

.

MAP SHOWING SURVEY OF

COUNTY BOUNDARY LINE BETWEEN ARANSAS AND NUECES COUNTIES

AS MARKED ON THE GROUND BY THE COUNTY SURVEYORS OF ARANSAS AND NUECES COUNTIES, TEXAS 1970, 1971

GRAPHIC SCALES

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1.				Coordinat	es			
	and the second	South	Zone	lone		South Central Zone		
I. S	Feet		Varas		Feet		Ve	
	x	y.	x	$M_{\rm eff}$	x	$\hat{y}_{i}^{(1)} = \hat{y}_{i}^{(1)}$	x	
61	2,440,546.10	815,741.89	878,596.60	-293,607.08	2,602,124.25	30,609.02	936,764.73	
2	2,441,670.88	814,032.28	879,001.52	293,051.62	2,603,257.96	28,904.94	937,172.87	
3	2,442,174.33	815,058.35	879,182.76	293,421.01	2,603,756.39	29,934.12	937,352.30	
4	2,442,198.19	815,106.98	879,191.35	293,438.51	2,603,779.72	29,982.29	937,360.70	
5	2,444,751.08	820,309.96	880,110.39	295,311.59	2,606,306.34	35,199.32	938,270.28	
6	2,444,804.00	820,417.81	880,129.44	295,350.41	2,606,358.65	35,307.34	938,289.11	
7	2,446,051.93	822,961.18	880, 578.69	296,266.02	2,607,593.72	37,857.54	938,733.74	
.8	2,447,333.74	825,077.21	881,040.15	297,027.80	2,608,864.61	39,980.11	939,191.26	
9	2,447,730.68	825,732.48	881,183.04	297,263.69	2,609,258.45	40,637.90	939,333.04	
. 10	2,449,922.13	829,350.17	881,971.97	298,566.06	2,611,431.35	44,266.98	940,115.29	
11	2,450,952.23	\$31,050.66	882,342.80	299,178.24	2,612,453.14	45,973.52	940,483.13	
12	2,452,510.61	\$33,623.25	882,903.82	300,104.37	2,613,998.10	48,553.84	941,039.32	
13	2,453,468.22	835,204.08	883,248.56	300,673.47	2,614,947.83	50,140.03	941,381.22	
-14	2,455,033.31	831,099.67	883,811.99	299,195.88	2,616,534.18	46,043.59	941,952.30	
15	2,455,185.46	830,700.66	883,866.77	299,052.24	2,616,688.39	45,645.36	942,007.82	
16	2,457,037.32	825,844.20	884,533.44	297,303.91	2,618,565.65	40,797.70	942,683.63	
1.7	2,457,911.01	823,552.98	884,847.96	296,479.07	2,619,451.24	38,510.81	943,002.45	
SBW	2,458,866.69	821,046.72	885,192.01	295,576.82	2,620,420.00	36,008.89	943,395.12	
18	2,459,041.31	820,588.73	885,254.87	295,411.94	2,620,597.00	35,551.81	943,414.92	
19	2,460,636.57	816,405.26	885,829.17	293,905.89	2,622,214.10	31,375.96	943,997.08	
20	2,461,045.32	815,333.32	885,976.32	293,520.00	2,622,628.47	30,305.92	944,146.25	
21	2,463,049.33	810,077.86	886,697.76	291,628.03	2,624,659.94	25,060.03	944,877.58	
22	2,463,362.12	809;257.57	886,810.36	291,332.73	2,624,976.95	24,241.41	944,991.70	
23	2,465,053.34	804,822.39	887,419.20	289,736.06	2,626,691.41	19,814.14	945,608.91	
, 24	2,466,227.46	801,743.28	887,841.89	288,627.58	2,627,881.73	16,740.66	946,037.42	
25	2,465,774.04	800,845.07	887,678.65	288,304.23	Here's Star Star	1.		
26	2,464,265.53	797,856.76	887,135.59	287,228.43	and the stand of the	1.19.2 1. 1. 1.		
27	2,464,045.60	797,421.07	887,056.42	287,071.59		and the second	Martin Carl	
28	2,463,714.66	796,765.30	886,937.28	286,835.58	Arrest Contractor	Profile C.	and the second	
29	2,463,713.48	796,763.16	886,936.85	286,834.74	2,625,393.10	11,746.67	945,141.5?	
30	2,465,656.11	794,862.04	887,636.20	286,150.33	the start of an the	and Sugar		
31	2,466,654.76	793,884.74	887,995.71	285,798.51	a second second	AN AND DATE	and the second	
32	2,467,152.04	793,398.09	888,174.73	285,623.31	2,628,849.70	8,398.80	946,385.89	
33	2,469,086.16	792,258.13	888,871.02	285,212.93	an sign and the	and the second	13 N 1 S N 1	
34	2,474,615.32	788,999.05	890,861.5?	284,039.66	and a start water to	1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1	Sec. Sec.	
35	2,476,938.44	787,629.75	891,697.84	283, 546.71	No. 1 States	· All Charles		
36	2,479,895.32	785,886.89	892,762.32	282,919.28	New and Street		1.8	
37.	2,485,175.32	782,774.74	894,663.12	281,798.91		and stranger	B. C. Barrerson	
38	2,485,896.34	782,349.75	894,922.68	281,645.91	and the second second			
39	2,490,455.32	779,662.58	896,563.92	280,678,53	P.C.S. LARGE CO. LA	SAL BARA	A CONTRACTOR	
40	2,494,854.24	777,069.75	898,147.53	279,745.11			and the second second	
41	2,506,295.32	770,326.10	902,266.32	277,317.40		and the second		
42	2,516,651.85	764,221.70	905,994.67	275,119.81	2,678,512.62	-20, 524.90	964,264.54	
199	·····································	AND STREET	1. A. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1.	and the second	and Stranger	A BELET CAR		

R= 54,685.41' N 56°25'18"W

R = 54,685.41'

N 53° 53' 28" W

810's

3 Pursuant to Acts of 1941, 47th Legistature, Chapter 286, p. 454, codified as Article 5415a, Vernon's Texas Civil Statues Annotated, the boundary of the State of Texas is "the farthermost edge of

ARANSAS COUNTY

NUECES COUNTY

County Boundary



Witness this 6th day of April, 1971.	Stm. Yr. Green	
	Wm. W. Green County Surveyor, Nueces County, Registered Public Surveyor	Texas 195
State of Texas nty of Nueces		C SUR
I, Mrs. Henry E. Gouger, Clerk of the Commiss foregoing map showing Survey of County Boundary epted by said Commissioners Court on the 15th day utes of said Court in Volume 17 at page 363.	y of June , 1971, as shown b	y order of record in the
Witness my hand and seal of said Court at off: 1.	ice in Corpus Christi, Texas, this	15 day of June .
Mrs. Henry E. Gouger, Clerk of the Commission	ers Court of Aueces County, Texas. By Mineria Leal, Deputy	
State of Texas mty of Jueces	By/ (inent) car, Deputy	
1, Mrs. Henry E. Gouger, Clerk of the County regoing map showing Survey of County Boundary Li repted by said County Court on the 15th day of nutes of said Court in Volume 2 at page 243.	A one , 1971, as shown by orde	r of second in the
witness my hand and seal of said Court at off 1.	ice in Corpus Christi, Texas, this	15th day of June ;
Mrs. Henry E. Gouger, Clerk of the County Cou		
State of Texas inty of Aransas	By Minerra Leal, Deputy	
I, T. E. Griffith, County Surveyor of Aransas owing Survey of County Boundary Line between Ara on of survey of same actually made on the ground d Stipulation between the Commissioners Courts a record in the minutes of regular meeting of Apr xas, in Volume 13, pages 255 to 263 of said record xas, in Volume 6, pages 491 - 501 of said record	according to directions set for according to directions set for and County Courts of said Aransas (cil 10, 1967, of the Commissioners ord, and in minutes of the County (th in Compact, Agreement County and Nucces County, Court of Aransas County,
Witness this 6th day of April, 1971.	A. Suite	
	T. E. Griffith, County Surveyor Aransas County, Texas	T. C. GRIFFITH
e State of Texas unty of Aransas	Registered Public Surveyor	1270 To sure so
I, Ruby Hart, Clerk of the Commissioners Cour ing map showing Survey of County Boundary Line b cepted by said Commissioners Court on the 1445 da nutes of said Court in Volume 14 at page 412	ay of June , 1971, as shown b	y certify that the fore- s was approved and by order of record in the
Witness my hand and seal of said Court at of	fice in Rockport, Texas, this 14th	day of June , 1971.
Ruby Hart, Clerk of the Commissioners Court of	of Aransas County, Texas.	
e State of Texas unty of Aransas	By Ruby Hart, Deput	
Volume 14 at page 414 .	, as shown by order of record in t	he minutes of said Court
Witness my hand and seal of said Court at of		day of June , 1971.
Ruby Hart, Clerk of the County Court of Aran	sas County, Texas.	
e State of Texas unty of Refugio	By Ruby Hart , Deput	
I, Stulle Green, Clerk of the Distr exas, hereby certify that the foregoing is the m art of judgment in Cause No. 3671, in the 135th J cansas County v. Nueces County, which judgment i o Volume 5, page 2 4 to , of the Judgm	udicial District Court, Refugio Co s dated the 30 day of guine,	unty. Texas, styled
Witness this 30 day of gune, 1971.	District Werk, Refugib County,	, Texas
ne State of Texas ounty of Nueces		
1, Mrs. Henry E. Gouger, Clerk of the County hat the foregoing map showing Survey of County B day of , 1971, with its certifica day of , 1971, at o'clock o'clock .M. in the Map Records of said Cou	Additionation and the setween Aransas and Matters of authentication, was filed for the setween Aransas and Matters	for record in my office

I, Wm. W. Green, County Surveyor of Nueces County, Texas, hereby certify that the foregoing map showing

in Volume 14, pages 517 - 522, of said record and in minutes of the County Court of Aueces County in Volume K,

Survey of County Boundary Line between Aransas and Nueces Counties is a true and correct representation of survey of same actually made on the ground, according to directions set forth in Compact, Agreement and Stipulation between the Commissioners Courts and County Courts of said Aransas County and Nueces County, of record in the minutes of regular meeting of April 11, 1967, of the Commissioners Court of Aueces County, Texas

Witness my hand and seal of the County Court of said County at office in Corpus Christi, Texas, the day and year last above written. Mrs. Henry E. Gouger County Clerk, Nueces County, Texas

The State of Texas County of Aransas

The State of Texas County of Nueces

pages 643 - 647 of said record.

