawall at 150.09 feet pass a 5/8 inch iron rod set 12 inches deep, at 174.09 feet, a jog in the South face of said concrete seawall, and then continuing North 65°48'00" West, parallel to and 51.1 feet Southeasterly measured at right angles from said South face, at 457.09 feet seawall ends, in all a distance of 629.49 feet to a 5/8 inch iron rod set flush for an inside corner of this survey;

THENCE South 24°21'00" West, 1,369.16 feet to a one inch iron rod set flush on the North boundary of Nueces County Park No. 1 for the Southeast corner of this survey;

THENCE North 89°16'00" West, with said North boundary of Nueces County Park No. 1, 505.08 feet to the POINT OF BEGINNING, containing 342.732 acres of land;

And that the Defendant, Padre Island Investment Corporation, as to the surface estate of such tract of land, go hence without day, subject only to the injunctive relief hereinafter contained in regard to the maintaining of open beaches along the Gulf of Mexico.

It further appearing to the Court, that the Defendant, Padre Island Investment Corporation, in order to be allowed to erect certain revetments, retaining walls, and seawalls along the Northern line of the property belonging to them in a relatively straight and safe line has agreed to convey unto the Plaintiff, State of Texas, the fee simple title to the surface estate of Tracts Nos. Four (4) and Five (5) described as follows, to wit:

TRACT NO. 4

BEGINNING at 1"x2" stake found at the Southwest corner of the North 280 acres of the William Bryan Survey, L.S. 64 for the Northwest corner of this survey, from which point a 60 penny nail over a 5/8 inch iron rod at the intersection of the Westerly extension of the South boundary of said North 280 acres of the William Bryan Survey with the centerline of Park Road No. 53 bears North 58°22'00" West, 1,077.97 feet and a drill hole on the South corner of a concrete bridge across Packery Channel bears South 70°44'50" West, 2,336.63 feet;

THENCE South 20°09'00" West, with the West boundary of said William Bryan Survey, 468.03 feet to a 2"x2"

stake 14" up for a corner of this survey;

THENCE South 12°07'00" East, continuing with the West boundary of said William Bryan Survey, 1,056.03 feet to a 2"x2" stake found 14" up for the most Southerly corner of said William Bryan Survey and the most Southerly corner of this survey;

THENCE North 89°08'00" East, with the Southerly boundary of said William Bryan Survey, 1,649.31 feet to a broken 2"x2" stake for a corner of this survey;

THENCE North 48°22'00" East, with the Easterly boundary of said William Bryan Survey, 350.15 feet to a 1"x2" stake set for the Southeast corner of the North 280 acres of said William Bryan Survey and the Northeast corner of this survey;

THENCE North 58°22'00" West, with said South boundary of the North 280 acres of said William Bryan Survey, 2,315.27 feet to the PLACE OF BEGINNING, containing 39.819 acres of land.

TRACT 5

BEGINNING at a 5/8 inch iron rod set at the intersection of the curved Southeast boundary of Park Road No. 53, 200.00 feet measured radially from the centerline thereof, with the J. S. Boyles 1941 Shoreline for a corner of this survey, from which corner the centerpoint of the circular curve for said curved Southeast boundary bears North 23°04'10" West, 2,403.87 feet and a drill hole on the South corner of a concrete bridge across Packery Channel bears North 29°59'42" East, 219.91 feet;

THENCE South 37°27'00" East, with said J. S. Boyles 1941 Shoreline 616.21 feet to a 1-1/2 inch iron pipe set at an angle point on said Boyles line for a corner of this survey;

23
24
THENCE South 09°23'00" East, continuing with said Boyles shoreline, 235.81 feet to a 1-1/2 inch iron pipe set for the most Easterly corner of this survey;

THENCE North 78°16'40" West, 136.18 feet to a 5/8 inch iron rod set for a corner of this survey;

THENCE North 37°27'00" West, 930.86 feet to a 5/8 inch iron rod set in the curved Southeast boundary of said Park Road No. 53, 60.00 feet measured radially from the centerline thereof, for the most Westerly corner of this survey, from which corner the center point of said curved Southeast boundary bears North 16°50'10" West, 2,263.87 feet;

