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

File No. Sketch File 13
Throckmorton County
Filed Jan. 30 19 94
By GARRY MAURO, Com'r
Douglas Howard
See Rld. Sk. 4

Report of a Resurvey:

of the John D. Hardin Survey, File No. 2-439, Abstract No. 209, in Throckmorton County, located South 15 degrees West 12 miles from Throckmorton, the County seat of Throckmorton County.

I. - Purpose of the Resurvey:

The John D. Hardin Survey, Abstract No. 209, in Throckmorton County was patented to contain 180 acres. However, there are corrected fieldnotes signed by Licensed State Land Surveyor, F.B.Stribling dated May 19, 1952 and filed in the Throckmorton County Surveyor's fieldnotes, which call for the Hardin Survey to contain 220 acres of land. Also, a deed to Mr. Lyndell Manuel dated February 21, 1992 calls for the Hardin Survey to contain 256.8 acres. This survey was conducted in order for Mr. Manuel to obtain a Deed of Acquittance from the State for the excess acreage in the Hardin Survey and to purchase any vacant land adjacent to the Hardin Survey.

II. - Research:

A. Record Data

A search of the records of the General Land Office was conducted and copies of the original survey notes for the Hardin Survey and many adjoining surveys were acquired. Fieldnotes of the surveys lying west of the Hardin Survey and on the west side of the Clearfork of the Brazos river were also acquired. Copies of working sketches, sketch files, and correspondence were also obtained from the General Land Office. The Throckmorton County plat records and County surveyor's records as well as the Jack Land District and the Young Land District surveyor's records were also examined. A copy of the surveyor's fieldnotes of the Hardin Survey were obtained from the Young Land District surveyor's records located in Graham. Following is a further listing of the information used or examined in the course of the resurvey:

1. "Old Texas Trails", book, general information concerning Captain Marcy's survey of the Comanche Indian Reserve and activities in the area.
2. Plat & field notes, Capt. R.B. Marcy, 9/30/54, "Comanche Reserve". (GLO)
3. Field notes, S.H. Butler, 9/05/85, C.I.R. (GLO)
4. Field notes, B.T. Reynolds, 7/18/98, C.I.R. (GLO)
5. Field notes, J.F. Lindsey, 7/13/03, C.I.R. (GLO)
6. Field notes and sketch, D.L. Allen, 3/03/05, C.I.R. No.2 & No. 3 (McKiechen/Putnam) (GLO) 39046, 39071
7. Field notes, S.H. Butler, 8/20/79, C.I.R. (Epperly), (Not pat.) (GLO) Fan. P-2402
8. Field notes, B.H. Matthews, 5/30/56, (J. Hardin), (GLO) Fan. 2-439
9. Field notes, C.K. Stribling, 11/28/93, C.I.R.(D.C. Riley) (GLO) Fan P-4389
10. Field notes, W.M. Rust, 7/05/53, T.E.&L. 648 (GLO)
11. Field notes, G.A. Kirkland, 5/03/75, C.I.R.(Hull) (GLO) Fan. P-1030
12. Aff. pert. to No. 7 above, (Epperly) 8/02/93, C.I.R. (GLO)
13. Field notes, D.W.C. Baker, 8/31/53, T.E.&L. 1641 (GLO)
14. Field notes, T.F. Beall, 9/12/88, (Lucinda Miers) (Cancelled) (GLO)
15. Field notes, C.K. Stribling, 4/18/93, (Lucinda Miers) (Cancelled) (GLO)
16. Field notes, C.K. Stribling, 4/25/93, (Lucinda Miers) (Cancelled) (GLO)
17. Field notes, C.K. Stribling, 5/11/96, (Lucinda Miers) (GLO)
18. Field notes, T.F. Beall, 10/11/88, Connecting line from southeast corner Wm. E. Crump No. 1 to B.M. Stroud pre. & SWC C.I.R.
 244/1 Deed, N. part T.E.&L. No. 1642
 125/584 Deed, S. part T.E.&L. No. 648
 173/525 Deed, T.E.&L. Co. Survey No. 648
19. Field notes, surveyor's statement, C.K. Stribling, 12/20/27, (Thos. Holcomb) (GLO) SF-13052
20. GLO Working sketch (WS 4), 4/14/49
21. GLO Working sketch (WS 5), 11/28/27, SF-13052
22. GLO Working sketch (WS 6), 5/05/52
23. Plat, F.B. Stribling, 12/21/27, SF-13052 (GLO)
24. Plat, B.F. Reynolds, C.I.R. blocks, copied 1/98 (GLO)
25. Corr. F.N. and plat, F.B. Stribling, 5/19/1952, (J.D. Hardin), Throckmorton County Hardin), Throckmorton County

