

SURVEYOR'S REPORT
2.359 ACRES OUT OF THE SARAH O. HAWKINS SURVEY
CONFEDERATE CERTIFICATE NUMBER 777
HARRIS COUNTY, TEXAS

INTRODUCTION

This survey was performed to determine if any surveyed, unsold school land exists out of the Sarah O. Hawkins Survey of 186.17 acres in the area located south of the W. A. Wheeldon Survey, west of the William Stinde Survey, north of the W. A. Arnold and F. J. Rothaas Surveys and east of the Albert E. Cordier Survey in Harris County, Texas.

The general area of this survey is relatively flat, historically agricultural prairie. Currently this is an area of high growth in the close proximity to the William Hobby Airport in the City of Houston. This part of the city has recently been a location of new commercial/industrial development and new construction is underway within the general area. Unfortunately, this new development, along with development in the past, has posed several problems as original corners, marked survey lines and fence lines have been destroyed and not referenced.

RESEARCH AND WORKING SKETCHES

Plats, maps, sketches, reports etc. of this area were researched and copies obtained mainly from the General Land Office in Austin, the Sam Houston Regional Library in Liberty, the Harris County Surveyors Records and the Deed and Map records of the Harris County Clerk. Numerous additional sources available to the public were utilized.

Surveys in the general area that were pertinent to this survey are:

- 1) Blas Herrera, GLO File No. HAR-1.180, surveyed September 10, 1845, by Tipton Walker and patented October 8, 1845.
- 2) F. J. Rothaas, GLO File No. HAR-3.63, surveyed December 14, 1845, by Tipton Walker and patented December 24, 1845.
- 3) Sarah O. Hawkins, GLO File No. HAR-S-278, surveyed December 23, 1892 by C. E. Davis, not patented
- 4) Sarah J. Williams, GLO File No. HAR-S-279, surveyed May 24, 1893 by L. W. Polk, not patented.
- 5) William Stinde*, GLO File No. 42034, surveyed February 19, 1898 by A. B. Langermann and patented July 7, 1910.

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- 6) Fannie W. Hawkins*, GLO File No. 138566, surveyed October 14, 1895 by S.E. Packard and patented May 10, 1926.
- 7) W. A. Arnold, GLO File No. 42035, surveyed July 3, 1901 by C. M. Staples and patented October 2, 1901.
- 8) W. A. Wheeldon*, GLO File 122688, surveyed July 8, 1910 by William Bradburn and patented August 22, 1910
- 9) Chas Mendelsohn*, GLO File No. 123714, surveyed June 11, 1915, corrected August 27, 1915 by S.E. Packard and patented September 14, 1915.
- 10) Albert E. Cordier*, GLO File No. 126970, surveyed June 5, 1918 by J. Stuart Boyles and patented September 24, 1918
- 11) Mrs. Josephine Edmonds*, GLO File No. 127737, Surveyed August 5, 1919 by J. Stuart Boyles and patented September 11, 1919.
- 12) W. T. McNeel*, GLO File No. 132787, surveyed October 3, 1924 by J. Stuart Boyles and patented April 2, 1925
- 13) W. T. McNeel*, GLO File No. 35795, Surveyed March 5, 1925 by J. Stuart Boyles and patented April 8, 1927.

* denotes surveys that are out of and a part of the original Sarah O. Hawkins Survey of 186.17 acres.

On August 8, 1881, Mrs. Sarah O. Hawkins was issued a land certificate under "An act granting to persons who have been permanently disabled by reason of wounds received while in the service of this State, or of the Confederate States, a land certificate for twelve hundred and eighty acres" approved April 9, 1881. The certificate issued to Mrs. Hawkins (Confederate Certificate Number 777) was indeed for 1280 acres of which part was located in Archer County. As a provision of the Act, a like amount of land was to be located expressly for the benefit of the Permanent School Fund prior to issuance of any patents.

Following the provisions of the act and for the benefit of the Permanent School Fund, on March 13, 1884, P. A. Booker surveyed 186.17 acres in Harris County that was to be located south of the Blas Herrera Survey and North of the F. J. Rothaas, William B. Walker and William J. Lovett Surveys. At the same time, Mr. Booker located the Sarah J. Williams Survey, also a survey for the Permanent School Fund. The Williams Survey was to lie to the east of the Hawkins Survey. Subsequent to these initial surveys, both were re-surveyed and several versions of corrected field notes were filed. The final accepted corrected field notes for the Sarah O. Hawkins Survey were prepared by C. E. Davis for 186.17 acres, surveyed on December 23, 1892 and can be found in Harris Scrip File Number 278. The final accepted corrected field notes for the Sarah J. Williams Survey were prepared by L. W. Polk for 868.6 acres, surveyed on May 24, 1893 and can be found in Harris Scrip File Number 279.

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Upon initial review of the corrected field notes for both surveys, it was noted that the Hawkins Survey begins "...at a stake in the prairie on the south line of the Blas Herrera Survey 68 varas west from its S.E. Corner". The southeast corner of the Herrera Survey is also called as a corner of the Williams Survey and in that description the following call states "Thence W. along the South boundry [sic] of Herrera Survey 268 varas to a stake...", an obvious 200 vara overlap between the two surveys. Of course neither of these surveys was patented and the conflict seemed to go unresolved for several years. (See Plate 1)

On February 19, 1898, A. B. Langermann located 80 acres for William Stinde out of the Sarah O. Hawkins Survey. From the field notes of this survey, Langermann began at a point being 68 varas west of the southeast corner of the Herrera Survey, honoring the field notes previously filed for the Hawkins Survey. Then, on July 3, 1901, C. M. Staples located 191 acres for W. A. Arnold out of the Sarah J. Williams Survey. In this survey, Mr. Staples yielded to the William Stinde Survey, and therefore the Hawkins Survey, by holding the distance from the southeast corner of the Herrera Survey to 68 varas and in his notes, does refer to the original Williams corner 200 varas to the west. Mr. Staples provided a sketch of his efforts which can be found in GLO File Number 42035. This sketch accurately represents conditions found on the ground today for the Hawkins, Stinde and Arnold Surveys. I believe that Mr. Staples resolved the conflict between the Hawkins and Williams Surveys which resulted in the Hawkins Survey containing its entire 186.17 acres. (See Plate 2). Since then, the Permanent School Fund has sold eight tracts totaling a patented acreage of 183.36 acres out of the original Sarah O. Hawkins Survey

Review of the obtained research revealed that the original 186.17 acres was initially split into two surveys. One being the William Stinde Survey previously discussed which was patented for 80 acres and the other as per an application to purchase by W. T. McNeel for 106.17 acres. Mr. McNeel's application and field notes are found in GLO File Number 35795.

The Stinde Survey is an L shaped tract with acreage along the north line (171.6 varas wide north-south) and east line (166 varas wide east-west) of the original Hawkins Survey. I believe the intent of the location of the 106.17 acres was to extend to the upper south line and the lower west line of the Stinde 80 acre survey. Together, the two taking up all of the original 186.17 acre Hawkins Survey. (See Plate 3) The majority of the sketches found in the many files researched indicate this belief. However, the field notes for the 106.17 acres do not call for any lines of the Stinde Survey. Likewise, the field notes for the Stinde Survey do not call for any line of the 106.17 acres.

