ALPHO SE KLOH, W. FORBES MORGAN AND DAVID RUMSEY PROPRIETORS OF THE LANDS FORMERLY BELONGING TO THE TEXAS & PACIFIC RAILWAY CO. 108.

P. B. BERT CHIEF CLERK P. G. NORTHRUP FIELD REPRESENTATIVE

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H. J. ABRAMS, GENERAL AGENT 502 REPUBLIC BANK BUILDING DALLAS, TEXAS

RAY MCDOWELL W. J. POWELL

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REFERRED TO MAP

March 30, 1927 EIVED.

See Sterling Co. St. File

5/6/27 Clark 1621 1629 Letter Book 1621 1629

Hon. J. T. Robison, Commissioner, General Land Office, Austin. Texas.

Dear Sir:

We have recently made a survey in the effort to determine the east line of Block 32, Tsp. 5 S, T & P Ry. Co., Glasscock and Sterling Counties, and I am forwarding to you a complete copy of the report on this survey, which was made jointly by Mr. W. F. Kellis, Survey along County Surveyor of Sterling County, representing Mr. W. B. Brown, Mr. J. L. Glass and other interested property owners, and Mr. Claude Becket, Licensed Land Surveyor, representing this office.

a de ans blocks This line along the south half of Block 32 is well established and marked and recognized by all parties concerned as the correct line and is constructed from the southeast corner of Block non Corp_32 on the south line of the T. & P. Reservation, which south line along this and adjacent blocks is well marked and established. The east line of Block 32 along the north half of said block, however, is in controversy and great confusion exists as to the proper location of this line. Many surveys have been made and there is a plentiful supply of mounds scattered along this line, none of which is supposed to be reliable enough to determine the line definitely.

> The southeast corner of Block 32, Tsp. 4 S, is unquestionably west some 489 varas of the southeast corner of Block 32, Tsp. 5 S, and a jog must be made somewhere, and the question at issue is whether or not this jog shall be made in the middle of Block 32, Tsp. 5 S or at the northeast corner of said block. Mr. Kellis and Mr. Becket, after making the survey, recommend that the entire east line of Block 32, Tsp. 5 S, be constructed from the southeast corner of said block and run in a straight line to the northeast corner of said block, making the jog in the block line at that corner, since by so doing all the sections affected will be left with their full complement of land and no ownership interest will be disturbed; whereas, if the jog is made in the middle of the block the eastern tier of sections through the north half of the block will be left short or else all sections in the north half of the block will have to be moved west, which will disturb

the west line of the block and transfer the confusion from the east to the west side of the block.

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We believe that the correct solution of the matter is to construct the east line of Block 32, Tsp. 5 S. from the southeast corner of said block, as recommended by the surveyors, producing the line as now located along the south half of the block north to the township line; and it is our understanding that all parties concerned are willing to abide by this construction, provided it meets with your approval.

Your consideration of this matter and advise as to your opinion and decision as soon as possible will be appreciated, since the interested parties are anxious to have the question settled for all time.

Very truly yours,

Howevell

Engineer.

counter 37/34

BLK. 32 - TSP. 5 S.

GLASSCOCK COUNTY " STERLING COUNTY

Report of a joint survey made for the purpose of trying to locate the block line between Blocks 31 and 32, Tsp. 5 S., Texas & Pacific R. R. Co. Surveys.

Survey made February 14th to 25th, 1927, inclusive.

Chainmen - James Alsup and John Petty.

Present and assisting were W. L. Foster, J. L. Glass and C. C. Reynolds.

We began at the N. E. corner of Section 36 and the S. E. corner of Section 25, Tsp. 4 S, Blk. 32 and the N. W. corner Section 14 and the S. W. corner of 13, Tsp. 4 S., Blk. 31, T. & P. R. R. Co. Surveys, a rock mound from which a mesquite stump bears Mouth 1⁰ 30: East 47 varas. (This tree standing in 1906 when Paul McCoombs and T. H. Seay made a joint survey of this Block for W. H. Abrams, who say that it bears the old marks).

A mesquite stump, marked trunk gone, bears South 2° 45' East 15 varas. We have no doubt but that these are the stumps of the original bearing trees.

