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SKETCH FILE NO. 122

**SURVEY REPORT**

(August 30, 2010)

The purpose of the subject survey was to reconstruct the boundaries of various original surveys located in Presidio County, Texas, situated on an approximate course of S 2°45' W (grid bearing (Texas State Plane Coordinate System, NAD 1927-Texas South Central Zone) approximately 30 surface miles from the county seat of Presidio County located on Marfa, Texas, for the purpose of a defining an alleged vacancy in this area, and is being performed for the benefit of the Dixon Water Foundation, a Texas Non Profit Corporation.

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

J. W. Tays, Deputy District Surveyor of the El Paso District, located the most senior survey in the area of immediate concern, the J. G. Davis Survey, on December 30, 1872. He subsequently located Surveys 7-12, Block 9 of the Houston and Texas Central Railway Company on May 14, 1875. To the north of the area in question and just to the northeast of Block 9 lie three other surveys. The Nestor Mendoza Survey was surveyed by J. W. Tays just eleven days after the survey of Surveys 7 through 12 of Block 9, Houston and Texas Central Railway Company on May 25, 1875. The Larkin Landrum Survey was surveyed by Thomas Murphy on December 14, 1878, and the John G. Burgess Survey was surveyed by Thomas Murphy on July 9, 1880.

To the east, lies Block 200, Texas and St. Louis Railway Company. Along its western tier of surveys, beginning from the south to the north, the surveys are situated as follows: Survey 31, 30, 19, 18, 7, and 6. All of these surveys were performed by S. A. Thompson, County Surveyor of Presidio County March 3, 4, and 5, 1881. To the south lies a two survey railroad block, Survey 581 and Survey 582 (later patented as the Carlos Herrera Survey), Texas Central Railway Company as surveyed by Frank Gildart, on March 14, 1881. These surveys surrounded an area of unsurveyed public domain upon which no surveys had previously been located.

SKETCH FILE No. 122  
COUNTY Presidio

On March 15, 1882, S. A. Thompson located Surveys 1 through 4, Block 338, Texas Central Railway Company in the northern portion of the then vacant land. Finally, on December 18, 1883, S. A. Thompson surveyed Survey 5, Block 338, Texas Central Railway Company, covering the portion of unsurveyed public domain remaining in the area between the bordering surveys to which reference has been made hereinabove.

Judging from the plethora of corrected field notes issued for many of these surveys, much confusion existed on the part of the original surveyors as to the correct location and description of many of these original surveys—especially with regard to Block 338 and the relationship between Block 200, Texas and St. Louis Railway Company and Block 9, Houston and Texas Central Railway Company. Mr. Thompson issued original field notes on each of the Surveys 1-4, Block 338, that he had initially made. Then, immediately, each of the descriptions of those surveys were revised by corrected field notes signed by Mr. Thompson and dated the same day as the original field notes with changes in the distance calls for each of the said surveys suggesting that he was uncertain as to the relationship between Block 9, Houston & Texas Central Railway Company to the west, and Block 200, Texas & St. Louis Railway Company to the east. In addition to Surveys 1-4, Block 338, Surveys 6, 7, 18, 19, 30, and 31, Block 200 also were corrected in the 1940s. John Stovell, Licensed State Land Surveyor, issued corrected notes on Surveys 6, 7, and 18 on November 10, 1940. H. R. Gard, County Surveyor of Presidio County, issued corrected field notes on Surveys 19, 30 and 31 in November of 1943.