THENCE with said curved Southeast boundary of Park Road No. 53, in an Easterly direction on a circular curve to the left, an arc distance of 172.37 feet to a point at which the right-of-way of said Park Road No. 53 increases from 60.00 feet from the centerline to 200.00 feet from the centerline measured radially, and from which point the centerpoint of said curve bears North 21°11'55" West, 2,263.87 feet;

THENCE South 21°11'55" East, 140.0 feet to a point on the curved Southeast boundary of said Park Road No. 53,

which point is 200.00 feet measured radially from the centerline thereof and from which point the centerpoint of the circular curve of said curved Southeast boundary bears North 21°11'55" West, 2,403.87 feet;

THENCE along said circular curve in a Northeasterly direction 78.49 feet to the PLACE OF BEGINNING, containing 4.033 acres of land.

And, it is, therefore, ORDERED, ADJUDGED and DECREED that the Defendant, Padre Island Investment Corporation, execute such deed to the State of Texas.

It is, further ORDERED, ADJUDGED and DECREED that the Defendant, Padre Island Investment Corporation, its successors and assigns, be and it is, and they are, granted the right and privilege, subject to their obtaining and retaining the necessary permits from applicable governmental regulatory agencies, if any be required, of constructing and maintaining a revetment, retaining wall or seawall in the general area of, and along the perimeter of Tract No. Two (2), but within the bounds of such tract and no farther seaward than the existing seawall. Such construction may include water gates across such channels as might be dredged and maintained by them in the area of Old Corpus Christi Pass, so long as the free access of the public to the public waters therein is not unduly restricted, and upon the further condition that no claim of title by accretion, or otherwise, to Tract No. Two (2) ever be made by Padre Island Investment Corporation, its successors and assigns against the State of Texas for any of the lands described in Tracts Nos. One (1), Three (3), Four (4) or Five (5).

It is, further ORDERED, ADJUDGED and DECREED that any dedication, subdivision plat, easements and/or use restrictions heretofore made or imposed by the Defendant or its predecessors in title covering any of the land lying within Tract No. Three (3), hereinbefore described, are null and void abinitio and of no force and effect insofar as they purport to apply to any of said land described in such Tract No. Three (3); and it is further ORDERED that the architectural control committee

provided for in the recorded use restrictions applicable to any such platted area, if any, waive in writing any and all use restrictions purporting to pertain thereto.

It further appearing to the Court that as to the beach area fronting on the Gulf of Mexico in Tract No. Two (2) hereinbefore described, the public has acquired a right of use or easement by prescription, dedication and has retained a right by virtue of continuous right in the public to and over the beach area fronting on the Gulf of Mexico; and it further appearing to the Court that there is, and before the beginning of any construction there was, no clearly marked line of vegetation in the area; and as a result thereof such public easement or right of use shall extend landward 200 feet from the seaward line of mean low tide; provided, however, that in all events this public easement to and over the beach area of Tract No. Two (2) shall extend at least to the seaward line of the present seawall and to a straight line in extension thereof to the North and South lines of said Tract No. Two (2) on the Gulf of Mexico side of said tract; it is therefore, ORDERED, ADJUDGED and DECREED, that such public right exists as to such area and that the Defendant, its successors and assigns, be and it is and they are hereby permanently enjoined from placing any obstructions or barriers, or otherwise prohibiting, restraining, interfering with or restricting the right of the public, individually or collectively, to free and unrestricted use of, as well as ingress and egress to and from such area.

SIGNED and ENTERED this the 29th day of July,
1974.

S/George Hamilton
Judge Presiding

APPROVED AS TO FORM and
RECOMMENDED AS TO CONTENT:

JOHN L. HILL
Attorney General of Texas

J. ARTHUR SANDLIN
Assistant Attorney General

J. MILTON RICHARDSON
Assistant Attorney General

5/ H.G.K.
HAROLD G. KENNEDY
Assistant Attorney General

Attorneys for the Plaintiffs;
The State of Texas; John L. Hill,
Attorney General of Texas; and
Bob Armstrong, Commissioner of
the General Land Office of Texas

5/ F.L.S.
FRANKLIN L. SMITH
County Attorney of Nueces
County, Texas, pro se

BRANSCOMB, GARY, THOMASSON & HALL

By: 5/ 2287 VORTON

Attorneys for Defendant,
Padre Island Investment Corporation

153534

①

Judgment
8-1-74
lw

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153534

File No Sketch File '56 G-2
NUECES County
153534-St. of Tx. vs. Padre Is. Investment