L, Ruby Hart, Clerk of the County Court in and for Aransas County, Texas, do hereby certify that the foregoing map showing Survey of County Boundary Line between Aransas and Nueces Counties, dated the 64 day of April , 1971, with its certificates of authentication, was filed for record in my office the 14th day of June , 1971, at 11:30 o'clock A .M. and duly recorded the 14th day of June , 1971, at 11:30 o'clock A .M. in the Map Records of said County in Volume 3 at pages 45. Witness my hand and seal of the County Court of said County at office in Rockport, Texas, the day and year last above written.

The State of Texas County of Nueces

The State of Texas County of Vransas

Surveyed 1967 - 1971.

Ruby Hart County Clerk, Aransas County, Texas Auty That , wart

By , Deputy

1, Wm. W. Green, County Surveyor of Aueces County, Texas, hereby certify that the foregoing plat is a true and correct representation of that portion of boundary line between Aransas and Nueces Counties heretofore surveyed on the ground as stated above; that said survey was made according to law and that the limits, boundaries, corners, and line markers, with the marks, natural and artificial, are truly described on said plat and in accompanying description. Said survey is No. 1005 in Nueces County, beginning about $17\frac{1}{2}$ miles N. 66 E. from the County Courthouse,

and is recorded in my office in Book No. 3 on pages 409, et seq. Witness my hand this 29th day of April, 1971. 1 ma. Y. F. Green Wm. W. Green County Surveyor, Nueces County, Texas Registered Public Surveyor

WM. W. GREE

I, T. E. Griffith, County Surveyor of Aransas County, Texas, hereby certify that the foregoing plat is a true and correct representation of that portion of boundary line between \ransas and \ueces Counties heretofore surveyed on the ground as stated above; that said survey was made according to law and that the limits, boundaries, corners, and line markers, with the marks, natural and artificial, are truly described on said plat, and in accompanying description. Said survey is No. 353 in Aransas County, beginning about 10 miles 5. 30 W. from the County Courthouse, and is recorded in my office in Book No. 2 on pages 20 et seq. Surveyed 1967 - 1971.

witness my hand this 29th day of April, 1971. F. Refite County Surveyor, Aransas County, Texas Registered Public Surveyor

Note: This map is executed in quadruplicate originals. Pursuant to judgment dated the day 1971, of 135th Judicial District Court, Refugio County, Texas, in Cause No. 3071, styled Aransas County vs. Nueces County, an original is filed and is to be retained in the following four offices: the County Clerk and County Surveyor of Aransas County and the County Clerk and County Surveyor of Aueces County.

BE IT REMEMBERED that at a Regular Meeting of the County Commissioners Court of Nueces County, Texas, duly holden in the Commissioners Court Room in the County Court House of Nueces County, Texas, in the City of Corpus Christi, on Tuesday, April 11, 1967, at 10:00 o'clock A.M., there being present and participating: Hon. Noah Kennedy, Jr., County Judge presiding; Hon. William E. McKinzie, Commissioner Precinct No. 1; Hon. Carl Bluntzer, Commissioner Precinct No. 2; Hon. Frank Gallagher, Commissioner Precinct No. 3; Hon. Robert N. Barnes, Commissioner Precinct No. 4; Hon. Mrs. Henry E. Gouger, County Clerk and ex-officio Clerk of the Commissioners Court; and M. Harvey Weil, specially employed counsel in the pending boundary suit with Aransas County; the following proceedings were had, to-wit:

The proposed Compact, Agreement and Stipulation for the settlement and final disposition of the pending boundary suit between Aransas County and Nueces County, and the establishment and fixing of the permanent common boundary between the two counties was read, discussed and approved by the court, and the following Resolution authorizing the making, execution and exchange of deliveries of such Compact was duly offered, discussed, and unanimously adopted by the Court, to-wit:

> RECEIVED JUL 1 1971 General Land Office

counter 50044

DZIZ

Austin, Texas July 1, 1971

RECEIVED OF M. HARVEY WEIL transcript containing the following documents and certified by the District Clerk of Refugio County, Texas:

- (1) Compact Agreement and Stipulation between Nueces County and Aransas County dated April 10, 1967.
- (2) Report of Survey by County Surveyors of Aransas County and Nueces County dated March 19, 1971, including addendum to Report of Survey and field notes.
- (3) Final Judgment with copy of map attached entered in Cause No. 3671, Aransas County vs. Nueces County and of record in Volume B, page 245, Judgment Records in the office of the District Clerk, Refugio County, Texas.

ROBERT ARMSTRONG, Commissioner, General Land Office

By:

RECEIVED

counter 50080

TELEPHONE (512) 884-3551

CABLE ADDRESS KLEBERG

1

EDWARD R. KLEBERG 1877-1957 JOHN A. MOBLEY LESLIE S. LOCKETT M. HARVEY WEIL J. PATRICK M°GLOIN LEV HUNT R. W. WOOLSEY F. STARR POPE, JR JOHN C. BROOKE J. MICHAEL MAHAFFEY HENRY NUSS III J. CARY BARTON KLEBERG, MOBLEY, LOCKETT & WEIL ATTORNEYS AT LAW

> P. O. BOX 2446 I2TH FLOOR CORPUS CHRISTI STATE NATIONAL BUILDING CORPUS CHRISTI, TEXAS 78403

> > June 30, 1971

Honorable Robert Armstrong Commissioner General Land Office State of Texas Austin, Texas

Dear Sir:

I hand you herewith Judgment entered in boundary suit between Aransas County and Nueces County in Cause No. 3671 in the District Court, Refugio County, Texas, together with additional documents which were ordered by the District Judge to be delivered to you.

Please refer to pages 8 and 9 of the Judgment where references to your office are made.

Thank you.

Yours truly,

M. Harvey Weil

encl.

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General Land Office

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THE STATE OF TEXAS) COUNTY OF REFUGIO)

I, Blythe Green, Clerk of the District Court, 135th. Judicial District, County and State aforesaid, do hereby certify that the above and foregoing is a true and correct copy of:

- 1. Compact, Agreement and Stipulation between Nueces County and Aransas County dated April 10, 1967.
- 2. Report of Survey by County Surveyors of Aransas County and Nueces County dated March 19, 1971, including Addendum to Report of Survey and Field Notes,

each of which are on file in the office of the District Clerk in the papers in Cause No. 3671, Aransas County vs. Nueces County; and

> 3. Final Judgment with Copy of Map Attached, entered in Cause No. 3671, Aransas County vs. Nueces County and of Record in Volume B at Page 245, Judgment Records of this Court.

TO CERTIFY, Witness my hand and seal of said Court, at office in Refugio, Texas, this the 30th day of June, 1971.

20 District Clerk, Refugio County, Texas.

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THE STATE OF TEXAS) COUNTY OF REFUGIO)

I, Elythe Green, Clerk of the District Court, 135th. Judicial District, County and State aforesaid, do hereby certify that the above and foregoing is a true and correct copy of FINAL JUDGMENT, in Cause No. 3671, Styled ARANSAS COUNTY VS. NUECES COUNTY, as the same appears of record in Volume B page 245, et seq., Minutes District Court, Refugio County, Texas.

TO CERTIFY, Witness my hand and seal of said Court, at office in Refugio, Texas, this the 30th day of June, 1971.

District Clerk, Refugio County, Texas.

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The costs of court incurred herein, including the costs of the certified transcripts and expenses of mailing thereof, are hereby taxed one-half to Aransas County and onehalf to Nueces County, but no execution shall issue therefor. Cost bills will be forwarded to the respective County Judges for processing and payment.

It is finally ORDERED, ADJUDGED AND DECREED by the Court that, except as hereinbefore provided and except as provided in the said Compact, Agreement and Stipulation, neither party shall take or recover of and from the other party, and any other or further relief prayed for or sought by either party be, and the same is hereby, expressly denied.

DATED, MADE AND ORDERED ENTERED on this, the 30711 day of , 1971.

Judge 135th Judicial District.

Refugio County, Texas

APPROVED

County Attorney, Aransas County, Texas

. . . .

ttorney for Plaintif Attorney Aransas County

0 ·· to F.c. County Attorney

Nueces County, Texas

KLEBERG, MOBLEY, LOCKETT & WEIL

By: M. Harre Attorneys for Defendant,

Nueces County

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The respective County Clerks are hereby instructed and directed to record in the Minutes of the County Court and the Commissioners Court of their respective counties, the certified copy of this judgment but need not again record any instruments which already are of record in such Minutes of such counties.

The Commissioners of the General Land Office of the State of Texas and the Comptroller of Public Accounts of the State of Texas are each hereby ordered to receive and file such copy of such transcript, and are hereby ordered and directed hereafter to observe the same, the land Commissioner to mark and delineate upon the present and all future official maps of Aransas County and of Nueces County the boundary line as herein adjudicated and established and to eliminate therefrom any boundary lines in conflict therewith; and to make such transfers and changes incident thereto in the present and all future Abstracts of Titled Lands applicable to Aransas and Nueces Counties, and the Comptroller to make such notifications to the Tax Assessors of said respective counties as may be appropriate.

It appearing unto the Court that the preservation of muniments and documents relating to the establishment of the county boundary line in this proceeding is a matter of public interest and concern, and that it is in the public interest that the records of this case be carefully preserved and protected for future reference, it is hereby ORDERED AND DIRECTED that the Clerk of this Court shall carefully keep, preserve and protect all pleadings, motions, briefs and other papers filed in this proceeding, and shall not permit any of same to be withdrawn from the Clerk's office without an order of the Judge of the District Court of Refugio County, Texas, specially authorizing same. Such papers may be freely examined and copied in the Clerk's office as in ordinary cases.

