

WALKER LAND SURVEYING
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Date: June 20, 1994

To:
Honorable Garry Mauro
Commissioner of the Texas General Land Office
Austin, Texas

File No. Sketch File 118
Presidio 19 95 County
Filed April 4
By GARRY MAURO, Com'r
Doug Lee Howard

SURVEY REPORT

This report concerns a survey for patent location of several tracts of land out of G.H.& S.A. Ry. Co. Block 5 and H.& T.C. Ry. Co. Block 6, Presidio County, Texas, located South 45deg.45' West 36 miles from Marfa, the County seat.

This survey was conducted on the Texas Coordinate System, South Central Zone, NAD 1927, and is tied to triangulation station "OJO". A Wild T-2 theodolite and a DI4L Distomat were the instruments used to perform this survey. Solar observations were taken to maintain directional integrity.

Record research involved the documents of the General Land Office in Austin and the Presidio County Surveyors Records. A plat of this survey accompanies this report and should be referred to for graphic depiction of the evidence presented.

The following is a list of the Surveys and Blocks in the order of their seniority that are involved in this survey.

<u>SURVEY/BLOCK</u>	<u>ORIG. GRANTEE</u>	<u>DATE SURVEYED</u>	<u>ORIG. SURVEYOR</u>
Sur. 17 & 18	Wm. Hadden	Aug. 1855	S. Archer
Block 6	H.&T.C. Ry. Co.	May, 1875	J. W. Tays
Resurvey		April, 1889	D. L. Reavis
Block 5	G.H.&S.A. Ry. Co.	June, 1875	L. E. Edwards
Resurvey		May, 1889	W. S. Mabry
Block 2	D.&P. Ry. Co.	June, 1880	D. Buckley

SURVEYS 17 AND 18, WM. HADDEN

The Wm. Hadden Surveys were originally surveyed and described by Stevenson Archer in August of 1855. These are some of the oldest surveys in the area and many Surveys and Blocks that were located and described after 1855 have tie or adjoiner calls to them. Therefore, the original position of these Hadden Surveys is very important to the retracement of the original position of other area surveys.

Malcom L. Bamburg, Licensed State Land Surveyor for the General Land Office, has recently recovered the West corner of Survey 17, Wm. Hadden, in his retracement of D.&P. Ry. Co. Block 2. Mr. Bamburg's Survey Report, dated October, 1993, is on file in Presidio County Sketch File 116 and the Exhibits to that report are filed in 116A. Said report will be referred to later in this report in the discussion of D.&P. Block 2.

H.&T.C. RY. CO. BLOCK 6
HISTORY

H.&T.C. Block 6 was originally surveyed and Field Notes returned in May of 1875 by J. W. Tays. At the Southeast corner of Survey 1, Mr. Tays has a tie of South 45deg. West 707 varas to the Northeast corner of the Wm. Hadden Survey 17. This is the only call for another survey in the original field notes of this Block. As there are no specific descriptive or locative calls for monuments in the original Field Notes, it is believed that Mr. Tays set no monuments in this Block.

RESURVEY OF D. L. REAVIS, 1889

Apparently by the Act of 1887, 20th. Legislature, c. 115, which gave the Land Commissioner the authority to have certain lands in which the state had an interest surveyed or resurveyed, D. L. Reavis was appointed by the Commissioner of the General Land Office, R. M. Hall, to resurvey H.&T.C. Block 6 and return Corrected Field Notes, which were approved and co-signed by said Commissioner.

In these Corrected Field Notes, Mr. Reavis called for many identifiable monuments, several of which were recovered for this survey. These are depicted and described on the plat accompanying this report.

CONCLUSIONS AND CONSTRUCTION OF BLOCK 6

Since Mr. Reavis' 1889 resurvey, all subsequent surveys in Block 6 have relied on his monuments and Corrected Field Notes as the framework from which to retrace and reconstruct the surveys in this Block. Mr. Reavis' monuments and Corrected Field Notes were also the framework for this survey.