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Subsequent to the application, Mr. McNeel assigned five "partitions" of the 106.17 acres to others for patenting. They are the Fannie Hawkins Survey for 10 acres, the Wheeldon Survey for 11 acres, the Mendelsohn Survey for 10 acres, the Cordier Survey for 10 acres and the Edmonds Survey for 9.76 acres. Following, Mr. McNeel patented 22.3 acres in 1925, and 30.3 acres in 1927 in his name. This resulted in seven "partitions" having a total patented acreage of 103.36 acres of the 106.17 acre original tract.

Of the seven "partitions", the most northerly survey is the Wheeldon Survey. This 11 acres was surveyed by William Bradburn on July 8, 1910. The survey extends the full length of the 106.17 acre field notes and is consistent with the dimensions of both the Stinde and 106.17 acre descriptions. In the field notes for this survey, Mr. Bradburn has an adjoining call for a west line of the Stinde Survey along this surveys east line. (See Plate 4).

Two of the seven "partitions" were surveyed by Deputy County Surveyor Samuel E. Packard. One being the Fannie Hawkins Survey in 1895 and the second being the Mendelsohn Survey in 1915. From the field notes and sketches contained in both files, it appears that Mr. Packard had a different configuration than the resolution by Mr. Staples previously discussed. It appears that Mr. Packard held the west line of the original Sarah J. Williams Survey at 274.7 varas west of the Blas Herrera Survey southeast corner and located the east line of the Fannie Hawkins Survey 320 varas west of that line. (See Plate 5) This configuration is not consistent with the field notes of the patented Stinde, Arnold and Wheeldon Surveys. From the Blas Herrera Survey southeast corner, Mr. Packard places the east line of the Fannie Hawkins Survey at 594.7 varas to the west leaving a gap of 360.7 varas between the east line of the Fannie Hawkins Survey and the lower west line of the Stinde Survey (See Plate 6).

Another of the seven "partitions" and the most easterly of the patented surveys is the Cordier Survey. This 10 acres was surveyed by County Surveyor J. Stewart Boyles on June 5, 1918. From the field notes and sketch contained within the file, Mr. Boyles followed exactly the configuration used by Mr. Packard and located the eastern line of the Cordier Survey 274.7 varas west of the Blas Herrera Survey southeast corner on the eastern portion of the "320 vara" area left by Mr. Packard (See Plate 7). Again, this configuration is not consistent with the field notes of the patented Stinde, Arnold and Wheeldon Surveys and when Mr Boyles located the east line of the Cordier Survey at 274.7 varas west of the Blas Herrea Survey southeast corner he left a gap of 40.7 varas between the east line of the Cordier Survey and the lower west line of the Stinde Survey (See Plate 8). The location of this survey, as will be shown later in this report, is very evident on the ground and its location is consistent with the field notes at the GLO and field book pages and sketches obtained from Mr. Boyles private records.

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Following the location of the Cordier Survey, Mr. Boyles located the Edmonds Survey and the 22.3 acre McNeel Survey. The Edmonds Survey fell between the Fannie Hawkins Survey and the Cordier Survey. The 22.3 acre McNeel Survey was located at the southwest corner of the original Sarah O. Hawkins Survey (See Plate 9).

The final tract of the seven "partitions" was the 30.2 acre McNeel Survey. This survey was located between the 22.3 acre McNeel Survey on the west and the Mendelsohn Survey on the east (See Plate 10). Apparently when the field notes for this survey were returned to the GLO, the question arose as to why the acreage of the seven surveys did not add up to 106.17 acres. In response, in a Surveyors Statement drafted by J. Stuart Boyles, County Surveyor, on March 5, 1927, found in GLO File Number 35795, it is stated that all of the original survey (called 106.17 acres) has been accounted for by the seven "partitions" and that no excess exists on the ground and that the southeast corner of the original field notes is also the southeast corner of the Cordier Survey. This would be a true statement if the configuration of the surveys in the area was indeed as Mr. Packard and Mr. Boyles portrayed.

After extensive review of the research material, I contend that Mr. Boyles believed, and through his affidavit stated, that the southeast corner of the Cordier Survey was the southeast corner of the 106.17 acres. Mr. Boyles relied on the work by Mr. Packard which incorrectly located the west line of the Sarah J. Williams Survey too far to the west and did not honor the Stinde and Arnold Surveys previously patented and therefore Mr. Boyles mistakenly called the east line of the Cordier Survey the east line of the original 106.17 acres. When a working sketch of all of the patented surveys is plotted in relationship to the Blas Herrera Survey southeast corner, it is obvious that there exists an area that is not contained within a patented survey (Shown cross hatched on Plate 10).

FIELD WORK

The area of concern of this survey is this area between the lower west line of the William Stinde Survey and the easterly line of the Albert E. Cordier Survey, which is also mistakenly called the easterly line of the McNeel 106.17 acres as attested to by Mr. Boyles.

Field work was performed during the months of September and October, 2008. All work was completed utilizing Trimble 5700 Global Positioning Systems and Sokkia Set 5 Total Stations. All work was tied to the Texas Coordinate System of 1983, South Central Zone, 2001 adjustment utilizing reference monumentation published by the Harris County Flood Control District as Reference Monument 010545 (NGS Monument "HGCS D 47", PID No. AW5556). The scale factor used in this project is 0.9998774953.

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Please refer to the accompanying Plat of Survey for location of the corners referenced below.

I began the reconstruction work by locating the monumentation reported in the research information. Fortunately, I was able to locate the original, or perpetuation of the original, southeast corner of the Blas Herrera Survey (A) from which several of the pertinent surveys reference. Beginning at this corner and running west a record distance of 68 varas to locate the northeast corner of the William Stinde Survey (B).

The northeast corner of the Stinde Survey falls in West Orem Drive and has been destroyed by construction. Running south from corner (B) 1130 varas, it was found that the Stinde southeast corner has also been destroyed. While running south from (B), the line follows a well marked ancient occupied line. If this marked line is extended north to the south line of the Herrera Survey, it falls 67.742 varas west of the Blas Herrera Survey southeast corner a difference of 0.258 varas from the record distance of 68 varas. I believe that this occupied line is indeed the true location of the Stinde east line and I held the distance of 67.742 varas west of the Herrera southeast corner and the true northeast corner of the Stinde Survey.

Running from corner (B), 165.749 varas west and 210.501 varas south, a 3/4 inch iron rod was found for the perpetuation of the southeast corner of the Wheeldon Survey in the lower west line of the Stinde Survey and for the northeast corner of the unpatented land (C). This corner was found to be 166.95 varas (called 166 varas) west from the occupied east line of the Stinde Survey discussed earlier.

Running south from corner (C), 352.075 varas, along the Stinde lower west line, a 5/8 inch iron rod was found and taken as a perpetuation of the most southerly northeast corner of the Arnold Survey and the southeast corner of the unpatented land (D). Other monumentation was found along this line. This corner lies 165.981 varas west, very close to the record distance of 166 varas west, from the occupied east line of the Stinde Survey.

Running west 32.847 varas from the most southerly northeast corner of the Arnold Survey (D), a 1-1/2 inch iron pipe was found and taken to be the most southerly northwest corner of the Arnold Survey and a perpetuation of the northeast corner of the Rothaas Survey (E). This distance is only 1.153 varas short of the record 34 varas called for in the field notes of the Arnold Survey.