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of the County Surveyor of each Aransas and Nueces Counties, and the said map having been prepared, signed and certified in quadruplicate originals, it is ORDERED that the Clerk of this Court certify on each of the said originals that a copy of the same is the map which is attached to and made a part of this judgment, and that, thereafter, the four originals be filed, and marked filed, consecutively in the office of the County Surveyor and the County Clerk of Aransas County and in the office of the County Surveyor and the County Clerk of Nueces County, with each of the said originals being carried from one office to the other until all have been so marked and certified, and that following the certifications of filings one of the fully executed and certified originals be returned to each of the said four offices to be and become a part of their permanent records.

Plaintiff and Defendant having stipulated and agreed that there shall be no appeal from this judgment so that the same shall be final and non-appealable from the date of the signing hereof, it is ORDERED that the Clerk of this Court forthwith prepare and transmit to the County Clerk of Aransas County and to the County Clerk of Nueces County a certified copy of this final judgment, and also transmit to the Commissioner of the General Land Office of the State of Texas at Austin, Texas, and to the Comptroller of Public Accounts at Austin, Texas, a duly certified transcript containing the following documents:

(1) The Compact, Agreement and Stipulation dated April 10, 1967; (2) the Report of Survey of the said County Boundary Line dated March 19, 1971, including the Addendum to Report of Survey and Field Notes; and (3) this final judgment with copy of map attached hereto.

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Thence, following said centerline of Tributary Channel tract, S. 45° 37' 07.7" E., -at 978.52 varas, (2718.10 feet) cross boundary line, (Point 30) entering Survey No. 7-LS, found of record as a patent from the State of Texas to Nueces County Navigation District No. 1, in the deed records of Nueces County, Texas in Volume 455 at page 586, at 1481.54 varas, (4115.39 feet) cross second boundary line (Point 31), departing from said Survey No. 7-LS, and entering former Wm. Little 190-acre survey designated L.S. 20, north portion of said Survey having been largely taken up by the waters of Aransas Pass, -in all, 1732.02 varas (4811.17 feet) to intersection (Point 32) with centerline of Jetty Channel, for a corner,-

Thence, following said centerline of Jetty Channel, and its southeasterly extension, S. 59° 29' 02.0" E., -at 808.22 varas (2245.06 feet) depart from former L.S. 20 and enter Gulf of Mexico (circa 1848) (Point 33), at 1278.46 varas (3551.27 feet) a point, whence brass marker "20" set in concrete walk on top of south jetty bears S. 30° 30' 58" W. 261.00 varas (725.00 feet), at 1638.47 varas (4551.30 feet), a point, whence brass marker "30" set in said walk bears S. 30° 30' 58" W. 261.00 varas (725.00 feet), at 3118.78 varas (8663.27 feet), cross dividing line between Tracts 855 and 854 (Point 34) as shown by Texas General Land Office 1948 map of the Texas Gulf Coast, as subdivided for mineral development, Map 3 of 4,' at 4089.57 varas (11,359.90 feet), cross dividing line between Tracts 854 and 858 (Point 35), at 5325.20 varas (14,792.21 feet) cross dividing line between Tracts 858 and 859 (Point 36), at 7531.61 varas (20,921.15 feet) cross dividing line between Tracts 859 and 860 (Point 37), at 7832.91 varas (21,758.10 feet) cross dividing line between Tracts 860 and 861 (Point 38), at 9738.03 varas (27,050.09 feet) cross dividing line between Tracts 861 and 722 (Point 39), at 11,576.26 varas (32,156.29 feet) cross dividing line between Tract 722 and 746 (Point 40), at 16,357.29 varas (45,436.92 feet) cross dividing line between Tract 746 and 745 (Point 41), and at 20,685.10 varas (57,458.62 feet) intersect "Three League Line" (Point 42) for the easterly terminus of this line.

Surveyed 1967 - 1970 This 19th day of March, 1971 Meridian: Toxas Co-ordinate System, South Zone.

4. That the map prepared by the County Surveyors of the said two counties, styled "Map Showing Survey of County Boundary Line between Aransas and Nueces Counties as Marked on the Ground by the County Surveyors of Aransas and Nueces Counties, 1970-1971", copy of which is attached to and made a part of this judgment, is adopted and approved as the map showing the common boundary line between the said two counties.

It being desirable that an executed original of the Map Showing Survey of County Boundary Line between Aransas and Nucces Counties, as Marked on the Ground by the County Surveyors of Aransas and Nucces Counties, Texas, 1970-1971, be retained in the office of the County Clerk and in the office

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Thence S. 20° 52' 22.1" E., crossing Redfish Bay, Corpus Christi Bayou and a portion of Harbor Island, -at $\frac{3}{47}$ varas, more or less, (965 feet, \pm) a square concrete monument $\frac{3}{2}$ feet high set on spoil island for line, southwest of 8-inch x 6-inch crossoted witness post 10 feet high marked "Aransas Co." on the northeast and "Nucces Co." on the southwest, at 1581.37 varas ($\frac{4}{392.69}$ feet) cross dividing line between Tracts 222 and 248, (Point 14), at 1735.10 varas ($\frac{4}{819.72}$ feet) cross dividing line between Tracts 248 and 247, (Point 15), at 3606.22 varas (10,017.27 feet) cross dividing line between Tracts 217 and 255, (Point 16), at $\frac{4}{885.99}$ varas ($12,\frac{469.42}{2}$ feet) cross dividing line between Tracts 255 and 256. (Point 17), at 5454.62 varas (15,151.71 feet) a 3-inch croesoted post (SUW) set $1\frac{1}{2}$ feet up northeast of 8-inch x 6-inch croesoted witness post 10 feet high marked "Aransas Co." on the northeast and "Nucces Co." on the southwest, at a point 108 varas (300 feet) southwesterly from the southwest and of Shellbank Island, at $5\frac{1}{56.62}$ varas (15,157.29 feet) a square concrete monument $\frac{3}{2}$ feet high on the northwest margin of Corpus Christi Bayou, in ankle deep water, on shell reef, at 5631.05 varas (15,641.81 feet) cross dividing line between tracts 256 and 273, (Point 18), and on land near southeast side of said Bayou, a $\frac{1}{2}$ -inch iron pipe, 4 inches up for line, southwest of 8-inch x 6-inch croesoted witness post 10 feet high marked "Aransas Co." on the northeast and "Nucces Co." on the southwest, at $72^{12}.90$ varas (20,119.17 feet) cross dividing line between Tracts 273 and 272, (Point 19) at 7655.90 varas (21266.40 foet) cross dividing line between Tracts 274and 288, (Point 20), at 9680.75 varas (26,80.98 feet) cross dividing line between Tracts 286 and 303, (Foint 21), at 9996.80 varas (35,810.94 feet) to a square concrete monument 1.26 varas (32^{5} feet) high, (Point 22), at 11,705.61 varas (

Thence S. 26° 47' 05.2" W., along west boundary line of tract occupied by Lighthouse, and its southerly extension, -at 362.22 varas (1006.17 feet) a 14-inch iron pipe (Point 25) found beside square cast stone monument marked "USLHE," (uncovered in prone position), for southwest corner of said Lighthouse Tract, whence southeast corner of said Lighthouse Tract, a square cast stone monument marked "USLHE" 1 foot high, bears S. 69° 57' 08" E. 373.69 varas (1038.04 feet), and continuing, with same course and count, at 1567.31 varas (4353.64 feet), cross north boundary line of Survey 654, (Point 26), at 1743.01 varas (4841.70 feet) cross dividing line between Surveys 654 and 650, (Point 27), at 1906.99 varas (5297.20 feet) a 1½-inch iron pipe 4 inches up, set west of 8-inch x 6-inch creesoted witness post, 10 feet high, marked "Aransas Co." on

the east and "Nucces Co." on the west at intersection with line of posts marking north offset survey line of Aransas Pass Tributary Channel, whence post "20" on said survey line bears S. 46°. 37' 52.4" E. 172 varas (478 feet), and continuing, S. 26° 47' 05.2" W with same course and count, at 2007.38 varas (5576.06 feet) cross south boundary line of said Survey 650, and of 150-feet channel right of way tract therein, described as part of Tract No. 2 in deed to United States of America dated February 3, 1940, and recorded in the Deed Records of Nucces County, Texas in Volume 255 at pages 101-103 (Point 28), in all, 2008.33 varas (5578.68 feet) to point on centerline of present 109.8-vara (305-feet) width of Tributary Channel Tract, for a corner, (Point 29), whence 1½-inch iron pipe, set flush with the ground west of 8-inch x 6-inch crossoted witness post 10 feet high, marked "Aransas Co." on the north and "Nucces Co." on the south bears S. 26° 47' 05.2" W. 95.45 varas (265.14 feet).

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Beginning at a 4-inch solid steel drive shaft 2 feet long, (Point 1) driven flush with the surface of asphalt paving on dockside street designated Huff Street, along western margin of Conn Brown Harbor in the City of Aransas Pass, in the place of old 12-inch live oak post about 5 feet high, formerly marking common corner of Aransas and San Patricio counties on the Nuecos County boundary line, at the shore of Redfish Bay, the southeast corner of BBB & C RR Co. Survey S-82, and northeast corner of Rosa Teal survey for the most westerly terminus of this line, whence a point, iron spike in centerline of Wheeler Street in Aransas Pass at top of levee, bears S. 30° 29' 52" W. 297.30 varas (825.80 feet), and an 8-inch x 6-inch, aluminum painted, creesoted witness post 8 feet high, marked "Aransas Co." on the north, at timber retaining wall is reached by running N. 33° 20' 30" W. 9.11 varas (25.3 feet),-

Thence S. 33° 20' 30" E., with a southeasterly extension of dividing line between Aransas and San Patricio Counties, at 15.30 varas ' (h2.51 feet), tack in lead set in drillbole in concrete cap of wall at west margin of said Conn Brown Harbor, at 1h0.41 varas (390.03 feet) cross centerline of Conn Brown Harbor, at 30h.33 varas (8h5.37 feet) a $1\frac{1}{2}$ -inch iron pipe set flush with the ground at roadside on fill area forming Conn Brown Harbor, on north side of 8-inch x 6-inch, aluminum painted, crossoted witness post 10 feet high marked "Aransas Co." on the north and "Nueces Co." on the south, -in all, 736.71 varas (2046.43 feet) to point on centerline of Gulf Intracoastal Waterway Cut Off Channel, (Point 2) at approximate centerline station 943+655, for a corner, whence a $1\frac{1}{2}$ -inch iron pipe set flush with the ground on line of stakes and posts, (apparently east survey offset line for said channel) west of 8-inch x 6-inch creosoted witness post, 10 feet high, marked "Aransas Co." on the west and "Nueces Co." on the east, is reached by running S. 33° 20' 30" E. 83.58 varas (222.17 feet), and a second point, the intersection of centerline of said Channel with north boundary line of Survey 650 is reached by running S. 26° 08' 07.1" W., with said centerline, 50.28 varas (139.66 feet),-