26. F.N., Sloan Stribling (R.P.L.S.), 6/1967, (J.D.)
27. Surveyors records of Throckmorton County;
 - 1/227 6/10/1968 F.B. Stribling
 - 1/222 12/16/67 Sloan Stribling
 - 1/220 10/05/67 Sloan Stribling
 - 2/216-218 '67 Sloan Stribling
28. Patent records of Throckmorton County;
 - 1/438 C.I.R. Block 132
 - 1/447 C.I.R. Block 133,134
29. Deed Records of Throckmorton County
(GLO) Fan. P-1030
 - 187/335 Deed, Hull Survey
 - 133/257 Deed, Block 3, C.I.R.
 - 232/144 Deed, Block 2, C.I.R.
 - 244/1 Deed, N. part T.E.&L. No. 1642
 - 125/584 Deed, S. part T.E.&L. No. 1642
 - 6/4 Deed, T.E.&L. Co. Survey No. 648
 - 173/525 Deed, T.E.&L. Co. Survey No. 648
30. Field Notes, 8/31/53, D.W.C. Baker, T.E.&L. 1641 & 1542
31. Miscellaneous plats and records on hand.

B. Chronological Summary

A review of the above records in near chronological order indicates that surveyors W.M. Rust and D.W.C. Baker, employees of the Texas Emigration and Land Company conducted the earliest surveys in the area while laying out T.E.&L. Co. Surveys No. 1641, 1642, and 648 in July and August of 1853.

They were followed by Captain R.B. Marcy with his survey of the Comanche Indian Reserve in 1854, and next by B.H. Matthews in May of 1856 with his survey of the subject property, the John Hardin Survey.

In May of 1875, G.A. Kirkland rewrote and re-dated fieldnotes for a survey for the E.F. Hull Survey calling to start at the northwest corner of the John Hardin Survey. He stated that Mrs. Hull had settled and surveyed her place "before the passage of the above recited Act approved January 25, 1875".

S.H. Butler made a survey for Epperly in the area now filled in by the D.C. Riley Survey in August of 1879, tying back to the Hull Survey. Field notes by Butler were filed in Sept. 1885 for a cursory survey of part of the perimeter of the C.I.R.

T.F. Beall ran a meandering connection line survey through the area in September 1888. He also did the first survey for the Lucinda Miers Survey in September of 1888. C.K. Stribling filed corrected field notes of this survey in April of 1893, May of 1893, and November of 1896. Stribling also made a survey of the D.C. Riley Survey in Nov. of 1893.

In July of 1898 B.F. Reynolds made a pretty comprehensive resurvey of the perimeter of the Comanche Indian Reserve describing what he found or didn't find. J.F. Lindsey did some additional work on the perimeter and interior blocks of the Comanche Indian Reserve in 1903.

C.K. Stribling surveyed Block 5 of the C.I.R. in September 1901 and D.L. Allen surveyed Blocks 2 and 3 in Feb. 1905. Allen referenced an old C.I.R. marker in his notes which appears to conflict with Stribling's surveys in the area.

III.- Field Survey and Analysis:

A. Field Procedures & Computations

A traverse network system was established and tied to "Richards" NGS Station (first order) with angular observations to other known positions. Observations were reduced to state plane coordinates through a "least squares" network and adjustment program and transformed to a local system to eliminate the scale factor. Bearings were left at grid so that the coordinate network can be expanded in an east-west direction without distortion. A project average angle off -00 degrees 24 minutes was used for correcting to true bearing. Dual sets of coordinates were maintained, State Plane NAD83 in U.S. feet, and local with "Richards" assigned as N 200,000.00 feet and E 200,000.00 feet for platting and calculations.

The survey was a combination of traverse and radial surveying with cross ties for closure checks. Probable and possible corner positions were calculated during the course of the survey. Electronic total stations were used for angular and distance measurement and at least two angles and two distances were measured on all lines.