Continuing west 602.749 varas along the well marked and occupied north line of the Rothaas Survey, a 2-1/2 inch iron pipe was found and taken to be a perpetuation of the northwest corner of the Rothaas Survey (F). The distance between the northeast and northwest corners of the Rothaas Survey was 602.749 varas, 0.749 varas longer than the record 602 varas.

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Returning to the 3/4 inch iron rod found at the southeast corner of the Wheeldon Survey (C) and running west along the Wheeldon Survey south line, the following original corners were found:

- 1) At a total distance of 198.338 varas, a 1-1/4 inch iron pipe was found at the northwest corner of the Cordier Survey and the northeast corner of the Edmonds Survey (G).
- 2) At a total distance of 515.908 varas, a 1 inch iron pipe was found at the northwest corner of the Fannie Hawkins Survey and the northeast corner of the Mendelsohn Survey (H).
- 3) At a total distance of 675.847 varas, a 1-1/4 inch iron pipe was found at the northwest corner of the Mendelsohn Survey and the northeast corner of the McNeel 30.3 acre survey (I).

These corners were set or noted on the work that J. Stuart Boyles performed from 1918 thru 1925. Other original corners along this line were not found. The found locations match closely the locations reported by Mr. Boyles in his field notes and field books. The alignment of these three corners with the southeast corner of the Wheeldon Survey is near perfect.

Returning to the northwest corner of the Cordier Survey (G), a line was run east a record distance of 162 varas to a corner set for the northeast corner of the Cordier Survey and the northwest corner of the unpatented land (J). This left a distance of 36.338 varas from the northeast corner of the Cordier Survey (J) and the southeast corner of the Wheeldon Survey (C).

Then a line was run south from the northeast corner of the Cordier Survey (J), at a right angle to the previous line, and along the centerline of the existing drainage ditch as described in the Cordier Survey patent field notes, a distance of 351.751 varas to the intersection of the north line of the Rothass Survey located previously and as called for in the Cordier Survey field notes. The distance of 351.751 varas is 3.051 varas longer than the record distance of 348.7 varas called in the Cordier Survey field notes. No evidence of the original corner was found and a corner was set marking the southeast corner of the Cordier Survey and the southwest corner of the unpatented land (K). This corner fell 6.496 varas west of the northeast corner of the Rothaas Survey. When adding the distance from the southeast corner of the Cordier Survey (K) east to the Stinde Survey occupied east line ($6.496 + 32.847 + 165.981 = 205.324$ varas) with the distance from the Stinde northeast corner (B) to the Herrera southeast corner (A) (67.742 varas) the resulting total sum of 273.066 varas is only 1.634 varas short of the original call distance of 274.7 varas as surveyed by Mr. Packard and Mr. Boyles for the Fannie Hawkins Survey and the Cordier Survey respectively.

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This work resulted in an area beginning at a found 3/4 inch iron rod at the southeast corner of the Wheeldon Survey (C), running south to a 5/8 inch iron rod found for the most southerly northeast corner of the Arnold Survey (D), running west to a 1-1/2 inch iron rod found for the most southerly northwest corner of the Arnold Survey and the northeast corner of the Rothaas Survey (E), running west to a 3/4 inch iron rod set for the southeast corner of the Cordier Survey (K), running north to a 3/4 inch iron rod set for the northeast corner of the Cordier Survey (J) and running east to the point of beginning (C) containing 2.359 acres.

As the survey indicates, there exists 2.359 acres of surveyed, unsold school land within the boundaries of the original Sarah O. Hawkins Survey of 186.17 acres bounded on the east by the Stinde Survey, on the south by the Arnold and Rothass Surveys, on the west by the Cordier Survey and on the north by the Wheeldon Survey.

CONCLUSION

In summary, I feel that adequate monumentation, occupation and locations consistent with the previous survey work leads to the conclusion that I have accurately located the pertinent lines of the Stinde, Arnold, Rothass, Cordier and Wheeldon Surveys, according to record and established the location of the remaining Permanent School Fund acreage.

This surveyor's report accompanies a Plat of Survey of the same date.

Respectfully submitted,



William E. Merten
Licensed State Land Surveyor
Cobb Fendley & Associates, Inc.
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713-462-3242
Dated: July 24, 2009