Filed March 28 19 88

NO. 115,340-A

GARRY MAURO, Com'r

By Douglas Howard

THE STATE OF TEXAS, ET AL § IN THE DISTRICT COURT OF
VS. § NUECES COUNTY, TEXAS
PADRE ISLAND INVESTMENT § 28TH JUDICIAL DISTRICT
CORPORATION §

PLAINTIFFS' FIRST AMENDED ORIGINAL PETITION

TO SAID HONORABLE COURT:

Now comes THE STATE OF TEXAS; JOHN L. HILL, Attorney General of the State of Texas, successor in office to Crawford C. Martin, the former Attorney General of Texas; FRANKLIN L. SMITH, County Attorney of Nueces County, Texas; and BOB ARMSTRONG, Commissioner of the General Land Office of Texas, hereinafter referred to as Plaintiffs, and file this the Plaintiffs' First Amended Original Petition in lieu of the Plaintiffs' Original Petition heretofore filed herein against PADRE ISLAND INVESTMENT CORPORATION, a Texas Corporation with principal offices in Nueces County, Texas, Defendant herein, and for such cause of action would show as follows:

1.

THE STATE OF TEXAS, by and through JOHN L. HILL, Attorney General of Texas and BOB ARMSTRONG, Commissioner of the General Land Office of Texas, would show that on or about the 5th day of July, 1965, Plaintiff, The State of Texas was lawfully seized and possessed of the fee simple title to the surface estate of the following described land and premises, situated in Nueces County, Texas and lying roughly between the south end of Mustang Island and the north end of Padre Island and more particularly described by metes and bounds in field notes attached hereto, marked Exhibit "A" and incorporated herein as fully as though set out verbatim hereat.

2.

That on the day and year last aforesaid Defendant unlawfully entered upon the said surface estate of said premises and ejected

Plaintiff therefrom, and unlawfully withholds from the State of Texas the possession thereof to the damage of the State of Texas.

3.

In the alternative, if the State of Texas be in error as to its fee simple title and right to possession of the surface estate of any portion of the hereinbefore referred tract of land lying between the Northeast corner and Southeast corner thereof, and bordering upon the shores of the Gulf of Mexico; then and in that event, as to such portion thereof, Plaintiffs, JOHN L. HILL, as Attorney General of the State of Texas, and FRANKLIN L. SMITH, as County Attorney of Nueces County, Texas, bring this alternative cause of action against said Defendant, PADRE ISLAND INVESTMENT CORPORATION, on behalf of the people of the State of Texas pursuant to the duty and authority conferred upon them by Acts, 56th Legislature, Second Called Session, Page 108, Chapter 19, as amended, now codified as Article 5415d Vernon's Revised Civil Statutes of Texas.

4.

These Plaintiffs allege the existence of an easement in behalf of the public upon and across that portion of the beach fronting on the Gulf of Mexico lying between the Northeast corner and Southeast corner of the tract hereinbefore described, upon which the Court might find that The State of Texas does not own the fee simple title to the surface estate, the public having acquired a right of use or easement to or over such area by prescription, dedication and has retained such right by virtue of continuous right in the public.

5.

Under such easement the public, individually and collectively, has established and is entitled to have the free and unrestricted right of use or easement to or over, and ingress and egress to and from, the State-owned beaches and such larger area extending from the line of mean low tide to the line of vegetation where there is or was a clearly marked line of vegetation, and extending from

the line of mean low tide inland two hundred feet from the seaward line of mean low tide where there is, and was, no such clearly marked line of vegetation.

6.

Defendant, by and through its agents, employees, representatives and contractors, has constructed, is now constructing and is threatening to construct certain obstructions and barriers consisting of a seawall, revetments, buildings, and fences over and along the Gulf beach on the property above described, between the seaward line of mean low tide and the line of vegetation; which structures interfere with, or will interfere with, the uses to which the public may put such beach area.

7.

