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File No. Sketch File 16
County Cameron
Boundary Agreement - James E. Gray
Date Filed: Nov. 16, 1998
by David Dewhurst, Commissioner
Douglas Howard

File No. SKETCH FILE 16

Cameron County

Boundary Agreement - James E. Gray

Date Filed: Nov. 16, 1998

David Dewhurst, Commissioner

BOUNDARY AGREEMENT

By Douglas Howard

THIS AGREEMENT is made and entered into by and between the State of Texas, acting by and through Garry Mauro, Commissioner of the Texas General Land Office and Chairman of the School Land Board (hereinafter referred to as "the State"), pursuant to TEX. NAT. RES. CODE ANN., §33.060 (Vernon 1978), and James E. Gray (hereinafter referred to as "Owner"), owner of Lot 18, Block 167, Padre Beach, Section XI, 212 W. Georgia Ruth, South Padre Island, Cameron County, Texas (hereinafter referred to as "Owner's Property").

WHEREAS, the State is the owner, by sovereignty, of coastal public lands in the Laguna Madre adjacent to Owner's Property; and

WHEREAS, the parties deem it to be in their respective best interests to establish the location of the boundary between coastal public land and the Owner's Property; and

WHEREAS, the parties agree that an equitable and accurate boundary between their lands will be delineated by an existing bulkhead located on or adjacent to Owner's Property (the "Bulkhead") so that each party can have and hold, free of any claim by the other, all interests in its land as divided by the Bulkhead;

NOW, THEREFORE, the parties being in agreement that each is receiving a benefit and value equal to that being received by the other, in consideration of the mutual agreements herein contained, the parties mutually agree as follows:

1. The common boundary between the State-owned coastal public lands and Owner's Property (the "Boundary") is hereby mutually agreed to be at and along the Laguna Madre face of the Bulkhead as that line is described and depicted on "Exhibit A," attached hereto and incorporated herein by reference.
2. The State shall have no responsibility for repair or maintenance of the Bulkhead nor shall the State incur any liability as a result of its placement or maintenance in place.
3. The Boundary will be and remain fixed and permanent, subject to all natural boundary changes, except accretion and reliction.
4. In the event of erosion landward of the Bulkhead due to a storm event, the State and Owner acknowledge that for a period of time not to exceed one year from the time Owner receives written notification by the General Land Office that such storm event has taken place, Owner may, pursuant to law and General Land Office rules, reclaim any portion of Owner's Property that became submerged as a result of such storm event, and may, to the extent necessary, rebuild or replace the Bulkhead in its original size and location. If Owner fails to reclaim such area within said one-year period, Owner acknowledges that the State will claim ownership to all submerged land located landward of the Bulkhead that has not been reclaimed.

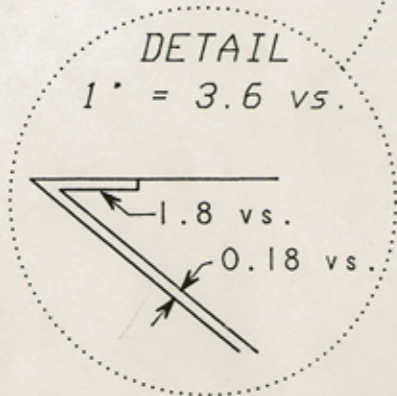
NICOLAS & JUAN BALLI

A-260

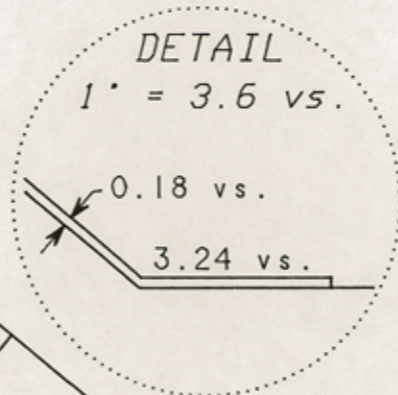
PADRE BEACH
BLOCK 167
SECTION XI

Point for Corner
X - 876.711.8808
Y - 60.721.5600

N 83° 31' 00" E - 84.989



LOT 18



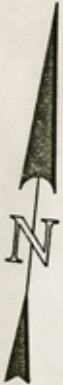
LOT 17

S 06° 25' 00" E - 45.000

ORIENTED TO TEXAS LAMBERT
COORDINATE SYSTEM (N.A.D. 1927)
VALUES DETERMINED BY G.P.S.
METHODS UTILIZING U.S.C. & G.S.
STATIONS:

BRAZOS X - 877.869.2268
Y - 54.231.7716

SHARK X - 877.169.5740
Y - 61.460.6544



GRAPHIC SCALE: 1" = 10.8 VARAS

I hereby certify that this survey
was made by E.J. Mejia RPLS 3900
under my supervision and instruction.