Of greatest interest is the subsequent mislocation of Survey 7, Block 9, Houston and Texas Central Railway Company by D. L. Reavis, State Surveyor, in 1889. From a perusal of the records involving the retracement of Survey 7 by Reavis and the location of the John Hanson 1280 acre Veteran Donation Survey by Presidio County Surveyor J. R. Marmion, these two men were undoubtedly working together on surveys in the area. On May 4, 1889, Mr. Marmion filed a connecting line survey wherein he stated the following concerning his reckoning of the location of the southeast corner of Survey 7, Block 9, of the Houston & Texas Central Railway Company:

*“Beginning at a stone Md, The N. E. corner of the John G. Davis, Preemption Survey No. 29. Shown to me by said John G. Davis. From which a Cottonwood Tree 16” dia brs S. 42°27’ W. 252 1/10 varas, a chimney of the old U. S. Mail house, brs North 80°00’ W. as his N. E. corner of said Survey No. 29.*

*“Thence North 05°00’ W. 260 varas to an old stone mound on top of a hillock East of the Presidio del Norte Road, and east of the creek, said mound was shown to me by John G. Davis to whom it was pointed out soon after being made by one of the chainmen who made the original survey of Survey No. 7. H & T. C. Ry. as the South East Corner of said Survey No. 7. and as being the beginning corner of*

SKETCH FILE No. 122  
COUNTY Presidio

2 of 11





*same. This mound has the appearance of being very old, and it is located as described in the field notes of Survey No. 7. That is "on a hillock East of the Presidio del Norte road." Mr. Davis has known and recognized it as the S. E. Corner of said Survey No. 7. H & T.C. I have also recognized it, as it answers the calls of the field notes of that survey and have so placed it on my new Co. Map.—"*

As further evidenced by the record, Mr. Reavis agreed with the location of the southeast corner of Survey 7 that Mr. Marmion accepted, or to put it in his words, "recognized," based upon the parole evidence offered by John G. Davis even though doing so cause significant disharmony with admittedly junior surveys that by that time surrounded the location of Block 9—disharmony that he identified on his own sketch attached to the field notes describing the John Hanson Survey, that covers a portion of the purported vacancy created by the very mislocation of Block 9 due to his acceptance of Mr. Davis's testimony. The John Hanson Survey was surveyed on May 6, 1889, a mere two days after the said connecting survey was filed. Subsequent corrected field notes were filed on June 18, 1889, omitting that area of unsold surveyed school land now known as the Louisa Ann Dunn Survey No. 1387 (not patented) from the original Hanson field note description. Finally, Mr. Reavis returned corrected field notes for Survey 7, Block 9, Houston & Texas Central Railway Company that he surveyed on May 9, 1889, wherein his field note tie from the southeast corner of Survey 7, Block 9, to the northeast corner of the John G. Davis Survey No. 29 at S 5° E, 260 varas, was in agreement with Marmion's connecting line survey, thereby placing his location of Survey 7 East (grid bearing), a distance of 828.62 varas (828.39 varas grid), and North (grid bearing), a distance of 893.53 varas (893.29 varas grid) from J. W. Tays's location of the southeast corner of said survey as referenced by the extant field notes from all of the other surveyors who located the adjoining surveys thereto except, of course, Mr. Reavis, State Surveyor, and J. L. Marmion, County Surveyor of Presidio County.

As a result of Mr. Marmion's and Mr. Reavis's acceptance of John G. Davis's apparently unsubstantiated testimony of the location of Survey 7, that resulted in the mislocation of all of Block 9, much confusion was introduced, including conflicts introduced at the northeast corner of Block 9 with the John Burgess Survey (Survey 317), the Larkin Landrum Survey (Survey 313), and the Nestor Mendoza Survey (Survey 77) as was so well discussed by W. L. Rider, Licensed State Land Surveyor, in his June 12, 1927, report labeled Sketch File No. "R", Presidio County, Texas.

The most compelling observation made by Mr. Rider was that Reavis's location of Block 9 placed it in direct conflict with the Nestor Mendoza Survey No. 77. Mr. Rider observed that J. W. Tays located the Mendoza Survey shortly after he had located all of the corners of the surveys contained in Block 9, and that it was quite unlikely that Tays would have located the Mendoza Survey in conflict with a survey that he had just completed eleven days before. I agree