We took a fore sight on a flag set on a rock mound, the S. E. corner, Section 37 and the N. E. corner, Section 48, Tsp. 4 S. Blk. 32, T. P. R. R. and the N. W. corner Section 19 and the S. W. corner Section 18, Tsp. 4 S. Blk. 31, T. P. R. R. and found bearing to bear South 13° East with a variation of 13° East. Using this line as a base, we proceeded with the survey by using fore and back sights and turning angles and not depending on the needle, as Seay and McCoombs had reported that there was considerable local magnetic attraction and as Mr. Kellis knew from experience as he has been surveying in these parts for many years.

Thence South 13° East at 3804.5 varas, rock mound, from which a mesquite stump bears North 37° West 132 varas. (This tree standing in 1906 when Seay and McCoombs made survey and they say that it bore marks but were so dim as to be illegible.

At 5709.7 varas set hub large rock mound 3.2 varas South 77° West, which we took to be the S. E. corner of Section 48, Tsp. 4 S., Blk. 32, T. & P. R. R. and the S. W. corner of Section 19, Tsp. 4 S., Blk. 31, T. P. R. R.

K2

From this hub as 0 plus 00 we continued South 13° East.

32

At 1 mile plus 893 varas cross drain. At 1 mile plus 969 varas cross drain. At 1 mile plus 1211 varas cross drain.

At 2 miles set a hub on line and turned angle 90° left and ran North 77° East 1578 varas and looked for old S. E. corner of Section 3, Tsp. 5 S., Blk. 31, as originally located by Murray Harris and W. C. Powell, which was supposed to be the S. W. corner of Blk. 22, H. & T. C. Ry. Co.

We looked very carefully over a large area here but found nothing. Then continued N. 77⁹ E. in all 2477 varas to a fence which is about on the west line of said Blk. 22, H. & T. C. Ry. Co.

We then returned to the hub set at 2 miles plus 00 and continued South 13° East. At 3 miles plus 231 varas crossed a fence running right angles to our line cornering South 77° West 23 varas.

At 3 miles plus 1078 varas rock mound under fence 24 varas South 77° West.

At 4 miles plus 31.4 varas Rock mound South 77° West 25.7 varas. From this mound there are two mesquite trees which check fairly well for bearing and distance, but are now much too small for the original trees which were 12" when marked by original surveyors. Mr. Kellis had cut into one of these trees and found what appears to be an old hack, but the tree was only 3" or 4" in diameter when hack was made.

At 4 miles plus 226.4 varas rock mound made by W. F. Kellis South 77° West 25 varas.

At 6 miles plus 06 varas rock mound 35 varas South 77° West.

At 6 miles plus 122 varas cross fence.

At 7 miles plus 11 varas rock mound South 77° West 35.5 varas.

At 7 miles plus 234 varas cross fence.

At 8 miles plus 222 varas set hub 1-1/2 varas North 13° West from fence.

Turned angle 89⁰ 50: left and ran North 76⁰ 50: East 445.6 varas and set hub which is 1.2 varas South 77⁰ West and 1.5 varas North 13⁰ West from corner post of fence set in

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old original mound for the S. E. corner of Section 48, Tsp. 5 S., Blk. 32 and the S. W. corner of Section 30, Tsp. 5 S., Blk. 31, T. & P. R. R. on the south reservation line. The bearing trees for this corner are gone but Mr. Kellis has checked the location of this corner from them while they were still standing and bore the marks plainly. Mr. W. L. Foster remembers seeing the trees as does also Mr. W. T. Conger who formerly owned Section 48.

There is no doubt but that this is the original location of the S. E. corner of Section 48, Tsp. 5 S, Blk. 32. There is no controversy over its location nor has there ever been. Running North 77[°] East along the old reservation line, Mr. Kellis has found most all the old original corners to where it intersects the west line of H. & T. C. Ry. Co. Blk. 21, and all construction in the south part of Blk. 31, Tsp. 5 S has been made off of this line and these corners.

We then turned 89° 40' left at last hub set and ran North 12° 50' West, with said hub as 0 plus 00.

At 0 miles plus 1895 varas fence.

At 1 mile plus 00 varas rock mound apparently recently made.

At 2 miles plus 00 varas rock mound made by Kellis, 1 vara North 77° West.

At 2 miles plus 1326 varas draw.

At 2 miles plus 1691 varas draw.

At 2 miles plus 1719 varas draw.

