

MEMO from Stroud C. Kelley

9/4/90

TO: Ben Thomson

For county line files.

Val Verde Co. Bdry Line 104



Texas General Land Office

VAL VERDE Abst. No. 734, 735, 312 bi

Stroud C. Kelley Assistant General Counsel Board Certified - Oil, Gas, and Mineral Law Texas Board of Legal Specialization

Garry Mauro Commissioner

Aust.No 7,2016,2502

August 29, 1990

File No. Mr. Byron W. Hodge Lowrey, Foster & Hodge Del Rio National Bank Building Del Rio, Texas 78840

eperingent 26 Sept 26 Leword Val Verde and Terrell County Line, Surveys 43, 44, 45, Re: Block H, GC & SF Ry. Co., Val Verde and Terrell Counties

Dear Mr. Hodge:

Please excuse our delay in responding to your inquiry of May 4, 1990, but it was apparently mislaid in my office and was thus not promptly responded to. With the assistance of our survey division, I have reviewed the records available here and can find no reason for the apparent discrepancy in the allocation of acreage in the above surveys between the Val Verde and Terrell County taxing authorities. According to the arrangement of the surveys and the statutory calls for the course of the county line, approximately the same proportionate amount of land from each of the three surveys should be in each county.

According to our records, the three surveys, which are covered by our Scrip Files 47667 (Survey 43) and 47666 (Survey 45) and School File 132589 (Survey 44), are "stacked" on one another with their east and west lines both being common lines with an approximate north-south course. All three tracts were resurveyed and had some excess, but none of the resurveys made any change in the location of the east or west lines. This agrees with your findings.

The legislation creating Val Verde and Terrell counties call for the western boundary of Val Verde County and the eastern boundary of Terrell County to be a common line beginning at a point on the Pecos River and running south to a point on the Rio Grande. Acts, 1885, Ch. 50, 19th Leg. R.S. 9 Gammel 668 (Val Verde County); Acts, 1905, Ch. 70, p. 96, Texas Gen. Laws, 29th Leg. R.S. (Terrell County). There is no call in either Act for any offset or deviation in the common boundary that would account for

> Stephen F. Austin Building 1700 N. Congress Avenue Austin, Texas 78701-1495 (512) 463-5235

Mr. Byron W. Hodge August 29, 1990 Page 2

the disparity between the two taxing authorities. According to our Survey Division, the U.S.G.S. topographic maps indicate that mile markers 10 and 24 on the county line were located in the 1970's. The three surveys lie between these two markers, so the county line could probably be located on the ground. However, the cost of obtaining the services of a Licensed State Land Surveyor experienced in retracement work might exceed the value of a resolution of the issue. Without an actual survey, a completely accurate answer cannot be reached. Short of that, probably the most accurate allocation is that contained in the abstract books.

I hope that this is helpful to you in resolving the issue. If you need any further information or copies of any documents, please feel free to contact me.

Very truly yours Stroud Q. Kelley

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COUNTY BOUNDARY LINE FIELDA VAL VERDE VAL VERDE VAL VERDE VAL VERDE Sept. 260, Com's GLARTS MAURO, Com's By Douglas Hoursal By cc: Ben Thomson Director of Surveying



Texas General Land Office

Stroud C. Kelley Assistant General Counsel Board Certified - Oil, Gas, and Mineral Law Texas Board of Legal Specialization

August 29, 1990

Mr. Byron W. Hodge Lowrey, Foster & Hodge Del Rio National Bank Building Del Rio, Texas 78840

Re: Val Verde and Terrell County Line, Surveys 43, 44, 45, Block H, GC & SF Ry. Co., Val Verde and Terrell Counties

Dear Mr. Hodge:

Please excuse our delay in responding to your inquiry of May 4, 1990, but it was apparently mislaid in my office and was thus not promptly responded to. With the assistance of our survey division, I have reviewed the records available here and can find no reason for the apparent discrepancy in the allocation of acreage in the above surveys between the Val Verde and Terrell County taxing authorities. According to the arrangement of the surveys and the statutory calls for the course of the county line, approximately the same proportionate amount of land from each of the three surveys should be in each county.

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Garry Mauro Commissioner Mr. Byron W. Hodge August 29, 1990 Page 2

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I hope that this is helpful to you in resolving the issue. If you need any further information or copies of any documents, please feel free to contact me.