Such structures or obstructions herein complained of constitute a trespass, are and will be a public nuisance and are against the public policy in that they will unreasonably restrict and impair the use of said areas by the people of The State of Texas and should, by this Honorable Court, be abated and permanently enjoined.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray judgment of the Court that the Defendant, who has heretofore been cited and has answered herein, after proper notice, be required to appear and upon hearing herein, that the Plaintiff, The State of Texas, have judgment for the fee simple title and possession of the surface estate of the above described land and premises, or for so much thereof as it may show itself entitled, and for writ of possession; and in the alternative, as to any portion thereof lying between the Northeast corner and Southeast corner thereof, bordering upon the shores of the Gulf of Mexico, to which the Court finds that the Plaintiff, The State of Texas, does not own the fee simple title and have the right of possession of the surface estate, Plaintiffs, John L. Hill as Attorney General of the State of Texas, and Franklin L. Smith, as County Attorney of Nueces County, Texas, pray that the Court affirmatively find that the public has acquired

the right of use or easement to or over the beach area fronting on the Gulf of Mexico, as well as the free and unrestricted right of ingress and egress to and from the State-owned beaches bordering on the seaward shore of the Gulf of Mexico, and such larger area extending from the line of mean low tide to the line of vegetation bordering on the Gulf of Mexico, where there is a clearly marked line of vegetation; and where there is no clearly marked line of vegetation, extending inland two hundred feet from the seaward line of mean low tide; that a mandatory injunction issue requiring Defendant to remove any obstructions that may presently exist on the State-owned beaches or in the easement area and that the Defendant be permanently enjoined from restraining, interfering with or restricting the right of the public, individually or collectively, to the free and unrestricted use or easement to or over, and right of ingress and egress to and from, such State-owned beaches and easement area; for costs of removal of obstructions, for costs of suit and for such other and further relief as the Plaintiff may be entitled.

Respectfully submitted,

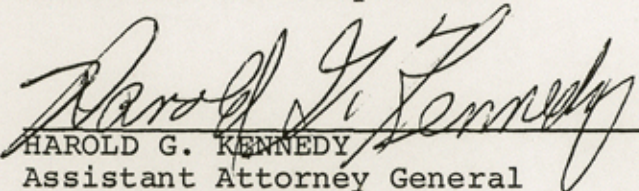
JOHN L. HILL
Attorney General of Texas

LARRY F. YORK
First Assistant Attorney General

AUSTEN H. FURSE
Assistant Attorney General

J. ARTHUR SANDLIN
Assistant Attorney General

J. MILTON RICHARDSON
Assistant Attorney General


HAROLD G. KENNEDY
Assistant Attorney General
P. O. Box 12548
Austin, Texas 78711

Attorneys for Plaintiffs JOHN L. HILL, Attorney General of Texas, THE STATE OF TEXAS and BOB ARMSTRONG, Commissioner of the General Land Office

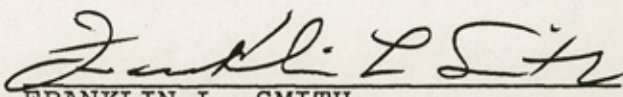

FRANKLIN L. SMITH
County Attorney of Nueces County,
Texas, pro se

EXHIBIT "A"

BEGINNING at a 5/8 inch iron rod 8" up set at the intersection of the curved Southeast boundary of Park Road No. 53, 200 feet measured radially from the centerline thereof, with J. S. Boyles 1941 Shoreline Survey of Padre Island, for the most Westerly corner of this survey, from which corner the centerpoint of the circular curve for said curved Southeast boundary bears North 23°04'10" West, 2,403.87 feet and a drill hole on the South corner of a concrete bridge across Packery Channel, bears North 29°59'42" East, 219.91 feet;

THENCE along said curved Southeast boundary of Park Road No. 53, in a Northeasterly direction curving to the left for an arc distance of 405.23 feet to the point of tangency;

THENCE North 57°16'19" East, with said Southeast Boundary of Park Road No. 53, parallel to the centerline thereof and 200.00 feet distant therefrom measured at right angles thereto, 399.16 feet to the point of curvature of a curve to the left, the centerpoint of which bears North 32°43'41" West, 2,230.42 feet;

THENCE with said Southeast boundary of Park Road No. 53, along last mentioned curve to the left in a Northeasterly direction, 1,049.32 feet to a 2 inch iron pipe found flush at the point of tangency;

THENCE North 30°19'00" East, continuing with the Southeast boundary of Park Road No. 53, parallel to the centerline thereof and 200 feet distant therefrom measured at right angles thereto, 307.79 feet to a 1 inch iron rod set flush on the Westerly extension of the South boundary of the North 280 acres of the William Bryan Survey, L.S. 64 for the most Northerly corner of this survey;

