

**SURVEYOR'S REPORT  
TO  
MRS. BARBARA H. PREWIT**

**PURPOSE OF SURVEY**

Mrs. Barbara H. Prewit, owner, employed our services to locate on the ground, prepare corrected field notes and a surveyor's report of Sections 6 and 7, Block 51, Township 7, T. & P. Rwy. Co. Survey, and of the East part of Section 27, Block C-7, Public School Land, all located in Reeves County, Texas, to obtain patents from the State of Texas.

**HISTORICAL INFORMATION**

**HOUSTON AND GREAT NORTHERN RAILROAD COMPANY SURVEYS (H. & G.N. R.R. CO.)**

Blocks 6 and 13 of the H. & G.N. R.R. CO. Surveys were originally surveyed by Wm. Nelson, Deputy Surveyor of the El Paso District. His field notes were recorded by Jos. Milkin Tays, District Surveyor of the El Paso District. Mr. Nelson surveyed Block 6 in March of 1873 and continued into Blocks 5 and 13 in April 1873. With the exception of Section 39, Block 6, his field notes are canceled by corrected field notes of State Surveyor, by an Act approved April 2, 1887, Chapter 115, Section 3.

In time it became apparent that Mr. Nelson's surveys of Sections 199, 200, 203, 204, 257, 258, 263 and 264, were in error. In October 1885, E.A. Giraud, Deputy Surveyor of Pecos County, prepared corrected field notes of these sections. Also, his corrected field notes are canceled by the same Act as Mr. Nelsons.

May of 1890, Mr. Giraud, now a State Surveyor, was employed to resurvey the H. & G.N. R.R. Co. Blocks 5 and 6. Then in October and November of the same year, he resurveyed Block 13, preparing corrected field notes of all sections within these blocks. This time, he sets 1-1/2" iron pipes on certain lines, marking said pipes with the proper section and/or block number. In the original field notes by Mr. Nelson, only stakes are called for and in Mr. Giraud's corrected field notes of 1885, he only calls for stake and mound. Neither Mr. Nelson nor Mr. Giraud refers to any bearings to mountains, trees or other objects in their field note descriptions.

In November 1947, R.E. Booker, County Surveyor of Reeves County, Texas, made a survey and prepared field notes of the W/2 of Section 38, Block 6, H. & G.N. R.R. CO. Survey, of which patent issued. His field notes call for iron pipes at the Northwest and the Southwest corner of Section 38. He does not make any reference to objects nor does he refer to any particular size or makings of these pipes. (Section 38 lies Northerly of and adjacent to the North line of Section 27, Block C-7.)

Fred P. Armstrong, State Surveyor, made surveys and prepared corrected field notes of Section 40, Block 6, H. & G.N. R.R. CO. Survey, dated July 25 - 30, 1970, and patent issued on his survey. Mr. Giraud did not call for an iron pipe at the Southeast corner of Section 40, however, Mr. Armstrong set a 3/4" galvanized iron pipe marked "SE 40 B6".

The S/2 of Section 270, Block 13, H. & G.N. R.R. CO. Survey, was surveyed and field notes prepared by Mr. Armstrong, December 10, 1952, and patent issued. On December 8 -12, 1975, he surveyed and prepared field notes of the N/2 of said Section 270, and patent issued. Mr. Armstrong calls for Giraud's iron pipes at the Northeast and Southeast corners.

**TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS (T. & P. Rwy. Co.)**

The Texas and Pacific Railway Company commissioned their Deputy Surveyor, Jas. L. Peck, to survey Blocks 50, 51, and 52, Township 7. Mr. Peck surveyed and prepared field notes of 48 sections of land in July 1876, for each block. Charles H. Irvin, Principal Surveyor of the railroad, reviewed and approved his work. For these field notes to be official, Tho. C. Nelson, Surveyor of the Pecos Land District, reviewed and recorded them in the local records in June of the following year. These Blocks were surveyed under an Act by the Legislature to adjust and define the rights of the Texas and Pacific Railway Company, passed May 2, 1873.

Mr. Peck began Section 1, Block 51, at the Northwest corner of Block 50, Township 7. He built Sections 1 through 6 from East to West and 7 through 12 from West to East and so on. The only monuments he calls for are stake and earth mound with no references.