SKETCH FILE No. 122  
COUNTY Presidio

with this rationale most emphatically. Apparently, so did the Honorable C. R. Sutton, Judge Presiding, in Cause No. 2889 wherein his judgment on August 2, 1929, as filed of record in Volume 8, Pages 543-547, District Clerk Records of Presidio County, Texas, he directed that the "southeast corner of said survey No. 7, is at an old rock mound on a hillock east of an old road, which old rock mound bears South 9 deg 41' West 77 vrs from the southwest corner of survey 1387, of 10.9 acres made for John G. Davis, marked by an old rock mound...and that the N. E. corner of said survey No. 12 in Block 9, H. & T.C. RY. CO. is at the old rock mound, which is also the S.W. corner of the Nestor Mendoza Preemption survey No. 77...which old stone mound is the also the N.W. corner of the Larkin Landrum survey No. 313, and the north corner of the J. B. Burgess survey No. 317..."

When the east line of Block 9 is so constructed, the position of Survey 7 is located at the position that Tays originally staked rather than the position that Reavis and Marmion established based upon the strength of Davis's testimony some 14 years after the fact. However, Reavis's corrected notes were accepted and filed in the General Land Office on January 14, 1891, although no action seems to have been taken to modify of the patent issued for said Survey 7 based upon those field notes.

In 1898, the corrected field notes that had been prepared by S. A. Thompson on December 18, 1883, for Survey 5, Block 338, were cancelled when the corrected notes for the F. Parker Survey prepared by W. L. Moore were returned to the General Land Office. Moore's notes encompassed the northern portion of Survey 5, not in conflict with Survey 7, Block 9 as located by Reavis in 1889. The F. Parker Survey was patented in 1899.

Because of the "relocation" of Survey 7, Block 9, Houston & Texas Central Railway Company by Reavis in 1889, and because S. A. Thompson's corrected field notes were subsequently cancelled, and because the patent field notes that were returned to the General Land Office by W. L. Moore, Presidio County Surveyor, dated February 5, 1898, did not include the northwest portion of Survey 5, Block 338, as located by Thompson, and, finally, due to the judges decision to relocated Block 9 to what was, in his opinion, Tays's original location of said block, a vacancy may have been created.

It is the object of this report to lay out the facts to facilitate an investigation to determine whether or not that the area marked "Alleged Vacancy" on the plat of even date herewith, and by this referenced made a part hereof, is, in fact, unsurveyed public school land under the definition contained in Texas Codes Annotated, Natural Resources Codes, §51.176 (6).

In order to determine the facts pertinent to this investigation, I acquired working sketches & reports, a copy of the Official County Map of Presidio County, the original field notes, corrected field notes, and patent field notes from the Texas General Land Office in conjunction with this

SKETCH FILE No. 122  
COUNTY Presidio



project. Other source documents included deeds, topographic maps and aerial photography of the subject tracts and surrounding area.

Field control surveying utilized state-of-the-art Global Positioning System equipment and software. The project control station's geographic positions and rectangular coordinates (based upon National Geodetic Survey triangulation station "Alamito") were established utilizing the Texas Coordinate System, North American Datum of 1927, Texas South Central Zone. Real Time Kinematic G.P.S. was extended from the control station to the various original corner and boundary locations. Original corner search procedures were undertaken by me personally, and my professionally qualified assistants: Michael Evans, RPLS, LSLs; John August Spanagel, RPLS; and Tres W. Smyth.

An extensive search of the original corners was made in pursuit of the recovery of the actual corners and/or the witness objects that would lead to the corners of the subject tract and its adjoiners. This search resulted in the following findings:

1. Block 9, Houston & Texas Central Railway Company
  - a. A 6-inch concrete post at a 3-way fence corner was found for the southeast corner of said Block 9. This point is also the interior corner on the north line of Survey 581 (Bexar S-35325), Texas Central Railway Company. From which a rock mound found, the southwest corner of the Louisa Dunn Survey (not patented), bears  $N12^{\circ}06'32''$  E (Grid bearing), a distance of 77.414 varas (77.393 varas grid). Tays's original field notes indicate that he set a rock mound for the southeast corner of Survey 7. The court case describes this corner as being witnessed by the rock mound at the southwest corner of the Dunn Survey bearing  $N 9^{\circ}41' E$  (True bearing) or  $N 12^{\circ}08' 48'' E$  (Grid bearing), a distance of 77 varas. Clearly, the concrete post at this 3-way fence corner is the southeast corner of Block 9 as set by J. W. Tays in 1875. Further corroboration of this conclusion is realized when the bearing between the post and scattered rock mound at 3-way fence corner post (southeast corner of Block 9 set by Tays) and the rock mound (southwest corner of Dunn Survey) is within  $00^{\circ}02'$  of arc and the distance between them is within 0.414 varas.
  - b. A Rock Mound was found in place during the course of this survey at the adjudicated northeast corner of Block 9 which is also the southwest corner of the Nestor Mendoza Survey 77, the Northwest corner of the Larkin Landrum Survey 313, and the north corner of the John G. Burgess Survey 317. Said Rock Mound is the original rock mound set by Tays for the northeast corner of Block 9 and referenced by him as the southwest corner of the Nestor Mendoza Survey No. 77.

SKETCH FILE No. 122  
COUNTY Presidio

2. Block 200, Texas & St. Louis Railway Company
  - a. A rock mound with a ½" iron rod was found at the southwest corner of Block 200 during the course of this survey, same being the southwest corner of Survey 31 in said block.
  - b. A rock mound was found at the northwest corner of Block 200, same being the northwest corner of Survey 6 of said block.
  - c. Intermediate rock mounds were found along the west line of Block 200 at the corner common to Survey 7 and Survey 18, and the corner common to Survey 19 and Survey 30.
  
3. John G. Davis Survey No. 29
  - a. A rock mound in which a ½" iron rod has been placed and at which a sculpted wooden post was found, which is apparently the same post that Rider found in 1928. This rock mound is the northeast corner of this survey and said rock mound is the original northeast corner as set by J. W. Tays in 1872.
  - b. A rock mound was found for the southeast corner of this survey and, by the testimony contained in his April 28, 1928, report, it was apparently reset by W. L. Rider in 1928. It is also the northeast corner of Survey 581, Texas Central Railway Company, and the northwest corner of the Carlos Herrera Survey (Survey 582, Texas Central Railway Company) both of which were located by Frank Guildart on March 14, 1881.
  - c. A rock mound was found for the northwest corner of this survey. It is also the northeast corner of the Louisa Dunn Survey No. 1387 (not patented).
  - d. A rock mound was found for the southwest corner of this survey. It is also the southeast corner of the Louisa Dunn Survey No. 1387 (not patented).
  
4. Survey 7, Block 9, Houston & Texas Central Railway Company (Northeast position)
  - a. A rock mound was found at the southeast corner of this survey. This is the rock mound for which D. L. Reavis called in his corrected notes for said Survey 7, Block 9, which was taken as such by him and by J. R. Marmion, based upon the Davis's testimony that it was the southeast corner of said survey, which also resulted in the mislocation of said Block 9, and in the subsequent surveying and patenting of the John Hanson Survey by J. R. Marmion which is in complete conflict with said Block 9 when said block is placed in its original position as located by J. L. Tays in 1875, and in accordance with the position of said block adjudicated as a matter of law in Cause No. 2889. Said rock mound is the Place



of Beginning for W. L. Moore in his corrected field notes upon which the F. Parker Survey (the northern portion of Survey 5, Block 338, Texas Central Railway less the area of conflict due to Reavis's and Marmion's location of Survey 7, Block 9) was patented.