IV. Analysis

A. Comanche Indian Reserve (C.I.R.)

To prove the position of the south line of the C.I.R. an effort was made to relocate some original monuments along the north, east and south lines of the C.I.R. An old stone mound was found and tied at the northeast corner C.I.R. Block 112, an interior block about a mile west of the north east corner of the C.I.R. Working from this corner, a large scattered stone mound 1/2 mile west southwest of the original northeast corner of the C.I.R. and being in the original north line of the C.I.R. was found. This led us to the original northeast corner of the C.I.R., a stone mound found about 400 feet east of the point of a hill on the east bank of a small drain. Old original stone mounds were then found one mile south southeast and at the northeast corner of the "Spanish League" on the east line of the C.I.R. No other original corners were found on the east line of the C.I.R. The bearing found along the north line of the C.I.R. is North 74 degrees 00 minutes 42 seconds East (true) and from the northeast corner of the C.I.R. to the northeast corner of the "Spanish League" along the east line is South 15 degrees 14 minutes 57 seconds East (true). These bearings match well with retracement surveys by Reynolds, Procter Clark and others over the years.

Field notes for both the Marcy survey of 1854 and the Reynolds retracement of 1898 were reduced to coordinates then rotated and translated based on the found corners on the east line above. The coordinates for Marcey's earth mounds on the south side of the C.I.R. were then calculated an exhaustive search was made for them on the ground.

An old stone mound was found at the southwest corner of the B.M. Stroud Survey and tied by survey. In a connecting line survey made in Sept. of 1888. T.F. Beall ran to this corner and then west 447 varas to the east line of the C.I.R., then South 16 1/2 degrees East, 414 varas to "the place where I locate the S.E. corner" of the C.I.R. This called bearing of the east line fits very well with the calculated bearing to the northeast corner of the "Spanish League" from this location.

A large stone mound thought to be the original southwest corner of the C.I.R. was also found and tied by survey. Its position being on the east bank of a small creek rather than at its called location, on the bank of the Clearfork of the Brazos River, required further verification. No trace of the original mesquite witness tree called North 31 degrees West 16.4 varas from this stone mound remained. This mesquite witness tree would be on the bank of the creek and could have washed out. If Marcey did build a stone mound southwest of this one on the river bank, than the called mesquite witness tree would either be in the river or across the river because, his first meander call on the river was North 10 degrees East 4.40 chains. (This large stone mound's location could easily be called on the "second bank of the Clear Fork" as in Beall's notes). Running Marcy's true course of North 70 degrees 20 minutes East from this large stone mound for Marcy's distance of 105 chains to establish the southeast corner of the C.I.R. misses the position of Beall's southeast corner of the C.I.R. described above by only about 24 feet to the southwest.

A two inch diam. iron pipe was found in a fence on the west slope of a high hill for the southeast of the Hull Survey. The original corner has been destroyed and this corner was reset in 1968 by Sloan Stribling, R.P.L.S. (deceased), along with an iron pipe at the northeast corner of the Hull. From the large old stone mound found at the southwest of the C.I.R. and using C.K. Stribling's calls for his 1893 survey of the D.C. Riley Survey, the iron pipe found at the southeast corner of the Hull Survey is within 30 feet of the proper location. Stribling's notes call for this old C.I.R. corner and describes it as "a Large Rock mound to the South Cor. of the Old Comanche Indian Reservation a mesquite stump brs N 31 W 16.4 vrs (which was the original bearing tree of said Reservation Cor." Stribling's plat of the Riley Survey also shows that the south line of the C.I.R. was identified by the old marked line trees.

A plot of D.L. Allen's survey of Blocks 2 and 3 of the C.I.R. made in 1905 and allowed to originate at the above mentioned southeast corner of the Hull agrees very closely with Beall's placement of the east line of the C.I.R. Allen noted on his sketch an old marker on the east line of the C.I.R. three miles from the southeast corner "... one of the Reservation 1/2 mile marks and calls for md of earth but a large md of Rock is found in prairie and recognized by all surveys as a reservation line mark and is in line with rock piles called for north and makes course S17E which brings line to fit distance from corner near bank of Clearfork. "Allen also shows a tie to the southwest corner of the C.I.R. as well as the southeast and southwest corners of T.E.&L. No. 1641 but provides no bearings or distances beyond its block calls. His reference describing the southwest corner of the C.I.R. as "near bank of Clearfork" rather than on the banks adds more validity to the large old stone mound found.

Possible further verification of this large stone mound being the southwest corner of the C.I.R. is the fact that a true bearing of North 70 degrees 20 minutes East from the position of the northwest corner of the Hardin Survey established by G.A. Kirkland's 1875 notes of the Hull Survey (Beginning 381 vr. N. & 73 vr. W. of the NWC Hardin) passes through this corner. Kirkland either extended the C.I.R. line on a proper course to the river bank proper for Hardin's northwest corner or found Hardin's original corner on the river bank. (Kirkland's notes reconstructed from I.P. found at southeast corner of Hull Survey).

