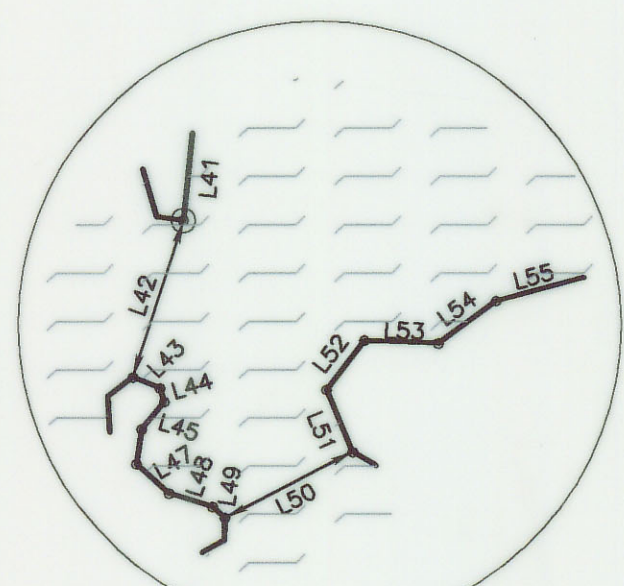


# SURVEY OF MEAN HIGH WATER ALONG THE WEST BAY OF GALVESTON BAY WITHIN A PORTION OF SECTIONS 2 & 3 OF THE TRIMBLE & LINDSEY SURVEY OF GALVESTON ISLAND GALVESTON COUNTY, TEXAS