5. Survey 5, Block 338, Texas Central Railway Company (also known as the F. Parker Survey)
  - a. A rock mound was found at the original northwest corner of Survey 5 as described in the corrected field notes written by S. A. Thompson for the original survey thereof performed on December 18, 1883. A stationary stone marked "X" as described by Thompson was found at N 88°14'00" W (grid bearing), a distance of 17.764 varas (17.759 varas grid) during this survey. The discovery of this witness rock marked "X" proves that this rock mound is without question the rock mound for which Thompson called in 1883. The location of this mound places the northwest corner of Survey 5 as projected along its north line 63.259 varas (63.243 varas grid) into conflict with said Block 9 as originally located by Tays and as adjudicated in Cause No. 2889.
  - b. A rock mound in which a 5/8" iron rod has been placed at some time in the past was found on the north face of a steep hill. This rock mound is the southeast corner of the F. Parker Survey set by W. L. Moore in 1898, and is the corner set to sever the southern portion of Survey 5 as had been originally described in S. A. Thompson's notes of said survey. W. L. Rider indicates the steep hillside upon which this mound is located on his plat of Survey 5A, Block 338, (SF-13103) dated April 27, 1928. Said rock mound lies 3.54 varas (3.54 varas grid) west of the west line of Block 200, Texas & St. Louis Railway Company Survey to which he did not call to adjoin; therefore, a possible vacancy may exist (See 5.e below).
  - c. From Moore's southeast corner of the F. Parker Survey as described in 5.b, a small rock mound was found on the top of the hill as described by Rider. The largest rock in the small mound is marked "SE5," and bears S 3°00'04" W (grid bearing), a distance of 27.569 varas (27.562 varas grid) from the rock mound set by Moore at the southeast corner of the F. Parker Survey. This monument is described by Rider to serve as a reference for the northeast corner of Survey 5A and to reference the southeast corner of Survey 5, although, in Mr. Rider's opinion, the southeast corner of Survey 5 is located 39.3 varas northerly from said reference mound. In point of fact, he clearly missed the extant rock mound set by Mr. Moore as described in 5.b which was set 30 years before.
  - d. The rock mound for the southeast corner of Survey 7 (northeast position), was found as has been described in 4.a above. It is also described by W. L. Moore as the Place of Beginning of the F. Parker Survey as patented, and is the most northerly inside corner thereof.

- e. A 5/8" iron rod with red plastic cap marked "Spanagel RPLS 4761" has been placed in the north line of the F. Parker Survey at the point where the east line of said survey would intersect it at a 90 degree angle as inferred from Moore's field notes of said survey for the northeast corner of the herein discussed F. Parker Survey. The iron rod lies westerly from the west line of Block 200 a distance of 2.78 varas (2.78 varas grid). It is interesting to note that Mr. Moore did not call to adjoin the west line of said Block 200, Texas & St. Louis Railway Company at this corner or at the corner described in 5.b above; therefore a possible vacancy exists between the east line of Survey 5 and the west line of Block 200, Texas & St. Louis Railway Company Survey.
- f. An iron rod was found near a fence at the angle point in the south line of this survey it bears S 78°16'09" E (grid bearing), a distance of 160.203 varas (160.16 varas grid) from the rock mound found at the southeast corner of the John G. Davis Survey No. 29 as described in 3.b above. Said iron rod is also located generally in the north line of said Carlos Herrera Survey (Survey 582, Texas Central Railway Company Survey).
- g. A rock mound found at the southeast corner of the John G. Davis Survey No. 29 was found for the most southerly southwest corner of this tract. This is the same rock mound described in 3. B above.
- h. A rock mound in which a sculpted wooden post had been set was found at the northeast corner of the John G. Davis Survey No. 29 for the most southerly inside ell corner of this tract. This is the same rock mound that was described above in 3.a.
- i. A 5/8" iron rod set at the intersection of the north line of the Davis Survey as extended to the west and the east line of Survey 7, Block 9, in its adjudicated position, the northwest corner of the Louisa Dunn Survey No. 1387 (not patented), for the most northerly southwest corner of this tract.

In light of the foregoing evidence, owing to the many rock mounds that we found during the course of this survey, the original notes of all of the surveys in this area fit very well absent the confusion caused by the mislocation of Block 9 of the Houston & Texas Central Railway Company. As shown on the associated plat, the allegedly vacant land that is the subject of this investigation lies between Block 9, Houston & Texas Central Railway Company to its west, Survey 4, Block 338, Texas Central Railway Company Survey to its north, and the F. Parker Survey (a portion of the original Survey 5, Block 338, Texas Central Railway Company Survey, field notes cancelled) which lies to the south and east thereof.