Very truly your Stroud Q. Kelley

SCK/lg

cc: Ben Thomson Director of Surveying

LOWREY, FOSTER & HODGE ATTORNEYS AT LAW DEL RIO NATIONAL BANK BUILDING for an an and a sum DEL RIO, TEXAS 78840 LEGAL CERVICES (512) 775-3524 GRADY LOWREY (1898-1974) BENTON BURFORD MAY 0 6 1990 (1920-1975) AM JOHN R. FOSTER May 4, 1990 7,8,9,10,11,12,12,3,4,5,6 BYRON W. HODGE File No. COUNTY BOUNDARY LINE FILE 104 ENRIQUE FERNANDEZ VAL VERDE VAL VERDE Abst. 734, 735, 3726; TERREN Abst. 2877, 2878. 2582 General Land Office Stephen F. Austin Bldg. Filed Sept. 26 1700 N. Congress Ave. 19 91 Austin, Texas 78701 GARRY MAURO, Com'r By ____ Original Douglas Howar Re: Abstract Blk. Grantee ØAcres Cert. Survey (Terrell) (Val Verde) 2877 734 5123 43 H GC&SF Ry.Co. 640 2582 3726 5123 44 Η GC&SF Ry.Co. 640 2878 735 5124 45 H GC&SF Ry.Co. 640

Gentlemen:

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In January 1989, our client, David Winters, sold portions of the captioned surveys 43, 44 and 45 to Thomas D. Curtis and Michel E. Heard using a property description furnished by David Trent, Registered Public Surveyor No. 1468 and prepared by him on the basis of an actual survey made by him and under his supervision on the ground, on or about December 12, 1988. A copy of the metes and bounds description of those portions of Surveys 43, 44 and 45 which were conveyed is attached. In May of 1989, I received a letter from Alvin C. Williams, Chief Appraiser from Terrell County, asking for an allocation of the acreage involved in this trade between Val Verde and Terrell Counties. According to information furnished by the Terrell County Appraisal District, 458 acres out of a total of 640 acres in Survey 43 (Abstract 2877) is located in Terrell County, 241.63 acres out of a total of 640 acres out of Survey 44 (Abstract 2582) is located in Terrell County, and 421.6649 acres out of a total of 640 acres out of Survey 45 (Abstract 2878) is located in Terrell County. A copy of Mr. Williams' letter to me dated May 8, 1989 is enclosed. A summary of the information contained in that letter is as follows:

		Total		Acreage		
	tract	Survey	Acreage	Terrell	Val Verde	
(Terrell)	(Val Verde)					
2077	724	12	2	458	2	
2877	734	43	f		:	
2582	3726	44	?	241.63	?	
2878	735	45	?	421.6649	?	

After receiving Mr. Williams' letter, I contacted the Chief Appraiser of the Val Verde County Appraisal District and General Land Office May 4, 1990 Page 2

asked for the same information from her. The following is a summary of the information given me by Sue Stout from the Val Verde County Appraisal District records:

	tract (Val Verde)	Survey	Total <u>Acreage</u>	Acre Terrell	val Verde
2877	734	43	663.8	458	205.8
2582	3726	44	652.63	241.63	411
2878	735	45	653.4	466.4	187

I then consulted the General Land Office abstract book at Southwest Abstract Company here in Del Rio. The latest version they had is dated August 30, 1942 and the allocation of the acreage between the counties shown in the Land Office Abstract book is as follows:

		Total	Acreage		
Abstract	Survey	Acreage	Terrell	Val Verde	
(Terrell) (Val Verde)					
2877 734	43	640	438	202	
2582 3726	44	640	447	193	
2878 735	45	640	455	185	

I then reviewed a Midland Map Company Ownership Map to find out the relationship between these three surveys on the ground. According to the Midland Map Company Ownership Map, these three surveys are situated one on top of the other in a north-south direction in a straight line, so that the east and west lines of all three sections are a common straight line and the division line between Val Verde and Terrell Counties is a straight line which bisects all three surveys, leaving roughly two-thirds of each survey in Terrell County and one-third of each survey in Val Verde County. However, if we plot the division lines according to the information submitted by the Val Verde and Terrell County Appraisal Districts, then the county line jogs back to the west where it crosses Survey 44. In other words, the line is on the east side of Surveys 43 and 44, but it appears, according to the information which we have from the Val Verde and Terrell County Appraisal Districts, to be on the west side of Survey 44. According to that information, the division line between the two counties would not be a straight line as shown on the map.