| LINE | BEARING       | DISTANCE FEET | DISTANCE VARAS | LINE | BEARING       | DISTANCE FEET | DISTANCE VARAS | LINE | BEARING       | DISTANCE FEET | DISTANCE VARAS |
|------|---------------|---------------|----------------|------|---------------|---------------|----------------|------|---------------|---------------|----------------|
| L1   | N 19°24'50" E | 8.81'         | 3.171 VS       | L57  | S 38°07'12" E | 10.19'        | 3.667 VS       | L113 | S 13°23'10" E | 17.87'        | 6.433 VS       |
| L2   | N 42°38'46" E | 13.76'        | 4.954 VS       | L58  | S 10°09'46" W | 29.13'        | 10.486 VS      | L114 | S 73°58'50" W | 16.26'        | 5.853 VS       |
| L3   | N 82°17'40" E | 18.25'        | 6.570 VS       | L59  | S 00°31'59" E | 7.08'         | 2.548 VS       | L115 | S 58°55'08" W | 21.65'        | 7.796 VS       |
| L4   | S 19°12'14" E | 20.20'        | 7.272 VS       | L60  | S 07°50'01" E | 8.39'         | 3.020 VS       | L116 | S 62°43'25" W | 17.62'        | 6.344 VS       |
| L5   | S 43°16'43" E | 12.97'        | 4.668 VS       | L61  | S 31°43'05" W | 4.15'         | 1.495 VS       | L117 | N 58°05'45" W | 26.64'        | 9.590 VS       |
| L6   | N 31°11'18" E | 8.52'         | 3.068 VS       | L62  | S 35°19'10" E | 14.14'        | 5.091 VS       | L118 | N 49°15'28" W | 14.78'        | 5.322 VS       |
| L7   | N 24°05'11" E | 17.29'        | 6.226 VS       | L63  | N 41°05'38" E | 5.38'         | 1.937 VS       | L119 | N 49°22'49" W | 43.79'        | 15.764 VS      |
| L8   | N 43°03'56" E | 8.81'         | 3.170 VS       | L64  | N 21°30'02" E | 5.85'         | 2.107 VS       | L120 | N 57°38'43" W | 6.55'         | 2.357 VS       |
| L9   | S 11°26'15" E | 52.01'        | 18.723 VS      | L65  | N 17°08'53" E | 8.06'         | 2.903 VS       | L121 | N 43°19'30" W | 23.39'        | 8.421 VS       |
| L10  | S 02°06'45" W | 39.09'        | 14.073 VS      | L66  | N 79°20'32" E | 10.09'        | 3.632 VS       | L122 | N 35°32'21" W | 24.14'        | 8.689 VS       |
| L11  | S 62°18'55" E | 19.34'        | 6.961 VS       | L67  | S 68°01'46" E | 20.07'        | 7.226 VS       | L123 | N 10°13'54" W | 8.26'         | 2.973 VS       |
| L12  | N 82°40'55" E | 18.37'        | 6.614 VS       | L68  | S 82°46'45" E | 16.38'        | 5.896 VS       | L124 | S 39°33'54" E | 30.91'        | 11.129 VS      |
| L13  | N 13°53'17" E | 33.82'        | 12.176 VS      | L69  | S 35°31'19" E | 13.03'        | 4.690 VS       | L125 | S 35°24'36" E | 30.01'        | 10.803 VS      |
| L14  | N 19°31'36" E | 40.75'        | 14.670 VS      | L70  | S 55°54'19" W | 16.20'        | 5.832 VS       | L126 | N 34°10'46" W | 81.80'        | 29.448 VS      |
| L15  | N 02°19'11" E | 10.99'        | 3.955 VS       | L71  | S 05°15'35" E | 8.55'         | 3.079 VS       | L127 | S 49°11'35" W | 28.51'        | 10.264 VS      |
| L16  | S 80°16'58" E | 5.99'         | 2.158 VS       | L72  | N 88°13'18" E | 97.13'        | 34.966 VS      | L128 | S 75°57'19" W | 32.46'        | 11.687 VS      |
| L17  | N 56°31'10" E | 13.21'        | 4.757 VS       | L73  | N 04°24'08" E | 6.63'         | 2.396 VS       | L129 | N 82°33'21" W | 35.68'        | 12.843 VS      |
