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File No. No. Sketch File 32

SKETCH FILE NO. 32

Surveyor's Report for Rld. SK. 23
Unsold Public School Land:
91.77 ac., 29.38 ac., 2.91 ac.

SURVEY REPORT

(February 7, 2008)

Date Filed: May 14, 2009

Jerry Patterson, Commissioner

By Douglas Howard

The purpose of the subject survey was to reconstruct the boundaries of various original surveys located in Uvalde County, Texas, situated on an approximate course of N 20 $\frac{3}{4}$ ° E about 24 miles from the county seat of Uvalde County located in Uvalde, Texas with the purpose of determining the existence of areas of unsold public school land within this immediate area.

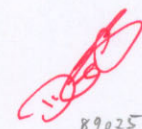
My clients Mr. William Frank Wallace and Jeanette Wallace purchased 1208.3 acres of land in this area and were notified of the possible existence of land lying within his deeded area that was not included within a valid patent from the State of Texas. Mr. Wallace then engaged my services as a Licensed State Land Surveyor to determine if this was the case so that he could pursue purchasing any such land lying within his ranch.

My survey of the area reveals two areas that appear to me to be unsold public school land which lie within or partly within his deeded land. At this time Mr. Wallace is interested in pursuing the purchase of the larger of the two potential unsold areas, which lies totally within his deeded area.

The following information is a brief summary of the pertinent facts upon which I have based my opinion.

E. B. Chandler, District Surveyor of the Uvalde District during the latter part of the year 1881 and the early part of the year 1882, located most of the original surveys in this immediate area. The exceptions to this were E. Crutchfield Survey 190, which was made by J. M. McCormick on July 3, 1876 and J. M. Dunn Survey 1036 that was made by J. W. Bennett on October 19, 1925.

A subsequent survey was performed by O. H. Hector who performed a survey of the north one-half of J. H. Droesser Survey 610 on June 22, 1923 for patent purposes. E. R. Benson surveyed 320 acres from the north part of A. Hanson Survey 970 and 320 acres from the south part of A. Hanson Survey 970 as dated January 17, 1925 for patent purposes.


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E. R. Benson also split Mr. Chandler's Survey 880 into the east one-half and the west one-half by surveys dated April 17, 1926 for patent purposes. The original location of Mr. Chandler's Survey 880 had been cancelled by corrected field notes of a re-survey of this Survey 880 by the County Surveyor about one year after the date of the original survey by Mr. Chandler. The corrected field notes by the County Surveyor failed to include a portion of the original survey at the southeast corner of the survey and Mr. Benson's later patent survey made no attempt to include the omitted area.

Mr. Benson also later surveyed the south one-half of J. H. Drosser Survey 610 by a survey dated September 30, 1938.

I acquired working sketches along with a copy of the Official County Map and copies of the original and patent field notes from the Texas General Land Office for our use in conjunction with this project. Other source documents included the deeds, ownership maps, topographic maps and aerial photography of the subject tracts and surrounding area.

Field control surveying utilized state-of-the-art Trimble Global Positioning System equipment and software and the project control station's geographic positions and rectangular coordinates were established by static control methodology utilizing the Texas Coordinate System, North American Datum 1927, Texas South Central Zone. Both Real Time Kinematics G.P.S. and conventional surveying methodology was extended from the control stations to the various original corner and boundary corner locations. Original corners search procedures and authentic corner recognition was performed by me and partly with the assistance of my son Lance W. Smyth who is highly experienced in this process.

In reviewing E. B. Chandler's work in this area it is noted that only a few of the original survey corners call for artificial marks or accessory witnesses to the corners. Most of his corners merely called for a stake and mound, which often indicates that the surveys were created by projection from other surveys rather than actually located on the ground.

However, an extensive original corners search was made in pursuit of recovery of the actual corners and/or the witness objects that would lead to the corners of the subject and immediately surrounding tracts. This search was conducted over the accessible area after I had developed search ring areas and the search resulted in the following limited findings:

1. A now 37" diameter live oak tree blazed with illegible marks which I believe to be the original 12" live oak witness to the south corner of E. Crutchfield Survey 190 and the southwest corner of C. C. S. D. & R. G. N. G. Ry. Co. Survey 881 was found in good condition about 240 varas southeast of a ravine as cited in the original field notes for these two adjoining surveys. The original field notes for these surveys call for a 12" diameter live oak bearing N 68° W at 3.6 varas from the original stone mound and a 10" diameter live oak tree bearing N 30° W at