Apparently there was a question as to the exact location of Block 51 as surveyed by Mr. Peck, for in February 1886, corrected field notes were prepared. Murray Harris, Deputy Surveyor of Reeves County, made surveys of the outlining sections of said Block 51 and 52. His corrected field notes call to begin at a stake and large stone mound at the Northwest corner of Block 50, for the Northeast corner of Section 1, Block 51. Along the North line, Mr. Harris calls for only one other stone mound, this being the Northwest corner of Section 3. It appears, by his references to Gomez Peak and other objects, that he actually ran the outside boundary of Block 51.

Where Mr. Peck called for Sections 6, 7, and 18, Block 51 and Section 1, Block 52, to be 1900 varas square, Mr. Harris found them to be in conflict with the senior surveys of the H. & G.N. R.R. Co., Blocks 6 and 13. Again, Mr. Harris made his surveys in 1886; a year after Mr. Giraud's first corrected field notes of the sections of Block 13, mentioned above. He found that a portion of the Southwest corner of Section 6, Block 51, was in conflict with Section 269, Block 13. Also the Western portions of Section 7 and 18, Block 51, were in conflict with Sections 269 and 270, Block 13. Most of Section 1, Block 52, was in conflict with Section 40, Block 6 and Sections 263, 264 and 265, Block 13.



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**BLOCK 51, TOWNSHIP 7, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS**

2" iron pipe with brass cap marked "T & P RY SURVEYS KRA 1935, S1, S6, T7, B50" in large rock mound set by Murray Harris in 1886, found at the Northeast corner of Section 1. This monument also recovered by W.D. Twichell in 1900 and by H.R. Gard in 1948.

1" galvanized iron pipe marked "K NE COR. 2-7, 51" in top of 2" iron pipe marked "NE 2, B57, T7G, NW 1" found at the Northwest corner of Section 1 and the Northeast corner of Section 3. Also recovered by H.R. Gard in 1948.

2" iron pipe with brass cap marked "T & P RY SURVEYS KRA 1935, B51, T6, 2, 5, B51, T7, 3, 4" in large rock mound by Murray Harris in 1886, found at the Northwest corner of Section 2 and the Northeast corner of Section 3. Also recovered by A.M. Randolph in 1909, and H.R. Gard in 1948.

4" iron pipe, top 3 feet more or less, lying beside bottom portion, set by A.M. Randolph in 1909, found at the common corners of Sections 4, 5, 8 and 9. This monument also recovered by R.E. Booker in 1940.

2" iron pipe by R.E. Booker in 1940, found at the common corner to Sections 7, 8, 17 and 18.

2" iron pipe with brass cap marked "T & P RY SURVEYS KRA 1935, B50, T7, S6, S7, B51, T7, S1, S12" in old rock mound by Murray Harris in 1886, found at the Southeast corner of Section 1 and the Northeast corner of Section 12.

2" iron pipe with brass cap marked "T & P RY SURVEYS KRA 1935, B50, T7, S7, S18, B51, T7, S12, S13" in old rock mound by Murray Harris in 1886, found at the Southeast corner of Section 12 and the Northeast corner of Section 13.

2" iron pipe with brass cap marked "T & P RY SURVEYS KRA 1935, B50, T7, S19, S20, B51, T7, S24, S25" in old rock mound by Murray Harris in 1886, found at the Southeast corner of Section 24 and the Northeast corner of Section 25.

2" iron pipe with brass cap marked "T & P RY SURVEYS KRA 1935, B50, T7, S30, S31, B51, T7, S25, S36" in old rock mound by Murray Harris in 1886, found at the Southeast corner of Section 25 and the Northeast corner of Section 36.

2" iron pipe with brass cap marked "T & P RY SURVEYS KRA 1935, B50, T7, S42, S43, B51, T7, S37, S48" in old rock mound by Murray Harris in 1886, found at the Southeast corner of Section 37 and the Northeast corner of Section 48.

2" iron pipe with brass cap marked "T & P RY SURVEYS KRA 1935, B50, T7, S43, T8, S6, B51, T7, S48, T8, S1" in old rock mound by Murray Harris in 1886, found at the Southeast corner of Section 48.

