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OFFICE OF
MORRIS BROWNING ✓

Licensed State Land Surveyor Registered Professional Engineer
322 W. 9th Ave.
Amarillo, Texas

*Sk File 22
p. 1*

April 27, 1962

RECEIVED

Honorable Jerry Sadler
Commissioner, General Land Office
Austin, Texas

APR 30 1962

General Land Office

Dear Sir:

I am enclosing herein field notes and plat of a re-survey of five miles of section lines along which the location of U. S. Highway No. 287 running East out of Amarillo was laid out and constructed. In addition thereto, I submit these additional facts to support my findings as follows:

Prior to the year 1906, every section of land in this vicinity of Potter County had been resurveyed, corners were set, and each section had been fenced and as far as we can learn each land owner was living on his property. In talking with "old timers" I was told that most of the settlers had lived on their lands for ten years or over, and that there had never been any controversy regarding boundaries.

In this year of 1906, the land owners petitioned the Commissioners Court to open up and construct a first class road along the route that I have resurveyed. I am attaching a copy of the petition which is recorded in Volume 1, page 382, Road Minutes of Commissioners' Court, Potter County, Texas.

The petition stipulates that the road was to be run along the section lines starting at a corner near the East City Limits of Amarillo and going Eastward until it intersected with another road going in a Southeasterly direction south of the Fort Worth and Denver Railroad, that the land owners to the North would give thirty feet of land off the south side of their properties and those to the South would give thirty feet off the north part of their lands so as to allow sixty feet of right-of-way for the road. This was done except for the first mile which was all taken off the section to the south. So the fences were set back on each side thirty feet from the section lines so that the center line of the highway would run along the section lines.

Many deeds were recorded in which right-of-way strips were conveyed to Potter County as follows:

McKinstry and Gilvin conveyed a 30 foot strip of land off the south side of section 106, block 2, A. B. & M. for road purposes date August 18, 1906. Recorded in Vol. 29, page 48, deed records of Potter County, Texas.

On September 12, 1906 - Thos. Terry conveyed a thirty foot strip off the south side of section 106 to Potter County for road purposes, Vol. 29, page 45 deed records (this is the same tract mentioned above which was deeded by McKinstry and Gilvin).

On January 20, 1908 - H. F. Mitchell conveyed a thirty foot strip off the North side of Section 107 for road purposes, Vol. 36, page 198 deed records.

On August 31, 1906 Charles Dammeier conveyed a thirty foot strip off the south side of section 91 for road purposes, Vol. 29, page 47 deed records.

On August 18, 1906 J. T. McKinstry et al conveyed a strip of land thirty feet wide off the North side of section 90 for road purposes, Vol. 29, page 50 deed records.

On August 18, 1906 Roy L. Whitsett conveyed a thirty foot strip off the North side of section 75 for road purposes, Vol. 29, page 47 deed records.

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On August 17, 1906 Will A. Miller conveyed a thirty foot strip of land off the south side of section 59 for road purposes Vol. 29, page 49 deed records.

On August 18, 1906 Roy L. Whitsett conveyed a thirty foot strip of land off the North side of Section 58 for road purposes Vol. 29, page 46 deed records.

There may be other conveyances on record or it may be that some of the tracts were given verbally but no deed prepared or recorded, as I have known to be the case here in Potter County.

The Fort Worth and Denver Railroad was built through Potter County in about 1837, and in that year, it is quite possible that much of the land in this vicinity had not been surveyed or fenced. So in July of 1919, the Railway Company sent surveyors up here from Fort Worth to check with land owners, go on the ground and tie into corners and lines that they could find and identify. These railroad engineers or surveyors talked with every landowner or resident in the vicinity who knew anything at all about the survey lines and corners. Their survey plats show the following information:

The Southwest corner Section 59 "Center line of East and West road fence south."

The Southeast corner Section 59 "Large Stone buried 6 inches."

The Southeast corner Section 52 "1 foot x 1 foot stone buried."

These and other corners not pertaining to this survey were pointed out to the engineers, otherwise the engineers would not have dug into the ground looking for them. These corners were in the center of the east and west highway or what is now U. S. Highway No. 287. The engineers were also told that there had never been any boundary disputes along this line.

The writer also wishes to state that he is a long time resident of Amarillo and Potter County, that I was County Surveyor of Potter County from 1933 to 1939 during which time I also served as County Engineer, and I was a County Commissioner from 1941 to 1945; that I had occasion to resurvey lands some of which bordered along U. S. Highway 287 and that I used some of the corners described in these field notes in my work. In my later capacity as County Commissioner, I was constantly in contact with residents of the community, and that I never knew of any disputed survey lines.

In 1930 Mr. W. J. Williams, a Licensed State Land Surveyor, filed field notes of a resurvey of the line between Potter and Randall Counties. In a report incorporated in his field notes, I quote him as follows: "The positions and areas of sections in Block 2, A. B. & M. are considered to be where now held, indicated by fences and centers of public roads as these locations will likely remain as they are now held by virtue of limitation, acquiescence, agreement or other reasons which will constitute estoppel."