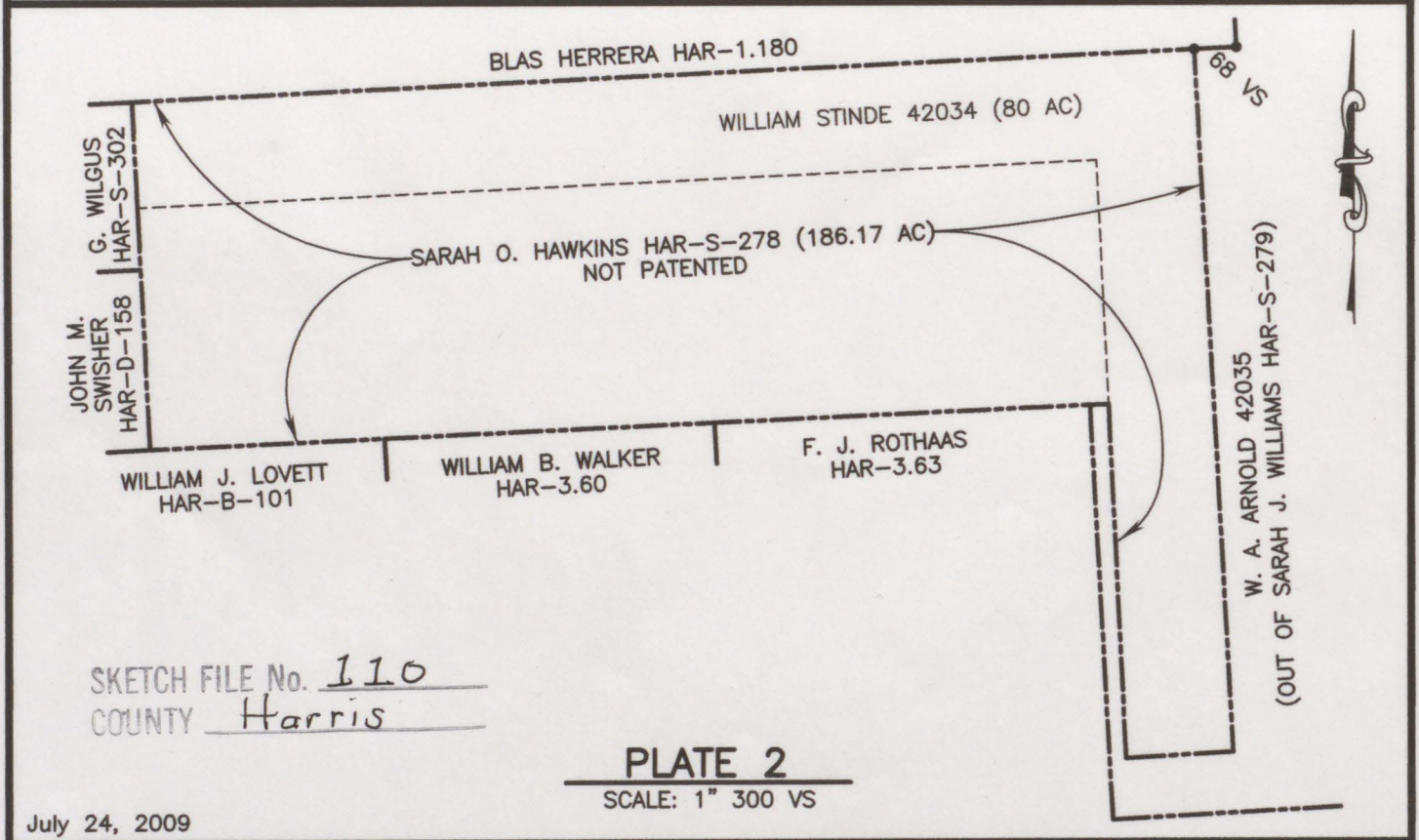
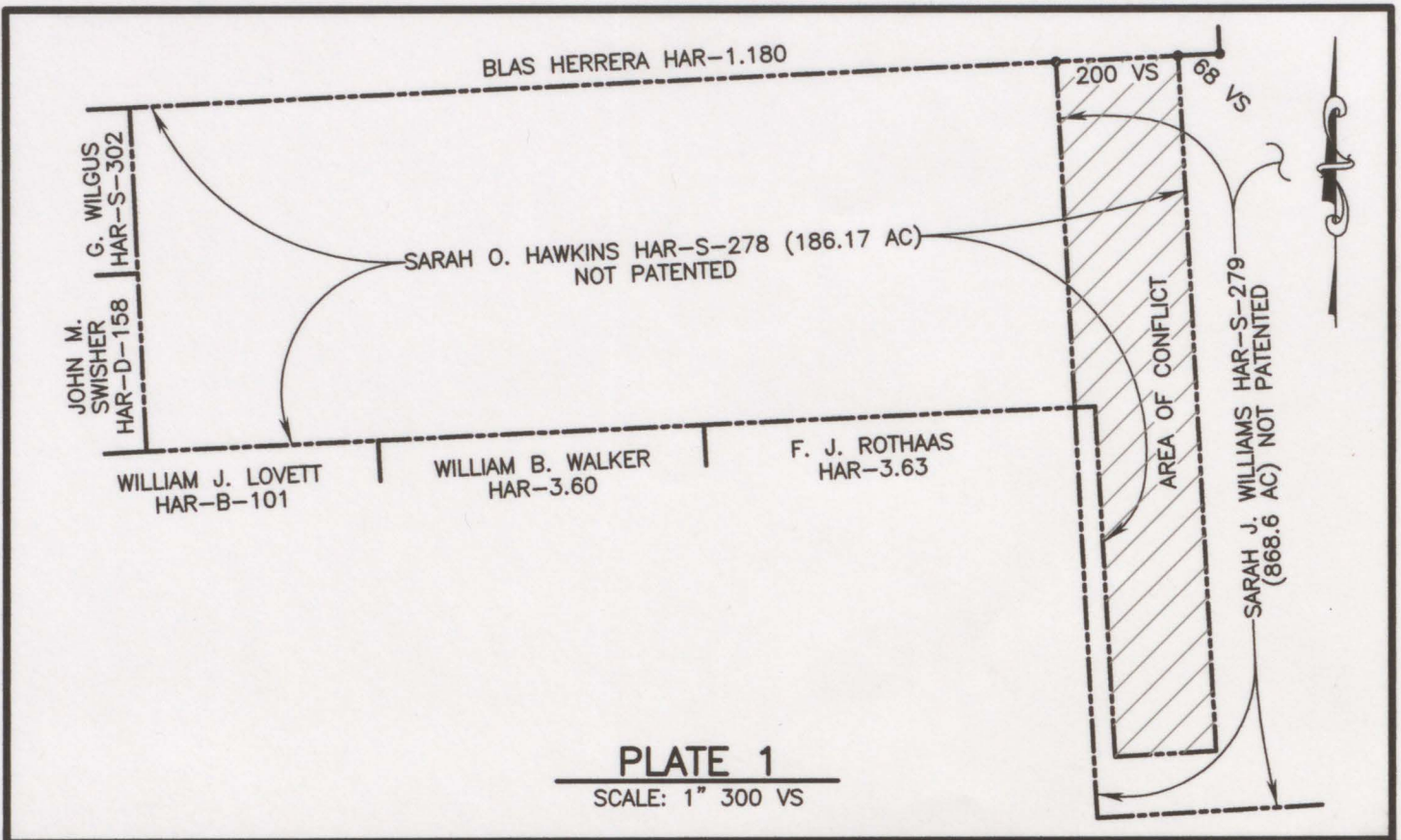
See Harris Co. Rolloff SK.102

File No. Sketch File 110
Harris County
Sarah O. Hawkins - 2.359 ac. - Har. S-278
Date Filed Sept. 30, 2010

