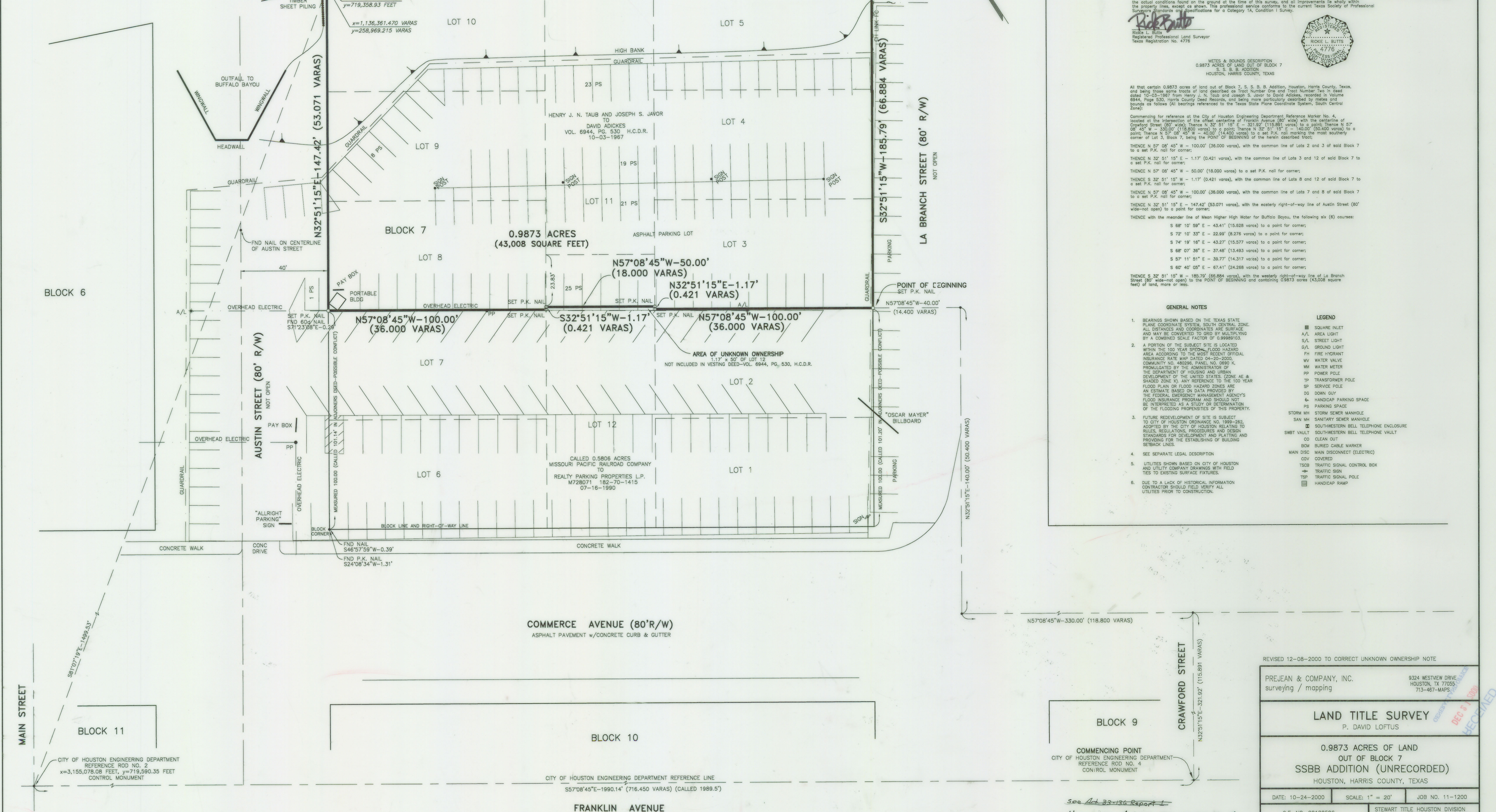


VICINITY MAP
NOT TO SCALE



NOTICE:
This survey was performed in accordance with Section 33.136, Natural Resources Code, for the purpose of evidencing the location of the shoreline in the area depicted in this survey as that shoreline existed before commencement of erosion response activity, as required by Chapter 33, Natural Resources Code. The meander line depicted on this survey fixes the shoreline for the purpose of locating a shoreline boundary, subject to movement known or as provided by Section 33.136, Natural Resources Code.