Yours very truly

Morris Browning
Morris Browning
Licensed State Land Surveyor

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Recorded in Vol. 1, page 382,
Road Minutes of Commissioners'
Court, Potter County, Texas

The undersigned petitioners respectfully represent that they are all freeholders residing in precincts Nos. one and 2, of Potter County, Texas.

That there is no public Road leading east from Amarillo to Claude in Armstrong County, yet there exists a great necessity therefor.

They file this application and asks that a first class road be opened as follows, to-wit:

Beginning on the public road recently made along the west side of sections 123 and 122, in block 2, AB&M, at a point in said road near the NW Corner of Section 122, thence east along the North line of said section 122, and so as to all be on said section 122, thence east along the dividing section line of the following sections to-wit: 107, 106, 91, 90, 75, 74, 59, 58, 53 & 52 to a point where it would intersect the present traveled road on east. They show that most all the owners of the land across which said road would run, will donate the right of way as shwon by the annexed obligation which is made a part hereof.

F. P. Powell, S. T. Faqua, R. L. Humphreys, J. F. Price, J. B. Kerr, Ben Cook, W. B. Benton, J. T. McKinstry, Roy L. Whitsetti

We the undersigned agree that if the Commissioner's Court of Potter County, will establish a first Class public road, as asked by the annexed petition, that they will and do hereby give free of charge, and without any claim for damage the right of way over their respective lands. And the undersigned Humphreys, W. B. Benton and Price, each for himself agrees to pay for one half of the land taken for the road off section 122, along where the same adjoins their land, provide the same does not exceed twenty dollars per acre, or if the road is run on the section line between sections 122 and 123, until it reaches the houses of said Benton and Price then said Humphreys will give his one half of said road free of charge and damage.

An offset from the section line is necessary to mis the houses of Benton and Price.

We further waive any written notice required to be given by the Jury of freeholders to lay out said road, provided same runs as herein indicated names.

S. F. Faqua, R. L. Humphreys, J. F. Price, W. B. Benton, J. T. McKinstry,
T. O. Lasmear, by McKinstry
R. B. Taylor " "

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APR 30 1962

THE STATE OF TEXAS }
COUNTY OF POTTER }

See Plat Attached

FIELD NOTES of a survey to re-establish survey lines along which section corners have been destroyed due to highway construction. Said survey begins near the East city limits of Amarillo, Texas and runs eastward for a distance of five miles. It will re-establish the south boundaries of Sections 106-91-74-59 and 52 and the north boundaries of Sections 107-90-75-58 and 53 of Block 2, A. B. & M. The survey was made for the Texas Highway Department.

BEGINNING at the Southeast corner of Section 123, same being the Northeast of 122, the Northwest of 107 and the Southwest of Section 106, Block 2, A. B. & M. Survey, same being a point at the intersection of U. S. Highway 287 running East and West and a County Highway running North and South, from whence the North right-of-way boundary of U. S. 287 bears North 22.6 feet, the South right-of-way boundary bears South 57.4 feet; the point is midway between fences of a 60 foot wide road going South, and is 13.8 feet from the East fence and 36.2 feet from the West fence of a roadway running North; from this corner the Northeast corner of Section 123 bears North 1900.8 varas, and the Southeast corner of Section 122 bears South 1900.8 varas;

THENCE S 89° 54' E following along the approximate center line of U. S. Highway 287, which right-of-way is 80 feet wide, 1900.8 varas (5280 feet) to a point in the center line of U. S. Highway 287, which is the common corner of Sections 90, 91, 106 and 107, Block 2, A. B. & M. This corner is 22.6 feet from the east fence and 37.4 feet from the west fence of a 60 foot wide County Highway going South;

THENCE N 89° 59' E following the center line of said U. S. Highway 287, 1917.25 varas (5325.7 feet) to a point in center of pavement and on line with the east fence of a county highway going North, and 75 feet from the West fence, and 10 feet from the East fence of a County Road running South, which point is the common corner of Sections 74, 75, 90 and 91 of said Block 2, A. B. & M;

THENCE N 89° 57' E following the center line of said U. S. Highway 287, 1904.8 varas (5291.1 feet) to a point in the center line of pavement for the common corner of Sections 58, 59, 74 and 75, which point is 31.2 feet from the East fence and 48.8 feet from the West fence of an 80 foot wide county highway running South.

THENCE S 89° 54' E following the center line of U. S. Highway 287, 1880.5 varas (5223.7 feet) to the point of intersection of the center lines of U. S. 287 and "Pullman Road" a 60 foot wide highway running South, and being 37 feet from the west line and 43 feet from the East line of Pullman Road running North; at this point a "Large Stone buried 6 inches" was found by Fort Worth and Denver Railroad surveyors in 1919 before the highway was paved. It is the common corner of Sections 52, 53, 58 and 59.