**CONSTRUCTION OF SUBJECT LANDS**

The location of the Northwest corner of Section 38, Block 6, is in a line connecting Mr. Armstrong's pipe found at the Southeast corner of Section 40, said Block 6, to Mr. Giraud's pipe found at the Northwest corner of Section 34. The course of this line has a convergence of  $0^{\circ}06'55''$  to the average of the East lines of Sections 33 and 36, therefore the East line of Sections 34, 35 and 38 is a mean of the convergence. We found that the length of the North line is 14.258 varas in excess and its course is an average of right angles off of the West and East lines of Sections 34, 35 and 38. Mr. Twichell did not look to the North, along the West line of Block 6 and knew that Giraud did not monument the Southeast corner of Section 40, therefore he was unaware of the excess in Section 38. We placed the South line of Section 38, a distance of 1900.800 varas Southerly of and parallel to the found North line. The Southwest and Southeast corners of Section 38 are the Northwest and Northeast corner, respectively of Section 27, Block C-7, Public School Lands.

The Northwest corner of Section 6, Block 51, Township 7, T. & P. Rwy. Co. Survey is located 5702.400 varas Westerly of the common North corner of Sections 3 and 4 as found monumented, on projection of a line from the found monument at the Northeast corner of Section 1, Block 51, through said monument at Sections 3 and 4.

A true meridian is then computed passing through the original monument found at the Northwest corner of Section 3, Block 51, Township 7. We find that the theta angle is  $-1^{\circ}35'31''$ .

We computed the Southwest corner of said Block 51, on a course of  $S.1^{\circ}35'31''W$  from the computed Northwest corner of said Block 51 and a course parallel to the found North line of said Block 51 from the found monument at the Southeast corner of said Block 51.

The Southwest corner of Section 6 is then placed on a line connecting the computed Northwest corner of said Section 6 to the computed Southwest corner of said Block 51. It is where a line parallel to said found North line of Block 51, from the found original corner at the Southeast corner of said Section 1, Block 51, intersects with this line.

The East lines of said Sections 6 and 7 are then computed parallel to the West line of said Block 51, therefore the common corner to said Sections 6 and 7 is at the intersection with a line parallel to the found North line of Block 51, from said found monument at the Southeast corner of Section 1. Likewise, the Southeast corner of said Section 7 is at the intersection with a line parallel to said Block 51, from the found monument at the Southeast corner of Section 12.

To locate the most Southerly Southwest corner of Section 7, Block 51, we produced a line Westerly and parallel to the found North line of said Block 51, from the found original monument at the Southeast corner of Section 12, Block 51, to intersect with the East line of Section 269, as found monumented by Giraud. The most Westerly Southwest corner of Section 7 is a projection of the West line of Section 6, Southerly to intersect with the North line of Section 269, as found monumented by Giraud.



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In March 1909, John C. Shannon, Deputy Surveyor of Reeves County, made a survey and prepared corrected field notes of Section 1, Block 52, Township 7. His work ties to Mr. Giraud's 1890 work, where he found iron pipes by Giraud. When these notes are plotted on the Reeves County Map, it reveals that Mr. Harris did not actually find Mr. Nelson's work of 1873 or Mr. Giraud's work of 1885, therefore Section 6 was never in conflict with Block 13 and the Land Office recognizes that it contains at least its full 640 acres.

A.M. Randolph, Deputy Surveyor of Reeves County, Texas, made a survey and prepared field notes of the SW/4 of Section 4, Block 51, Township 7, T. & P. Rwy. Co. Survey and patent issued. He calls for an iron pipe 4" in diameter set at the Southwest corner of said Section 4. He refers to the other three corners as stake and rock mound.

Section 7, Block 51, Township 7, was patented on Mr. Harris' corrected field notes and later cancelled by Decree of District Court of Travis County, cause number 10351. The patent was for 496.7 acres of land.

January 1-2, 1940, Mr. Booker made a survey and prepared field notes of the SW/4 and the NE/4 of Section 8, Block 51, Township 7, T. & P. Rwy. Co. Survey, as one survey and patent issued. His field notes call to begin at an iron pipe (no size or markings called for) at the Southwest corner of said Section 8. He calls for a large iron pipe at the Northeast corner and an iron pipe set at edge of old Fort Stockton road. A few years later, on February 7, 1949, Mr. Booker made a survey and prepared field notes of the NW/4 of said Section 8, and patent issued. He calls for a 2x4 stake in the West side of the old Fort Stockton road at the Southwest corner of said NW/4.