I, William E. Marten, Licensed State Land Surveyor in and for the State of Texas, do hereby certify that on October 3, 2000, I have located the natural contour line of Mean Higher High Water on the ground, according to law and with the personnel stated, and that the meanders of said contour line are true and correct as shown hereon. To the best of my knowledge, no artificial fill or any development, other than as shown hereon, that would cause alteration to said contour line has occurred within the area surveyed. Reference is hereby made to the accompanying report by the same date.

Field Personnel:
Rickie L. Butts
Joseph N. Mabha
Jimmy L. Vaughan

William E. Marten
Licensed State Land Surveyor
Hoff Associates, Inc.
3701 Kirby Drive, Suite 1290
Houston, Texas 77058
713-523-7161

TEXAS GENERAL LAND OFFICE
Art. 33.136, Natural Resources Code
County HARRIS, Sk. No. 1
File Date 12-21-2000 by Douglas Howard
See Harris Co. Art. 33.136
Report File No. 1

Richard L. Butts
Registered Professional Land Surveyor
Texas Registration No. 4776

METES & BOUNDS DESCRIPTION
0.9873 ACRES OF LAND OUT OF BLOCK 7
S. S. B. ADDITION
HOUSTON, HARRIS COUNTY, TEXAS

All that certain 0.9873 acres of land out of Block 7, S. S. B. Addition, Houston, Harris County, Texas, and being those same tracts of land described as Tract Number One and Tract Number Two in said deed dated 10-03-1967 from Henry J. N. Taub and Joseph S. Javor to David Adickes, recorded in Volume 6944, Page 530, Harris County Deed Records, and being more particularly described by metes and bounds as follows (All bearings referenced to the Texas State Plane Coordinate System, South Central Zone):

Commencing for reference to the City of Houston Engineering Department Reference Marker No. 4, located at the intersection of the offset centerline of Franklin Avenue (80' wide) with the centerline of Crawford Street (80' wide) Thence N 32° 51' 15" E - 321.92' (115.887 varas) to a point; Thence N 57° 08' 45" W - 330.00' (118.800 varas) to a point; Thence N 32° 51' 15" E - 140.00' (50.400 varas) to a point; Thence N 37° 08' 45" W - 420.00' (144.000 varas) to a set P.K. nail marking the most easterly corner of Lot 3, Block 7, being the POINT OF BEGINNING of the herein described tract;

THENCE N 57° 08' 45" W - 100.00' (36.000 varas), with the common line of Lots 2 and 3 of said Block 7 to a set P.K. nail for corner;
THENCE N 32° 51' 15" E - 1.17' (0.421 varas), with the common line of Lots 3 and 12 of said Block 7 to a set P.K. nail for corner;
THENCE N 57° 08' 45" W - 50.00' (18.000 varas) to a set P.K. nail for corner;
THENCE S 32° 51' 15" W - 1.17' (0.421 varas), with the common line of Lots 8 and 12 of said Block 7 to a set P.K. nail for corner;
THENCE N 57° 08' 45" W - 100.00' (36.000 varas), with the common line of Lots 7 and 8 of said Block 7 to a set P.K. nail for corner;
THENCE N 32° 51' 15" E - 147.42' (53.071 varas), with the easterly right-of-way line of Austin Street (80' wide-not open) to a point for corner;
THENCE with the meander line of Mean Higher High Water for Buffalo Bayou, the following six (6) courses:
S 68° 10' 59" E - 43.41' (15.628 varas) to a point for corner;
S 72° 10' 33" E - 22.99' (8.276 varas) to a point for corner;
S 74° 19' 16" E - 43.27' (15.577 varas) to a point for corner;
S 68° 07' 36" E - 37.48' (13.493 varas) to a point for corner;
S 57° 11' 51" E - 39.77' (14.317 varas) to a point for corner;
S 60° 40' 05" E - 67.41' (24.268 varas) to a point for corner;
THENCE S 32° 51' 15" W - 185.79' (66.884 varas), with the westerly right-of-way line of La Branch Street (80' wide-not open) to the POINT OF BEGINNING and containing 0.9873 acres (43,008 square feet) of land, more or less.