Jerry Patterson, Commissioner

By Douglas Howard

SKETCH FILE No. 110
COUNTY Harris



July 24, 2009

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SURVEY OF 186.17 ACRES FOR THE
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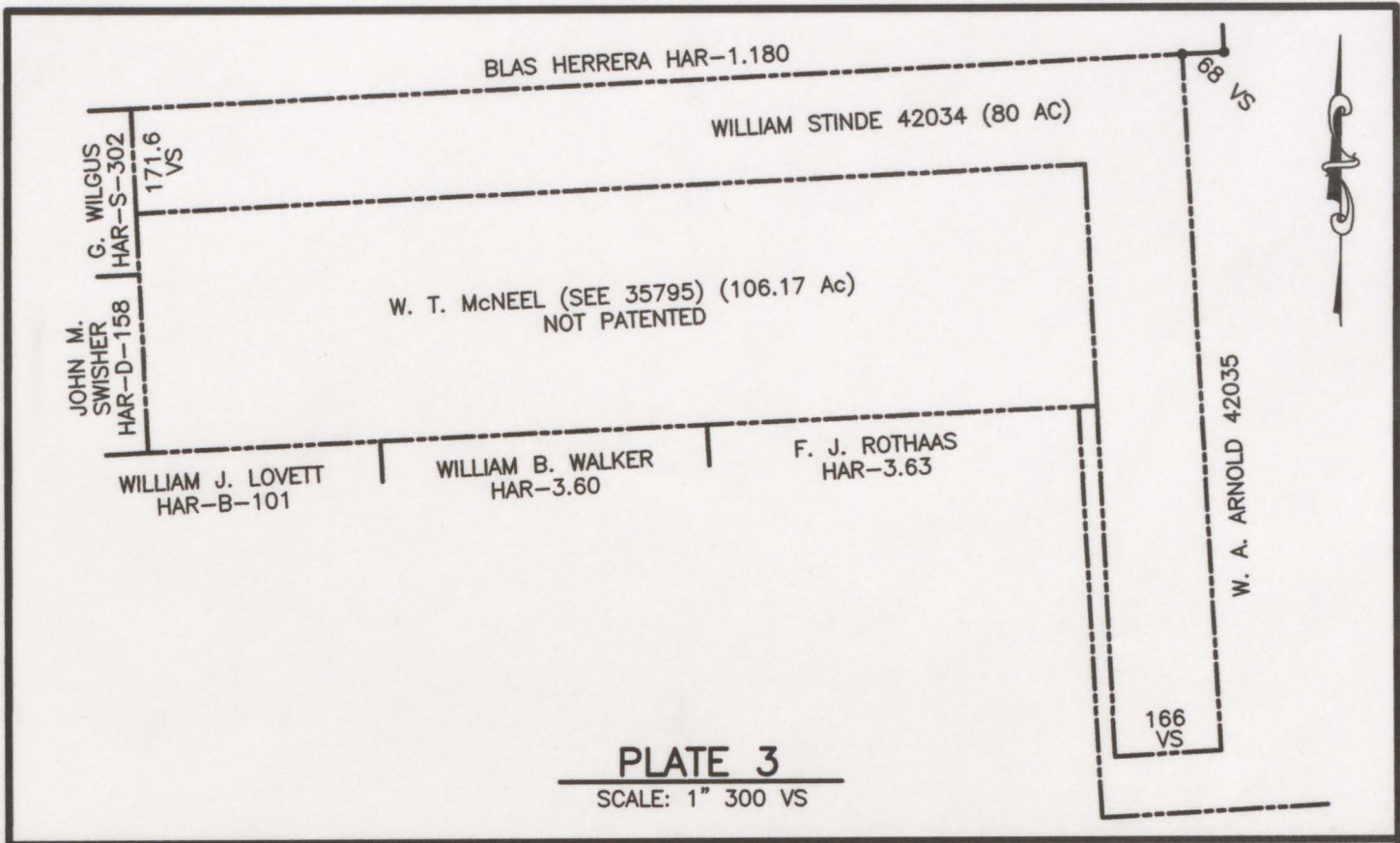
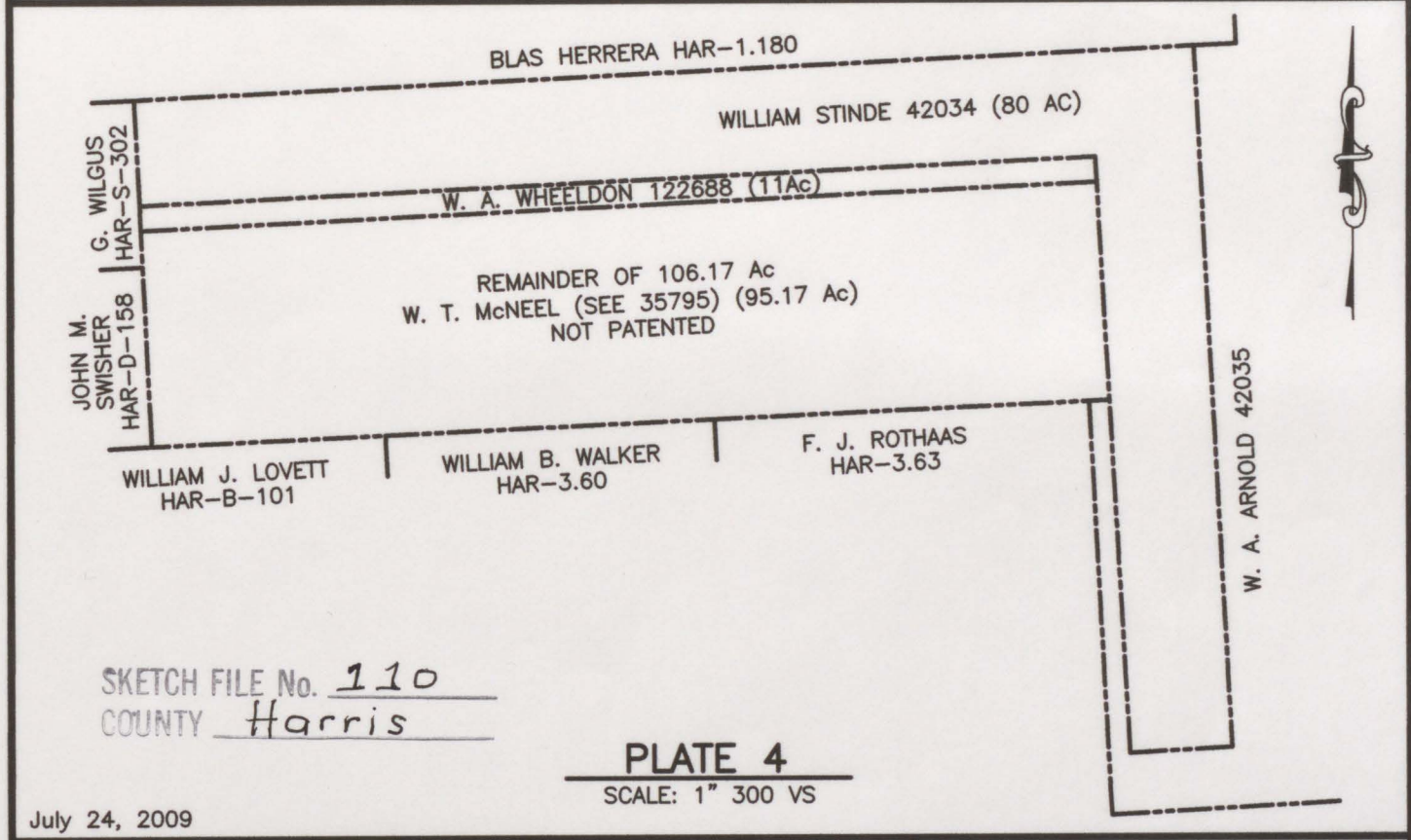