Will you please check the records in the Land Office and give us some clarification on the location of the county line where General Land Office May 4, 1990 Page 3

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it crosses these three surveys and the correct allocation of acreage between Val Verde and Terrell Counties.

Sincerely yours,

LOWREY, FOSTER & HODGE Bypon W. Hodge

BWH:mlm;GLO(M61) Encl.

cc: Mr. David Winters Mr. Alvin C. Williams Ms. Sue Stout

TERRELL JUNIY APPRAISAL DI KILI

P.O. BOX 747 SANDERSON, TEXAS 79848 Alvin C. Williams, Chief Approiser 915-345-2251

May 8, 1989

Mr. Byron W. Hodge Lowrey, Foster & Hodge Del Rio National Bank Bldg. Del Rio, Tx. 78840

Dear Mr. Hodge:

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While splitting out the acreage from Winters to Curtis and Heard, I ran into a problem as to how many acres are in Terrell County on the last 3 properties listed on the attached.

In Ab. 2877, we show 458 acres on our roll, in Ab 2582 we show 241.63 acres on our roll, and in Ab 2878 we show 421.6649 acres on our roll.

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Please let me know th number of acres in the above three abstracts that are in Terrell County.

The AG use for 1989 has been approved.

Sincerely yours,

Alvin C. Williams,

Chief Appraiser

enc.

7877 = 43 7582 = 442878 = 45

Pec 5/10/89



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VAL VERDE CO. Bdry LINE 104 ale 59612

EXHIBIT A

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ABSTRACT	CERT.	SURVEY	BLOCK	ORIGINAL	GRANTEE	ACRES	
Terrell Val	Verde				• •		Total
1432-22569 14285457 1422570 14212877- 73 1-3212582- 372 1-3212582- 372 1-4302878- 73	26 5123	40 Pt. 41 Pt. 42 Pt. 43 A11 44 Pt. 45 Pt.	11 H H H H	GC&SF. Ry " " "	111	240.705 243.38 666.893 522.033	464,25

That portion of Survey 40 above tabulated which is covered by this instrument is described by metes and bounds as follows:

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VAL VERDE Co-Bary. LINE 104

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BEGINNING at common corners of Surveys No. 40, 41, 44 and 45 for the Southeast corner of this tract;

THENCE North 0 degrees 41 minutes 20 seconds West with line between Surveys No. 40 and 45 a distance of 2,927.52 feet, to intersection with fence for the most Easterly Northeast corner of this tract;

THENCE North 36 degrees 51 minutes 55 seconds West, a distance of 1,888.64 feet, with fence to an iron stake at fence corner for the most Northerly Northeast corner of this tract;

THENCE North 89 degrees 54 minutes West, a distance of 900.61 feet, with fence to an iron stake at fence corner for the Northwest corner of this tract;

THENCE South 0 degrees 00 minutes 05 seconds East, a distance of 4,470.85 feet, with fence to intersection with line between Surveys No. 40 and 41 for the Southwest corner of this tract;

THENCE North 89 degrees 06 minutes East, a distance of 1,979.0 feet, with line between Surveys No. 40 and 41 to the place of BEGINNING.

That portion of Survey 41 above tabulated which is covered by this instrument is described by metes and bounds as follows:

BEGINNING at common corners of Surveys No. 41, 42, 43 and 44 for the Southeast corner of this tract;

THENCE North 0 degrees 08 minutes 10 seconds

00 minutes 05 seconds East, a distance of 688.27 feet, and South 0 degrees 00 minutes 10 seconds West, a distance of 4,629.0 feet, to intersection with line between Surveys No. 41 and 42 for the Southwest corner of this tract;

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THENCE North 89 degrees 00 minutes 04 seconds East, a distance of 1,966.64 feet, with line between Surveys No. 41 and 42 to the place of BEGINNING.