PATENT LOCATIONS IN SURVEY 28

In 1939, R. E. Booker, LSLs, wrote Field Notes for patent of 320 acres, known as the Northeast part, out of the North and East part of Survey 28. These Field Notes are filed in Vol. PS3, P. 424, Presidio County Surveyors Records and in file number 114642 of the General Land Office. In these Field Notes, Mr. Booker began at a "stone mound identified by its markings as the N.W. corner of section 29 and the N.E. corner of this survey". Apparently this refers to the stone mound marked "NW 29" as called for by Mr. Reavis. Mr. Booker then proceeded counter-clockwise, calling for "stone mounds" at all except the "interior corner", and calling for "an old st. mnd., the original S.E. corner of said sec. 28". As indicated on our plat, Reavis' monuments for the Northeast and Southeast corners of Survey 28 were recovered for our survey. However, after a diligent search, no other "stone mounds" as called for by Mr. Booker could be located. The position of the Northwest corner of

Survey 28, being the Northwest corner of this tract, falls in an area of talus spoils or areas of drainage erosion and deposit. There is abandoned fencing in the area about 150 feet to the West of our calculated position for the Northwest corner of Survey 28 but no definite stone mound could be found. At a position for the corner called to be 635.8 varas South of said Northwest corner is an area on top of "La Mesa". Here the terrain is flat with little vegetation. A large search area was covered but no stone mound could be found. The area for the corner 473.4 varas West of the Southeast corner was also searched with no identifiable stone mound recovered.

It is my opinion that without any other monuments called for by Mr. Booker except the Northeast and Southeast corners of Survey 28, that the South-Southwest corner of the above described 320 acres should be located Westerly along the South Survey line call distance from the Reavis monument at the Southeast corner of Survey 28. Likewise, the West-Southwest corner should be located Southerly along the West Survey line call distance from a point calculated for the Northwest corner of said Survey. The remaining 320 acres known as the Southwest part of Survey 28 would be as depicted on our plat.

G.H.&S.A. RY. CO. BLOCK 5
HISTORY

In June of 1875, L. E. Edwards wrote the original Field Notes for G.H.&S.A. Block 5. Mr. Edwards' Field Notes have adjoiner calls to H.&T.C. Block 6 described above but have no other calls to surrounding Surveys or Blocks. As with Mr. Tays' Field Notes of said Block 6, Mr. Edwards has no specific descriptive or locative calls for monuments and it is believed that said Block 5 is also an "office survey", or one in which no original monuments were set.

STATE VS. G.H.&S.A. RY. CO.

Patents in G.H.&S.A. Blocks 5, 7 and 12 were issued to said railroad company on the odd numbered Surveys. In the judgement rendered in the above styled case on September 14, 1893, Cause no. 101, Brewster County District Court, the state recovered the railroad Surveys in these Blocks, which were reclassified as School Land and repatented accordingly.

RESURVEY OF W.S. MABRY, 1889

As was Mr. Reavis in H.&T.C. Block 6, W. S. Mabry was appointed by Land Commissioner R. M. Hall to resurvey and write Corrected Field Notes for G.H.&S.A. Block 5 in 1889. As with the calls in Mr. Reavis' Corrected Field Notes, Mr. Mabry calls for having set many well described monuments. Along the Block line separating these two Blocks, the calls of the two surveyors coincide with each others descriptions. Several of Mr. Mabry's monuments were recovered for our survey and are depicted on the plat accompanying this report.