At 3 miles plus 27 varas rock mound 35 varas North 77° E ast.

At 3 miles plus 36 varas rock mound 7 varas North 77° East. Mr. Kellis says he found this mound in 1906.

At 3 miles plus 950 varas rock mound by Kellis 8 varas North 77° East.

At 4 miles plus 27 varas rock mound 1-1/2 varas South 77° West, found by Kellis in 1925. Could find no bearing trees or their stumps.

At 4 miles plus 251 varas rock mound by Kellis.

At 4 miles plus 888 varas draw.

At 4 miles plus 1100 varas draw.

At 4 miles plus 1337 varas draw.

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At 5 miles plus 21 varas cross fence, old rock mound North 77° East 28 varas.

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At 5 miles plus 248 varas rock mound by Kealis 6 varas South 77° West.

At 5 miles plus 571 varas set hub and ran North 77° E ast 1529 varas to the S. W. corner of Blk. 22, H. & T. C. Ry. Co. As now located, a large rock mound.

Then went back to hub set at 5 miles plus 571 varas and continued North 12° 50. West.

At 5 miles plus 1877 varas cross draw.

At 6 miles plus 1482 varas cross draw.

At 6 miles plus 1582 varas cross draw.

At 6 miles plus 1618 varas cross draw.

At 7 miles plus 244 varas rock mound by Kellis.

At 7 miles plus 465 varas center of Garden City Road.

line

At 7 miles plus 1190 varas Kellis mound 7-1/2 varas North 77° East.

At 8 miles plus 236 varas set hub and found Kellis mound 1-1/2 varas North 77° East.

From hub turned 90° left and ran South 77° West 489 varas to hub set 3.2 varas North 77° East from the S. E. corner of Section 48. Tsp. 4 S. Blk. 32.

From this hub turned angle 90° left off of a flag set on the line run South 13° East from the S. E. corner of Section 25 and the N. E. corner of Section 36, Tsp. 4 S. Blk. 32, T. & P. R. R. and ran South 77° West along the South Township Line of Tsp. 4 S. Blk. 32.

At 1 mile plus 11 varas old rock mound 2 varas North 13° East from which a mesquite stump bears South 61° East 8-1/3 varas.

At 1 mile plus 1540 varas cross draw.

At 1 mile plus 1722.4 varas cross fence.

At 2 miles plus 20.3 varas old rock mound 4 varas North 13° West.

At 2 miles plus 700 varas contor /Gerden City Road.

At 2 miles plus 1312 varas cross fence.

At 3 miles plus 60 varas Lacy Creek.

K5

At 3 miles plus 900 varas found old rock mound 49 varas South 13° East.

At 3 miles plus 1274 varas cross fence.

At 4 miles plus 1300 varas cross draw.

At 4 miles plus 1853 varas found old rock mound 49 varas South 13° East.

At 5 miles plus 1429 varas cross fence.

At 5 miles plus 1529 varas large old rock mound North 13° West 16 varas (in cove).

At 6 miles plus 580 varas old rock mound 9-1/2 varas North 13° West.

At 6 miles plus 1539 varas old rock mound 46 varas N orth 13° West.

At 7 miles plus 597 varas found old rock mound from which stump of mesquite bears North 12-1/2° West 5-1/2 veras. Another mesquite stump bears South 31-1/4° West 112 varas. This is evidently the quarter section corner on the north line of Section 2, Tsp. 5 S., Blk. 33 and the quarter section corner on the south line of Section 47, Tsp. 4 S., Blk. 33, according to the calls.

We then began at the hub which we set 1.2 varas South 77° West and 1.5 varas North 13° West from the S. E. corner of Tsp. 5 S. Blk. 32. Took fore sight on hub set at 8 miles plus 222 varas on the line. runn South 13° East from a point 3.2 varas North 77° East from the S. E. corner of Tsp. 4 S, Blk. 32, and ran South 76° 50: West. At 0 miles plus 382 varas crossed Sterling Creek; at 0 miles plus 445.6 varas hub used as fore sight as described above.

. At 0 miles plus 949 varas old rock mound 1.2 varas South 13° East.

At 1 mile plus 01.6 varas cross fence at right angles.

At 1 mile plus 955 varas rock mound 1.5 varas North 13° West.

At 2 miles plus 25 varas fence runs South 13° East.