The question as to the true location of said Block 9 is settled in that it lies in the position in which J. W. Tays located it in 1875, and at which the court placed it in 1929, and is in accordance with Tays's field notes owing to the fact that its southeast corner, the 6" concrete





post at a 3-way fence corner, is in close agreement with course and distance to the rock mound situated at the southwest corner of the Louisa Dunn Survey No. 1387, as described in the 1929 court judgment.

At this late date, the court decree that is based upon the work performed by W. L. Rider in 1928 clarifies any ambiguity that may have existed concerning the true location of the southeast corner of Block 9 since, in the original 1875 field notes upon which Survey 7, Block 9, is patented, Mr. Tays's calls were, in and of themselves, a bit indefinite. In short, he called for the beginning point to be a rock mound situated "*about 9-1/5 miles N 27° E from the N. E. Cor. of Sur. No. 6.*" Because the word "about" is actually a printed part of the extant 19<sup>th</sup> Century field note form used by Tays when he prepared the field notes of Survey 7, this call is approximate in nature, and can only be trusted to give a general indication of the location of the point being described. In addition, Tays called for the rock mound to be on a hillock east the Presidio del Norte Road.

According to the record, the road to which this call refers was subject to a great deal of change due to its numerous crossings on Alamito creek having repeatedly been destroyed from time to time by flood. Changes in the road's location may have contributed to D. L. Reavis's confusion when he went to the field some fourteen years after Tays had originally located Block 9 and was directed to a rock mound on a hillock east of a road. However, as observed by Rider, in his corrected field notes for Survey 7, Mr. Reavis admits to crossing two roads on the south line of his survey—the first road laid 157 varas west of the misidentified rock mound, and the second road laid 1040 varas west thereof. According to these passing calls, those roads were situated 883 varas apart east and west. As a point of interest, J. R. Marmion mentions only the western road in his May 4, 1889, connecting line survey, passing it at 1040 varas west of the southeast corner of Survey 7 (northeast position). He refers to this road, not as the Presidio del Norte Road, but as the Presidio Road to Marfa.

It is instructive to consider that the east-west distance between the Tays location and the Reavis/Marmion location of the southeast corner of Survey 7 is, as located during this survey, 828.62 varas, while the east-west distance between the two roads described by Reavis along the south line of Survey 7, as he regarded it, was 883 varas—a difference of only 54 varas. Because the north-south difference between Tays's and Reavis's southeast corner of Survey 7 is 893.53 varas, the above described comparison is not a direct one. Still, it lays the groundwork for a compelling argument that the existence of these two roads is further corroborative evidence that, in addition to the confusion introduced by John G. Davis's testimony regarding the location of said survey, Mr. Reavis may have taken the wrong mound because he took the wrong road in his final determination of the location of the southeast corner of said Survey 7.

As earlier discussed, the rock mound found at the northeast corner of Block 9 during the course of this survey falls at the southwest corner of the Nestor Mendoza Survey No. 77, the northwest

SKETCH FILE No. 122  
COUNTY Presidio

corner of the Larkin Landrum Survey No. 313, and the north corner of the John G. Burgess Survey No. 317. This location is also well settled by virtue of the judgment rendered by the court in said Cause No. 2889, and by virtue of the original Tays field notes themselves.

The north line of the alleged vacancy is dependent upon the south line of Survey 4 and the north line of Survey 5, Block 338, of the Texas Central Railway Company. Both surveys were performed by S. A. Thompson—the former on March 15, 1882, and the latter on December 18, 1883. In his 1882 field notes for Survey 4, Thompson calls for a rock mound at its southwest corner. Similarly, in his 1883 field notes, Thompson calls for a rock mound at the northwest corner of Survey 5. Additionally, he calls for a witness to the rock mound, a large stationary stone marked “X,” bearing N 83 1/2 ° W, a distance of 20 varas. The rock mound and witness rock marked “X” were found during the course of this survey as indicated on the referenced plat, thereby fixing the southwest corner of said Survey 4 and the northwest corner of said Survey 5, Block 338. The location of the rock mound is westerly of the east line of the senior Block 9 a distance of 63.259 varas placing Block 338 in conflict with the senior Block 9.