Garry Mauro

WARREN & SONS INC.

LAND SURVEYORS

P.O. BOX 2292

CORPUS CHRISTI, TEXAS 78403

Drawn By: P.W. Date: 10-14-98

Scale: 1" = 30' Job No.: 6799



LAGUNA MADRE
Laguna Madre face of the Bulkhead
N 56° 38' 00" W - 70.225
Wooden Pier
Permit No. CE 850171

Point for Corner
X - 876.770.5320
Y - 60.682.9356

Found 1/2" Iron Pin
w/ cap marked M&R Inc.
X - 876.801.3552
Y - 60.686.4384

S 83° 31' 00" W - 31.021

108.00

Found
Concrete
Monument

EXHIBIT "A" TO BOUNDARY AGREEMENT BETWEEN
THE STATE OF TEXAS AND JAMES E GRAY

SURVEY OF LOT 18, BLOCK 167, SECTION XI, PADRE BEACH
RECORDED VOLUME 15 PAGE 41 CAMERON COUNTY, TEXAS MAP
RECORDS. SAID LOT 18 BOUNDARY REVISED HERewith TO
MAKE THE EXISTING ALUMINUM BULKHEAD TO BE THE BOUNDARY
BETWEEN STATE OWNED COASTAL LANDS IN THE LAGUNA MADRE
AND THE SAID LOT 18 IN ACCORDANCE WITH THE AGREEMENT
ENTERED INTO BY THE STATE OF TEXAS ACTING BY AND
THROUGH GARRY MAURO COMMISSIONER OF THE TEXAS GENERAL
LAND OFFICE AND CHAIRMAN OF THE SCHOOL LAND BOARD AND
JAMES E. GRAY.

02-13-84

02 13 84

Counter # 76338

FILE NO. Bdry. Agmt. 2

Cameron COUNTY

Aerial Photo 1984

FILED 16th Nov. 19 98

GARRY MAURO, COM'R

BY L. Aston

File No. Sketch File 16

Cameron County

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Date Filed: Nov. 16, 1998

David Dewhurst, Commissioner

By Douglas Howard

03-23-89

500 03-23-89

41

AND JUSTICE

416 041



(3)

~~FILE NO. Bdry Agmt. 2
Cameron COUNTY
Aerial Photo 1989
FILED 16th Nov 19 98
GARRY MAURO, COM'R
BY L. Aston~~

File No. sketch File 16
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By David Dewhurst, Commissioner
Douglas Howard

03-18-98

LAW OFFICES
MCGINNIS, LOCHRIDGE & KILGORE, L.L.P.

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FAX (713) 615-8585

WRITER'S DIRECT DIAL NUMBER:
(713) 615-8515

November 17, 1998

Kenneth W. Mills, Esq.
Director, Real Estate Section
Legal Services Division
Texas General Land Office
Stephen F. Austin Building
1700 N. Congress Avenue
Austin, Tx 78701-1495

Dear Ken:

On behalf of my client, Jim Gray, thank you for assisting us in our effort to obtain a mutually satisfactory resolution of the boundary dispute. I appreciate your prompt attention to this matter and the professional way in which you represented the General Land Office. Pursuant to our conversation yesterday, I have inserted November 3, 1998 as the effective date of the agreement.

If I can be of further assistance to you in this matter or any other matter, please do not hesitate to contact me.

Whoops
Very truly yours,

Tom

Thomas J. Forestier

TJF/dkj

cc: Mr. Spencer Reid

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Douglas Howard

GENERAL LAND OFFICE
LEGAL SERVICES

98 NOV 20 PM 2:46

Counter # 76342