#### **PUBLIC SCHOOL LANDS**

On February 23, 1900, the First Called Session of the Twenty-Sixth Legislature approved an Act to appropriate all unsurveyed lands to the Public Free School Fund. Block C-7 is one result of that Act. In 1901, W.D. Twichell, State Surveyor, began his traversing of Block C-7 at the Northeast corner of Section 1, Block 51, Township 7, Texas and Pacific Railroad Company Survey, and ran north to the Southerly lines of Blocks 6 and 7, H. & G.N. R.R. CO. Surveys. He then ran Westerly along said Southerly lines and then Southerly along an Easterly line of said Block 6. When he reached the Southeast corner of Section 36, Block 6, he ran his line Southwesterly through said Block 6, connecting to Block 13, H. & G.N. R.R. CO. Survey. As he traversed, Mr. Twichell located several of Mr. Giraud's iron pipes.

With sufficient knowledge of the North line of the Texas and Pacific Railway, Blocks 50 and 51, and the relative position of the Houston and Great Northern Railroad Blocks 6, 7 and 13, Mr. Twichell returned home and began preparing field notes of sections of land encompassing all of the unsurveyed lands.

On February 17, 1953, Fred P. Armstrong, Reeves County Surveyor, made a survey and prepared field notes of 320 acres of land and "being West 1/2 of Section 27, Block C7, Public School Land", and patent issued.

#### **FIELD INVESTIGATION**

Our field investigation recovered the following original and patent corner monuments:

##### **BLOCK 6, HOUSTON AND GREAT NORTHERN RAILROAD COMPANY SURVEYS**

Old 1 1/2" iron pipe marked "32, 33" by E.A. Giraud, found at the Northeast corner of Section 33, This monument was also recovered by W.D. Twichell in 1900.

Old 1 1/2" iron pipe marked "33, 36" by E.A. Giraud, found at the Southeast corner of Section 33 and the Northeast corner of Section 36. Also recovered by W.D. Twichell in 1900.

Old 1 1/2" iron pipe marked "37 B6" by E.A. Giraud found at the Southeast corner of Section 36 and the Northeast corner of Section 37. Also recovered by W.D. Twichell in 1900.

Old 1 1/2" iron pipe, by E.A. Giraud, the top portion disintegrated, found in the West line of Section 37, at the Southeast corner of Section 35, and the Northeast corner of Section 38. Also recovered by W.D. Twichell in 1900.

Old 1 1/2" iron pipe, by E.A. Giraud, markings are not legible, found at the Northwest corner of Section 34.

Old 1 1/2" iron pipe marked "263 B13, 40 B6", by E.A. Giraud, found at an interior corner of Section 263, and at the Southwest corner of Section 40. Fred P. Armstrong also recovered this monument in 1970.

3/4" galvanized iron pipe, top portion marked "SE 40 B6" and lying beside bottom portion, pipe set by Fred P. Armstrong in 1970 for the Southeast corner of Section 40.

##### **BLOCK 13, HOUSTON AND GREAT NORTHERN RAILROAD COMPANY SURVEYS**

Old 1 1/2" iron pipe marked "263 B13, 40 B6", by E.A. Giraud, found in the West line of Section 40, Block 6, for the most Northerly Northeast corner of Section 263.

Old 1 1/2" iron pipe marked "263 B13, 40 B6", by E.A. Giraud, found in the South line of Section 40, Block 6, for the most Easterly Northeast corner of Section 263.

Old 1 1/2" iron pipe, by E.A. Giraud, top portion disintegrated, found at the common corner to Sections 263, 264 and 269.

Old 1 1/2" iron pipe markings not legible, by E.A. Giraud, found at the Northeast corner of Section 269.

Old 1 1/2" iron pipe, top portion marked "269, 270" and lying beside bottom portion, by E.A. Giraud. This monument also recovered by Fred P. Armstrong in 1953 and 1975.