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CONCLUSIONS AND CONSTRUCTION

As stated above, Mr. Edwards' original Field Notes have adjoiner calls to H.&T.C. Block 6. As stated earlier in this report, the Southeast corner of Survey 1, said Block 6, has a tie call of "South 45deg. West 770 varas" to the North corner of Wm. Hadden Survey 17. Therefore, based on the original Field Notes, the original position of both Blocks 5 and 6 could be relocated call course and distance from the Wm. Hadden Surveys. This approach would cause the Block lines to be in a different position than those established by Reavis and Mabry. This is due to the fact that both Mr. Reavis and Mr. Mabry's bearings are running approximately 1deg. left of true North, as determined between their existing monuments. This situation will be reviewed in the discussion of D.&P. Block 2.

As in H.&T.C. Block 6, most subsequent surveyors seem to have attempted to retrace and perpetuate the positions of Mr. Mabry in Block 5. Mr. Mabry's monuments and Corrected Field Notes were also the framework for our retracement of the various Surveys in this Block. However, as will be seen in the discussions of the various tracts that are the subject of this survey, certain monuments of other surveyors must be considered.

SURVEYS BY J. P. DOD, 1951

In 1951, J. P. Dod, LSLS, did extensive survey work in Blocks 5 and 6. For the most part his work was to the North and East of our survey area. However, Mr. Dod's plat and Corrected Field Notes, which are on file in the Presidio County Surveyors Records in Vol. 8, P. 370-381, indicate that he recovered and set corners in Surveys 53, 45 and the East 1/2 of 44, said Block 6. The East 1/2 of Survey 44 was patented from his Field Notes.

As indicated on our plat, Mr. Dod's monument for the Northwest corner of the East 1/2 of Survey 44 was recovered for this survey. As indicated on the plat, the pipe and rock mound marked as called for by Mr. Dod for his location of the Northwest corner of said Survey 44 is some 150 varas too far to the East. As this monument near the Northwest corner of Survey 44 does not represent patent location nor a proper reconstruction of D. L. Reavis, I do not accept it as the proper location for said corner of Survey 44. Also, in his Field Notes of the East 1/2 of Survey 44, Mr. Dod calls for a pipe and rock mound at the Southwest corner of said East 1/2. This could not be located on the ground. Possibly, when fencing in the vicinity was built, the monument was destroyed.

SURVEYS OF F. W. COOK, SURVEYS 102, 103 AND 105

In 1919, F. W. Cook, LSLS and Presidio County Surveyor, wrote Field Notes for three tracts out of Survey 102, 103 and 105. These Field Notes were apparently in conjunction with a Presidio County District Court Case styled S. T. Wood vs. Grover M. Sutherlin, et al., January 1920. This was a case involving a sale of part of a ranch by the partnership of Wood and Sutherlin. The Minutes of the Court state: "In obedience to the order and decree made by your Honor in the above numbered and entitled cause on the 29th. day of July A.D. 1919, the undersigned, surviving partners and trustee of the partnership estate of Wood & Sutherlin beg to report:"

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"That they caused a survey to be made by the County surveyor of Presidio County on September 20, 1919 of the irregularly shaped fractional parts of Surveys 102, 103 and 105, Block 5, G.H.&S.A....."

The Court Minutes include a description of these tracts based on the Field Notes of Mr. Cook, which are on file in Vol. PS1, P. 225-227, Presidio County Surveyors Records.

The Field Notes of the tract described as 472.37 acres out of Survey 102 state that Mr. Cook began at a "stone mound" at the Northwest corner of Survey 102 and proceeded counter-clockwise around the tract calling for "stone mounds" at most of the corners. As can be seen on our plat, we recovered monuments distinctly called for by Mr. Mabry (one being a marked tree, not stone mound) at three of the Survey corners of 102 that Mr. Cook did not call for. It does seem, however, that Mr. Cook was on the ground for at least part of this tract. One of the calls in his Field Notes is to a "cedar tree 6" in diameter on the edge of the bluff to which a fence is attached". A cedar tree, now 25" in diameter, on the edge of the bluff with fence wire attached was recovered for this survey. As there are no other trees in the vicinity that fit his description, I believe that this is Mr. Cook's tree.