The most northerly west line and the most westerly north line of the F. Parker Survey, respectively, comprise the east and south lines of the alleged vacancy. Neither the most northerly northwest corner of the F. Parker Survey (in the north line of Survey 5), nor the most westerly northwest corner of the F. Parker Survey, whether it had been located in either the east line of the original position of Block 9 or the west line of Survey 5 as located by Thompson were able to be located during the course of this survey. The most northerly northwest corner of the F. Parker Survey falls in the overbank of Alamito Creek to the west of the main bed of the stream as it is now situated. This area is subject to periodic flooding and is greatly susceptible to erosion; therefore the likelihood of finding the corner as called to have been set by W. L. Moore in 1898, some one hundred twelve years ago, would be quite low, which, in my view, is why it was not recovered during the course of this survey. In order to reconstruct this corner, I intersected the line beginning at Thompson’s original northwest corner of Survey 5, Block 338, as evidenced by the rock mound found in place with a line beginning at the rock mound, southeast corner of Survey 7, Block 9 (northeast position), the southeast corner of the herein alleged vacancy, and proceeding on a bearing of N 12°27’48” E (grid) or N 10° E (true) in accordance with the field note call by Moore in 1898 under which the Parker Survey is patented. The intersection of these two lines comprises the northeast corner of the alleged vacancy. A 5/8” iron rod with red plastic cap marked “Spanagel RPLS 4761” was set at this location which, indeed, fell in the sandy overbank area of the creek somewhat west of the main channel as it now exists. A witness monument of like character was set at N 87°51’03” W (grid), and distance of 68.307 varas (68.288 varas grid) from the northeast corner of the alleged vacancy on the high bank of Alamito Creek.

SKETCH FILE No. 122  
COUNTY Presidio





For the southwest corner of the alleged vacancy, I intersected the adjudicated east line of Block 9 of the Houston & Texas Central Railway Company, and a line beginning at the rock mound at Reavis's mislocated southeast corner of Survey 7, Block 9, and proceeding on a bearing of N 77°32' 12" W (grid) or N 80° W (true) in accordance with the field note call by Moore in 1898 under which the Parker Survey is patented. The intersection of these two lines comprises the southwest corner of the alleged vacancy. A 5/8" iron rod with red plastic cap marked "Spanagel RPLS 4761" was set at this location.

For the northwest corner of the alleged vacancy, at which a 5/8" iron rod with red plastic cap marked "Spangel RPLS 4761" was set during the course of this survey, I intersected the adjudicated east line of said Block 9, and the line beginning at Thompson's original northwest corner of Survey 5, Block 338, as evidenced by the rock mound found in place at its northwest corner. The alleged vacancy comprises 137.48 surface acres of land SAVE AND EXCEPT 3.11 surface acres of land comprising the area of the bed of Alamito Creek, a navigable stream, leaving a net acreage of 134.37 acres of land, as described by metes and bounds contained in the field notes prepared of even date with this report and the plat herein referenced and by this reference said field notes are made a part hereof.

This concludes my report of the survey and my conclusions based upon evidence found to date. Please review the referenced 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 with regard to the steps needed to complete the vacancy application process. Please contact me at the above captioned address and telephone numbers if you have any questions or need any further information.

Respectfully Submitted,



D. G. Smyth,  
Licensed State Land Surveyor

1093-2 GLO Report

File No. Sketch File 122

Presidio County  
Alleged 134.37 ac. Vacancy and the 780.70 ac.  
F. Parker Survey, A-6949, Sur. 5, Blk. 338, T.O.  
Railway Co., A-6949

Date Filed: Sep October 5, 2010

Jerry Patterson, Commissioner

By Douglas Howard

SKETCH FILE No. 122  
COUNTY Presidio