The evidence outlined above indicates that the large stone mound found at the southwest corner of the C.I.R. is the original corner. Although it doesn't fall on the bank of the river as described by Marcy, it falls on an upper bank of a deep creek with thick vegetation along the bottom and sides extending to the river which could be mistaken for the river bank (or possibly determined to be an awful good place to stop running line).

All of the calls of the surveys junior to Marcy's rerunning this south line have called a course of either South 70 degrees 20 minutes West or just South 70 degrees West. Some have called the 25 chain or "first station" in passing. None have used a bearing constructed at right angles to the east line. I have used the stone mound described above as the original southwest corner of the C.I.R. and established the position of the southeast corner of the C.I.R. by running called bearing and distance North 70 degrees 20 minutes East, 105 chains or 2494.8 varas. This yields a true course of North 16 degrees 33 minutes 23 seconds West, 10023.5 varas from the southeast corner of the C.I.R. to the stone mound found at the northeast corner of the "Spanish" league, fitting well with Beall's call of N 16 1/2 W, and Marcy's bearings found near the northeast corner of the C.I.R., reasonably well with Allen's N 17 W, and comparatively with Marcy's distance of 9923.6 varas or Reynolds' distance of 10110 varas.

B. John D. Hardin Survey

The John Hardin Survey was plotted up in several ways in an attempt to determine where the old lines and corners should fall. B.H. Matthews, the Hardin surveyor, had the best chance of physically locating both the C.I.R. markers and T.E.&L. corners as he was on the scene only two years after the C.I.R. survey and three years after the T.E.&L. Co. Surveys were done. The C.I.R. "earth mound" referred to in Matthews' notes was not found or noted in any retracement of this line since the time it was set. The "mound on the north bank of a stream" as called to be the northwest corner of the Hardin Survey was possibly not the original C.I.R. corner and does not call for the old witness tree as called for in the C.I.R. field notes. It appears that the survey was made with a long chain if done on the ground or pieced together from prior record data. A scale factor application to his distance calls is inconclusive.

I have accepted the Hardin adjoiner calls for the T.E.&L. Co. Surveys No. 648, and No. 1642, and the south line of the C.I.R. as being the best evidence available for reestablishing the John Hardin Survey lines.

1. (T.E.&L. 1642-Adjoining to the east & senior.)

No evidence remains of any corners or witness trees for the T.E.&L. Co. Survey No. 1642. Nothing remains of the old Belknap to Phantom hill road where it is called and the creek call appears in error. Insufficient evidence exists for attempting to reconstruct it from corners of T.E.&L. 1641. I have accepted the old fence corners at the northwest and southwest corners of T.E.&L.1642 as the best evidence. They fit well with a resurvey of the Riley and Hardin Surveys done in May of 1952 by F.B. Stribling and a 1967 survey done by Sloan Stribling. F.B. Stribling, L.S.L.S., in his "Surveyor's Statement" of 12/20/27 relating to S.F. 13052 states "Time has destroyed all the original marks of T.E.&L.Co.No.1642 but the north line has been fenced for many years and its location is unquestioned". The west line of T.E.&L. Co. Survey No. 1642 is a little long as was it's east line as found by T.F. Beall in 1888 in running his "connecting line" survey.

2. (D.C. Riley-Adjoining to the north and junior, controlled by C.I.R. line, senior)

The southeast corner of the D.C. Riley is constructed by intersecting the west line of the T.E.&L. Co. Survey No. 1642 with the south line of the C.I.R. as described earlier. This point falls North 29 degrees 29 minutes West, (true bearing) 15.95 feet from a 2" I.P. found in a fence and referred to by F.B. Stribling, as filed in the Surveyor's Records of Throckmorton County, Texas.

Most probably the original southeast corner of the Riley overlapped into the T.E.&L. Survey about another 600 feet. This would be consistent with Stribling's more easterly placement of the east line of the C.I.R. and the lines he surveyed for Block 5, and would account for his call of 680 varas to the northwest corner of the T.E.&L. Co. Survey. A thorough search was made in this area (which has been pushed) with no evidence found of any original corner markers.

The southwest corner of the D.C. Riley was constructed by running due west from the southwest corner of the C.I.R. to the intersection of the gradient boundary on the east bank of the Clear Fork as it presently runs. No evidence remains of an original corner.