| L18  | N 08°14'21" W | 13.79'        | 4.965 VS       | L74  | N 28°29'42" E | 11.37'        | 4.095 VS       | L130 | N 70°03'20" W | 17.70'        | 6.374 VS       |
| L19  | N 75°29'36" E | 8.63'         | 3.107 VS       | L75  | N 39°17'30" E | 9.06'         | 3.261 VS       | L131 | N 01°11'04" W | 20.21'        | 7.276 VS       |
| L20  | S 78°55'07" E | 15.20'        | 5.471 VS       | L76  | N 00°44'41" W | 14.86'        | 5.348 VS       | L132 | N 08°03'49" W | 15.63'        | 5.629 VS       |
| L21  | S 79°13'15" E | 19.57'        | 7.045 VS       | L77  | N 45°48'41" E | 9.71'         | 3.497 VS       | L133 | N 16°21'47" W | 30.26'        | 10.892 VS      |
| L22  | S 66°34'24" E | 8.47'         | 3.049 VS       | L78  | N 74°19'55" E | 29.34'        | 10.562 VS      | L134 | N 63°14'43" W | 19.21'        | 6.914 VS       |
| L23  | S 88°36'50" E | 16.29'        | 5.864 VS       | L79  | S 69°07'25" E | 22.77'        | 8.197 VS       | L135 | S 64°06'22" W | 18.34'        | 6.604 VS       |
| L24  | N 25°12'40" E | 14.13'        | 5.086 VS       | L80  | S 83°51'59" E | 34.37'        | 12.374 VS      | L136 | S 31°05'29" W | 12.82'        | 4.615 VS       |
| L25  | N 86°45'47" E | 13.66'        | 4.917 VS       | L81  | N 76°28'52" E | 38.62'        | 13.902 VS      | L137 | S 62°03'46" W | 13.32'        | 4.794 VS       |
| L26  | S 55°54'07" E | 14.50'        | 5.221 VS       | L82  | S 86°59'05" E | 37.12'        | 13.361 VS      | L138 | N 70°33'06" W | 16.28'        | 5.860 VS       |
| L27  | S 84°51'27" E | 16.89'        | 6.080 VS       | L83  | N 68°44'42" E | 32.85'        | 11.827 VS      | L139 | S 65°12'14" W | 17.53'        | 6.309 VS       |
| L28  | N 43°18'42" E | 23.07'        | 8.304 VS       | L84  | N 63°23'13" E | 37.05'        | 13.338 VS      | L140 | S 76°05'14" W | 42.55'        | 15.319 VS      |
| L29  | N 11°14'24" E | 19.70'        | 7.093 VS       | L85  | N 79°00'25" E | 41.57'        | 14.967 VS      | L141 | N 45°32'36" W | 9.01'         | 3.243 VS       |
| L30  | S 61°40'11" E | 13.10'        | 4.718 VS       | L86  | N 57°20'44" E | 46.45'        | 16.722 VS      | L142 | N 24°18'48" W | 12.57'        | 4.524 VS       |
| L31  | N 89°33'13" E | 13.87'        | 4.995 VS       | L87  | N 71°14'43" E | 47.33'        | 17.040 VS      | L143 | N 58°17'35" W | 21.33'        | 7.680 VS       |
| L32  | N 73°55'20" E | 16.59'        | 5.974 VS       | L88  | N 50°10'04" E | 40.92'        | 14.732 VS      | L144 | N 49°13'45" W | 40.29'        | 14.504 VS      |
| L33  | S 28°24'56" E | 20.16'        | 7.259 VS       | L89  | N 49°40'00" E | 52.86'        | 19.028 VS      | L145 | N 53°11'29" W | 54.65'        | 19.672 VS      |
| L34  | S 16°48'12" E | 17.37'        | 6.254 VS       | L90  | N 41°53'25" E | 47.07'        | 16.944 VS      | L146 | N 52°02'43" W | 41.57'        | 14.967 VS      |
| L35  | S 27°06'53" E | 11.36'        | 4.089 VS       | L91  | N 34°01'03" E | 58.29'        | 20.984 VS      | L147 | N 39°32'40" W | 26.16'        | 9.417 VS       |
| L36  | N 13°35'27" E | 17.99'        | 6.475 VS       | L92  | N 24°40'28" E | 55.79'        | 20.083 VS      | L148 | N 04°43'10" W | 28.41'        | 10.226 VS      |
| L37  | N 50°30'28" E | 15.67'        | 5.641 VS       | L93  | N 02°28'54" E | 32.82'        | 11.816 VS      | L149 | N 18°09'14" W | 26.50'        | 9.541 VS       |
