

SAN PATRICIO CO. ROLL SKETCH NO 33

(In flat folder)

G. W. EGERY SURVEY, San Pat. 1-417. Plat showing Re-sur. by H. A. Pierce
Dec. 1950. — Aerial Photos filed Mar. 15, 1951

Bascom Giles by

Supplementer Photostats

William Pierce

counter 38871



counter 48875



count 48876



counter 48877



count 48875



count 48879



County 48880



count 4881

AN UNFINISHED
WORKING PLAT OF
PORTLAND
SAN PATRICIO COUNTY
TEXAS

Scale 200' = 1" Whereas the Original Map of this
Town, was Lost, but Lithographic Copies were made and
used for, surveys, designations, sales etc and where in the
possession of my Father, Frank Percival, Surveyor, and subsequently
by myself.

In the Year 1920 The Coleman Fulton Pasture Co. Owners of
the surrounding Lands, employed me to Locate some of
these boundaries and properties—
also at various times Mr John G. Willacy owner of this
Town Site, employed me to Locate certain Lots & surveys
therein, personally pointing out various recognized and known
to him as monuments.

From all this scattered and accumulated data this map
or working sketch was compiled by me
Frank Percival

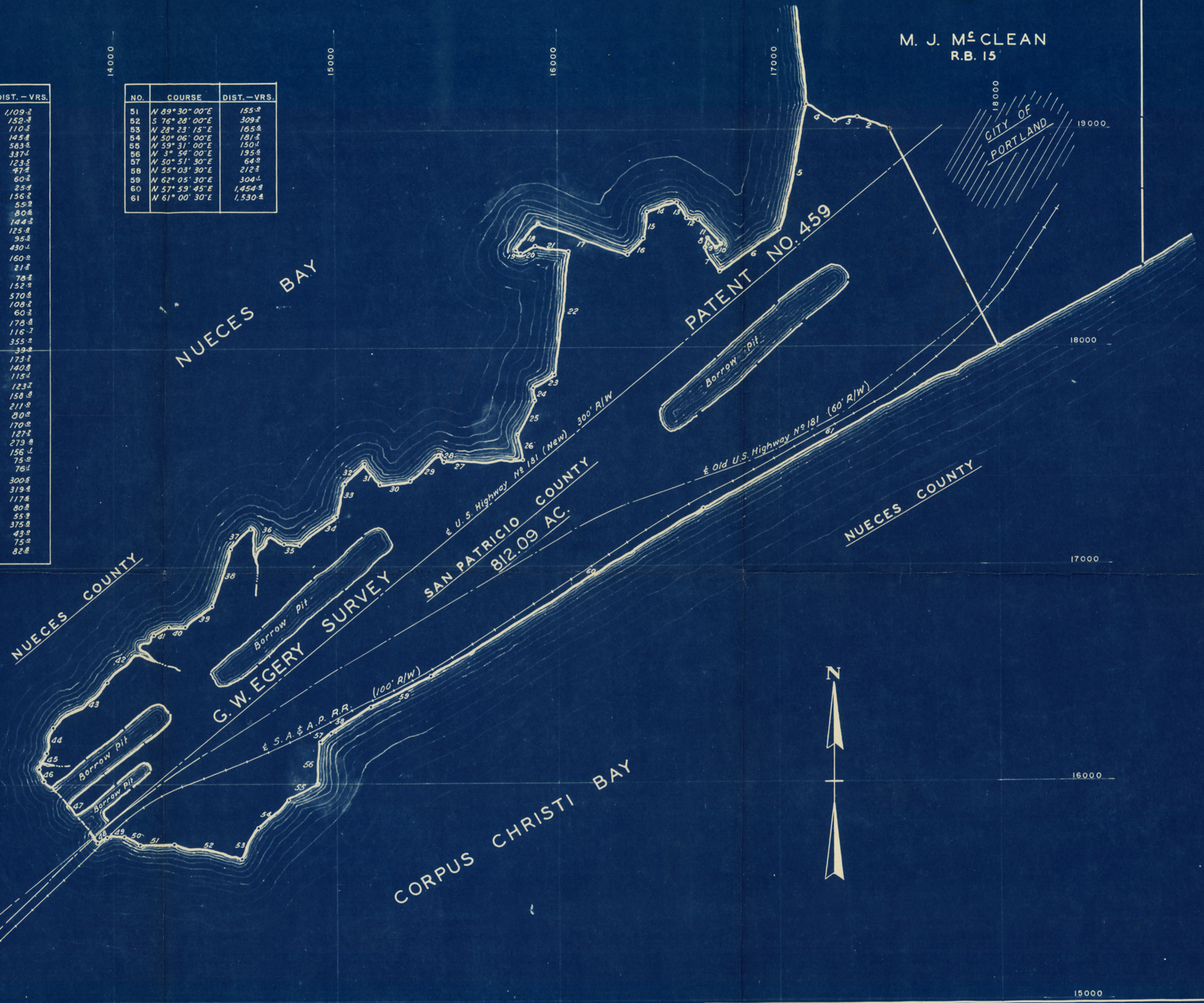


M. J. McCLEAN
R.B. 15

CITY OF
PORTLAND

NO.	COURSE	DIST. - VRS.
1	N 25° 30' 00" W	1,109.2
2	N 69° 19' 00" W	152.2
3	S 84° 18' 30" W	110.2
4	N 59° 32' 00" W	145.2
5	S 11° 52' 00" W	583.2
6	S 59° 09' 15" W	337.4
7	N 37° 16' 30" W	123.5
8	N 17° 36' 00" E	47.2
9	S 42° 08' 00" E	60.2
10	N 53° 22' 15" E	25.2
11	N 43° 06' 07" W	156.2
12	N 00° 12' 15" W	55.2
13	N 30° 15' 45" W	80.2
14	S 75° 28' 15" W	144.2
15	S 6° 20' 30" W	125.2
16	S 42° 22' 30" W	95.2
17	N 70° 48' 00" W	430.2
18	S 38° 09' 30" W	160.2
19	S 45° 30' 00" E	21.2
20	N 62° 56' 00" E	78.2
21	S 81° 02' 15" E	152.2
22	S 7° 33' 30" W	570.2
23	S 55° 48' 45" W	108.2
24	S 5° 16' 00" E	60.2
25	S 26° 04' 00" W	178.2
26	S 10° 22' 00" E	116.2
27	S 89° 30' 00" W	355.2
28	N 40° 18' 30" W	39.2
29	S 45° 40' 00" W	173.2
30	S 83° 23' 00" W	140.2
31	N 34° 53' 00" W	115.2
32	S 46° 08' 15" W	123.2
33	S 12° 13' 30" W	158.2