Thence N. 26° 08' 07.1" E., along said centerline of channel, at 411.45 varas (1142.92 feet) cross dividing line between Tracts 280 and 281, as shown by Texas General Land Office 1949 map showing subdivision for mineral development for Aransas and Redfish Bays (Point 3), at 430.96 varas (1197.10 feet) cross dividing line between Tracts 281 and 279, (Point 4), at 2517.35 varas (6992.63 feet) cross dividing line between Tracts 279 and 278 (Point 5), at 2560.59 varas (7112.76 feet), cross dividing line between Tracts 278 and 251 (Point 6), in all, 3580.48 varas (9945.79 feet) to deflection point (Point 7), in said centerline of Gulf Intracoastal Waterway Cut Off Channel, for a corner, whence a brass marker, set in top of concrete monument designated "Aransas Pass P. I." by the Corps of Engineers, is reached by running N. 61° 19' 46" W. 72.07 varas (200.20 feet),-

Thence N. 31° 12' 21.3" E., along said conterline of channel, -at 890.64 varas (2474.00 feet) cross dividing line between Tracts 251 and 252, (Point 8), at 1166.44 varas (3240.11 feet) cross dividing line between Tracts 252 and 250, (Point 9), at 2689.12 varas (7469.79 feet) cross dividing line between Tracts 250 and 249, (Point 10), at 3404.86 varas (9457.94 feet) cross dividing line between Tracts 249 and 221, (Point 11) at 4487.66 varas (12,465.73 feet) cross dividing line between Tracts 221 and 222, (Point 12), in all, 5153.03 varas (14,313.98 feet) to a point, (Point 13), for north corner on this line, whence 1½-inch iron pipe set 4 inches up on west survey offset line (east of 8-inch x 6-inch creosoted witness post 10 feet high marked "Aransas Co." on the west and "Nucces Co." on the east) bears N. 58° 47' 38.7" W. 72.00 varas (200.00 feet) and a second 1½-inch iron pipe, on same offset line (also east of witness post 10 feet high, marked "Nucces Co." on southwest and "Aransas Co." on northeast) bears N. 20° 52' 22.1" W. 91.27 varas (253.53 foot),-

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It is, therefore, ORDERED, ADJUDGED AND DECREED by the Court:

1. That the Compact, Agreement and Stipulation dated April 10, 1967, made and entered into by and between Plaintiff, Aransas County, and Defendant, Nueces County, together with the supporting orders of the County Commissioners Courts and County Courts of each of the two counties, be, and the same is hereby, approved and adopted by this Court, and certified copies thereof are ordered filed as part of the permanent records of this cause and the same are hereby effectuated and shall be enforced; and

2. That the Report of Survey of T. E. Griffith, County Surveyor of Aransas County, and William W. Green, County Surveyor of Nueces County, dated March 19, 1971, reporting on the joint survey and the marking of the boundary line between Aransas and Nueces Counties, and including the Report of Survey, Addendum to Report of Survey, Field Notes, and Map, together with the supporting orders of the County Commissioners Courts and County Courts of the two counties be, and the same is hereby, approved and adopted by this Court, and certified copies thereof are ordered filed as part of the permanent records of this cause; and

3. That the boundary line between Aransas County and Nueces County as surveyed and marked by the surveyors of the two counties be, and the same is hereby, established, determined, defined, adjudicated and fixed from henceforth, as follows, to-wit:

Boundary line dividing portions of Aransas County, to the north, from Nueces County, to the south, extending in a general southeasterly direction from the shore of Redfish Bay at Conn Brown Harbor in the City of Aransas Pass, Texas, to that certain "Three League Line" in the Gulf of Mexico, heretofore established by supplemental decree of the United States Supreme Court, dated May 5, 1969, in the case of United States v. State of Louisiana, et al (Texas Boundary case), 394 U. S. 836, 23 L Ed. 2d 22, 89 S. Ct. 1614, said county boundary line being more particulary described by motes and bounds, as surveyed, as follows:

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(d) That certain Compact, Agreement and Stipulation dated April 10, 1967, between Aransas County and Nueces County has been duly and officially confirmed, executed and mutually exchanged between the County Commissioners Courts and County Courts of each of said counties and has been duly entered in the minutes of each of the said respective courts and is legal and binding upon both counties.

(e) The boundary line agreed upon and provided for in the said Compact, Agreement and Stipulation of April 10, 1967, has been duly surveyed and marked on the ground, all as is set forth in Report of Survey dated the 19th day of March, 1971, made by Honorable T. E. Griffith, County Surveyor of Aransas County, and Honorable William W. Green, County Surveyor of Nueces County, and the said report consisting of documents styled Report of Survey, Addendum to Report of Survey, Field Notes, and Map Showing Survey of County Boundary Line Between Aransas and Nueces Counties, as Marked on the Ground by the County Surveyors of Aransas and Nueces Counties, Texas, 1970-1971, has been duly received, acted upon and approved by the County Commissioners Courts and the County Courts of Aransas and Nueces Counties, subject to the final approval of this, the District Court of Refugio County, all as is evidenced by orders duly made, ratified, exchanged and entered of record in the minutes of said County Commissioners Courts and County Courts of each of said counties.

(f) The Compact, Agreement and Stipulation between Aransas County and Nueces County dated April 10, 1967, and the settlement provided therein, is fair and just to both counties and the survey and marking of the boundary between the counties has been done and accomplished in accordance with law in a proper manner.

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and Stipulation and the Report of Survey of such boundary line, to the end that the said boundary may be judicially as well as contractually, determined and confirmed and be made a matter of judicial muniment;

Whereupon this Court having read the pleadings, proceeded to hear evidence and argument of counsel and having considered all of the same, and having refreshed its judicial notice as requested by the parties, is of the opinion and here finds and concludes as follows:

(a) This is a statutory proceeding brought by Plaintiff, Aransas County, against Defendant, Nueces County, by virtue of Article 1591, Revised Statutes, for the purpose of establishing the boundary line between them, and this Court has jurisdiction and venue of this proceeding.

(b) The common boundary between Aransas and Nueces Counties has never been established and/or marked as provided by law, and it is controversial as to whether or not the said boundary has ever been established by recognition under Article 1606, Revised Statutes, and/or its predecessors, and a bona fide dispute has heretofore existed and still exists between Plaintiff and Defendant as to the true location of the boundary between the said counties.

(c) Under the decisions of the Supreme Court of • Texas in the cases of Lynn County vs. Garza County, 58 S.W. 2d 24 (Comm. of App. 1933), Yoakum County vs. Gaines County, 163 S.W. 2d 393 (1942), counties acting in good faith may under such circumstances settle boundary disputes; and in the case at bar there has existed and exists a bona fide dispute and, there being no constitutional question involved in this case, the Plaintiff and Defendant had and have the right to settle such dispute by agreement as has been done.

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NO. 3671

ARANSAS COUNTY VS. NUECES COUNTY IN THE DISTRICT COURT 135TH JUDICIAL DISTRICT REFUGIO COUNTY, TEXAS

FINAL JUDGMENT

ON THIS, the <u>3071</u> day of <u>fund</u>, 1971, came on to be heard in due order for its final disposition the above entitled and numbered cause and proceeding, wherein the County of Aransas is Plaintiff and the County of Nueces is Defendant (both counties being duly organized and recognized counties of the State of Texas);

Whereupon each of the said counties appeared by and through their respective attorneys of record, all of whom were duly authorized in the premises, and announced in open Court that since the institution of this suit and proceeding said counties have established the common county boundary between themselves, the location of which had for many years been in dispute, by accord and agreement entered into between the County Commissioners Courts and County Courts of each of said counties, as is evidenced by a certain Compact, Agreement and Stipulation dated April 10, 1967, and that the boundary line agreed upon and provided for in the said Compact, Agreement and Stipulation has been duly surveyed and marked on the ground as set forth in a Report of Survey made by Honorable T. E. Griffith, County Surveyor of Aransas County, and Honorable William W. Green, County Surveyor of Nueces County, dated the 19th day of March, 1971, and that each of said counties had stipulated in said Compact, Agreement and Stipulation that this Court shall make and enter its final judgment in this suit and proceeding in accordance with said Compact, Agreement

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Kind of Light. Co	and Marbor	LIGHT STATION.	Site Purchased May 3, 1855
Order of Light Characteristic of Light	49	TEXAS.	Deed Recorded in Resuger County Buck Nº163, Pages First Buildings, when built 1855.
Base of Tower above water le	vel 6.5 A	Lat. 27-51'-51' N.	When rebuilt or renovated 1867, 1887
Focal Plane	- 66.5 <u>n</u>	Long. 97 - 03-25" W.	Area of Reservation to M.H.W. line 25 Acres Area enclosed
	Reservation Surveyed	November 9310, 1887, by A. C. BEI	LL, L.H.Surveyor.
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- EXPLANATIONS. -

The Magnetic Declination in 1875 was estimated in 1887, by comparison of authorities. to have been 8 45' the declination at time of survey was determined, by observation of Polaris to be 7-55'E Courses given on plan are True bearings. Contours A. apart. Light Tower.

--- Boundary of Reservation

- --- M.H.W.Line. M.L.W.Line.

. Stone Bound, 3A long, 6 * 6' top cut thus -

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I. H. Surveyor, 788" Dists.

ORLLANS, LA., BEGEMBER 1,

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* (Last paragraph of description):

The Compact, Agreement and Stipulation dated April 10, 1967, between Aransas County and Nueces County provides (with relation to the centerline of the Jetty Channel) that "should the channel known as Aransas Pass between Mustang and St. Joseph's Islands move as a result of natural migration, the county boundary between the two islands shall move with the centerline of such pass and the line from the center of the shrimp boat channel (Aransas Pass Tributary Channel) to the centerline of the pass shall shift and adjust to follow the centerline of the navigable channel to and through the pass. However, the line from the seaward boundary of the State of Texas to the Gulf shoreline of the island shall not shift, but shall remain a permanent and fixed line and the boundary shall follow the gulf shoreline from such line to the center of the pass." This provision, obviously, is to provide for future contingencies, and does not affect the present work.