- GENERAL NOTES**
- BEARINGS SHOWN BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE. ALL DISTANCES AND COORDINATES ARE SURFACE AND MAY BE CONVERTED TO GRID BY MULTIPLYING BY A COMBINED SCALE FACTOR OF 0.99999103.
 - A PORTION OF THE SUBJECT SITE IS LOCATED WITHIN THE 100 YEAR SPECIAL FLOOD HAZARD AREA ACCORDING TO THE MOST RECENT OFFICIAL INSURANCE RATE MAP DATED 04-20-2000, COMMUNITY NO. 480296, PANEL NO. 0890 K, PROMULGATED BY THE ADMINISTRATOR OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT OF THE UNITED STATES. ZONE AE & SHADDED (X) ANY REFERENCE TO THE 100 YEAR FLOOD PLAIN OR FLOOD HAZARD ZONES ARE AN ESTIMATE BASED ON DATA PROVIDED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE PROGRAM AND SHOULD NOT BE INTERPRETED AS A STUDY OR DETERMINATION OF THE FLOODING PROBABILITIES OF THIS PROPERTY.
 - FUTURE REDEVELOPMENT OF SITE IS SUBJECT TO CITY OF HOUSTON ORDINANCE NO. 1999-262, ADOPTED BY THE CITY OF HOUSTON RELATING TO RULES, REGULATIONS, PROCEDURES AND DESIGN STANDARDS FOR DEVELOPMENT AND PLATTING AND PROVIDING FOR THE ESTABLISHING OF BUILDING SETBACK LINES.
 - SEE SEPARATE LEGAL DESCRIPTION.
 - UTILITIES SHOWN BASED ON CITY OF HOUSTON AND UTILITY COMPANY DRAWINGS WITH FIELD TIES TO EXISTING SURFACE FEATURES.
 - DUE TO A LACK OF HISTORICAL INFORMATION CONTRACTOR SHOULD FIELD VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION.

LEGEND

■	SQUARE INLET
A/L	AREA LIGHT
S/L	STREET LIGHT
G/L	GROUND LIGHT
FH	FIRE HYDRANT
WV	WATER VALVE
WM	WATER METER
PP	POWER POLE
TP	TRANSFORMER POLE
SP	SERVICE POLE
DC	DOWN GUY
⊕	HANDICAP PARKING SPACE
PS	PARKING SPACE
STORM MH	STORM SEWER MANHOLE
SAN MH	SANITARY SEWER MANHOLE
☒	SOUTHWESTERN BELL TELEPHONE ENCLOSURE
SWBT VAULT	SOUTHWESTERN BELL TELEPHONE VAULT
CO	CLEAN OUT
BOB	BURIED CABLE MARKER
MAN DISC	MAIN DISCONNECT (ELECTRIC)
COV	COVERED
TSOB	TRAFFIC SIGNAL CONTROL BOX
→	TRAFFIC SIGN
TSP	TRAFFIC SIGNAL POLE
□	HANDICAP RAMP

REVISED 12-08-2000 TO CORRECT UNKNOWN OWNERSHIP NOTE

PREJEAN & COMPANY, INC.
surveying / mapping
9324 WESTVIEW DRIVE
HOUSTON, TX 77055
713-467-MAPS