34	S 53° 10' 30" W	211.2
35	S 89° 30' 00" W	80.2
36	N 62° 25' 30" W	170.2
37	S 44° 30' 00" W	127.2
38	S 18° 15' 30" W	279.2
39	S 49° 42' 30" W	156.2
40	S 89° 30' 00" W	75.2
41	S 66° 18' 00" W	76.2
42	S 43° 49' 30" W	300.2
43	S 49° 34' 45" W	319.2
44	S 11° 46' 00" W	117.2
45	S 21° 18' 00" W	80.2
46	S 10° 47' 45" E	55.2
47	S 41° 11' 00" E	375.2
48	N 54° 57' 15" E	43.2
49	N 89° 30' 00" E	75.2
50	S 65° 29' 00" E	82.2

NO.	COURSE	DIST. - VRS.
51	N 89° 30' 00" E	155.2
52	S 76° 28' 00" E	309.2
53	N 28° 23' 15" E	165.2
54	N 50° 06' 00" E	181.2
55	N 59° 31' 00" E	150.2
56	N 3° 34' 00" E	195.2
57	N 50° 51' 30" E	64.2
58	N 55° 03' 30" E	212.2
59	N 62° 05' 30" E	304.2
60	N 57° 59' 45" E	1,454.2
61	N 61° 00' 30" E	1,530.2



PLAT OF
G. W. EGERY SURVEY PATENT NO. 459
SAN PATRICIO COUNTY, TEXAS.
AS RE-SURVEYED DEC. 1950.
SCALE: 1 IN. = 300 VRS.

I, H. A. Pierce, A Licensed State Land Surveyor Of Texas
Do hereby certify that the foregoing survey was made by
me upon the ground and that all corners both real and
artificial are truly described hereon.

Signed: H. A. Pierce
H. A. Pierce

NOTE: BAY SHORE NORMAL HIGH TIDE LINES WERE ESTABLISHED
ON 0.5' CONTOUR, USING U. S. C & G. DATUM.

San Pat Rolled Sketch #33

MEMORANDUM

FOR: San Patricio Rolled Sketch File No. 33

BY: Robert J. Brooks, Director
Legal Division

During the regular session of the 55th Legislature, 1957, Representative Harold Parrish, of San Patricio County, introduced House Bill 933, which had as its purpose three objectives, one, to alter the boundary line between the McLean Survey and the Egery Survey in such a way as to place a considerable part of the East end of the Egery, as described in the Deed of Acquittance issued in 1951, in the McLean Survey, two, to repeal a statute enacted in 1947 which gave to the State Highway Commission title and control of the submerged area in the Egery, and, three, to require the owners of the affected parts of the Egery and McLean to give certain easements to the Highway Commission.