That portion of Survey 42 above tabulated which is covered by this instrument is described by metes and bounds as follows:

BEGINNING at a 3 inch pipe marked "S.W. 43, Blk. II" set in cement for common corners of Surveys No. 42 and 43, Block H, and Surveys No. 93 and 96, Block D-7, for the Southeast corner of this tract;

THENCE North 0 degrees 08 minutes 10 seconds East, a distance of 5,409.58 feet, with line between Surveys No. 42 and 43 to the common corners of Surveys No. 41, 42, 43 and 44 for the Northeast corner of this tract;

THENCE South 89 degrees 00 minutes 04 seconds West, a distance of 1,966.64 feet, with line between Surveys No. 41 and 42 to intersection with fence for the Northwest corner of this tract;

THENCE with meanders of fence: South 0 degrees 00 minutes 10 seconds West, a distance of 1,410.00 feet, and South 0 degrees 02 minutes 21 seconds East, a distance of 4,004.37 feet, to intersection with the line between Blocks H and D-7 for the Southwest corner of this tract;

THENCE North 88 degrees 51 minutes 08 seconds East, a distance of 1,951.21 feet, with line between Blocks II and D-7 to the place of BEGINNING.

That portion of Survey 43 above tabulated which is covered by this instrument is all of said Survey and the same is described by metes and bounds as follows:

BEGINNING at a 3 inch pipe marked "S.W.54" set in cement in rock mound from which point a permanent rock marked "H" bears: South 42 degrees 30 minutes West, a distance of 21.38 feet, for common corners of Surveys No. 43 and 54 of Block II and Surveys No. 96 and 97 of Block D-7 and for the Southeast corner of this tract;

THENCE North 0 degrees 08 minutes 10 seconds East, a distance of 5,395.62 feet with fence to a 2 inch pipe marked "S.W. 53, Blk.H" set in cement for common corners of Surveys No. 43, 44, 53 and 54 and for the Northeast corner of this tract;

THENCE South 89 degrees 00 minutes 04 seconds West, a distance of 5,378.05 feet, with line between Surveys No. 43 and 44 for common corners of Surveys No. 41, 42, 43 and 44 and for the Northwest corner of this tract;

VAL VERDE Co. Bdry. LINE 104

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THENCE South 0 degrees 08 minutes 10 seconds West, a distance of 5,409.58 feet, with line between Surveys No. 42 and 43 to 3 inch pipe marked "S.W. 43, Blk.II" set in cement for the common corners of Surveys No. 42 and 43, Block II, 93 and 96, Block D-7 and for the Southwest corner of this tract;

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THENCE North 88 degrees 51 minutes 08 seconds East, a distance of 5,378.35 feet, with line between Surveys No. 43 and 96 to the place of BEGINNING.

That portion of Survey 44 above tabulated which is covered by this instrument is described by metes and bounds as follows:

BEGINNING at a 2 inch pipe marked "S.W. 53, Blk. H" set in cement for common corners of Surveys No. 43, 44, 53 and 54 and for the Southeast corner of this tract;

THENCE with meanders of fence: North 0 degrees 27 minutes East, a distance of 1,328.75 feet, and North 0 degrees 02 minutes 50 seconds West, a distance of 1,387.63 feet, to fence corner for the most Easterly Northeast corner of this tract;

THENCE with meanders of fence: North 84 degrees 46 minutes 55 seconds West, a distance of 1,458.73 feet, and North 36 degrees 36 minutes 25 seconds West, a distance of 2,995.78 feet, to intersection with line between Surveys No. 44 and 45 for the most Northerly Northeast corner of this tract;

THENCE South 89 degrees 06 minutes West, a distance of 2,135.03 feet, with line between Surveys No. 44 and 45 to common corners of Surveys No. 40, 41, 44 and 45 for the Northwest corner of this tract;

THENCE South 0 degrees 08 minutes 10 seconds West, a distance of 5,302.78 feet, with line between Surveys No. 41 and 44 to common corners of Surveys No. 41, 42, 43 and 44 for the Southwest corner of this tract;

THENCE North 89 degrees 00 minutes 04 seconds East, a distance of 5,378.05 feet, with line between Surveys No. 43 and 44 to the place of BEGINNING.

