

VICINITY MAP
(NOT TO SCALE)

BRAZORIA COUNTY

BRAZORIA

GULF OF MEXICO

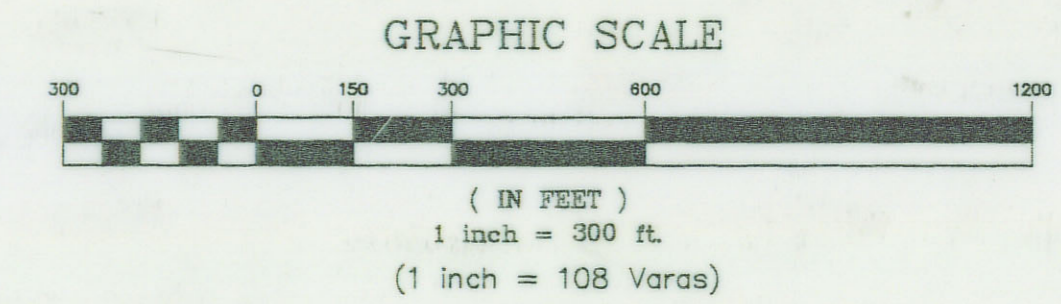
Stephen F. Austin
A-28
Premium Lands
Titled May 31, 1828

Set Nail
N 13,538,792.45 ft
E 3,146,173.09 ft

POB 1
N 13,538,691.50 ft
E 3,146,757.73 ft

END 1
N 13,538,191.38 ft
E 3,146,116.77 ft

"CAPTAIN"
N 4,127,796.937 m
E 960,670.419 m



PROJECT 2

Survey of the Mean High Water line of part of the John G. McNeel Survey, Abstract No. 335 in Brazoria County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at NGS Monument "CAPTAIN" with NAD 83 (1993 SPC TXSC Grid Coordinates of 4,127,796.937 N and 960,670.419 E (in Meters) Scale factor 0.99988744 Convergence +1'48"46.0"; THENCE S 51°28'36"W, a distance of 12624.03 feet (4544.6 Varas) to the Mean High Water line of the Gulf of Mexico and the POINT OF BEGINNING; THENCE along the Mean High Water line, S 49°46'39"W, a distance of 187.10 feet (67.4 Varas) L5; THENCE continuing along the Mean High Water line, S 49°48'11"W, a distance of 186.70 feet (67.2 Varas) L6; THENCE continuing along the Mean High Water line, S 48°01'12" W, a distance of 192.19 feet (69.2 Varas) L7; THENCE continuing along the Mean High Water line, S 48°32'55" W, a distance of 190.26 feet (68.5 Varas) L8 to the end of Project 2.

John G. McNeel
A-335
Surveyed August 10, 1838
Patented August 31, 1850
1st Class Headright
No Variation given

"CAPTAIN"
N 4,127,796.937 m
E 960,670.419 m

Set Nail
N 13,534,732.35 ft
E 3,141,602.16 ft

POB 2
N 13,534,751.13 ft
E 3,141,923.05 ft

END 2
N 13,534,255.31 ft
E 3,141,352.11 ft

PROJECT 2

PROJECT 1

Survey of the Mean Higher High Water line of part of the Stephen F. Austin Survey, Abstract No. 28 in Brazoria County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at NGS Monument "CAPTAIN" with NAD 83 (1993 SPC TXSC Grid Coordinates of Y=4,127,796.937 and X=960,670.419 (in Meters) Scale factor 0.99988744 Convergence +1'48"46.0"; THENCE S 52°07'07"W, a distance of 6387.81 feet (2299.6 Varas) to the Mean Higher High Water line of the Gulf of Mexico and the POINT OF BEGINNING; THENCE along the Mean Higher High Water line, S 53°11'43"W, a distance of 187.94 feet (67.7 Varas) L1; THENCE continuing along the Mean Higher High Water line, S 55°49'06"W, a distance of 178.06 feet (64.1 Varas) L2; THENCE continuing along the Mean Higher High Water line, S 51°40'18" W, a distance of 202.70 feet (73.0 Varas) L3; THENCE S 48°42'12" W, across a drainage channel, a distance of 245.14 feet (88.3 Varas) L4 to the Mean Higher High Water line and the end of Project 1.

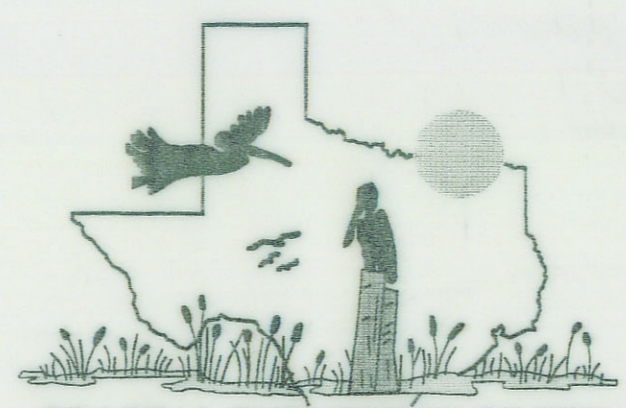
Tidal Datums at FREEPORT, DOW BARGE CANAL
National Ocean Service Station ID: 8772440 based on:

LENGTH OF SERIES: 5 YEARS
TIME PERIOD: January 1997- December 2001
TIDAL EPOCH: 1983-2001
CONTROL TIDE STATION: N/A

NOTES:

- 1.) ALL COORDINATES REFER TO THE STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, AS DEFINED BY ARTICLE 21.071 OF THE NATURAL RESOURCES CODE OF THE STATE OF TEXAS, 1983 DATUM (1993 ADJUSTMENT).
- 2.) ALL DISTANCES ARE GRID DISTANCES IN FEET AND VARAS.