This 19th day of March, 1971.



7.6

County Surveyor, Aransas County, Texas

County Surveyor, Nueces County, Texas

The Bell plat, aside from discrepancies already pointed out, shows patent bearings on the lines, although it shows a parallelogram for shape, instead of a square. This, we took to indicate that for some reason, Bell was trying to stay with the patent bearings while he knew his markers showed a variation from them. His distances should have been 1043.06 feet but instead, he showed 1033 feet on the plat. Possibly his conversion from (375.5v) varas was faulty. As found on the ground (and water) now, the east and west lines Bell left are only 1006 feet long, his south line 1038 feet instead of the patent distance of 1043 feet.

If we use our parallelogram 1006 feet x 1038 feet, as seems indicated by what we find, then we have 23.8 acres within the markers, and making use of the remaining 2 acres, more or less, eastward to the water, end up with 26 acres, more 'or less, to the waters of Lydia Ann Channel. We have made no estimate of how much of the 26 acres is water area in bayous. Patent area, of course, is 25 acres.

It might be helpful to interpose here the rule that is supposed to be followed by surveyors in cases such as we have here: Basic to all surveying procedure is the maxim: "Follow in the footsteps of the original surveyor".

Evidence of the original survey seems to be confined to the patent fieldnotes, and all that is left now is the crossing calls to bayous in the area. Our work bears out these calls, at least approximately. No refinement of this part of the work seems justified. This conformity also serves to add dignity to Bell's monuments.

Bell's work should have accomplished, in 1887, what we are attempting now, in 1969. He should have followed in the footsteps of the original surveyor. If he found stakes and posts, together with other things to agree with patent description, we suppose these would have been the guiding lights that influenced his decisions on where to set his monuments. Time was on his side. Thirty-two (32) years is not too long for a post to remain with "LH" on it, to mark the beginning point. We wonder whether the mesquite stump he shows on his plat is this same post, and if he replaced it with a stone marker, but for some unknown reason, did not so indicate on his plat.

Unless Bell were following the footsteps of the original surveyor, we would be justified in discarding his work, since it came after the patent. On the other hand, he has an 82 year advantage on us in following the original. To lightly throw away this advantage could lead to different errors.

To help point the way, we considered what others have done, particularly in surveys of record. In 1912, Blucher surveys Nos. 666, 667, and 668 show ties to Bell's three monuments, indicating an acceptance of them. Johnston & Ford did likewise in 1956 with one of the monuments. We decided to accept the three existing monuments.

The next step, how to run the back line, from a surveyor's viewpoint is harder to explain. Perhaps it is most clearly stated by Tracy's quotation from Skelton:

"... in many jurisdictions it is recognized that the law cannot satisfactorily determine in all cases whether course or distance shall control when they do not correspond; that this must be determined by concurring testimony and the circumstances of each particular case, and that the one that convinces the judgement the most must be selected."

The two surveyors then concluded that Bell had indicated a parallelogram, but had actually left us no northwest corner. From ground (and water, and mud) conditions it was evident the northwest corner could normally be presumed to have been set course and distance from the northeast monument, if he had set the northwest corner. This we did, because, after considering all of the factors now known to us, this solution was the most convincing to us. (Sketch B)

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ferenced by creosoted witness posts, 6 inches thick, 8 inches wide and 14 feet long, with appropriate signs bolted to them. and set, for the most part, at least 4 feet in the ground.

Methods and materials for work to establish final markers were agreed upon a meeting at Rockport on March 26, 1970, attended by County Judge John Wendell, and County Surveyor T. E. Griffith of Aransas County and Honorable Hobart Huson, counsel for Aransas County, and County Judge R. Briscoe King and County Surveyor Wm. W. Green of Nueces County, with M. Harvey Weil, counsel for Nueces County.

This 19th day of March, 1971. County Surveyor, Aransas County, Texas Surveyor, Nueces County, Texas County GREEN ADDENDUM

We found three monuments at corners of the Lighthouse tract. Apparently, the only old corner missing at this time is the one we need: the northwest corner. From our own work, we discovered that the "normal" way to approach a survey of the lighthouse tract is to start with the shoreline corners, and work to the back corners, assuming that the monuments found are the corners. Accordingly, along the south line, using a direction from records of previous work, we proceeded inland from the existing monument. At the southwest corner, although the fieldnotes of later surveys call for a stone marker, we found an iron pipe. Later, we returned and prodded in the surrounding mud, ankle deep in water in many areas, until we found the third cast stone monument, 6 inches square, 3 feet long, lying prone under a few inches of mud.

In surveying the north line of the tract, we used a similar procedure. Starting at the USLHE corner marker, near the shore, running parallel to the south line, we noted that our bayou crossings corresponded with the patent fieldnotes and with Bell (USLHE surveyor) plat. (Sketch A) We searched diligently in all of the locations indicated by bearing, distance, and other constructions, with no success at all. In passing, two comments seem necessary: If a monument were set here, as shown on Bell's plat, and it had suffered the same fate as the one at the southwest corner, it should be a few inches under the mud near where it was originally set. We prodded into the mud in appropriate places to try to prove or disprove this supposition, with no positive results.

If, as Bell's plat shows, one of the corners were a mesquite stump, it should be at the northwest corner, since we had already recovered 3 monuments at the other corners. Then Bell's plat must have shown a transposed position for the stump. But at any rate we conducted the search, keeping in mind that we might be looking for a stump or a monument. We reluctantly came to the conclusion that no stump and no monument could be found where we were looking. As a matter of fact, it might be fair to go a step further and assume that the three monuments we found were the three set by Bell, but that his plat shows the position of the stump transposed. Also, after a few days' experience in the area, and seeing the mangrove bushes that cover much of that part of Harbor Island, and knowing where we have both seen mesquite trees and stumps before, both surveyors agree that any stump Bell saw might well have been a mangrove "stump", unless someone hauled in the mesquite stump for a marker. This point is still uncertain; we found no stump. Also, mangrove stumps would be no stump at all, compared with a mesquite stump, if the native mangrove were used.

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within a fraction of a foot. Our traverse was extended to tie to the "Shrimp Boat" channel and Conn Brown Harbor for the purpose of working out the centerlines of these, and boundaries of Surveys 650 and 651. We were fortunate, again, to find still existing an early point originally set on centerline of old railroad, which in turn, had been centerline of Survey 651 at that place. By extending the line so re-established, we re-established the point found by CFH v. Blucher as county boundary line post, at the time he first established positions for Surveys 650 and 651, in 1911. This point was found to be less than 1 foot from the position we had re-established for this post, from notes of U. S. G. S. 3rd order traverse, control data sheets, apparently from ground survey before January, 1951, the date of the control data sheets. For the purposes of this work, it was presumed that the 3rd order traverse was more likely to be in error because our own work seems to be of a higher order of accuracy, and our re-established Blucher point was used as correct for the San Patricio-Aransas County Boundary line post. (Point 1) Additionally, the Blucher position used for this post was verified by the work of other local surveyors, although there is one dissenter among the records considered.

Instructions given for our survey work were to proceed from this post (as re-established), being "on the shoreline of Redfish Bay at the point of intersection of the San Patricio-Aransas County boundary line with the shore of the bay; such being at the southeasterly corner of the BBB & CRR Co. Survey, S-82" (quoted from instructions but connection to Survey S-82, not verified by ground work) with Aransas-San Patricio boundary extended to a point on the centerline of the Intracoastal Waterway.

D. A traverse was run from U. S. C. & G. S. marker "Track" to Corps of Engineers 200-foot offset line near Point 13. Remarkable conformity of our adjusted traverse with Corps work enabled quick accomodation to the Intracoastal Cut Off Channel in this locality.

One difficulty encountered was the fact that the general area where the new agreed boundary line is being run is the location of the dividing line between two zones of the Texas Co-ordinate System. To simplify our work, all of the computations were run originally on South Zone coordinates, thereby agreeing with Corps of Engineers maps of the channels involved. Transformations of co-ordinates from one zone to the other were accomplished, where needed, by computer, using the Pho-cal program of Electronic Calculating Service. Tables of co-ordinate values are included on the map, with some points listed in both zones, where thought necessary.

When our computations reached the "Three League Line" in the Gulf of Mexico, we used co-ordinate values for that line from a copy of the supplemental decree of the United States Supreme Court, dated May 5, 1969, in the case United States of America v. State of Louisiana, et al. (Texas Boundary Case) 394 U. S. 836, 23L. Ed. 2d 22, 89 S. Ct. 1614. This report gave a description, with co-ordinates, of the "Three League Line" therein established. Both county surveyors agreed that since this decision stated that the United States is adjudged to own--oil, gas--minerals--gulfward from the "Three League Line", that this was a good place to terminate the present county boundary line work. Should occasion arise later to extend the present line to the Gulfward Boundary of the State of Texas as extended by the 1941 Legislature, ammended by the 1947 Legislature, (Acts of the 50th Legislature, Chapter 254, p. 451, reported in Vernon's annotated Civil Statutes, Article 5415a) to the "farthermost edge of the Continental Shelf," or should the two Commissioners' Courts decide now that this is desirable, because of the requirements of the Compact, Agreement and Stipulation, it is a matter of drafting and computation to work up an extension to our map, showing the additional data.