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As mentioned above, the South line of Section 38, Block 6, is the North line of Section 27, Block C-7, Public School Land. The Southwest corner of Section 27 is the intersection of the North line of Block 52, Township 7, T. & P. Rwy. Co. Survey (a Westerly projection of the above described North line of Block 51), with the East line of Section 40, Block 6, Houston & Great Northern Railroad Company Survey. The East line of Section 40, Block 6 (West line of Section 27) is a line connecting Mr. Armstrong's pipe found at the Southeast corner of Section 40 to the pipe by Mr. Giraud found at the Northwest corner of Section 34, Block 6. The Southeast corner of Section 27 is a Southerly projection of the East line of Section 38 to intersect with the North line of Block 51, T. & P. Rwy. Co. Survey. We find that Section 27 is excessive in area. Please note the following: The North line is 15.967 varas in excess, the East line is 23.588 varas in excess, the South line is 19.652 varas in excess and the West line is 37.675 varas in excess.

The West line of the East part of Section 27 is the common East line of the West part as located by Mr. Armstrong. Apparently he was unaware of the excess of Section 27, however his intent was to have the North, South and West line bound by the respective lines of Section 27 as called for by Mr. Twichell. We located the East line of said West part allowing Mr. Armstrong's field note distances Easterly from the Northwest and Southeast corner of Section 27.

#### ADDITIONAL INFORMATION

A suggestion made by the Survey Division of the General was to check the passing calls at the banks of Toyah Lake. This is not a satisfactory approach due to the soil being susceptible to fast erosion, therefore making our determination of the bank different of Mr. Harris. Also the passing call of the Southeast corner of Section 38, Block 6, H. & G.N. Rwy. Co. Survey is somewhat different than Mr. Harris, due to Mr. Giraud's position of Block 6 differing from the original by Mr. Nelson.

On October 4, 2002, we, returned to the field to recover as many of the original corners by Harris along the East line of Block 51, Township 7. We found standard KRA monuments in the rock mounds set by Harris at the following places; the Southeast corners of Sections 1, 12, 13, 25, 37 and 48.

#### LAND AREA ANALYSIS

Section 6, Block 51, was originally surveyed as 640 acres and later corrected to 552.3 acres, however, the land office recognizes that it does contain its original area. The file jacket of Section 6 states that 640 acres are paid in full. We find that Section 6 has 638.61 acres of land, a deficit of 1.49 acres under the original field note call.

Section 7, Block 51, was originally surveyed as 640 acres and later corrected to 496.7 acres and patent issued February 5, 1887 then cancelled by decree of District Court of Travis County, cause number 10351. The file jacket of Section 7 states that 496.7 acres are paid in full. We find that Section 7 has 444.60 acres of land, and is 52.10 acres less than the call in the corrected field notes by Mr. Harris.

Mr. Twichell reported Section 27, Block C-7, to have 493 acres of land. We find that Section 27 has an excess of 14.38 acres of land. Mr. Armstrong surveyed the West part of Section 27, calling for 320 acres of land, which actually has 327.10 acres, being 7.10 acres in excess. The file jacket of the East part of Section 27 states that 173 acres of land are paid in full. We find that the East part contains 180.28 acres and is in excess of 7.28 acres.

  
Michel J. Newton, Licensed State Land Surveyor  
This the 4 day of March, 2003.  
SEE SURVEY PLAT AND FIELD NOTES



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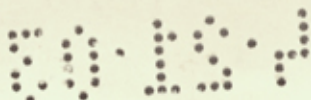


Certificate of Record

14.<sup>00</sup> Recording Fee

14.<sup>00</sup> Certified Copy Fee

14.<sup>00</sup> Total Paid



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2003 MAR 12 PM 2: 08

Return to:

J.N. Newton & Associates

DIANNE O. FLOREZ  
COUNTY CLERK, REEVES COUNTY, TX.

Josie Flores  
DEPUTY

COMPARED

THE STATE OF TEXAS, }  
COUNTY OF REEVES. }

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.

I, hereby certify that this instrument with its certificates of authenticity was FILED on the date and at the time stamped hereon and was duly RECORDED in the OFFICIAL PUBLIC RECORDS of Real Property of Reeves County, Texas, as indicated.

OFN VOL. 8 PAGE 220 DATE RECORDED 03/12/03

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DIANNE O. FLOREZ, COUNTY CLERK  
REEVES COUNTY, TEXAS

By: Josie Flores, Deputy  
JOSIE FLORES

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File No. Sketch File 28

Reeves County

Date Filed: May 29, 2003

Jerry Patterson, Commissioner

By Douglas Howard