At 2 miles plus 1315 varas cross draw.

At 2 miles plus 1810 varas cross draw.

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At 3 miles plus 17.5 varas fence corner post set in old rock mound 6 varas North 13° West.

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At 3 miles plus 970 varas old rock mound 12 varas North 13° West.

At 4 miles plus 22 varas cross fence at right angles.

At 4 miles plus 24.4 varas old rock mound 22 varas North 13° West. This is the corner that calls for a Buffalo bone mound. Murray Harris showed this corner to Mr. Kellis in 1907 and they were able at that time to find particles of the buffalo bones. Murray Harris took some of them with him.

At 4 miles plus 975 varas rock mound 15.5 varas North 13° West.

At 5 miles plus 31 varas rock mound 19 varas North 13° West. Fence runs North 13° West and South 77° West.

At 5 miles plus 982 varas a stone set by Kellis North 13° West 22 varas marked S. W. corner South half Section 43.

At 6 miles plus 38-1/2 varas set hub old rock mound 26 varas North 13° West, from which a mesquite stump bears South 8-3/4° West 71 varas; another bears North 41° East 62 varas and another South 39° West 39-1/2 varas. (Notes call for mesquite 7" South 39° West 29-2/3 varas. We found old road South 77° West 415 varas. There is another rock mound North 77° East 28 varas, but we feel certain that this mound has been built for a fence post guy as there is a stone buried under the mound that has a barbed wire cable around it as is used for guying fence posts in this country.

From hub set at 6 miles plus 38-1/2 varas turned angle right 90° 10° and ran North 13° West, at 26 varas above mentioned mound which we believe to be the original S. W. corner of Tsp. 5 S, Blk. 32. (This mound is 0 plus 00 of our chaining on this line.)

At 1 miles plus 02 varas found rock mound 19 varas North 77° East.

We turned angle right 90° and ran North 77° East 19 varas to said mound.

Then turned angle left 89° 45: and ran North 12° 45: West, calling this mound 1 miles plus 02 varas of our chaining. At 2 miles plus 00 varas found old rock mound almost buried in the earth.

At 2 miles plus 2-1/2 varas rock mound.

At 2 miles plus 2-1/2 varas iron pipe 33 varas North 77° East.

At 2 miles plus 58 varas cross fence running North 77° East and corner is S. 77° West 17 varas.

At 3 miles plus 16 varas large rock mound 41 varas South 77° West.

At 3 miles plus 33 varas rock mound 6 varas South 77° West in dry lake.

At 3 miles plus 75 varas cross fence running North 77° East. Corner about 25 varas South 77° West.

At 4 miles plus 1-1/2 varas small rock mound 9 varas North 77° East.

At 4 miles plus 247.8 varas old rock mound and set stone 39-1/2 varas North 77° East.

At 4 miles plus 916 varas large old rock mound in west edge of dry lake 5-1/2 varas South 77° West.

At 4 miles plus 1890 varas rock mound 15 varas North 77° East.

At 5 miles plus 32-1/2 varas cross fence running North 77° East. Fence corner South 77° West 61 varas.

At 5 miles plus 34 varas small rock mound South 77° West 68 varas.

At 5 miles plus 913 varas found old rock mound 29-1/2 varas South 77° West in edge of dry lake.

A mesquite stump bears North 20° West 94 varas.

A mesquite stump bears North 24-1/2° West 107 varas. (This is undoubtedly the original quarter Section corner on the west line of Section 18, Tsp. 5 S, Blk. 32.

At 5 miles plus 1831 varas rock mound 30 varas South

At 5 miles plus 1846-1/2 varas fence corner 23 varas North 77° East. Fence runs Morth 77° East and North 13° West and another about west.

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At 6 miles plus 30 varas rock mound made by Kellis 55 varas South 77° West.

At 6 miles plus 915 varas large old rock mound 53.6 varas South 77° West from which a mesquite stump bears South 4-1/2° West 140 varas and South 25-1/2° West 123 varas, - mesquite sprout but no sign of the stump.

At 6 miles plus 1850 varas a rock mound 55 varas South 77° West. This mound is not very plain but checks very well with the mounds found.

At 7 miles plus 1720 varas cross draw.

At 7 miles plus 927 varas large old rock mound 79 varas South 77° West. We found part of old decayed stake on this mound.