3. (T.E.&L. Co Survey No. 648, adjoins to the south the senior)

The only corner description in the Matthew's fieldnotes of the Hardin Surveys with witness trees common to the prior adjoining surveys is the north corner of the T.E.&L. Co. Survey No. 648. Here Matthew's fieldnotes were 5 varas different in length to a liveoak witness tree, however, he did call for the markings on the mesquite witness tree at the right distance. (The north corner of T.E.&L. Co. No. 648 called for "a stake in mound the north corner from which a mesquite 9 inches diam. br's N. 82 degrees E. 39.92 varas or 168 links a Live Oak 15 inches diam br's N.45 degrees E. 141.4 varas or 595 links." This corner of the Hardin Survey called for "a stake from which a mesquite mk'd TELC brs N81E 40 varas & a Live Oak brs N.44E 136 vrs.") Old stump holes were found and tied near the called positions for this corner but were inconclusive. The old fence corner is within 16 varas of the called distance by T.F. Beall in his 1888 survey for the north line of the Lucinda Miers Survey. Beall also called for the original T.E.&L. Survey witness trees. Subsequent corrected notes for the Miers survey indicate some confusion in the location of this corner. A fence corner at the east corner of T.E.&L. No. 648 with a scattered stone mound at the base was tied and the bearing found between this corner and the north corner is good but the distance is about 36 varas long. Traces of an old road, possibly the Phantom Hill/Belknap road were found in this line within 1/2 chain of the passing call from the east corner as noted in Rust's 1853 Survey of T.E.&L. Survey No. 648.

Going southwest from this corner I found no evidence of witness trees for this survey or for T.E.&L. Co. Survey No. 649 but tied in the existing fence corner at the north corner of said No. 649 for no help in reestablishing the north corner of T.E.&L. Co. Survey No. 648.

The above mentioned Stribling surveys of 1952 and 1967 have used the fence corners at the north and east corners of said T.E.&L. Co. Survey No. 648 as true. This same survey, T.E.&L. Co. No. 648 has been owned by the Stribling family since C.K. Stribling, County Surveyor, purchased this land in Oct., 1883. This is the same surveyor who corrected the Miers survey to the east and did much of the earlier surveying in the area. He was followed by his son F.B. Stribling and grandson Sloan Stribling, also surveyors, all who were familiar with the area. I have enclosed a copy of F.B.Stribling's plat and fieldnotes of the Harding Survey.

I have accepted the fence corners described above as the best available evidence of the original position of said T.E.&L. Co. Survey No. 648.

4. (John D. Hardin Survey-constructed lines and corners from above described adjoiners).

From the north corner of the T.E.&L. Co. Survey No. 648 I have extended a line due east to the intersection with a line projecting the west line of T.E.&L. Co. Survey No. 1642 for the southeast corner of the John Hardin Survey. The east line of the Hardin runs northerly from here along the west line of said T.E.&L. Co. Survey to its intersection with the south line of the C.I.R. being the southeast line of the Riley Survey.

I have set an iron rod in an old fence line along the northwest line of the T.E.&L. Co. Survey No. 648 on an upper terrace of the Clear Fork River and called it to be the best evidence for establishing the line of said survey and by its adjoining call the southeast line of the John Hardin Survey.

The bearing along this constructed line is near the called bearing. This line was extended to the current gradient boundary on the east or left bank of the Clear Fork to establish the common corner of the two Surveys.

I have extended the south line of the C.I.R. from its original southwest corner at its called course of South 70 degrees 20 minutes west to the intersection of the current gradient boundary on the east or left bank of the Clear Fork for the northwest corner of the Hardin Survey.

The apparent first measurement or description of the south line of the C.I.R. running west from the original southwest corner of the C.I.R. on the high bank to the actual bank of the Clear Fork was made by C.K. Stribling for the south line of the D.C. Riley Survey. Stribling ran this line west (east) rather than continuing the South 70 degrees 20 minutes West course of the original line of the C.I.R. In 1952 F.B. Stribling resurveyed the Hardin Survey apparently leaving out a portion of the river bottom land by following the meanders of a creek (which does appear on the ground to be the river bank) until he reached the original southwest corner of the C.I.R. In 1967 Sloan Stribling (R.P.S.) resurveyed the Hardin Survey to adjoin the D.C. Riley in this area or to run due east from the river bank to the original southwest corner of the C.I.R.

As noted earlier it appears that G.A. Kirkland in 1875 in making the Hull Survey found Hardin's northwest corner or possibly projected the C.I.R. line South 70 degrees 20 minutes West from the original southwest corner to the bank of the Clear Fork as a starting point. Kirkland called this to be the northwest corner of the Hardin. I have agreed with this construction and therefore there is a possible vacancy lying between the Hardin and Riley Surveys.

Respectfully,

Cody Owen
Cody Owen, L.S.L.S.