PLATE 3
SCALE: 1" 300 VS



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PLATE 4
SCALE: 1" 300 VS

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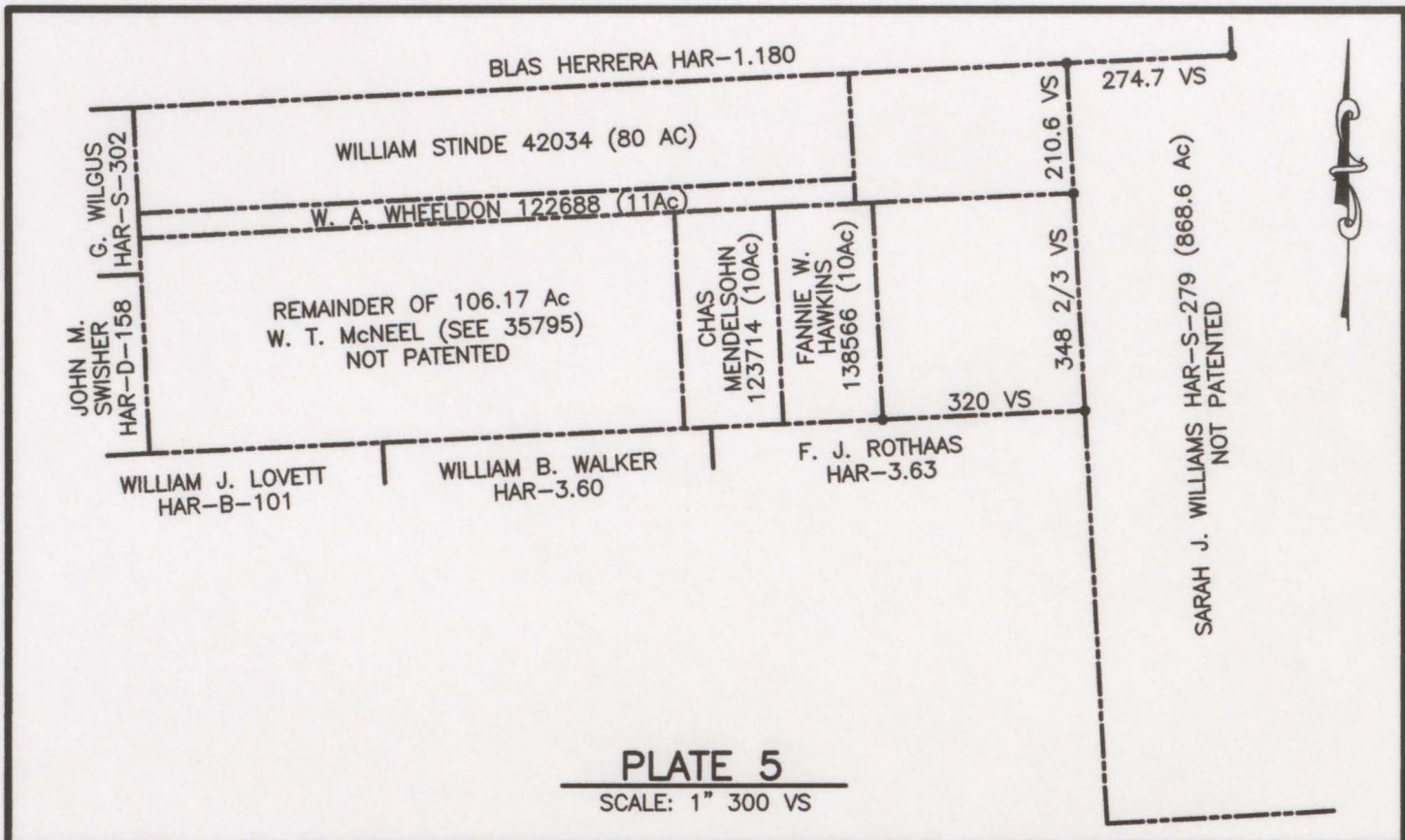
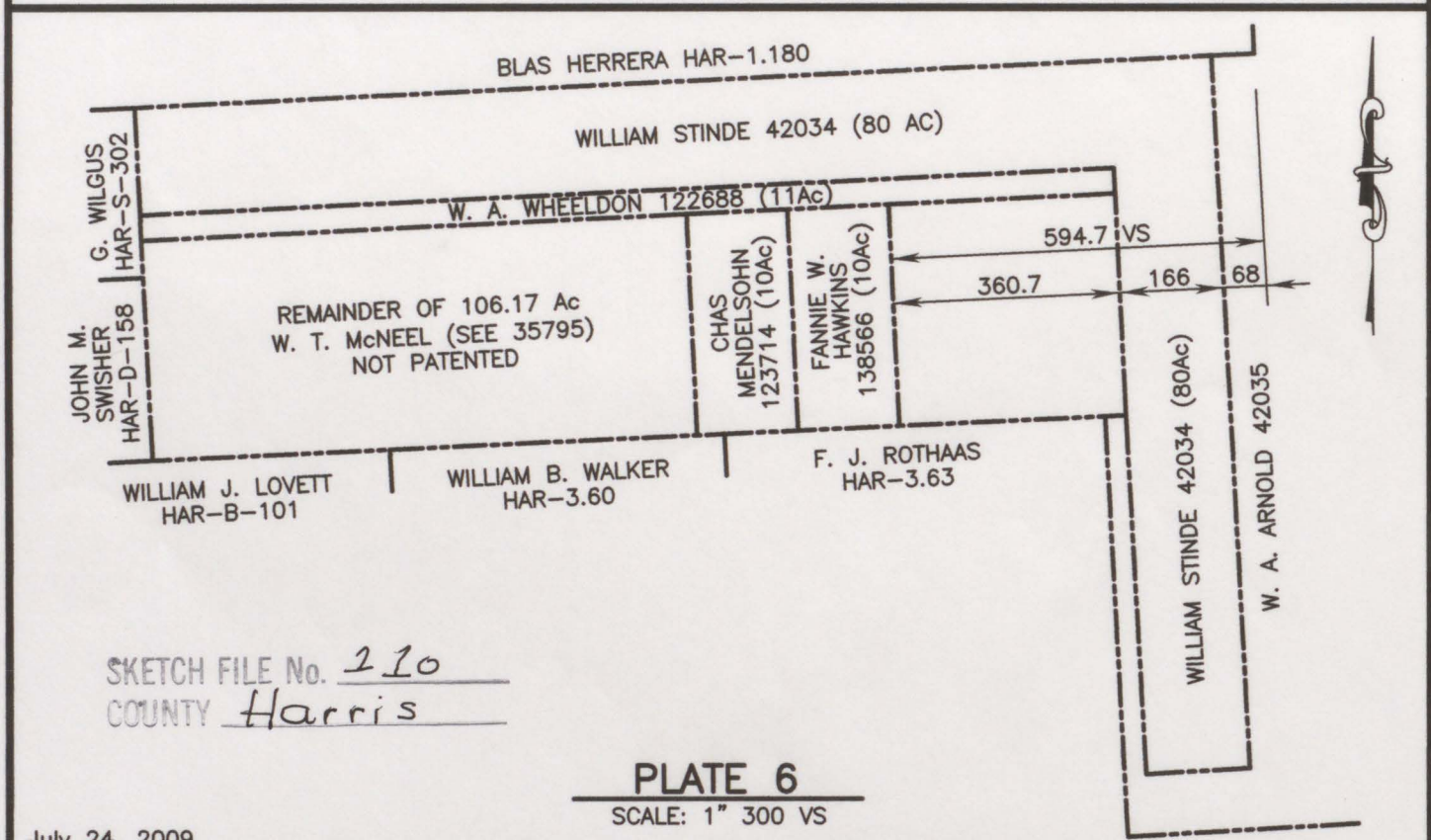