| L38  | N 24°58'58" E | 11.83'        | 4.257 VS       | L94  | N 19°50'34" E | 32.39'        | 11.662 VS      | L150 | N 18°29'36" E | 36.32'        | 13.074 VS      |
| L39  | S 16°58'48" E | 7.15'         | 2.576 VS       | L95  | N 61°19'35" E | 26.03'        | 9.369 VS       | L151 | N 11°51'14" W | 20.75'        | 7.471 VS       |
| L40  | S 32°38'23" E | 42.74'        | 15.387 VS      | L96  | N 30°48'02" W | 25.58'        | 9.208 VS       | L152 | N 04°14'25" E | 7.20'         | 2.592 VS       |
| L41  | S 05°57'43" W | 30.01'        | 10.803 VS      | L97  | N 08°46'03" W | 12.88'        | 4.637 VS       | L153 | N 54°44'41" E | 8.05'         | 2.900 VS       |
| L42  | S 18°03'26" W | 34.13'        | 12.288 VS      | L98  | N 06°32'32" E | 29.68'        | 10.683 VS      | L154 | N 62°40'04" W | 36.87'        | 13.274 VS      |
| L43  | S 68°01'35" E | 6.13'         | 2.206 VS       | L99  | N 81°32'55" E | 16.65'        | 5.994 VS       | L155 | S 48°10'56" W | 4.93'         | 1.776 VS       |
| L44  | S 16°22'05" E | 2.98'         | 1.072 VS       | L100 | N 89°16'12" E | 8.65'         | 3.112 VS       | L156 | S 87°40'52" W | 14.94'        | 5.378 VS       |
| L45  | S 39°28'47" W | 7.40'         | 2.665 VS       | L101 | S 02°31'07" E | 15.74'        | 5.668 VS       | L157 | S 79°48'34" W | 19.05'        | 6.858 VS       |
| L46  | S 08°41'35" W | 7.34'         | 2.644 VS       | L102 | S 22°11'29" E | 19.50'        | 7.019 VS       | L158 | S 51°21'50" W | 32.08'        | 11.547 VS      |
| L47  | S 48°10'42" E | 9.07'         | 3.266 VS       | L103 | S 22°56'11" W | 11.91'        | 4.287 VS       | L159 | N 50°34'09" W | 21.43'        | 7.715 VS       |
| L48  | S 72°49'10" E | 9.51'         | 3.422 VS       | L104 | S 27°37'03" E | 36.30'        | 13.070 VS      | L160 | N 79°49'11" W | 17.47'        | 6.288 VS       |
| L49  | S 48°09'55" E | 3.50'         | 1.259 VS       | L105 | N 47°55'43" E | 227.37'       | 81.853 VS      | L161 | S 80°17'08" W | 5.68'         | 2.045 VS       |
| L50  | N 62°44'33" E | 29.83'        | 10.774 VS      | L106 | S 58°35'03" E | 13.75'        | 4.950 VS       | L162 | S 86°08'33" W | 10.51'        | 3.785 VS       |
| L51  | N 22°50'50" W | 14.05'        | 5.060 VS       | L107 | S 80°12'45" E | 18.38'        | 6.615 VS       | L163 | N 41°09'06" W | 17.17'        | 6.182 VS       |
| L52  | N 37°39'24" E | 12.96'        | 4.666 VS       | L108 | N 68°02'24" E | 13.32'        | 4.793 VS       | L164 | N 29°52'57" W | 6.71'         | 2.415 VS       |
| L53  | S 87°52'06" E | 15.43'        | 5.556 VS       | L109 | N 48°26'40" E | 20.38'        | 7.338 VS       | L165 | N 24°10'10" E | 6.33'         | 2.279 VS       |
| L54  | N 54°10'23" E | 14.88'        | 5.357 VS       | L110 | N 00°25'51" W | 24.48'        | 8.812 VS       | L166 | N 68°40'43" E | 5.06'         | 1.822 VS       |
| L55  | N 74°52'34" E | 46.73'        | 16.822 VS      | L111 | S 74°57'22" E | 4.50'         | 1.619 VS       |      |               |               |                |
| L56  | N 69°07'18" E | 31.31'        | 11.272 VS      | L112 | S 51°45'03" E | 22.81'        | 8.212 VS       |      |               |               |                |