The call in the Field Notes for the corner to the North of the tree, is for a "point on the Southeastern side of a sharp peak the same being a ledge of rock at the foot of the bluff". It is interesting to note that Mr. Cook wrote a second set of Field Notes for this tract, dated September 10, 1925, which he now refers to as a 461.1 acre tract, that are filed in Vol. PS1, P. 252, Presidio County Surveyors Records. These Field Notes have the same calls as the earlier Notes except that at the "point on the Southeastern side of a sharp peak" is now referred to as a "stone mound on the Southeast side of a sharp peak at the foot of a bluff" and the call going Westerly from the tree was changed from "Thence in a general Northwest direction following the meanders of the bluff" in the earlier Field Notes to a straight line bearing and distance. These secondary Field Notes, however, do not appear in any instrument and I believe that the earlier Notes should be the ones retraced.

As can be seen on our plat, a rock mound was found as described on a rock ledge at the base of a bluff Southeasterly from a sharp peak. The bearing from the tree to this mound is only about 0deg.15' from call bearing. The distance, however, is some 148 varas short of call! A diligent search was made in the vicinity of the proper distance call from the tree but no monument could be found. Also, at this spot there is no ledge at base of bluff and is not Southeasterly from the peak but Northeasterly. I can only conclude, therefore, that the rock mound on the rock ledge is Mr. Cook's. A diligent search was made for the rest of the "stone mounds" called for but none could be recovered. Several of the positions were very steep and rocky as this whole tract is on the side of Chinati Peak.

I have reconstructed this tract based on the existing monuments, using the line between the tree and the rock mound on the ledge as a basis of Mr. Cook's bearings, the Field Note calls and the monuments of Mr. Mabry.

The tract described as being 284.17 acres out of Survey 103 was described in the above mentioned Court case and was also based on the Field Notes of F. W. Cook. In his Field Notes, Mr. Cook calls to begin at a "rock mound which is the Southwest corner of Section 103 and the Northwest corner of Section 102". This is the same beginning point as the 472.37 acre tract discussed above. Again, at this point Mr. Mabry calls for a "cedar tree marked "X" on top of West rim rock.....whence another cedar 15" diam. brs. N.20deg.W. 3vrs". We recovered both trees for this survey. We could find no rock mound in the area.

Mr. Cook continues clockwise around the tract, calling for "stone mounds" at most corners. At the Southwest corner of this tract, however, he called for a "post and rock mound". We were able to locate what I believe to be Mr. Cook's two Southerly rock mounds. A diligent search was made for the other stone mounds but none could be found. We did, however, find two rock mounds in the vicinity of the Northwest corner of Survey 103. These are referred to on our plat.

I believe that the pipe in a rock mound was set by W. J. Hurd, Deputy County Surveyor under J. P. Dod, in 1928, as reflected on a plat filed in Vol. PS2, P. 179, Presidio County Surveyors Records. This would be some nine years after Cook's survey. The pipe was put in the rock mound by W. H. Rhooome, RPLS, in 1977. The Rhooome survey will be discussed later in this report.

The other rock mound found in the vicinity of the Northwest corner of Survey 103 may be Mr. Cook's although it does not fit very well with his Southerly monuments. It is my belief that neither should control the position of the Northwest corner of Survey 103.

I have reconstructed this tract honoring the two Cook rock mounds indicated on our plat. The bearing between them was the basis of Mr. Cook's bearings to reconstruct the Westerly part and Mr. Mabry's monuments control the Survey lines. I have pushed the line between the two Cook rock mounds Westerly to adjoin the west line of Survey 103. It is my opinion, based on the Field Note calls, that it was Mr. Cook's intent to adjoin the West line of Survey 103, which should be considered a record monument.