PLATE 5

SCALE: 1" 300 VS



SKETCH FILE No. 210
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PLATE 6

SCALE: 1" 300 VS

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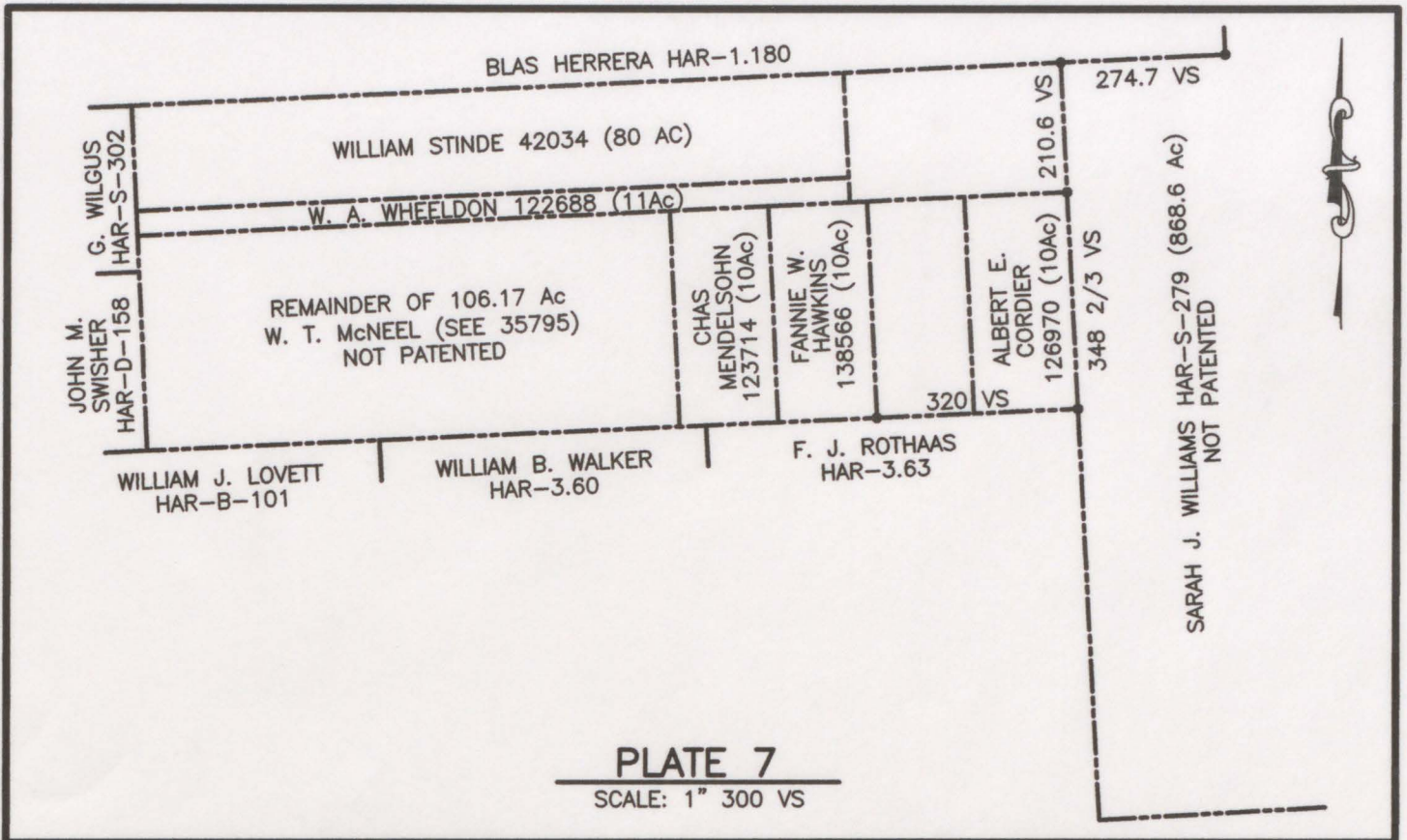