The point one hundred yards south or west of Shellbank Island was first marked with a short creosoted post, (3 inches diameter, $1\frac{1}{2}$ feet up, designated SBW in this work) as was the northwest corner of the Lighthouse tract. Final corner work established a concrete monument on the new boundary line southeasterly from this post (SBW) and replaced the post at northwest corner of lighthouse tract with similar concrete monument. A third concrete monument was set on spoil island near north corner of the new line, and all corners and reference points were re-

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REPORT OF SURVEY

The survey of the boundary line between Aransas and Nueces counties as set forth in Compact, Agreement and Stipulation dated April 10, 1967, was begun by both County Surveyors in April of 1967, principally, at first, with office preparations. Fieldwork followed, at the following locations:

A. In Port Aransas and along the south jetty, work was done to establish a base line to locate the Jetty Channel. This base line made use of brass markers set by the Corps of Engineers in the south jetty, after a separate traverse was run from the Coast Guard station to the Port Aransas water tower, to establish Texas Co-ordinate System ("grid") coordinates for the tower. With the jetty base line established, and coordinate positions found for points on this line, coordinate positions could be computed to the centerline of the jetty Channel, and thence out into the gulf, to intersect the Gulf lease tracts, which are established with reference to the Texas Co-ordinate System. This calculation of extension of centerline of Jetty Channel was carried to the "Three League Line", also referred to the Texas Co-ordinate System, established by supplemental decree of United States Supreme Court, dated May 5, 1969, in the case of United States of America v. State of Louisiana, et al, (Texas Boundary Case) 394 U. S. 836, 23L. Ed. 2d 22,89 S. Ct. 1614.

In the course of our work, we were told that the brass markers set by the Corps of Engineers on the south jetty are considered by the Corps to closely represent the 725-foot offset from the centerline of the jetty channel, as shown by their drawings. Our triangulation enabled us to establish a baseline having the same grid bearing shown for the centerline of the Jetty Channel, on Corps drawings, passing through two of the markers, and passing within a small fraction of a foot of all of the other brass markers used. Thus our work fits well at this place with Corps of Engineers' work. Initial difficulty, due to apparent error_in published co-ordinate position for "Gun", a Corps of Engineers' monument, was cleared up with Corps surveyor from Galveston, who verified our findings. No corrected position was computed for "Gun", but rather, our work substituted sights on the Port Aransas water tower, to complete the necessary basic framework for calculation to establish our base line.

B. In the Lighthouse - Harbor Island area, we recovered three of the old corners of the lighthouse tract itself, apparently the same cast stone markers set by U. S. Lighthouse Surveyor Bell on November 9 and 10, 1887. After considering all of the factors we know about, the two county surveyors concluded that we would be correct in placing our version of the northwest corner of the lighthouse tract at a place that would form a parallelogram with the three old monuments found. Details of reasons pro and con are listed in the addendum.

On the south shore of the "Shrimp Boat" channel, near the Atlantic and Humble oil storage tanks, we recovered old markers used in resetting the original corners of Survey 653. By this means, we were sure that we could then re-establish Surveys 650 and 651, at this place, and the channel between.

Along the paving of the old ferry road in this vicinity we established a base line for triangulation to corners of the lighthouse tract. Work in the area of the lighthouse corners had shown that this procedure was necessary to insure accuracy, due to soft ground conditions around the lighthouse corners, which prevented accurate turning of the angles necessary for triangulation.

C. In Aransas Pass, by means of a traverse, we connected the present water tower and the two older water towers, now evidenced only by foundation blocks. Thus we computed a position for the present water tower, which was eventually verified with oil company surveyors! independent work, the east and "Nueces Co." on the west at intersection with line of posts marking north offset survey line of Aransas Pass Tributary Channel, whence post "20" on said survey line bears S. 46° 37' 52.4" E. 172 varas (478 feet), and continuing, S. 26° 47' 05.2" W with same course and count, at 2007.38 varas (5576.06 feet) cross south boundary line of said Survey 650, and of 150-foot channel right of way tract therein, described as part of Tract No. 2 in deed to United States of America dated February 3, 1940, and recorded in the Deed Records of Nueces County, Texas in Volume 255 at pages 101-103 (Point 28), in all, 2008.33 varas (5578.68 feet) to point on centerline of present 109.8-vara (305-foot) width of Tributary Channel Tract, for a corner, (Point 29), whence $1\frac{1}{2}$ -inch iron pipe, set flush with the ground west of 8-inch x 6-inch creosoted witness post 10 feet high, marked "Aransas Co." on the north and "Nueces Co." on the south bears S. 26° 47' 05.2" W. 95.45 varas (265.14 feet),-

Thence, following said centerline of Tributary Channel tract, S. 45° 37' 07.7" E., -at 978.52 varas, (2718.10 feet) cross boundary line, (Point 30) entering Survey No. 7-LS, found of record as a patent from the State of Texas to Nueces County Navigation District No. 1, in the deed records of Nueces County, Texas in Volume 455 at page 586, at 1481.54 varas, (4115.39 feet) cross second boundary line (Point 31), departing from said Survey No. 7-LS, and entering former Wm. Little 190-acre survey designated L.S. 20, north portion of said Survey having been largely taken up by the waters of Aransas Pass, -in all, 1732.02 varas (4811.17 feet) to intersection (Point 32) with centerline of Jetty Channel, for

Thence, following said centerline of Jetty ^{*}Channel, and its southeasterly extension, S. 59° 29' 02.0" E., -at 808.22 varas (2245.06 feet) depart from former L.S. 20 and enter Gulf of Mexico (circa 1848) (Point 33), at 1278.46 varas (3551.27 feet) a point, whence brass marker "20" set in concrete walk on top of south jetty bears S. 30° 30' 58" W. 261.00 varas (725.00 feet), at 1638.47 varas (4551.30 feet), a point, whence brass marker "30" set in said walk bears S. 30° 30' 58" W. 261.00 varas (725.00 feet), at 3118.78 varas (8663.27 feet), cross dividing line between Tracts 855 and 854 (Point 34) as shown by Texas General Land Office 1948 map of the Texas Gulf Coast, as subdivided for mineral development, Map 3 of 4, at 4089.57 varas (11,359.90 feet), cross dividing line between Tracts 854 and 858 (Point 35), at 5325.20 varas (14,792.21 feet) cross dividing line between Tracts 858 and 859 (Point 36), at 7531.61 varas (20,921.15 feet) cross dividing line between Tracts 859 and 860 (Point 37), at 7832.91 varas (21,758.10 feet) cross dividing line between Tracts 860 and 861 (Point 38), at 9738.03 varas (27,050.09 feet) cross dividing line between Tracts 861 and 722 (Point 39), at 11,576.26 varas (32,156.29 feet) cross dividing line between Tract 722 and 746 (Point 40), at 16,357.29 varas (45,436.92 feet) cross dividing line between Tract 746 and 745 (Point 41), and at 20,685.10 varas (57,458.62 feet) intersect "Three League Line" (Point 42) for the easterly terminus of this line. Surveyed 1967 - 1970

This 19th day of March, 1971 Meridian: Texas Co-ordinate System, South Zone.

J.E. County Surveyor, Aransas County, Texas neen Im. County Surveyor, Nueces County, Texas WM. W. GREEN 195 SUF

*See Addendum to Report of Survey, last paragraph, p. 5.

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Thence N. 31° 12' 21.3" E., along said centerline of channel, -at 890.64 varas (2474.00 feet) cross dividing line between Tracts 251 and 252, (Point 8), at 1166.44 varas (3240.11 feet) cross dividing line between Tracts 252 and 250, (Point 9), at 2689.12 varas (7469.79 feet) cross dividing line between Tracts 250 and 249, (Point 10), at 3404.86 varas (9457.94 feet) cross dividing line between Tracts 249 and 221, (Point 11) at 4487.66 varas (12,465.73 feet) cross dividing line between Tracts 221 and 222, (Point 12), in all, 5153.03 varas (14,313.98 feet) to a point, (Point 13), for north corner on this line, whence $1\frac{1}{2}$ -inch iron pipe set 4 inches up on west survey offset line (east of 8-inch x 6-inch creosoted witness post 10 feet high marked "Aransas Co." on the west and "Nueces Co." on the east) bears N. 58° 47' 38.7" W. 72.00 varas (200.00 feet) and a second $1\frac{1}{2}$ -inch iron pipe, on same offset line (also east of witness post 10 feet high, marked "Nueces Co." on southwest and "Aransas Co." on northeast) bears N. 20° 52' 22.1" W. 91.27 varas (253.53 feet),-

Thence S. 20° 52' 22.1" E., crossing Redfish Bay, Corpus Christi Bayou and a portion of Harbor Island, -at 347 varas, more or less, (965 feet, <u>+</u>) a square concrete monument $3\frac{1}{2}$ feet high set on spoil island for line, southwest of 8-inch x 6-inch creosoted witness post 10 feet high marked "Aransas Co." on the northeast and "Nueces Co." on the southwest, at 1581.37 varas (4392.69 feet) cross dividing line between Tracts 222 and 248, (Point 14), at 1735.10 varas (4819.72 feet) cross dividing line between Tracts 248 and 247, (Point 15), at 3606.22 varas (10,017.27 feet) cross dividing line between Tracts 247 and 255, (Point 16), at 4488.99 varas (12,469.42 feet) cross dividing line between Tracts 255 and 256, (Point 17), at 5454.62 varas (15,151.71 feet) a 3-inch creosoted post (SBW) set $1\frac{1}{2}$ feet up northeast of 8-inch x 6-inch creosoted witness post 10 feet high marked "Aransas Co." on the northeast and "Nueces Co." on the southwest, at a point 108 varas (300 feet) southwesterly from the southwest, at a point 108 varas (300 feet) southwesterly from the southwest end of Shellbank Island, at 5456.62 varas (15,157.29 feet) a square concrete monument $3\frac{1}{2}$ feet high on the northwest margin of Corpus Christi Bayou, in ankle deep water, on shell reaf, at 5631.05 varas (15,641.81 feet) cross dividing line between Tracts 256 and 273, (Point 18), and on land near southeast side of said Bayou, a $1\frac{1}{2}$ -inch iron pipe, 4 inches up for line, southwest of 8-inch x 6-inch creosoted witness post 10 feet high marked "Aransas Co." on the northeast and "Nueces Co." on the southwest, at 7242.90 varas (20,119.17 feet) cross dividing line between Tracts 273 and 272, (Point 19) at 7655.90 varas (21266.40 feet) cross dividing line between Tracts 272 and 288, (Point 20), at 9680.75 varas (26,890.98 feet) cross dividing line between Tracts 288 and 297, (Point 21), at 9996.80 varas (35,810.94 feet) cross dividing line between Tracts 297 and 296, (Point 22), at 11,705.61 varas (32,515.57 feet) cross dividing