LAND TITLE SURVEY
P. DAVID LOFTUS

0.9873 ACRES OF LAND
OUT OF BLOCK 7
SSBB ADDITION (UNRECORDED)
HOUSTON, HARRIS COUNTY, TEXAS

DATE: 10-24-2000 SCALE: 1" = 20' JOB NO. 11-1200
G.F. NO. 00120596 STEWART TITLE HOUSTON DIVISION
STEWART TITLE GUARANTY COMPANY

see Art. 33.136 Report 1
Harris Co. Art. 33.136 sketch No. 1



Halff Associates

ENGINEERS • ARCHITECTS • SCIENTISTS
PLANNERS • SURVEYORS

3701 KIRBY DRIVE, SUITE 1290
HOUSTON, TEXAS 77098
(713) 523-7161
FAX (713) 523-4373

December 18, 2000

Mr. Ben Thomson, RPLS, LSLS
Texas General Land Office
Surveying Division
1700 N. Congress Avenue
Austin, Texas 78701

TEXAS GENERAL LAND OFFICE
Art. 33.136, Natural Resources Code
County HARRIS, ^{REPORT Sketch} St. No. 1
File Date Dec. 21, 2000 by D.J.H.

Re: Block 7, South Side Buffalo Bayou, Houston, Harris County, Texas

Dear Ben,

Enclosed please find the original and 1 blueline copy of the survey of the above referenced site to be filed in the records of the General Land Office in accordance with the requirements of Section 33.136 of the Natural Resource Code "Property Rights: Preservation of Littoral Rights". Also enclosed is the original and 1 copy of the accompanying Surveyors Report to be filed with the Survey.

If you have any questions or need further information, please do not hesitate to give me a call.

Thank you.

Sincerely,

William E. Merten, RPLS, LSLS
Director of Surveying - Houston

Cc: Mr. Rick Butts, Prejean & Company

File No. 1-NRC-Art.33.136
Harris County
Transmittal letter
Date Filed: 12-21-2000
By David Dewhurst, Commissioner
Douglas Howard
FOR Plat see Harris Co.
Art. 33.136 Sketch No. 1

HOUSTON • DALLAS • FORT WORTH • McALLEN

TRANSPORTATION • WATER RESOURCES • LAND DEVELOPMENT • MUNICIPAL • ENVIRONMENTAL • STRUCTURAL
MECHANICAL • ELECTRICAL • SURVEYING • GEOGRAPHIC INFORMATION SYSTEMS
ARCHITECTURE • LANDSCAPE ARCHITECTURE • PLANNING

SURVEYORS REPORT
SURVEY OF THE LINE OF MEAN HIGHER HIGH WATER
ALONG BLOCK 7, SOUTH SIDE BUFFALO BAYOU ADDITION
IN THE JOHN AUSTIN SURVEY
CITY OF HOUSTON, HARRIS COUNTY, TEXAS

At the request of Prejean & Company, Inc. and in my capacity as a Licensed State Land Surveyor in Texas, I have determined the line of Mean Higher High Water for Buffalo Bayou along Block 7, South Side Buffalo Bayou Addition in the John Austin Survey, Abstract Number 1, in the City of Houston, Harris County, Texas. This survey was performed as per the requirements outlined in the Coastal Public Lands Management Act of 1973, as amended, Chapter 33, Natural Resources Code, and specifically per Section 33.136, Natural Resources Code, "Property Rights: Preservation of Littoral Rights".

The purpose of this survey was to evidence "...the location of the shoreline in the area depicted in this survey as that shoreline existed before commencement of erosion response activity..."(Section 33.136(b), Natural Resources Code).

Title to the John Austin Survey was received from the Mexican Government on July 21, 1824 and Buffalo Bayou flows from west to east through the survey. The bed of Buffalo Bayou is owned in fee by the Harris County Houston Ship Channel Navigation District with all mineral rights expressly reserved to the State of Texas by Chapter 292, Acts of the 40th Legislature, Regular Session (1927). Buffalo Bayou is tidally influenced in the project area.