At 7 miles plus 1700 varas draw.

At 8 miles plus 262 varas intersected line run between Tsps. 4 S and 5 S. Blk. 32 at 5 miles plus 1434 varas of that line.

The following survey made by Claude Becket, W. F. Kellis not assisting as it was made to determine the boundary line between Sections 13 and 24, 14 and 23 and 15 and 22, Tsp. 4 S, Bak. 32, but is incorporated in this report on account of its connection with our survey of Tsp. 5 S, Blk. 32.

I began at the S. E. corner of Section 25 and the N. E. corner of Section 36, Tsp. 4 S, Blk. 32, on the East Block Line of Blk. 32; corner as previously described in this report.

Took back sight to rock mound at S. E. corner Section 37 and the N. E. corner Section 48, as previously described in this report.

Then ran North 13° West along fence variation 13° East.

At 1 mile plus 0.5 varas rock mound under fence with set stone by Kellis.

At 1 mile plus 950.9 varas new rock mound and stake under fence.

At 1 mile plus 1710 varas fence running South 77° West.

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At 2 miles plus 9.8 varas set hub on line, old rock mound South 77° West 2.8 varas. Continued North 13° West and at 2 miles plus 261 varas cross draw.

At 3 miles plus 14.4 varas found old rock mound 2.5 varas South 77° West.

I then returned to the hub set on line at 2 miles plus 9.8 varas, and with fore sight on flag set on hill about 700 varas North 13° East, turned angle 90° left and ran South 77° West along old abandoned fence line which is easily discernible by the rock that had been piled around the fence posts.

At 1 mile plus 2.8 varas rock mound by Kellis.

At 1 mile plus 1632 varas a draw.

At 1 mile plus 1850 varas rock mound 55.2 varas South 13° East set by Goodfellow; fence 100 varas South 13° East.

At 2 miles plus 04 varas rock mound 3 varas North 13° West.

At 2 miles plus 261 varas draw.

At 2 miles plus 1853 varas rock mound 55.2 varas South 13° East, by Goodfellow.

At 3 miles plus 5.2 varas fence runs South 13° East.

At 3 miles plus 14.4 varas rock mound 7.6 varas North 13° West.

At 3 miles plus 1845 varas Goodfellow rock mound 43 varas South 13° West fence South 13° West 46-1/2 varas.

At 4 miles plus 11 varas cross wolf proof fence.

At 5 miles plus 1046 varas cross fence.

At 5 miles plus 1843.6 varas found old rock mound South 13° East 22 varas.

Turned 90° angle left and ran South 13° East.

At 22 varas old rock mound.

At 973 varas old rock mound on line.

At 0 mile plus 1891.5 varas cross fence.

At 1 mile plus 1056 varas cross center line of Garden City Road.

At 2 miles plus 415 varas cross Lacy Creek.

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At 2 miles plus 550 varas cross Lacy Creek.

At 2 miles plus 984 varas cross Lacy Creek.

At 3 miles plus 1002.8 varas old rock mound 5 varas South 77° West.

At 4 miles plus 56 varas old rock mound 3 varas South 77° West.

At 4 miles plus 1010 varas old rock mound 0.8 varas South 77° West.

At 5 miles plus 13.3 varas intersected line ran between Tsps. 4 and 5 South, Block 32, at 5 miles plus 1858 varas of that line, continuing South 13° East, at 5 miles plus 63.8 varas. Old rock mound on line.

With Mr. Kellis we ran this line South 13° East 2 miles and 300 varas farther and looked for commer but could find nothing.

On our map which accompanies this report we show work done in the north part of Tsp. 4 S., Blk. 32 by Paul McCoombs, State Surveyor, and T. H. Seay, County Surveyor of Howard County at that time. This work was done for W. H. Abrams in March, 1906 and was quite an extensive survey, but we are only showing their work in the north part of said Tsp. 4 S, Blk. 32. Our work agrees very closely with theirs where we have worked over the same ground. We are also showing on our map the construction of Tsp. 5 S, Blk. 31 by data obtained from recent land office maps and notes of Mr. Kellis.

The lower sections of the block have been constructed off of the Reservation Line which gives them their full acreage as originally surveyed; while sections 1 and 2 in the north part of the block have been constructed from the S. E. corner of Tsp. 4 S, Blk. 32, greatly increasing the area of Section 2, Blk. 31, which originally called for 216 acres and as now located has over 700 acres.