Thence S. 26° 47' 05.2" W., along west boundary line of tract occupied by Lighthouse, and its southerly extension, -at 362.22 varas (1006.17 feet) a $1\frac{1}{4}$ -inch iron pipe (Point 25) found beside square cast stone monument marked "USLHE," (uncovered in prone position), for southwest corner of said Lighthouse Tract, whence southeast corner of said Lighthouse Tract, a square cast stone monument marked "USLHE" 1 foot high, bears S. 69° 57' 08" E. 373.69 varas (1038.04 feet), and continuing, with same course and count, at 1567.31 varas (4353.64 feet), cross north boundary line of Survey 654, (Point 26), at 1743.01 varas (4841.70 feet) cross dividing line between Surveys 654 and 650, (Point 27), at 1906.99 varas (5297.20 feet) a $1\frac{1}{2}$ -inch iron pipe 4 inches up, set west of 8-inch x 6-inch creosoted witness post, 10 feet high, marked "Aransas Co." on

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The State of Texas Counties of Aransas and Nueces

Fieldnote description of

Boundary line dividing portions of Aransas County, to the north, from Nueces County, to the south, extending in a general southeasterly direction from the shore of Redfish Bay at Conn Brown Harbor in the City of Aransas Pass, Texas, to that certain "Three League Line" in the Gulf of Mexico, heretofore established by supplemental decree of the United States Supreme Court, dated May 5, 1969, in the case of United States v. State of Louisiana, et al (Texas Boundary case), 394 U. S. 836, 23 L Ed. 2d 22, 89 S. Ct. 1614, said county boundary line being more particulary described by metes and bounds, as surveyed, as follows:

Beginning at a 4-inch solid steel drive shaft 2 feet long, (Point 1) driven flush with the surface of asphalt paving on dockside street designated Huff Street, along western margin of Conn Brown Harbor in the City of Aransas Pass, in the place of old 12-inch live oak post about 5 feet high, formerly marking common corner of Aransas and San Patricio counties on the Nueces County boundary line, at the shore of Redfish Bay, the southeast corner of BBB & C RR Co. Survey S-82, and northeast corner of Rosa Teal survey for the most westerly terminus of this line, whence a point, iron spike in centerline of Wheeler Street in Aransas Pass at top of levee, bears S. 30° 29' 52" W. 297.30 varas (825.80 feet), and an 8-inch x 6-inch, aluminum painted, creosoted witness post 8 feet high, marked "Aransas Co." on the north, at timber retaining wall is reached by running N. 33° 20' 30" W. 9.11 varas (25.3 feet),-

Thence S. 33° 20' 30" E., with a southeasterly extension of dividing line between Aransas and San Patricio Counties, at 15.30 varas (42.51 feet), tack in lead set in drillhole in concrete cap of wall at west margin of said Conn Brown Harbor, at 140.41 varas (390.03 feet) cross centerline of Conn Brown Harbor, at 304.33 varas (845.37 feet) a $1\frac{1}{2}$ -inch iron pipe set flush with the ground at roadside on fill area forming Conn Brown Harbor, on north side of 8-inch x 6-inch, aluminum painted, creosoted witness post 10 feet high marked "Aransas Co." on the north and "Nueces Co." on the south, -in all, 736.71 varas (2046.43 feet) to point on centerline of Gulf Intracoastal Waterway Cut Off Channel, (Point 2) at approximate centerline station 943+655, for a corner, whence a $1\frac{1}{2}$ -inch iron pipe set flush with the ground on line of stakes and posts, (apparently east survey offset line for said channel) west of 8-inch x 6-inch creosoted witness post, 10 feet high, marked "Aransas Co." on the west and "Nueces Co." on the east, is reached by running S. 33° 20' 30" E. 83.58 varas (232.17 feet), and a second point, the intersection of centerline of said Channel with north boundary line of Survey 650 is reached by running S. 26° 08' 07.1" W., with said centerline, 50.28 varas (139.66 feet),-

Thence N. 26° 08' 07.1" E., along said centerline of channel, at 411.45 varas (1142.92 feet) cross dividing line between Tracts 280 and 281, as shown by Texas General Land Office 1949 map showing subdivision for mineral development for Aransas and Redfish Bays (Point 3), at 430.96 varas (1197.10 feet) cross dividing line between Tracts 281 and 279, (Point 4), at 2517.35 varas (6992.63 feet) cross dividing line between Tracts 279 and 278 (Point 5), at 2560.59 varas (7112.76 feet), cross dividing line between Tracts 278 and 251 (Point 6), in all, 3580.48 varas (9945.79 feet) to deflection point (Point 7), in said centerline of Gulf Intracoastal Waterway Cut Off Channel, for a corner, whence a brass marker, set in top of concrete monument designated "Aransas Pass P. I." by the Corps of Engineers, is reached by running N. 61° 19' 46" W. 72.07 varas (200.20 feet),-

CERTIFICATE

THE STATE OF TEXAS COUNTY OF NUECES

I, Mrs. Henry E. Gouger, Clerk of the County Court in and for Nueces County, State of Texas, do hereby certify that the above and foregoing is a true and correct copy of an order of the Commissioners Court of Nueces County, adopted by said Court on the 11th day of April, 1967, as the same appears on the minutes of said Court.

GIVEN UNDER MY HAND AND SEAL in the City of Corpus Christi, Texas, on the _____ day of April, 1967.

County Nueces County, Texas

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nty Wat Commission of Aransas No.

ATTEST 5 Bear le County Clerk of Lransas founty, and Ex-Officio Clerk of the Commissioner: Court of Aransas County, Texas

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ATTEST:

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Of Nueces County

County Clerk of Nuece-Ex-Officio Clerk of the Court of Nueces County, County, and te Commissioners' , Texas.

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SIXTH: That the County Surveyors of the two counties make, and isturn as part of their report of survey, a computation showing the quantity of acreage which hereafter will lie in each county out of any tract of any subdivision of state owned lands for mineral development where the tracts for mineral development are crossed, intersected or divided by the county boundary line surveyed by them; and also the quantity of acreage which hereafter will lie in each county out of the surveys on Harbor Island known as Survey # 654, Abstract 2524 and Survey # 650, Abstract 2521.

SEVENTH: Other than the making of the survey of the boundary line and approval of the same and the entry of judgment of the District Court as herein provided, failure to meet, perform, or comply with any provision, clause, or detail of this agreement shall not affect the validity of this agreement and the complete settlement of the boundary dispute between the parties.

IN TESTIMONY WHEREOF witness the official hands and seals of the high contracting parties in quintuplicate original copies on this the 10 day of 0 1967.

ARAMSAS COUNTY

Aransas County, Texas

ATTEST: Jearle OI ransas County, Texas

4.1 ISSIONERS COURT OF COUNTY. ARANSAS

NO.

of Aransas County

Judge Nueces County, Texas

the Clerk of Nueces County,

ISSIONERS COUR

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of Nueces County

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Office of the Comptroller of Public Accounts of the State of Texas.

The costs of court incurred in the District Court and cost of all filings shall be borne equally by the two counties.

FIFTH: The counties specially mutually release one another from liability to each other from any and all damages, claims and liabilities, of whatsoever nature which may have heretofore arisen, and particularly from claims of all taxes claimed to have been wrongfully or illegally collected by either of them, prior to the entry of the final judgment in the pending cause.

Such decree shall effectually dispose of all matters in controversy between the parties hereto, and, except as to the subject matter of this compact and relief germane thereto, it shall finally dispose of all matters in controversy and adjudicate that, except as to the subject matter hereof, neither party shall have or take anything against the other.

Should there be any taxes of any kind due or delinquent against any lands or other taxable properties within any territory accruing to either county under this compact, the sole and exclusive right to collect and enforce such taxes shall be and remain the right of the county upon whose rolls the taxes are assessed. The right to assess and collect ad valorem taxes for the calendar year 1967 on any lands or other taxable properties within any territory accruing to either county under this compact shall be and remain the right of the county upon whose rolls the said land or other taxable property was assessed for the year 1966 or any prior year. Ad valorem taxes for the year 1968 and subsequent years shall be assessed and collected by the respective counties upon the territory within each county as a result of this compact and the judgment of the District Court.

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The time and details of procuring and placing of the monuments and/or markers shall be determined by the County Judges of the two counties. Placing of such markers shall be under the joint supervision of the County Surveyors of the two counties.

FOURTH: It is agreed that upon the completion and approval of said boundary survey, as hereinabove provided, that the parties hereto shall file in said boundary suit now pending in the District Court of Refugio County this compact, together with copy of the Surveyors' report of boundary survey and orders of the Commissioners' Courts of the parties approving the boundary survey, and when so filed this shall constitute the joint stipulation of the parties that the Court, after hearing and considering the law and evidence touching the propriety, legality, and validity of this compact and the boundary herein agreed upon may render its judgment or decree on the law and facts as well as upon this stipulation; together with such orders and directions as may be proper to effectuate such decree as to the parties, their privies, and all departments of government the observance of which decree may be necessary or desirable; and including the protection of the record of said suit; it is agreed that such decree shall be a final judgment and shall effectively conclude and dispose of said cause and all issues, and that there shall be no appeal or proceeding for writ of error by either party.

Upon the rendition and entry of such judgment certified copies thereof and the report of survey shall be filed in the County Clerk's offices of each of the two counties, /to be recorded in the Minutes of the respective Commissioners' Courts, and certified copies shall be filed in the Office of the General Land Office of the State of Texas, and in the

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The Surveyors shall submit for preservation in the archives of the respective counties copies of such surveyor's memoranda and computations containing details, explanations, or comments, as might be of value for future reference. Such memoranda shall form no part of this compact.

Each county shall compensate its own surveyor, and any other professional assistants which it may separately employ.

Should any question arise as to any matter relating to such survey, which the surveyors cannot agree upon, or as to which they may be uncertain, or as to which they may desire clarification, such matters shall be submitted in writing, signed by both surveyors, to the County Judges of the two counties, who shall confer with regard thereto, and evidence their decision or action by written memorandum, copies of which shall be given each surveyor; and the decision of the County Judges shall be binding upon both counties, as the official act thereof.