THENCE S 89° 54' E following the center line of Highway 287, 1912.25 varas (5311.8 feet) to a point in the center of pavement for the common corner of Sections 36, 37, 52 and 53. A "1 foot x 1 foot stone buried" was found at this point by Railroad surveyors in 1919. The point is on line with the east fence of a county highway running South, whence the Northeast corner of Section 52 bears North 1900 varas and the southeast corner of Section 53 bears South 1900 varas.

(End of survey)

Variation; 11° 00' E
Surveyed 17th. day of April 1962.

John P. Barbara {Chain
Leslie Caldwell {Carriers

I, Morris Browning, Licensed State Land Surveyor of Texas, do hereby certify that the foregoing survey was made on the ground according to law, and that the Limits, Boundaries and Corners, with the marks natural and artificial, are truly described in the foregoing Field Notes and recorded in the Surveyor's Records of Potter County, Texas in Volume No. 11 Page No. 439-440.

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APR 30 1962

Morris Browning
Licensed State Land Surveyor of Texas

Land Office

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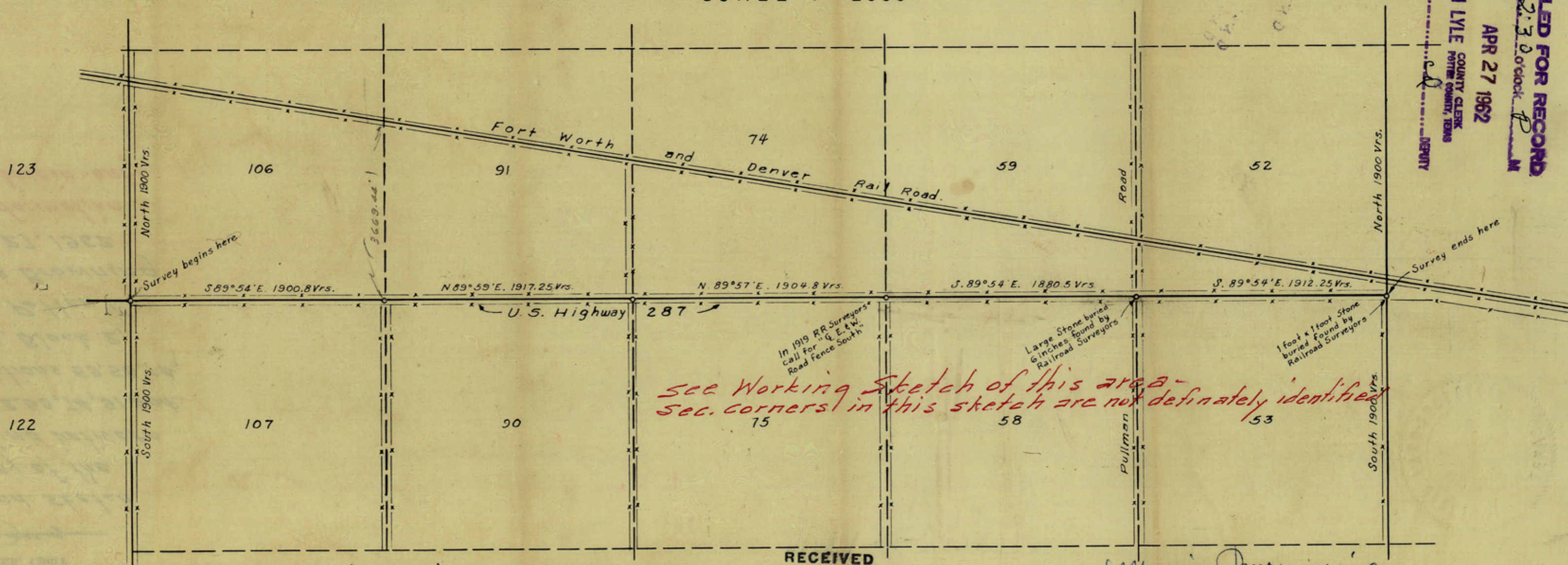
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SURVEY OF THE DIVIDING LINE BETWEEN SECTIONS 106, 91, 74, 59 & 52
AND SECTIONS 107, 90, 75, 58 AND 53, BLOCK 2, A. B. & M.

SCALE: 1" = 2000'

FILED FOR RECORD
at 2:30 o'clock P.M.
APR 27 1962
ANN LYLE COUNTY CLERK
POTTER COUNTY, TEXAS
BY [Signature] DEPUTY



*see Working Sketch of this area -
sec. corners in this sketch are not definitely identified*

Legend

- Solid Lines denote Section lines surveyed
- Broken Lines denote other Section lines
- x-x- denote fence lines
- o denotes section corners described in field notes.

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General Land Office

Plat by: *Morris Browning*
Morris Browning
Licensed State Land Surveyor

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File No. 22

Potter County

Sketch File

Filed April 30 1962

JERRY SADLER, Com'r

By V. E. [Signature]

Report and sketch
of a survey of the
dividing line between
Sections 52, 59, 74, 91 and
106, and Sections 53, 58, 75,
90 and 107, Block 2,

A. B. & M., Potter Co.

By Morris Browning

April 17-27, 1962

*Filed for information
contained herein-only.*