THENCE South 58°22'00" East, with said Westerly extension, 877.92 feet to a 1"x2" stake found at the Southwest corner of the North 280 acres of said William Bryan Survey, from which point a 60 penny nail over a 5/8 inch iron rod at the intersection of the Westerly extension of the South boundary of said North 280 acres of the William Bryan Survey with the centerline of Park Road No. 53 bears North 58°22'00" West, 1,077.97 feet and a drill hole on the South corner of a concrete bridge across Packery Channel bears South 70°44'50" West, 2,336.63 feet;

THENCE continuing South 58°22'00" East, with the South boundary of the North 280 acres of said William Bryan Survey, 2,315.27 feet to a 1"x2" stake, set for the Southeast corner of the North 280 acres of said William Bryan Survey;

THENCE continuing South 58°22'00" East, with the Easterly extension of said South boundary of the North 280 acres of William Bryan Survey, at 32.72 feet pass a 1 inch iron pipe, in all a distance of 155.60 feet to the mean high tide line of the Gulf of Mexico (Elevation 1.37 feet above mean sea level, USC & GS 1927 datum) for the Northeast corner of this survey, said corner being a shoreline corner;

THENCE with the mean high tide line as follows:
South 25°03'20" West, 382.76 feet; South 26°04'05" West, 400.18 feet; South 22°46'30" West, 400.15 feet; South 24°21'00" West, 400.00 feet; South 25°46'55" West, 400.12 feet; South 22°37'50" West, 400.18 feet; South 24°21'00" West, 400.00 feet; South 25°38'20" West, 91.13 feet; South 25°38'20" West, 308.97 feet; South 23°46'35" West, 400.02 feet; South 24°21'00" West, 400.00 feet; South 23°29'25" West, 400.04 feet; South 26°21'15" West, 400.24 feet; South 23°38'00"

West, 400.03 feet; South 24°21'00" West, 400.00 feet; South 26°21'15" West, 400.24 feet; South 25°46'55" West, 400.12 feet; South 25°21'10" West, 400.06 feet; South 22°37'50" West, 400.18 feet and South 23°29'25" West, 6.19 feet; South 23°29'25" West, 393.99 feet; South 24°21'00" West, 400.00 feet and South 23°29'25" West, 297.13 feet to a point on the North boundary of Nueces County Park No. 1, for the Southeast shoreline corner of this survey;

THENCE North 89°16'00" West, with said North boundary of Nueces County Park No. 1, 698.35 feet to a one inch iron rod set flush on the North boundary of Nueces County Park No. 1, from which point a 1 inch iron pipe at the Southeast corner of Block 31, Padre Island No. 1, a map of which is recorded in Volume 13, Pages 1-8 of the Nueces County Map Records, bears North 89°16'00" West, 934.95 feet and North 0°44'00" East, 50.0 feet and a drill hole on the South corner of a concrete bridge across Packery Channel bears North 01°16'27" West, 8,053.50 feet;

THENCE North 89°16'00" West, with said North Boundary of Nueces County Park No. 1, 505.08 feet to a one inch iron rod set flush at the intersection of the J. S. Boyles 1941 Shoreline with the North boundary of Nueces County Park No. 1, for the Southwest corner of this Survey, from which corner a 1 inch iron pipe at the Southeast corner of Block 31, Padre Island No. 1, a map of which is recorded in Volume 13, Pages 1-8, of the Nueces County Map Records, bears North 89°16'00" West, 429.87 feet and North 0°44'00" East, 50.0 feet, and a drill hole on the South corner of a concrete bridge across Packery Channel bears North 2°19'12" East, 8,051.63 feet;

THENCE with said J. S. Boyles 1941 Shoreline as follows:
North 16°19'00" East, 2,013.62 feet, found a 2 inch iron pipe;
North 30°35'00" West, 1,425.11 feet, found a 2 inch iron pipe;
North 04°07'00" East, 827.78 feet, found a 2 inch iron pipe;
North 22°31'00" East, 798.33 feet;
North 25°46'00" East, 372.50 feet;
North 15°58'00" East, 555.56 feet;
North 14°46'00" East, 694.44 feet;
North 00°53'00" East, 416.67 feet and
North 09°23'00" West, 458.63 feet to a 1-1/2 inch iron pipe
12 inches up set;