THIRD: The boundary when actually surveyed shall be well, durably and permanently marked in compliance, as nearly as may be practicable and appropriate in the premises, with the provisions of Article 1583 of the Revised Statutes. Having in view the peculiar nature of the boundary, it is provided that in addition to statutory requirements, ascertainable and observable control or indicating markers shall be erected at such places on terra firma as might aid officials and the laypublic in sighting of theoretical corners in waters, and the emergence of lines from land into water, and vice versa. If /practicable suitable additional informative inscriptions may be placed on the monuments.

The expenses of procuring, transporting and erecting the corner and intermediate monuments and markers shall be borne equally by the two counties.

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of Texas in the waters of the Gulf of Mexico.

All of said boundary lines shall be fixed and tied down by the Texas Co-ordinate System with the exceptions herein made, so that same may be fixed and immovable without regard to how the centerline of the channels may shift if the channels should be widened or moved; except should the channel known as Aransas Pass between Mustang and St. Joseph's Islands move as a result of natural migration, the county boundary between the two islands shall move with the centerline of such pass and the line from the center of the shrimp boat channel to the centerline of the pass shall shift and adjust to follow the centerline of the navigable channel to and through the pass. However, the line from the seaward boundary of the State of Texas to the Gulf shoreline of the island shall not shift, but shall remain a permanent and fixed line and the boundary shall follow the gulf shoreline from such line to the center of the pass.

SECOND: The Surveyors for the two counties shall proceed forthwith upon the execution of these presents to make the survey of the agreed boundary, adhering as nearly as may be practicable with Articles 1583 and 1584, Revised Statutes; and upon completion thereof, they shall make their joint report to the Commissioners Courts of the respective counties, containing the field notes; to which shall be attached a map or plat delineating such boundary; all such reports, field notes and maps to be so submitted in multiple counterparts. Such report of survey and accompanying maps or plats, after approval by both courts, shall be attached to this Compact and shall constitute an integral part hereof as if such survey had been made heretofore and such report thereof, and accompanying maps or plats, had been attached hereto in the first in-'stance.

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boundary line with the shore of the bay; such being at the southeasterly corner of the B.^B.B. & C. RR. Co. Survey, S 82. as shown on the Land Office Maps of Aransas and San Patricio Counties, respectively;

Thence with the San Patricio - Aransas County boundary extended to a point on the centerline of the Intracoastal Waterway as presently constructed along and near the shoreline of the mainland (not the alternate route of the Intracoastal Waterway through Lydia Ann Channel);

Thence northerly with the centerline of the Intracoastal Waterway to a point therein from which a straight line projected therefrom to the northwest corner of the Lighthouse . Tract on Harbor Island will pass at least one hundred yards to the south or west of Shell Bank Island, so as to leave said island in Aransas County with a clearance of one hundred yards;

Thence from said point in the centerline of the Intracoastal Waterway to the northwest corner of the Lighthouse Tract;

Thence southerly with the westerly boundary of the Lighthouse Tract and an extension of such boundary in a straight line to a point in the centerline of the Shrimp Boat Channel through Harbor Island to Aransas Pass, which channel lies north of the causeway presently maintained by the Texas Highway Department from the City of Aransas Pass to Harbor Island;

Thence easterly with the centerline of the Shrimp Boat Channel to its point of intersection with the centerline of the entrance channel in the Port Aransas - Corpus Christi Waterway between the jetties at Port Aransas; being the jetties stabilizing the Aransas Pass between St. Joseph's and Mustang Islands;

Thence seaward with the centerline of the entrance channel between the jetties, on the course of the said centerline as presently located, to the seaward boundary of, the State

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courts for many years, with prospect of mutliple appeals and retrials, and the ultimate outcome is unpredictable.

That until such boundary is finally determined by competent authority, the economy and political, administrative and fiscal management and progress of both counties and of their component subdivisions and districts, and their citizens, will continue to be, as at present, in many vital respects and aspects obstructed, hampered and impaired, to the detriment, injury and damage to all parties concerned.

That such are the moving considerations to the High Contracting Parties to exercise in good faith their right amicably to compromise and settle their aforesaid bona fide boundary dispute, and thereby restore and attain orderly administration of their political and fiscal affairs, effect great saving of/ time and expense to the counties, and avoid the necessity of prosecution and defense of a long and tedious law suit; as is authorized and recommended by the decisions of the Supreme Court of Texas in the cases of <u>Yoakum County et al v. Gaines County</u> (1942) 139 Tex. 442, 163 S.W. 2d 393; and <u>Lynn County et al vs.</u> <u>Garza County</u> (Com. App. 1933) 58 S.W. 2d 24.

IT IS, THEREFORE, AGREED BY AND BETWEEN THE SAID HIGH CONTRACTING PARTIES HERETO:

FIRST: That the common boundary line of Nueces and Aransas Counties, extending from the boundary of the State of Texas in the Gulf of Mexico to the mainland littoral to Red Fish Bay, henceforth shall be, and is hereby defined, and shall be permanently located, fixed and established, in accordance with an actual survey to be made on the ground by the County Surveyors of said Counties, as follows, to-wit:

Beginning on the shoreline of Red Fish Bay at the point of intersection of the San Patricio - Aransas County

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COMPACT, AGREEMENT AND STIPULATION

MADE AND ENTERED into by and between the Counties of Nueces and Aransas, bodies politic and corporate of the State of Texas, each acting by and through their respective constitutional officers hereunto duly authorized and empowered by their respective duly constituted governing bodies, for the purpose of establishing and forever fixing the common boundary between Nueces County and Aransas County, which for many years heretofore has been in dispute and controversy,

WITNESSETH:

THE HIGH CONTRACTING PARTIES HAVING CONSIDERED -

That the common boundary between Nueces and Aransas Counties has been a matter of dispute and confusion from the date of the creation of Aransas County, by Act of the Twelfth Legislature passed September 18, 1871, (<u>Gammels Laws</u>, Vol. VII, pages 3-4) up to and until the present, and that there has been pending since October 26, 1957, and is now pending, in the 135th Judicial District Court of Refugio County, Texas, a suit brought for the purpose of establishing such boundary, said suit being entitled "Aransas County v Nueces County", and being numbered No. 3671, on the docket of said Court.

That the facts and the legal contentions of the parties thereto have been pleaded <u>in extensio</u> in the voluminous pleading filed in said suit; and reference is here made to such pleadings and the record in such case for the purposes of showing the nature of the dispute, the bonafideness of the controversy, and the complexity of the issues, and the uncertainties attendant upon a final disposition of such cause.

That several of the controlling issues in the pending cause have not been heretofore determined by the Supreme Court of Texas, and present a case of first impression in the courts of thisState; with the prospect that said cause may pend in the

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between Aransas County and Nueces County as to the true location of their common boundary line for its full length be, and the same is hereby, accepted and approved upon the basis, terms and conditions as set forth and contained in the said instrument in writing, entitled COMPACT, AGREEMENT AND STIPU-LATION, hereto attached and made a part of this order and ordinance as aforesaid; and that the same be duly and formally executed in multiple counterparts and be mutually determined, on behalf of Nueces County, by the Commissioners Court acting through its members and officially attested by its Clerk, and by the County Court of Nueces County; and

It is further ordered that when the said COMPACT, AGREEMENT AND STIPULATION is executed and delivered by all parties that an executed counterpart be made a part of the permanent minutes of this Court; and

It is further ordered that the boundary line as agreed upon in said COMPACT, AGREEMENT AND STIPULATION be permanently fixed, established and marked on the ground, by the County Surveyors of the respective counties, viz., Honorable T. E. Griffith of Aransas County and Honorable William W. Green of Nueces County; and that they be and are hereby authorized and empowered jointly to effectuate the provisions of said COMPACT relating to the survey, establishment and marking of said line in accordance therewith; and they are ordered to make to the respective courts appointing them the report of their joint survey, together with field notes, and acompanying maps or plats.

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ORDER OF COMMISSIONERS COURT

ON THIS the llth day of April, 1967, it appearing to the Commissioners Court of Nueces County, Texas, that the common boundary between Aransas County and Nueces County has been in dispute between said counties ever since the creation of Aransas County by Acts of the Twelfth Legislature of Texas, approved September 18, 1871; and that there is now pending in the 135th District Court of Refugio County, Texas, a suit to establish such boundary; said suit having been filed on October 26, 1957, and being numbered No. 3671 on the docket of said Court;

And it appearing that the County Courts and the Commissioners Courts of both of said counties have reached one conclusion, and are in accord, that it would be to the best interests of both counties that such boundary dispute be compromised and disposed of and that the boundary line be established on the basis and terms set forth and provided in that certain instrument in writing which heretofore has been submitted to all of the political bodies having jurisdiction and concern in the premises, including this Court, and designated as a COMPACT, AGREEMENT AND STIPULATION, and has been unofficially mutually approved and accepted by them;

And it appearing to this Court that all of such courts and political bodies having jurisdiction in the premises have signified their willingness and propose mutually and contemporaneously to join in the execution, delivery and exchange among them of such compact in requisite multiple counterparts;

IT IS, THEREFORE, ORDERED AND ORDAINED BY THE COMMIS-SIONERS COURT OF NUECES COUNTY, TEXAS, that the said proposed settlement and compromise of the controversy heretofore existing

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CABLE ADDRESS: KLEBERG TELEPHONE (512) 884-3551

EDWARD R. KLEBERG 1877-1957 LESLIE S. LOCKETT M. HARVEY WEIL J. PATRICK MCGLOIN LEV HUNT R. W. WOOLSEY F. STARR POPE, JR. JOHN C. BROOKE J. MICHAEL MAHAFFEY HENRY NUSS I J. CARY BARTON COLIN K. KAUFMAN

KLEBERG, MOBLEY, LOCKETT & WEIL

ATTORNEYS AT LAW

OF COUNSEL: JOHN A. MOBLEY

STATE NATIONAL BANK BUILDING

P. O. BOX 2446 CORPUS CHRISTI, TEXAS 78403

June 30, 1971

Honorable Robert Armstrong Commissioner General Land Office State of Texas Austin, Texas

Dear Sir:

I hand you herewith Judgment entered in boundary suit between Aransas County and Nueces County in Cause No. 3671 in the District Court, Refugio County, Texas, together with additional documents which were ordered by the District Judge to be delivered to you.

Please refer to pages 8 and 9 of the Judgment where references to your office are made.

Thank you.

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Yours truly,

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M. Harvey Weil

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