The original field notes for Section 3, Blk. 31, calls for the South line to be 1578 varas North 77° East to the S. W. corner of Block 22, H. & T. C. Ry. Co. Surveys. At two miles South 13° East from the S. E. corner of Tsp. 4 S, Blk 32 we find it to be 2477 varas to the west line of said Block 22, and the actual location of the S. W. corner of said Block 22 to be 5 miles

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plus 571 varas North 12° 50: West and 1529 varas North 13° East from the S. E. corner of Tsp. 5 S, Blk. 32, T. & P. R. R., and 2 miles plus 1551 varas South 13° East and 1 mile plus 104.8 varas North 77° East from the S. E. corner of Tsp. 4 S, Blk. 32, T. & P. R.R.

It seems that Murray Harris and W. C. Powell, the original surveyors, were mistaken in the true location of said Blk. 22, H. & T. C. R. R., believing it to join Block 23, H. & T. C. R. R. on the north boundary line, but subsequent developments have shown that there is a strip 1200 varas wide lying between these two blocks which moved Block 22 1200 varas South (in reality South 3-1/4° West) with reference to the east line of Blk. 32, Tsp. 4 S, T. & P. R. R., which requires a variation of 13° East, while the west line of Block 22, H. & T. C. R. R. takes a variation of 9-3/4° East, making an angle between these lines of 16-1/4°. This, then, would place the Harris and Powell location 1188.5 varas North 13° West and 336 varas North 77° East of its true location, or 5 miles plus 1775 varas North 12° 50* West and 1965 varas North 13° East from the S. W. corner of Tsp. 5 S, Blk. 32.

We are thoroughly convinced after having made this survey that in the original survey a jog was made either on the East Block Line of Tsp. 5 S, Blk. 32 or on the East Block Line at Tsp. 4 and 5 S, Blk. 32.

We have looked very carefully over the ground for positive evidence of where the error was made but were unable to find it. We were unable to identify positively a single corner between the S. E. corner of Tsp. 5 S and the S. E. corner of Tsp. 4 S, Blk. 32. We find that the East Block Line of Tsp. 4 S, Blk. 32 produced S. 13° E. intersects the south line of Tso. 5 S, Blk. 32, 446.8 varas South 77° West of the S. E. corner of Tsp. 5 S, Blk. 32. On this line we find quite a number of rock mounds, but no satisfactory bearing trees nr their stumps to identify them, and running North 12° 50: West from the S. E. corner of Tsp. 5 S, Blk. 32, we find several rock mounds that appear to be old but nothing to identify them positively.

There have been many surveys made in this locality since the original survey was made and after a rock mound has been in a few years it is impossible to tell its age with any certainty.

Our survey shows that a jog actually exists on the block line between Blocks 32 and 33 at the line between Tsps. 4 and 5 S. We find that the west block line of Tsp. 5 S is 329 waras North 77° East from the west block line of Tsp. 4 S, Blk. 32.

Paul McCoombs and T. H. Seay show this jog to be 342 varas on their map.

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In view of the fact that there was an agreement made between J. L. Glass and W. B. Brown (who is represented by Mr. W. L. Foster), the private owners along the block line between Blocks 31 and 32, Tsp. 5 S, to abide by a decision between us as to the location of said block line, provided the State and the owners of the T. & P. R. R. lands would also enter into this agreement, we recommend that said line be run North 120 50. West variation 13° East from the S. W. corner of Tap. 5 S, Blk. 32, to an intersection with the south township line of Tsp. 4 S, Blk. 31, at a point 492 waras North 13° East from the S. E. corner of Tsp. 4 S, Blk. 32. This line leaves the possessions in the south part of Tsp. 5 S, Blks. 31 and 32 undisturbed and all other sections their full acreage except Section 2, Block 31, which will be reduced considerably but will have more than originally returned by Powell and Harris in the ir survey.

There is an excess in the township north and south, which we recommend be thrown in the north tier of sections as is indicated by the corners found on the west block line, Tsp. 5 S, Blk. 32.

A F. Rellin

County Surveyor, Sterling County. Licensed State Land Surveyor.

Licensed State Land Surveyor.

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