THENCE leaving said Boyles line North 78°16'40" West, 136.18 feet to a 5/8 inch iron rod set for a corner of this survey;

THENCE North 37°27'00" West, 930.86 feet to a 5/8 inch iron rod set in the curved Southeast boundary of said Park Road No. 53, 60.00 feet measured radially from the centerline thereof, for the most Westerly corner of this survey, from which corner the center point of said curved Southeast boundary bears North 16°50'10" West, 2,263.87 feet;

THENCE with said curved Southeast Boundary of Park Road No. 53, in an easterly direction on a circular curve to the left, an arc distance of 172.37 feet to a point at which the right-of-way of said Park Road No. 53 increases from 60.00 feet from the centerline to 200.00 feet from the centerline measured radially and from which point the centerpoint of said curve bears North 21°11'55" West, 2,263.87 feet;

THENCE South 21°11'55" East, 140.0 feet to a point on the curved Southeast boundary of said Park Road No. 53, which point is 200.00 feet measured radially from the centerline thereof and from which point the centerpoint of the circular curve of said curved Southeast boundary bears North 21°11'55" West, 2,403.87 feet;

THENCE along said circular curve in a Northeasterly direction 78.49 feet to the PLACE OF BEGINNING, containing 443.406 acres of land, more or less.

and is threatening to construct a certain obstruction and barrier consisting of a seawall and revetments on, over, along and across the gulf beaches of Mustang Island and Padre Island, Nueces County, Texas, between the line of vegetation and the line of mean low tide of the Gulf of Mexico, which seawall and revetments interfere with and will interfere with the free and unrestricted right of the public, individually and collectively, to enter or to leave the state owned beach bordering on the seaward shore of the Gulf of Mexico, and interfere with and will interfere with the right of the public to the free and unrestricted use of the said public beaches, such seawall and revetments being situated and to be situated at the location shown on that certain Affidavit and Map designated as Padre Island - Corpus Christi Seawall and Revetment Map, such Affidavit being recorded in Volume 1414, page 37, Deed Records, Nueces County, Texas, a copy of which is attached hereto and made a part hereof, designated as Exhibit A, and said Map being recorded in Volume 7, page 10, Miscellaneous Map Records, Nueces County, Texas, a copy of which is attached hereto and made a part hereof, designated as Exhibit B. The injunction herein is sought as to all of the Gulf beach area included in deed to Defendant from Ben Marks et al recorded in Volume 1097, page 367, Nueces County, Texas, Deed Records, and including the mouth of Packery Pass in line with such beaches.

III.

That the conveyance or grant of title from the sovereign to contiguous lands along the Gulf of Mexico under which Defendant claims title to the areas in question were made subject to an implied right of the public to use and have free and unrestricted access to the beaches and waters of the Gulf of Mexico, and the same is held in trust for the use and enjoyment of the people. Said structures or barriers therefore constitute a trespass, are and will be a public nuisance and against public policy in that they will unreasonably restrict and impair the use of said areas by the people and should by this Court be abated and enjoined.

IV.

Plaintiffs would further show the Court that whatever incidents of ownership the Defendant might have in and to that area of the public beaches of Nueces County, Texas, lying between the line of mean low tide and the line of vegetation bordering on the seaward shore of the Gulf of Mexico, and where the structures hereinabove described have been erected and are being erected, are subordinate and subject to the right of use of such property by the people of the State of Texas and the public generally for camping and picnicking and as a means of access to and the full use and enjoyment of the sovereign-owned shore and waters of the Gulf of Mexico for swimming, fishing, boating and other like uses, and as a public way for pedestrians and vehicular traffic along and upon such beaches. These rights are now vested in the people of the State of Texas and the public generally for the following reasons:

- (a) Said beach area was and has been at all times used by the people without overt challenge, question or interruption until the erection of the structures hereinabove described and such rights of the people thereby have become a part of our time honored custom and common law;
- (b) For many years next preceding the erection of the barriers, public funds have been expended by the County of Nueces for maintaining said area free of debris and other obstructions and such facts were well known, or by the exercise of reasonable diligence could and should have been known to the Defendant and their predecessors in title, and they, having accepted the benefits thereof, are now estopped in law and equity from denying the existence of said rights of the public and people of the State of Texas.
- (c) In the alternative, the people of the State of Texas have been exercising said rights in and to said area and have so used said premises from the line of mean low tide to the line of vegetation for more than ten years next preceding the construction of said structures, which use has been open, notorious, continuous, uninterrupted, peaceful, exclusive, and adverse to the rights of Defendant and their predecessors in title, and such rights and use have thereby ripened into an easement by prescription, said easement by prescription extending from the line of mean low tide to the line of vegetation bordering on the seaward shore of the Gulf of Mexico on Padre Island and Mustang Island in Nueces County, Texas.