TEXAS GENERAL LAND OFFICE  
Art. 33.136, Natural Resources Code  
Co. Galveston, State No. 46, sheet 1  
File Date 03/25/07 by J.J.H.

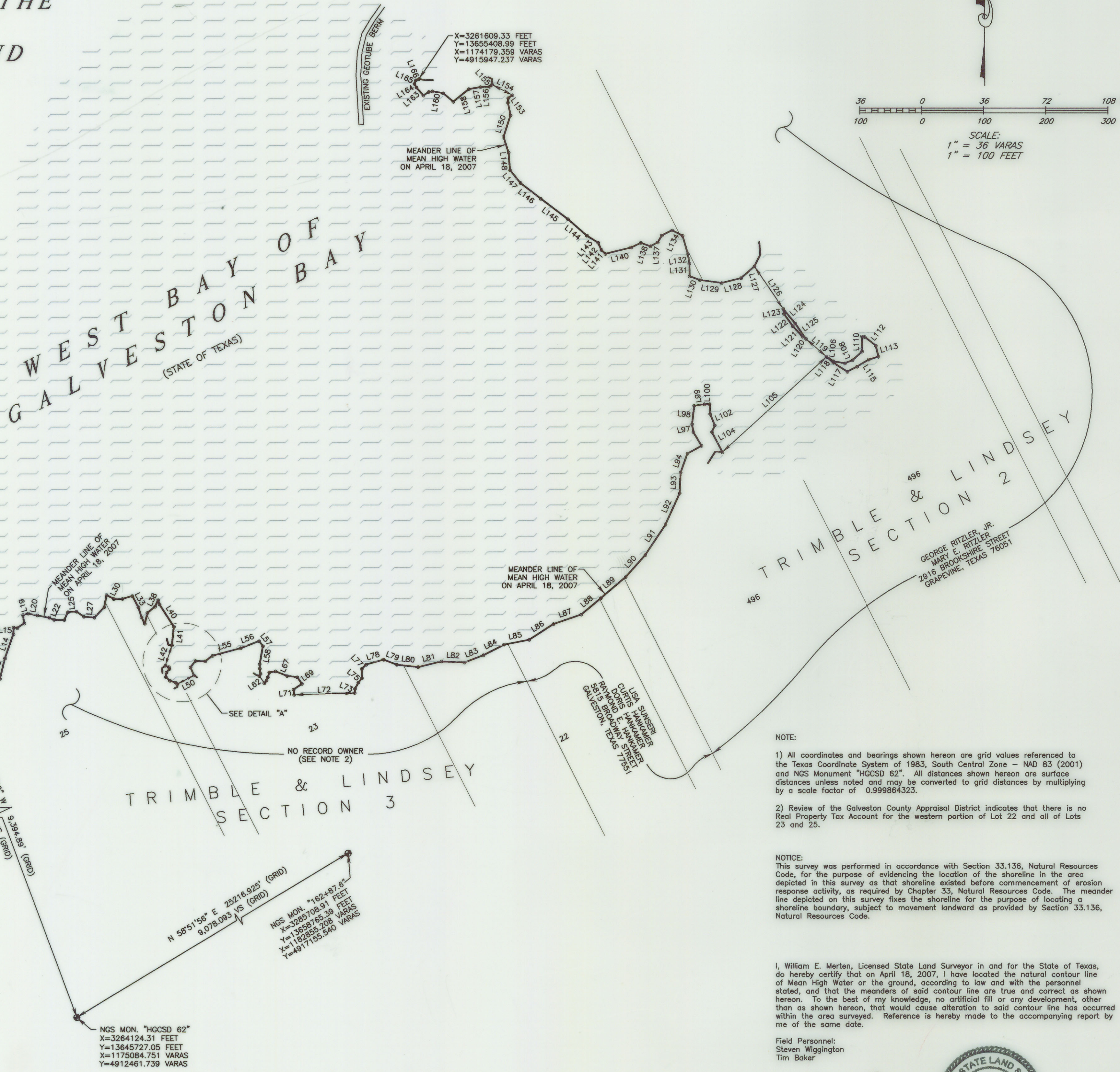
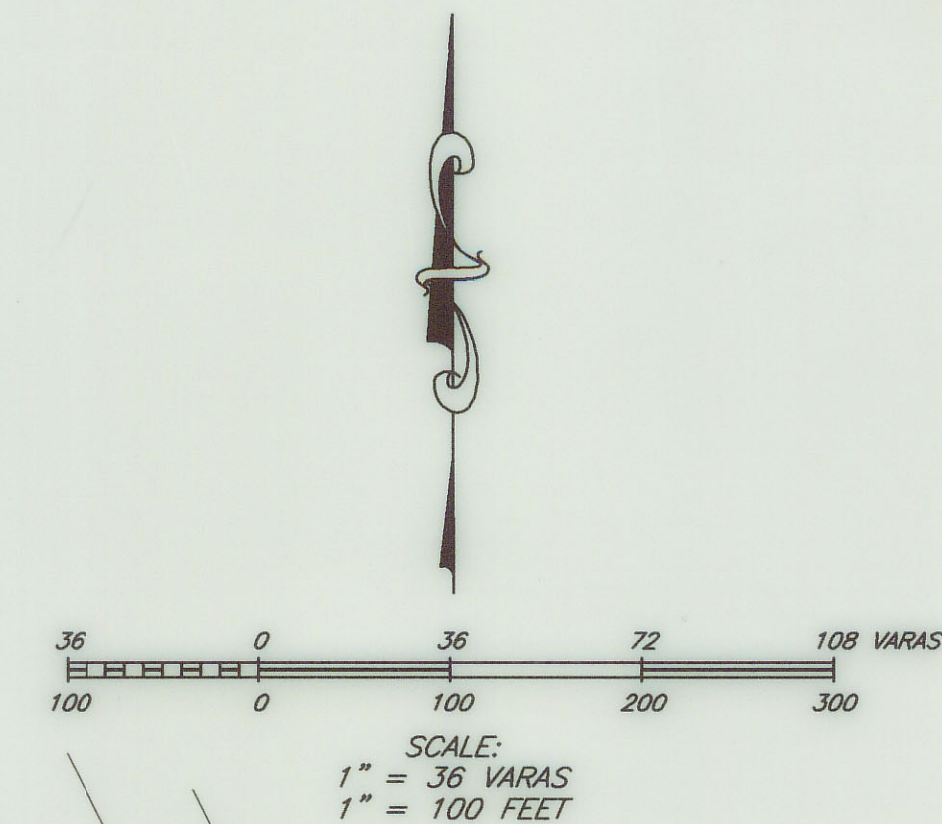