- 19.6 varas. This is the most prominent live oak in the near vicinity and the shell of a live oak dead and down was found on an approximate course of N 30° W at about 19.6 varas. No evidence of the original stone mound was found.
2. Our search for the rock mound marking the west corner of M. Enriquez Survey 896 and the northeast corner of C. C. S. D. & R. G. N. G. Ry. Co. Survey 881 yielded a small rock mound found reasonably intact with some scattered stones and was found along an old fence line near the remnants of what appears to have been an old three-way fence corner. The rock mound is moderate in size and partly covered by decayed leaf and vegetation soil. The area where the witness trees would have stood has now been cleared and precludes the possibility of finding these trees.
 3. At the south corner M. Enriquez Survey 896 and the west corner of J. I. Beeson Survey 884 lying on the northeast line of C. C. S. D. & R. G. N. G. Ry. Co. Survey 881 we found an old rock mound found about one vara southeast of the old three-way fence corner post. This rock mound is reasonably intact and surrounded by partly scattered stones that appear to have been parts of the original rock mound. No witness trees were found at this location.
 4. A now 14" diameter live oak tree blazed with illegible marks which I believe to be the original 4" live oak witness to the northwest corner of Brooks and Burlison Survey 609 on the south line of J. S. Billingsley Survey 708 was found in good condition. This tree places the corner well within our search ring and in good conformity with the general occupation of the area.
 5. A now 18" diameter cedar tree with illegible marks and which I believe to be the original 8" cedar witness tree to the northeast corner C. C. S. D. & R. G. N. G. Ry. Co. Survey 877 and the northwest corner of D. & P. Ry. Co. Survey 873 was found in good condition along the bank of a small creek as cited in the original field notes. This cedar tree is exceptionally large compared to other cedar trees in this vicinity and is obviously one of the older more prominent trees. The original field notes for these surveys also called for 10" diameter pecan tree and a pronged oak at this location but no evidence of these trees was located. No evidence of the original stone mound was found.
 6. A now 18" diameter Spanish oak tree with illegible marks and which is apparently the original 8" diameter Spanish oak witness tree to the southeast corner of C. C. S. D. & R. G. N. G. Ry. Co. Survey 877, the southwest corner of D. & P. Ry. Co. Survey 873, the northeast corner of T. C. Ry. Co. Survey 875, and the northwest corner of J. F. Santleben Survey 872 was found in good condition with illegible marks located on the steep slope of a hill. The original field notes for this survey called for a 4" Spanish Oak bearing N 62 1/2° W at 7.8 varas. (Note error on Working Sketch # 32) Alternate witness trees were called for at this location but no evidence of these trees or the original stone mound was found.
 7. At the southwest corner of Allen G. Owen Survey 632 the original 5" diameter live oak (now 30") with marks clearly visible was found in good condition on a course of S 38° E at 15.5 varas from a galvanized metal pipe found at the location of the original corner.

No evidence of Mr. Benson's or Mr. Hector's subsequent surveys was found.

With the foregoing evidence and by reversing the original field note calls to provide course and distance from the witness trees located to the corners and utilizing the few rock mounds found we found that the general configuration conforms reasonably well (with some exceptions) with the area as depicted by the official county map and the sketches shown on the original field notes of surveys in the area. Unsold public school land affecting my client's deeded land apparently exists within original A. Hanson Survey 970 and original Survey 880 as located by E. R. Chandler. My construction for these surveys based on the evidence as stated is as follows:

We first projected a line on a course of S 44° 23' 07" E from the rock mound found (Item 2. cited above) marking the west corner of M. Enriquez Survey 896 and the northeast corner of C. C. S. D. & R. G. N. G. Ry. Co. Survey 881 through the rock mound found (Item 3. cited above) at the south corner M. Enriquez Survey 896 and the west corner of J. I. Beeson Survey 884 lying on the northeast line of C. C. S. D. & R. G. N. G. Ry. Co. Survey 881 to its intersect with a line projected on a course of S 89° 23' 07" E from the southwest corner of said Survey 881 as located from the original witness tree found (Item 1. cited above) to determine the southeast corner of said Survey 881 lying on the southwest line of J. I. Beeson Survey 884 and also being the northeast corner of M. A. Stits Survey 882.

From this point we turned a 90° angle to a course of S 00° 36' 53" W and measured along the east line of said Survey 882 for the original field note cited distance of 1344.00 varas to establish the northwest corner of A. Hanson Survey 970.

We then proceeded to the northwest corner of Brooks & Burlison Survey 609 being the northeast corner of Thomas Rumley Survey 630 on the south line of J. S. Billingsley 708 as retraced from the original witness tree found (Item 4. cited above) along the northern lines of said Survey 609 and the north ½ of Survey 610 and the southern lines of said Survey 708 and Survey 880. From here we traversed easterly on a course of N 83° 36' 53" E for 3800.00 varas to a point for the northeast corner of said Survey 610 and a reentrant corner of Survey 880. No evidence of the original corner or of subsequent surveys was discovered at this location.