V.

The long use of such area by the public as aforesaid and the long acquiescence therein, as aforesaid, by Defendant and its predecessors in title, reflect that the said area where such structures are located and are being constructed has been dedicated to public use and such dedication has been accepted by the public.

VI.

The Defendant is in process of constructing such seawall across the mouth of Packery Pass where same joins the Gulf of Mexico. Such seawall is substantially in line with the existing seawall along the beach. Said Pass is not a part of any titled survey and title thereto has never passed out of the State of Texas or any of its predecessor sovereigns. Plaintiffs accordingly state that ownership of such Pass is in the State of Texas. This is in addition to their assertion herein of an easement in behalf of the public.

VII.

Plaintiffs would further show the Court that Defendant is presently constructing such barriers and, unless enjoined and restrained therefrom by this Court, will continue to construct and maintain such barriers and that Plaintiffs and the people will suffer irreparable damage as a result thereof, and therefore the Court should issue its temporary restraining order enjoining and restraining the further construction or maintenance by Defendant of such barriers. Further, Plaintiffs would show the Court that a part of said barriers has already been constructed and is presently being maintained and will cause great loss and irreparable damage to the people, and, therefore, Defendant should be ordered and compelled to remove said barriers. Plaintiffs would further show that the people have no adequate remedy at law.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray that Defendant be cited to appear and answer herein, that the Court

issue its temporary restraining order enjoining and restraining the further construction and maintenance by Defendant of any barriers, obstructions, seawalls or revetments along, over, or across the beaches of Padre Island and Mustang Island in Nueces County, Texas, and across the bed of Packery Pass, pending hearing on Plaintiffs' prayer for a temporary injunction; and that a temporary injunction be granted in terms of said temporary restraining order; and that this application for temporary injunction be set for hearing as by law required and that such injunction continue in force until final trial on the merits; and that upon final hearing hereof this Court render judgment ordering, commanding and directing Defendant, at its expense, to remove said structures and to place the ground in the same condition that existed prior to the construction of said structures, and permanently enjoining Defendant from erecting other structures, seawalls or revetments, the effect of which would be unreasonably to restrict, impair or prohibit the use of said area by the people for access to and full use and enjoyment of the waters and shores of the Gulf of Mexico from the line of mean low tide to the line of vegetation, and for title to and possession of Packery Pass in the State of Texas, and for such other and further relief to which Plaintiffs shall be entitled, at law or in equity.

Respectfully submitted,

CRAWFORD C. MARTIN
Attorney General of Texas

NOLA WHITE
First Assistant Attorney General

HOUGHTON BROWNLEE, JR.
Assistant Attorney General

By: J. Arthur Sandlin
ARTHUR SANDLIN
Assistant Attorney General

ATTORNEYS FOR PLAINTIFF
Supreme Court Building
Austin, Texas 78711

Franklin L. Smith

FRANKLIN L. SMITH
County Attorney, Nueces County

ATTORNEY FOR PLAINTIFF
Nueces County Courthouse
Corpus Christi, Texas 78401

THE STATE OF TEXAS §

COUNTY OF NUECES §

BEFORE ME, the undersigned authority, on this day personally appeared FRANKLIN L. SMITH, known to me to be the person whose name is subscribed to the foregoing instrument, and after being duly sworn, on oath deposed and said that the matters contained therein are true and correct and that he executed the same for the purposes therein stated and in the capacity therein alleged.

Franklin L. Smith
FRANKLIN L. SMITH

SWORN TO AND SUBSCRIBED by the said FRANKLIN L. SMITH
on this 14TH day of August, 1972.