In the case of Humble Oil & Refining Co. vs. Sun Oil Co. (190 F 2d 191), the court held that "grants issued by the King of Spain and the Mexican State before the adoption of common law in Texas, the boundary between sea and upland must be determined in accordance with principals announced in Las Siete Partidas, the basic law of Spain and Mexico which defines "shore" as all ground covered with water at high tide during the whole year, whether in winter or summer."

In a decision by the Texas Supreme Court in the case of Luttus vs. State (324 SW 2nd 167, on remand 328 SW 2nd 920) it was found that the littoral boundaries for civil law grants differs from the boundaries of common law grants. The court states that for civil law grants (grants by Spain and Mexico) the boundary is the line of Mean Higher High Water (MHHW) and for common law grants (grants made by the Republic and State of Texas) the boundary is the line of Mean High Water (MHW). Therefore, the littoral boundary within the John Austin Survey, a Mexican Grant, will be the line of Mean Higher High Water.

The Luttus case defined Mean Higher High Water as a tidal datum that is the average of the higher of the two daily tides observed over a specific 19 year period (epoch) and Mean High Water as a tidal datum that is the average of all high tides over a specific 19 year period (epoch). Tides being defined as the regular and predictable rise and fall in sea level due to the gravitational pull of the sun and moon.

TEXAS GENERAL LAND OFFICE
Art. 33.136, Natural Resources Code
County HARRIS, ^{Report Sketch} ~~St.~~ No. 1A
File Date Dec. 21, 2000 by D.J.H

Surveyors Report
Buffalo Bayou
Page 2 of 2

Also, sea levels are influenced by weather conditions, geographical location and topography of the coastline. The combination of these conditions can result in a wide variation in the elevation of the tidal datum from location to location.

The project site is along approximately 92 varas (255 linear feet) of the southerly bank of Buffalo Bayou against property now owned by David Adickes and is bounded on the west by Austin Street and on the east by La Branch Street. This area of Buffalo Bayou is an area of extensive erosion as evidenced by the existence of "cutbanks" along the entire length of the project.

Observations of the water level in the bayou through the tide cycles revealed that the line of Mean Higher High Water falls along the existing "cutbank" and that the littoral boundary is defined by the "cutbank".

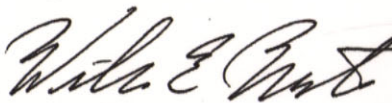
On October 6, 2000, points were located on the "cutbank" (line of Mean Higher High Water) along the southerly bank of Buffalo Bayou for the entire project length. These points were incorporated into surveyed meanders delineating the littoral boundary between the bed of Buffalo Bayou and the privately owned uplands.

The surveyed meander line was tied to the Texas Coordinate System of 1929, South Central Zone using City of Houston Engineering Department Reference Rod No. 2 for reference. The scale factor used for this project is 0.99989103.

There is an excavated area for a drainage structure and a timber sheet piling located in the Austin street right-of-way to the east of the project area. These areas have been noted on the survey. To the best of my knowledge no artificial fill or development, other than previously stated, that would cause alteration to the line of mean higher high water, has occurred within the area surveyed.

A plat showing the results of this survey was prepared by Prejean & Company, Inc. and accompanies this report.

Respectfully submitted,


William E. Merten
Licensed State Land Surveyor
Halff Associates, Inc.
3701 Kirby Drive, Suite 1290
Houston, Texas 77098
713-523-7161



File No. 14-NRC-Art. 33.136
Harris County
SSBB ADDITION (South Side Buffalo Bayou)
ORIGINAL-REPORT-0.9873 Ac. out of Blk. 7
Date Filed: Dec. 21, 2000

By David Dewhurst, Commissioner
Douglas Howard
For Plat - See Harris Co.
Art. 33.136 Sketch No. 1