**GBI PARTNERS, L.P.**  
**PROFESSIONAL LAND SURVEYING**  
10710 S. SAM HOUSTON PARKWAY W. SUITE 230  
HOUSTON, TX. 77031 TEL: 713.995.1306 FAX: 713.995.1906

PROJECT NO. 075522

DATE: APRIL 30, 2007

SHEET 1 OF 1



NOTE:  
1) All coordinates and bearings shown hereon are grid values referenced to the Texas Coordinate System of 1983, South Central Zone - NAD 83 (2011) and NGS Monument "HGCS62". All distances shown hereon are surface distances unless noted and may be converted to grid distances by multiplying by a scale factor of 0.999964323.  
2) Review of the Galveston County Appraisal District indicates that there is no Real Property Tax Account for the western portion of Lot 22 and all of Lots 23 and 25.

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 landward as provided by Section 33.136, Natural Resources Code.

I, William E. Merten, Licensed State Land Surveyor in and for the State of Texas, do hereby certify that on April 18, 2007, I have located the natural contour line of Mean 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 me of the same date.

Field Personnel:  
Steven Wigington  
Tim Baker



Galv. 33.136 #46

Counter 81936



File Date 10/3/2007 by D. J. H.

SURVEYORS REPORT  
SURVEY OF THE LINE OF MEAN HIGH WATER  
ALONG THE WEST BAY OF GALVESTON BAY WITHIN  
A PORTION OF SECTIONS 2 & 3, TRIMBLE AND LINDSEY SURVEY  
OF GALVESTON ISLAND, GALVESTON COUNTY, TEXAS

At the request of the Galveston Bay Foundation and in my capacity as a Licensed State Land Surveyor in Texas, I have determined the line of Mean High Water along the West Bay of Galveston Bay within a portion of Sections 2 & 3 of the Trimble and Lindsey Survey of Galveston Island in Galveston 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).

This site, in general, is located on the southern shore of the West Bay of Galveston Bay between Delehide Cove and Starvation Cove and this site is tidally influenced.

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 Luttes 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). This case described that the best method of determining MHHW and MHW is to employ the use of scientific tide gauges.

The Luttes case defined MHHW 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 MHW 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. 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.



Due to this variation, the tidal datum had to be determined at the project location. Because of the impracticality of obtaining 19 years of tide readings at a specific location, methods have been developed to correct short term observations between project site staff gauges and a primary tide gauge (gauges with more than 19 years of observations).

Tide gauges along the Texas coastline are installed, operated and maintained by a joint effort involving the National Oceanic and Atmospheric Administration (NOAA), the Conrad Blucher Institute (CBI) and Lamar University. Tidal datum's, benchmarks and gauge readings are published and available from NOAA and CBI.

The project site is located in the general vicinity of the Galveston Pier 21 Tide Gauge, a primary gauge in use since 1908. In the past several years, NOAA has adopted new procedures to compute accepted tidal datum's in the Galveston area based on more recent observations. This procedural change is due to the rise in sea level in the Galveston area, being over 0.02 feet per year, which far exceeds the U.S. average rise of 0.005 feet per year. Currently the published tidal datum for the gauge is based on the 19-year epoch from 1983 to 2001. Due to this relatively rapid change in sea level I felt it was necessary to compute data on a more current epoch in lieu of using the published datum's. A new tidal datum for the Galveston Pier 21 Tide Gauge was calculated for the 19-year epoch ending in July, 2006.

A site staff gauge was installed and observed simultaneously with the Galveston Pier 21 Tide Gauge for four days (eight high tide cycles). These reading were compared to the Galveston Pier 21 Tide Gauge using the amplitude ratio method resulting in a calculated elevation for mean high water at the site staff gauge.

The project site is along approximately 2,000 linear feet of coast line which runs from the east edge of Delehide Cove and the west edge of Starvation Cove.

Using the calculated elevation from the site staff gauge, points were located on the natural contour line of Mean High Water along the entire shoreline for the entire project length. These points were incorporated into surveyed meanders delineating the littoral boundary between the state owned seabed and privately owned uplands.

The surveyed meander line was tied to the Texas Coordinate System of 1983, South Central Zone – NAD 83 using NGS Monuments "HGCS D 62" and "162+87.6" for reference. Scale factor for this project is 0.999864323.

Surveyors Report  
Galveston Bay Foundation  
Page 3 of 3

TEXAS GENERAL LAND OFFICE  
Art. 33.136, Natural Resources Code  
Co. Galveston, Sketch No. 46, sheet 4  
File Date 10/3/2007 by D.J. H.

To the best of my knowledge, except as shown on the accompanying plat, no artificial fill or development that would cause alteration to the line of mean high water has occurred within the area surveyed.

A plat showing the results of this survey was prepared and filed with this report.

Respectfully submitted,



William E. Merten  
Licensed State Land Surveyor  
GBI Partners, L.P.  
10710 South Sam Houston Parkway West  
Suite 230  
Houston, Texas 77031  
713-995-1306  
April 30, 2007