The tract in Survey 105 is described as being 22.12 acres in the Field Notes of Mr. Cook and in the Court Minutes. The beginning call is for a "stone mound the Southeast of 105..". All three corners are called to have either stone mounds or rock mounds. After a diligent search, we were unable to recover any of these monuments. The North corner falls on a very rocky slope, the West corner falls near a fence line is not in difficult terrain nor is the Southeast corner of Survey 105 in an area that was difficult to cover properly.

I based my retracement of this tract at the calculated point for the Southeast corner of Survey 105 and running call distance West and North from that point.

SURVEY OF WM. H. RHOOME, 1977

In 1977, Wm. H. Rhooome, Registered Public Surveyor #133, was hired to place the above mentioned tracts on the ground. A plat of his work is on file in Vol. 7, P. 86 and 87, Corrected Field Note Records of Presidio County. The certification on this plat by Mr. Rhooome indicates that he is the Deputy Presidio County Surveyor under County Surveyor G. W. Adams.

Mr. Rhooome's plat indicates that he set a pipe in a rock mound found for the Northwest corner of Survey 103. This is the only monument in Surveys 102 or 103 that he indicates to have found. His plat also indicates that at all of the tract corners in the Western part of these Surveys, Mr. Rhooome set off-set pipes from the actual corners. No actual corners were set. During this survey we recovered one of Mr. Rhooome's off-set pipes Southwesterly some 87 varas from our position for the Northeast corner of the "West part of the North 1/2" of Survey 103.

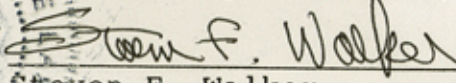
It is my opinion that the survey of Mr. Rhooome did not locate enough necessary monuments of Mr. Cook or Mr. Mabry to properly retrace these tracts. Therefore, we did not attempt to recover any more of his off-set pipes.

D.&P. RY. CO. BLOCK 2

D.&P. Ry. Co. Block 2 was originally surveyed and described by Dan Buckley in June of 1880. Mr. Buckley's plat indicates that the East line of D.&P. Block 2 adjoins the West line of G.H.&S.A. Block 5; Block 2 being junior to said Block 5.

For a complete discussion of D.&P. Block 2, the Survey Report of Malcom Bamburg mentioned earlier in this report should be consulted. For purposes of this report, it should be sufficient to state that said Block 2 would adjoin and be constructed from the ORIGINAL position of the West line of G.H.&S.A. Block 5 as constucted from the original calls for course and distance of L. E. Edwards, which would ultimately be constructed from the existing West corner of Survey 17, Wm. Hadden, not the resurvey position of W. S. Mabry, which took place after Mr. Buckley's survey of Block 2. The original position of the West and South lines of said Block 5 are depicted on our plat.

Respectfully submitted,


Steven F. Walker
Licensed State Land Surveyor

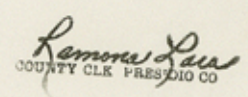
Field note descriptions of the various unpatented tracts depicted on the plat accompany this report.

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FILED FOR RECORD at 3:45 P.M.

NOV 07 1994


COUNTY CLK PRESIDIO CO

Presidio Co. Sk. File 118

counter 34925

THE STATE OF TEXAS,
COUNTY OF PRESIDIO

I, RAMONA LARA, Clerk of the County Court in and for said

County, do hereby certify that the foregoing Instrument of writing Survey Report w/plat
with its certificate of authentication, was filed for Record in my office, the 7th day of November 1994
at 3:45 o'clock P. M., and duly Recorded the 8th day of November 1994 at 10:30
o'clock A. M., in Field Notes Record of said County, in Vol. 9 Page 172-79
Witness my hand and the seal of the County Court of said County, at office in Marfa, Texas, this the 8th
day of November 1994.

By Gloria Garcia Deputy

RAMONA LARA
Clerk, County Court, Presidio County, Texas



[Faint, mirrored text from the reverse side of the page, including phrases like 'the nearest point of the west and south lines of said block', 'D.E.B. Block 3', and 'Mr. Broome']

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