PLATE 7

SCALE: 1" 300 VS

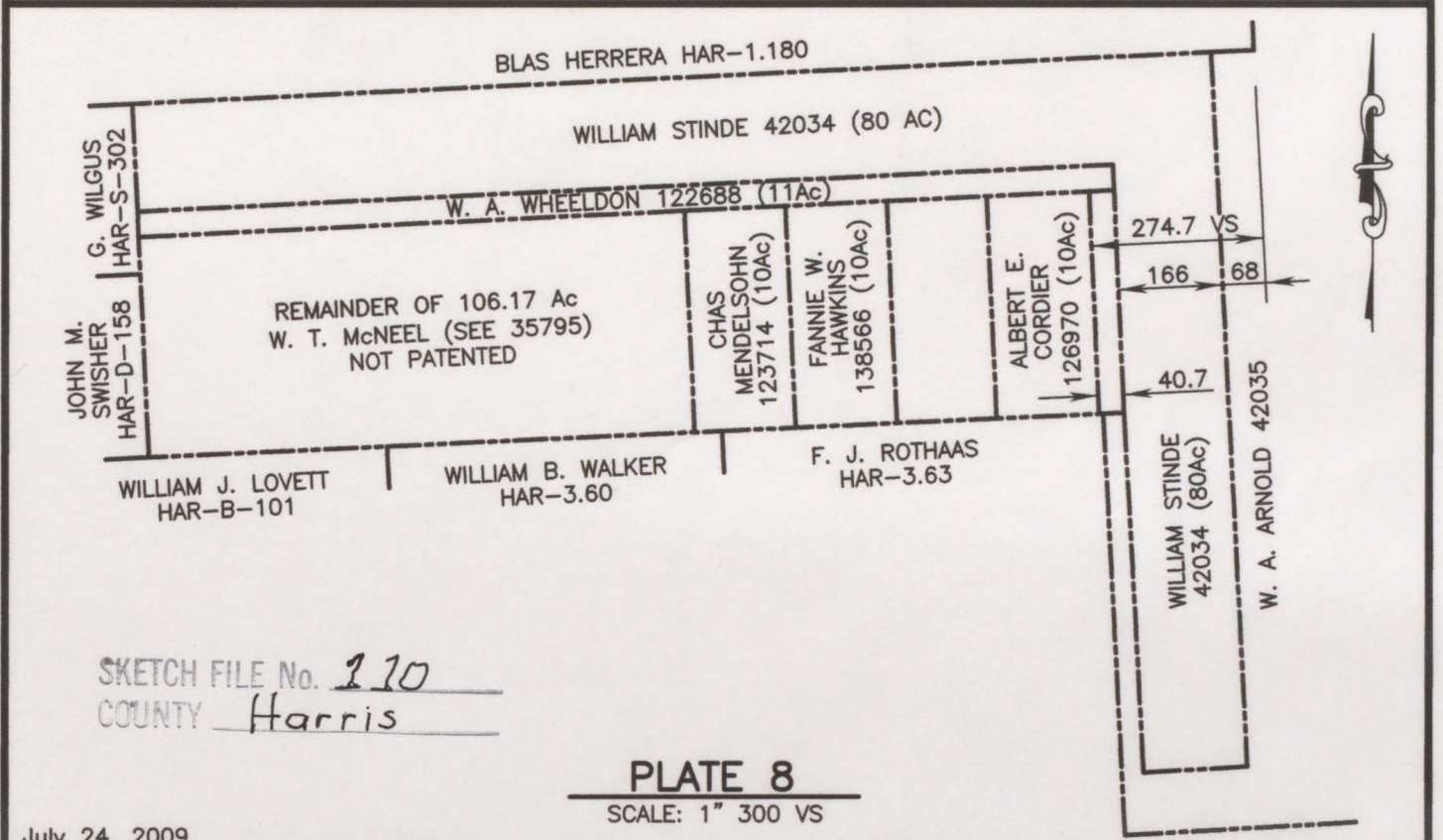


PLATE 8

SCALE: 1" 300 VS

SKETCH FILE No. 210
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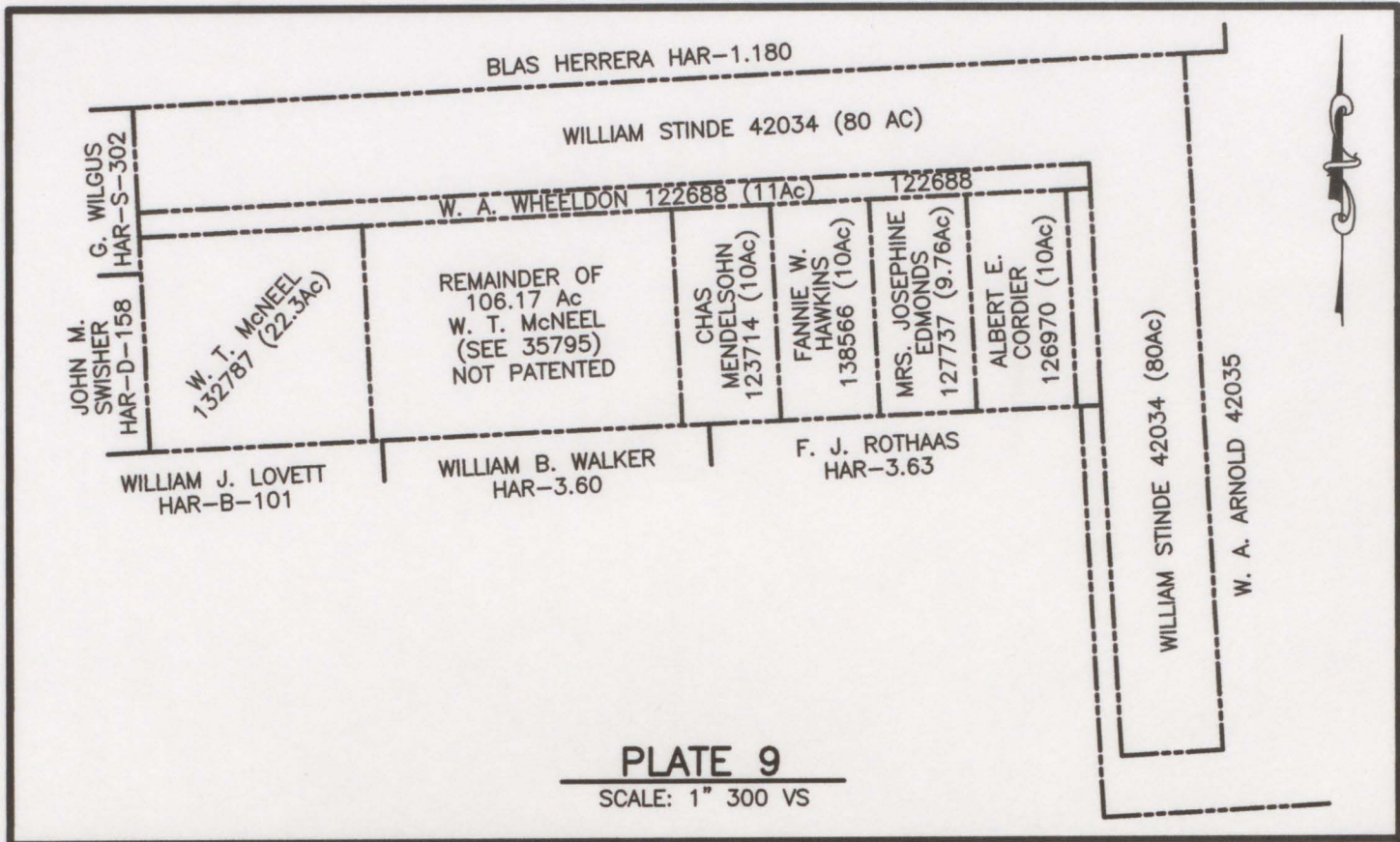


PLATE 9

SCALE: 1" 300 VS

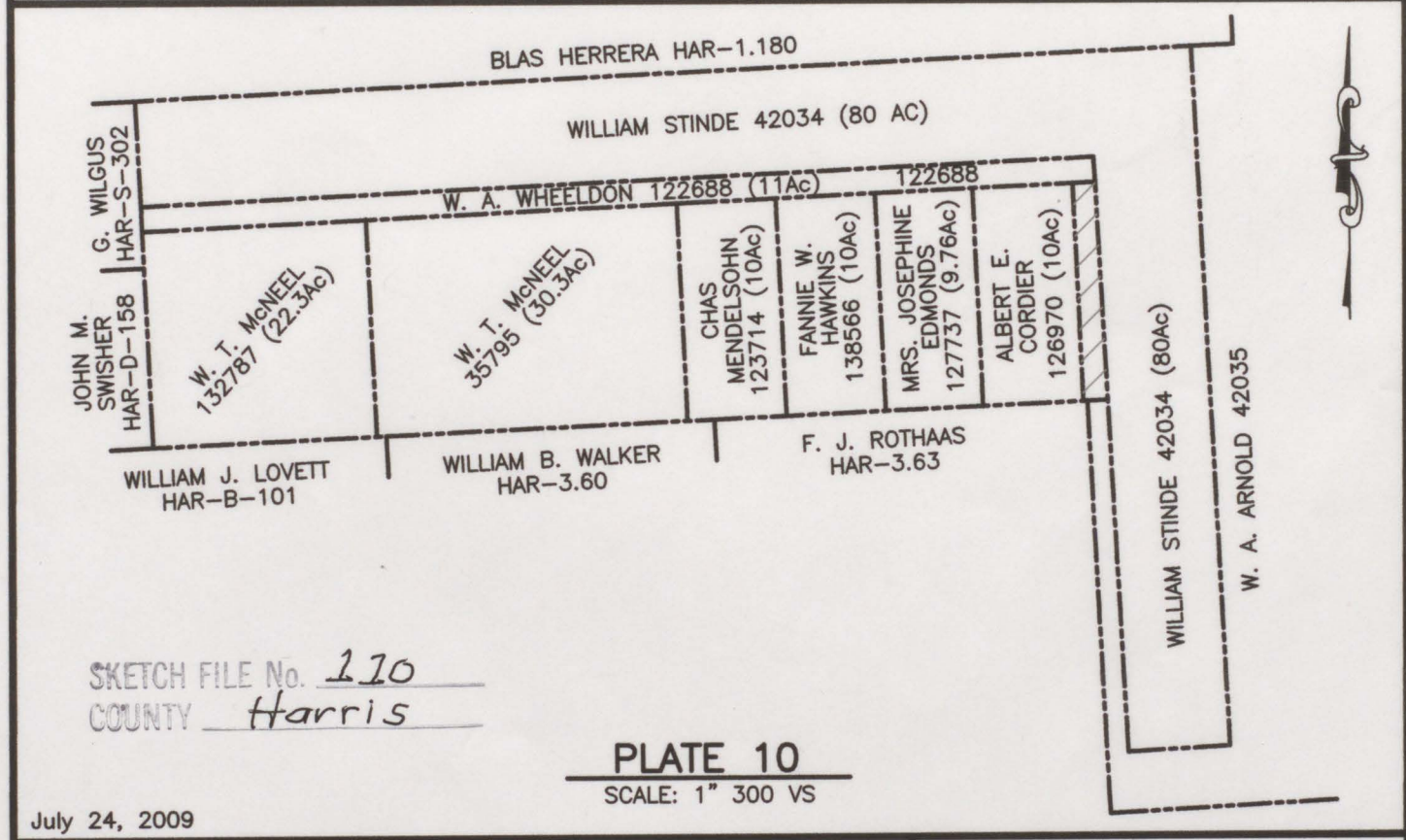


PLATE 10

SCALE: 1" 300 VS

SKETCH FILE No. 110
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