That portion of Survey 45 above tabulated which is covered by this instrument is described by metes and bounds as follows:

BEGINNING at common corners of Surveys No. 40, 41, 44 and 45 for the Southwest corner of this tract;

THENCE North 89 degrees 06 minutes East, a distance of 2,135.03 feet, with line between Surveys No. 44 and 45 to intersection with fence for the Southeast corner of this tract;

THENCE North 36 degrees 51 minutes 55 seconds West, a distance of 3,617.0 feet, with fence to intersection with line between Surveys No. 45 and 40 for the Northwest corner of this tract;

VAL VERDE Co. Bdry LINE 104

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THENCE South 0 degrees 41 minutes 20 seconds East, a distance of 2,927.52 feet, with line between Surveys No. 40 and 45 to the place of BEGINNING.

The above described real property is further described in aggregate body by metes and bounds perimeter survey as follows:

BEGINNING at a 3 inch pipe marked "S.W.54" set in cement in rock mound from which point a permanent rock marked "H", bears: South 42 degrees 30 minutes West, a distance of 21.38 feet, at fence corner for common corners of Surveys No. 43, 54, 96 and 97 and for a corner of this tract;

THENCE North 0 degrees 08 minutes 10 seconds East, a distance of 5,395.62 feet, to a 2 inch pipe marked "S.W. 53, Blk.H" for common corners of Surveys No. 43, 44, 53 and 54 and for a corner of this tract;

THENCE with meanders of fence: North 0 degrees 27 minutes East, a distance of 1,328.75 feet, and North 0 degrees 02 minutes 50 seconds West, a distance of 1,387.63 feet, to an iron stake at fence corner for the most Easterly Northeast corner of this tract;

THENCE with meanders of fence: North 84 degrees 46 minutes 55 seconds West, a distance of 1,458.73 feet, North 36 degrees 36 minutes 25 seconds West, a distance of 2,995.78 feet, and North 36 degrees 51 minutes 55 seconds West, a distance of 5,505.64 feet, to an iron stake at fence corner for the most Northerly Northeast corner of this tract;

THENCE North 89 degrees 54 minutes West, a distance of 900.61 feet, with fence to an iron stake at fence corner for the Northwest corner of this tract;

THENCE with meanders of fence: South 0 degrees 00 minutes 05 seconds East, a distance of 5,159.12 feet, South 0 degrees 00 minutes 10 seconds West, a distance of 6,039.0 feet and South 0 degrees 02 minutes 21 seconds East, a distance of 4,004.37 feet, to intersection with South line of Survey No. 42 for the Southwest corner of this tract;

THENCE North 88 degrees 51 minutes 08 seconds East, a distance of 7,329.56 feet, with South lines of Surveys No. 42 and 43, at a distance of 1,951.21 feet, pass 3 inch pipe marked "S.W. 43, Blk.H", set in cement to the place of BEGINNING.

The field note descriptions contained in this Exhibit were prepared by David Trent, Registered Public Surveyor No. 1468, The State of Texas, on the basis of an actual survey made by him and under his supervision, on the ground, on or about December 12, 1988.

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GARRY MAURO COMMISSIONER

MEMORANDUM

DATE: May 9, 1990

TO: Stroud Kelley

FROM: Ben Thomson CDT

SUBJECT: TERRELL - VAL VERDE COUNTY LINE

Information in the office is unclear as to what surveys the above referenced county line may run through.

While the Terrell County map shows a straight line for the common boundary between the counties an offset appears in our Val Verde County map (see copies attached). The surveyors sketch accompanying the Val Verde county line description neglects to show any surveys in the area in question. Both county maps do agree as to the general location of the line through the affected surveys.

The county line is indicated to be a straight line as surveyed. U.S.G.S. topographic maps show the county line straight and indicate that mile markers 10 and 24 were found in the mid 1970's. The surveys in question are between these markers.

It appears that resolution of the problem at hand can be effected by a survey on the ground which locates both the county line and the surveys in question. A survey of this nature should be performed by a competent Licensed State Land Surveyor with a strong background in this type retracement work. Such work will undoubtedly be a considerable expense.

Attachments

VAL VERDE Co. Bdry. LINE 104

Stroud, I didn't have time to pull the files on these 3 Surveys, Don't think it would help any but you might want to check. The abstract book is probably closer than anything else but my quess is that those acreages were scaled off one of the county maps. Ben

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COUNTY

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VAL VERDE

conter 59619