Representative Parrish consulted this office as to our attitude on his proposed legislation, and, as a result, a meeting was arranged, attended by representatives of the Egery Survey, the McLean Survey, the General Land Office and the Highway Department. Insofar as the bill would require the Commissioner of the General Land Office to cancel the presently outstanding Deed of Acquittance and issue in lieu thereof two separate Deeds of Acquittance covering the same area, it was believed subject to challenge on several grounds. First, it would take title given under the presently outstanding Deed of Acquittance, and in that regard would be an unconstitutional deprivation of property without due process, and with no compensation, secondly, it would be a legislative encroachment upon what are traditionally the prerogatives of the Commissioner of the General Land Office, namely the determination of original survey boundaries and approval of field notes, thirdly, it would be an attempt to settle a boundary dispute which ordinarily lies within the jurisdiction of the judiciary, and, fourthly, it would require a sale of land to the owners of the McLean by an extraordinary procedure, not in conformity with the usual procedure for the sale of excess, and with no compensation to the School Fund by the owners of the McLean.

Memorandum for San Patricio Rolled Sketch 33
May 21, 1957
Page 2

We believe Mr. Ale, who represented the owners of the Egery, and Mr. Seaman, trustee for the owners of the McLean, were convinced that the boundary matter could most conveniently be handled by the issuance of a quit-claim deed from the owners of the Egery to the owners of the McLean, and that the pertinent part of the bill could be deleted.

As to the repeal of the 1947 statute, and the issuance of easements to the Highway Department, the Highway representative stated an uncompromising position, as having been taken by the Commissioners ~~themselves~~. They produced detailed maps compiled as a result of a survey made in 1947, showing shore line of the Egery and McLean, run at mean high tide on a contour $\frac{4}{10}$ of a foot above mean sea level. In comparison with the shore line used in the Deed of Acquittance issued on the Egery in 1951, it appears that a considerable part of the Egery described in the Deed of Acquittance had formerly been submerged land, and had been artificially built up by the Highway Department in preparation for the construction of roads. It was the position of the Highway people that the statute of 1947, H.B. 458, signed by the Governor April 18, 1947, actually conveyed State-owned land, and that the Legislature has no power to take the title away from the Highway Department merely by repealing the statute. They pointed out convincingly that the easements required to be given to the Highway Department under the Parrish Bill failed to take in a large part of the land covered by the 1947 statute, and that the omitted land was essential to the maintenance of the State highway system.

It was admitted by all that, when the Highway Department filled in the large part of the coastal area, they deprived riparian owners of vested riparian rights without compensation, and that certain equities were in favor of the Egery and McLean owners. The suggestion was made that the land owners attempt to conduct a friendly suit against the State, and settle the matter by a compromise judgment. This method would be beyond challenge, and probably would have a better chance of success than the proposed legislation.

It is my suggestion that, in any future dealing in the Egery and McLean surveys, the General Land Office consult the Highway Department's survey maps of 1947 for accurate information as to the status of the coast line prior to the artificial fills.