TEXAS GENERAL LAND OFFICE
Art. 33.136, Natural Resources Code
Co. Brazoria, Sketch No. 5
File Date 9-16-2003 by B.P.H.
See NRC Art. 33.136 Report 2
See report in box.



COASTAL SURVEYING OF TEXAS
8017 HARBERSIDE DRIVE PH (409) 740-1917
GALVESTON, TX 77553 FAX (409) 740-9377
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"SERVING GALVESTON COUNTY OVER 50 YEARS"

"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 line depicted on this survey fixes the shoreline for the purpose of locating a shoreline boundary, subject to movement landward as provided by Section 33.136, Natural Resources Code."

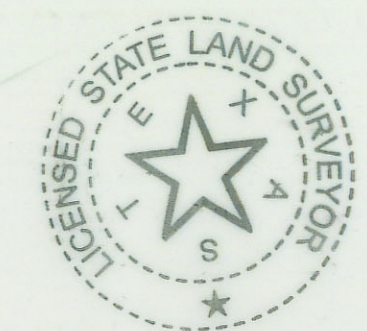
Lines Shown were surveyed on the ground April 21, 2003
Field Personnel: Sidney Bouse
Jim Belschner

August 11, 2003

I hereby certify that the above described property was surveyed in the field according to law under my direction on the above referenced dates, and that the above map together with dimensions and coordinates is true and correct as of the above date.

COASTAL SURVEYING OF TEXAS

Sidney Bouse
Licensed State Land Surveyor
email: sid@surveygalveston.com



Mean High Water Line of the John G. McNeel Survey, A-335 and the Mean Higher High Water Line of the Stephen F. Austin Survey, A-28, both in Brazoria County, Texas
19.5 Miles South-Southeast of the Brazoria County Courthouse

SURVEYORS REPORT ON THE
MEAN HIGHER HIGH WATER LINE SURVEY OF PART OF THE
SOUTHERLY SHORELINE OF THE STEPHEN F. AUSTIN SURVEY,
ABSTRACT 28 AND THE MEAN HIGH WATER LINE SURVEY OF PART OF
SOUTHERLY SHORELINE OF THE JOHN G. MCNEEL SURVEY, ABSTRACT
335 BOTH OF BRAZORIA COUNTY, TEXAS

I surveyed the line of Mean Higher High Water of part of the Southerly shoreline of the Stephen F. Austin Survey, Abstract 28 and the Mean High Water Line of part of the Southerly shoreline of the John G. McNeel Survey, Abstract 335 both of Brazoria County, Texas, as authorized by Peter Ravella, Coastal Management Director, Coastal Technology Corporation and in my capacity as Licensed State Land Surveyor for the State of Texas.

HISTORY

The Stephen F. Austin Survey of One Third League of land surveyed by Thomas H. Borden and Titled out of Mexico on May 31, 1828 as found in the GLO Spanish Collection field notes in Volume 2, Page 608 in the Archives and Records Division of the General Land Office, Austin, Texas.

The John G. McNeel Survey is a First Class Headright Grant from the Republic of Texas of One Half League of land as surveyed by Authur Hemie, District Surveyor on August 10, 1838 as found in the Archives and Records Division of the General Land Office, Austin, Texas.

CONSTRUCTION

An Act to adapt the Common Law of England was approved on January 20, 1840. The Littoral State boundary of land granted prior to this date must be surveyed according to the Spanish and Mexican Civil Laws and is determined to be along the Mean Higher High Water Line. Lands granted after this date are to be located along the Mean High Water Line as required under current Common Law. The John G. McNeel Survey was surveyed in 1838, but the patent was not issued until 1850. The case *Rudder v Ponder*, established that lands surveyed under the Civil Law but did not receive their Patent from the Republic or State of Texas until after the adoption of the Common Law were to be surveyed under the current Common law line of the Mean High Water.


The elevation of the Mean Higher High Water line on this project site was established. The FREEPORT, DOW BARGE CANAL, TEXAS (NOS Station Id: 8772440) Tidal Benchmarks 2440-A, 2440-B, 2440-C and 2440-D were tied to NGS monument

File Date 9-15-2003 by D.J.H.
See NRC.44.33.136 sk.5

TEXAS GENERAL LAND OFFICE
Art. 33.136, Natural Resources Code
Co. Brazoria, Report No. 5

CAPTAIN (NGS PID AM0078) utilizing Trimble RTK with 2 Meter fixed height poles. The published Mean High Water and the Mean Higher High Water elevations from NOS Tide Gauge FREEPORT (1997-2001 epoch) were then transferred to the shoreline of the Gulf of Mexico and are described and shown on the attached survey.

Under the Mexican Civil Law, a river or creek was considered property of the Sovereign if it was a Perennial or continuously flowing body of water. On the other hand, a river or creek was considered private if it flowed only after rains or intermittently and it was called an Annual stream. All water that was subject to the ebb and flow of the tides was to be considered tidal, and reserved to the sovereign. The Mean Higher High Water line as shown on the accompanying survey of even date, crosses a small pond drain. The captive water due to Tropical Storm Claudette has cut this drainage channel through the beach as shown. On my previous visit before Tropical Storm Claudette, the drainage channel was not there and the beach was consistent in its profile. I feel the drainage channel is a temporary escape route for impounded storm water, and should not be considered tidal water or a perennial stream. The line I surveyed crosses the drainage channel to the point of Mean Higher high Water to the Southwest.


Sidney Bouse
Licensed State Land Surveyor



Sketch 5

Bragoria Ca. NRC Art. 33.136 Report 2