From this point we turned a 90° angle to a course of S 06° 23' 07" E, at 420.00 varas we searched for the rock mound called for in E. R. Benson's patent field notes for the East ½ of Survey 880 but found nothing and continued along the same course for a total distance of 639.00 varas as called for in the E. B. Chandler original field notes for Survey 880 to establish the original south exterior corner of said Survey 880 and the northwest corner G. C. & S. F. Ry. Co. Survey 969.

From this point we turned a 90° angle as indicated by E. B. Chandler's original field notes to a course of N 83° 36' 53" E and at 1085.96 varas intersected a line projected on a course of S 00° 36' 53" W from the northeast corner of M. A. Stits Survey 882 as

previously located by the herein described construction. We thereby established the southwest corner of original Survey 970 as located by E. B. Chandler.

The foregoing construction results in a dimension of 1584.39 varas between the southwest and northwest corners of said Survey 970 whereas the original E. B. Chandler field notes indicated that E. B. Chandler had calculated this dimension to 1231.00 varas.

On January 17, 1925 E. R. Benson provided a survey for patent on what he called the South $\frac{1}{2}$ of Survey 970. This survey commenced at the southwest corner of Survey 970. Thence East 1466 varas to a stake & mound for the southeast corner of Survey 970. Thence North $615 \frac{1}{2}$ varas to a stake & mound on the east line of Survey 970. Thence West 1466 varas to a stake & mound on the west line of Survey 970. Thence South $615 \frac{1}{2}$ varas to the place of beginning.

This E. R. Benson survey for the South $\frac{1}{2}$ of Survey 970 did not call to adjoin the survey that he made the same day (January 17, 1925) and called the North $\frac{1}{2}$ of Survey 970.

The E. R. Benson survey for the North $\frac{1}{2}$ of Survey 970 began at the northwest corner of Survey 970. Thence East 1466 varas to a stake & mound for the northeast corner of Survey 970. Thence South $615 \frac{1}{2}$ varas to a stake & mound on the east line of Survey 970. Thence West 1466 varas to a stake & mound on the west line of Survey 970. Thence North $615 \frac{1}{2}$ varas to the place of beginning.

This E. R. Benson survey for the North $\frac{1}{2}$ of Survey 970 did not call to adjoin the survey that he made the same day (January 17, 1925) and called the South $\frac{1}{2}$ of Survey 970.

Whether or not E. R. Benson was aware that excess dimension existed in a north-south direction in Survey 970 cannot be determined from his field notes, however it is my opinion that these two surveys should be retraced precisely as is described by the field notes.

By strict interpretation of the E. R. Benson field notes a hiatus of dimensions 353.39 varas x 1466 varas is left between the North $\frac{1}{2}$ of Survey 970 and the South $\frac{1}{2}$ of Survey 970. This area contains 91.77 acres of land that I believed to be unsold Public School Fund land.

There also appears to be an area of approximately 29.38 acres within original Survey 880 that was created by a corrected survey omission of a previously surveyed portion of this survey as originally laid out. This omission creates this unsold part of Survey 880. However, my client does not wish to pursue all or any portion of this tract at this time.

An alternate construction that was considered was to construct to the southwest corner of Survey 970 by extending the lower south line of Survey 880 easterly from the east line of Survey 610 for the original field note call of 665 varas and then turning a 97° angle and projecting to the south line of Survey 882 as I have constructed as previously described to establish the northwest corner of Survey 970. This would create the same size tract as the

foregoing described construction but would shift the tract westerly by about 418 varas which would conform better with the occupation of the Wallace boundary fence, but would disturb the locating surveyor's concept of how the surveys fit together as shown by his field note sketches and would also disturb the general harmony of the surveys. This construction would rely on placing distance as a priority over course to determine the corner location.

This construction would also disturb the configuration of the south line of G. C. & S. F. Ry. Co. Survey 969, which as illustrated by my sketch appears by topographic, aerial and photographic maps to conform reasonably well to deeds and occupation. Shifting Survey 970 to the west would also create a sizeable vacancy between said Survey 969 and J. M. Dunn Survey 1036 to the east of Survey 969 since these surveys do not call to adjoin.

This concludes my report of the survey and my conclusions based on evidence found to date. It is my opinion that we have exhausted the possibility of discovering other corners that would impact our construction. Please review the included sketch of the survey and the foregoing information to determine if you concur with my construction and advise me as soon as possible so that I can inform my client on the steps to complete this process. Please contact me at the above captioned address and telephone numbers if you have questions or need further information.

Respectfully Submitted,



D. G. Smyth
Licensed State Land Surveyor

06-3041 GLO Report