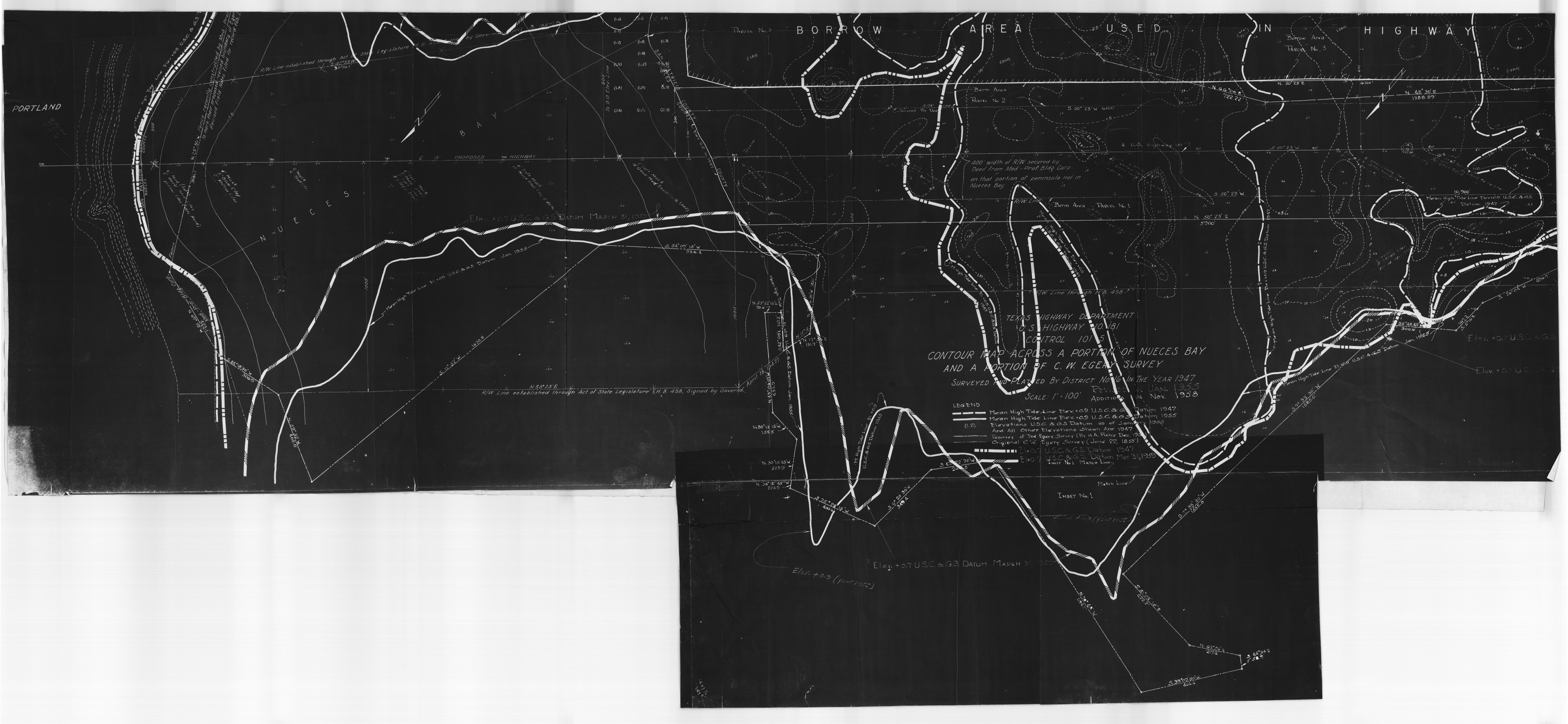
5/21/1957

Robert J. Brooks
Robert J. Brooks, Director
Legal Division

RJB:jw

counter 48885

E²



BORROW AREA USED IN HIGHWAY

PORTLAND

R/W Line established through Act of State Legislature (H.B. 458, signed by Governor) 1955

Elev. +0.7 U.S.C. & G.S. DATUM MARCH 31, 1955

Mean High Tide Line Elev. +0.9 U.S.C. & G.S. Datum Jan. 1947

R/W Line established through Act of State Legislature (H.B. 458, signed by Governor) 1955

TEXAS HIGHWAY DEPARTMENT
 U.S. HIGHWAY 10181
 CONTROL 1015
 CONTOUR MAP ACROSS A PORTION OF NUECES BAY
 AND A PORTION OF C.W. EGER'S SURVEY
 SURVEYED AND PLATED BY DISTRICT NO. 16 IN THE YEAR 1947
 REVISED IN JAN. 1955
 ADDITIONS IN NOV. 1958
 SCALE: 1" = 100'

- LEGEND
- Mean High Tide Line Elev. +0.9 U.S.C. & G.S. Datum 1947
 - Mean High Tide Line Elev. +0.9 U.S.C. & G.S. Datum 1955
 - (1.2) Elevations U.S.C. & G.S. Datum as of January 1955
 - And All Other Elevations Shown Are 1947
 - Record of The Eger Survey (By H.A. Pierce Dec. 1947)
 - Original C.W. Eger Survey (June 22, 1855)
 - Elev. +0.7 U.S.C. & G.S. Datum 1947
 - Elev. +0.7 U.S.C. & G.S. Datum March 31, 1955
 - Unit No. 1 Match Line

INSET No. 1

Elev. +0.7 U.S.C. & G.S. DATUM MARCH 31, 1955

Elev. +0.5 (Jan. 1955)

Elev. +0.7 U.S.C. & G.S.

Elev. +0.7 U.S.C. & G.S.

Mean High Tide Line Elev. +0.9 U.S.C. & G.S. Datum Jan. 1947

Mean High Tide Line Elev. +0.9 U.S.C. & G.S. Datum Jan. 1947

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Mean High Tide Line Elev. +0.9 U.S.C. & G.S. Datum Jan. 1947

PORTLAND



Mean High Tide Line
 U.S.C. & G.S. Datum 1947
 R/W Line established through Act of Legislature
 of 1937

Area Lower Than Mean High Tide
 as of January 1955

400' width of R/W secured by
 Deed from Med - Prof Bldg Corp
 on that portion of peninsula not in
 Nueces Bay

Borrow Area - Parcel No. 1

Borrow Area - Parcel No. 2

Borrow Area - Parcel No. 3

U.S.C. & G.S. Datum 1947

U.S.C. & G.S. Datum 1947

U.S.C. & G.S. Datum 1947

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