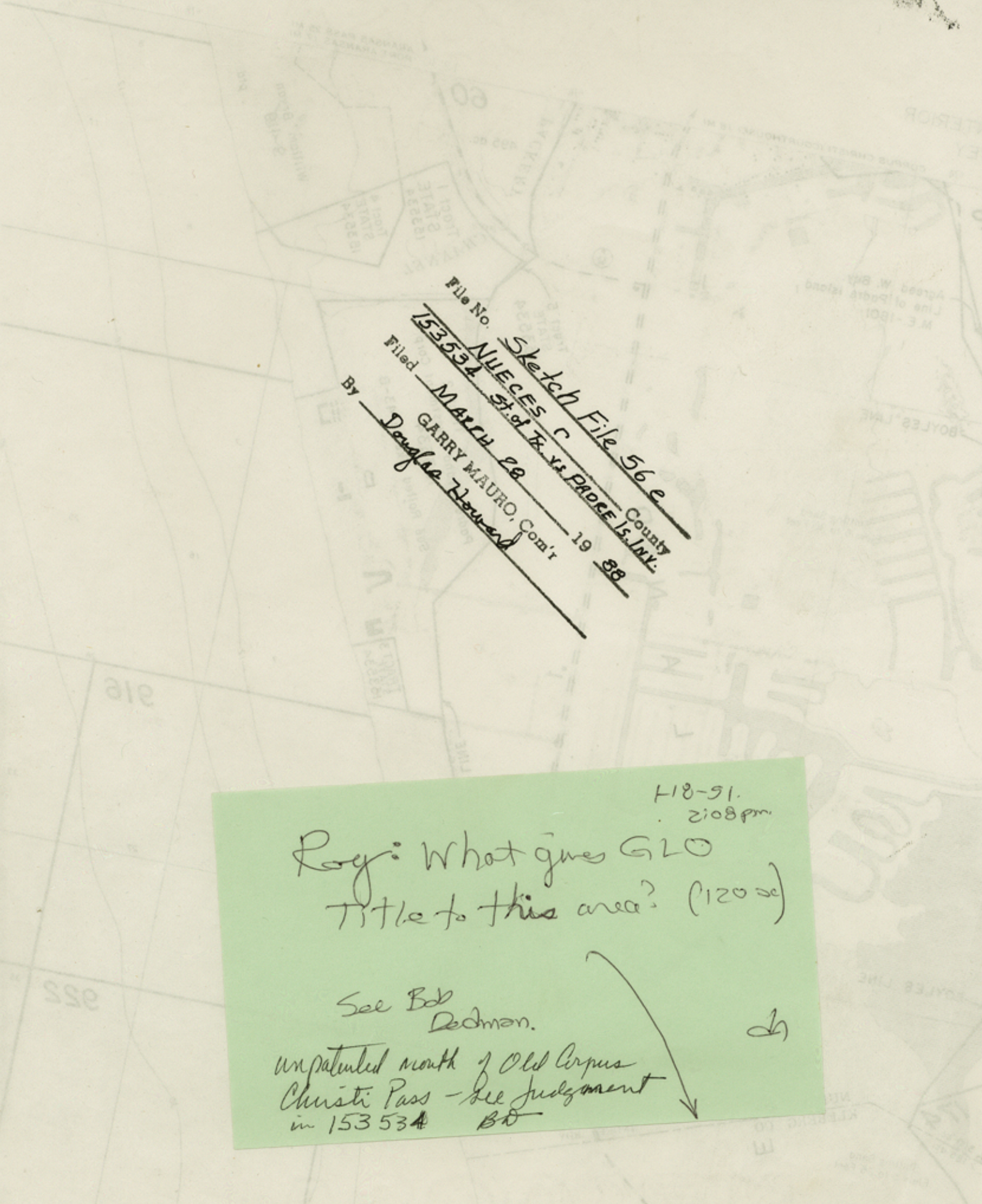
Dorothy Cash
Notary Public in and for Nueces
County, Texas

DOROTHY CASH
Notary Public in and for Nueces County, Texas
My Commission Expires June 1, 1975

File with judgment in sketch files



its with judgment in sketch this



File No. Sketch File 56 e
153534 NUECES C County
 Filed MARCH 28 19 88
 By GARRY MAURO, Com'r
Douglas Howard

H18-91.
 2:08 pm

Ray: What gives GLO
 Title to this area? (120 ac)

See Bob
 Dedman.

unpatented mouth of Old Corpus
 Christi Pass - see judgment
 in 153534 BO