

Shine & Associates, Inc.

LAND BOUNDARY SURVEYORS
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File No. Sketch File 62

Dimmit County
SURVEYOR'S REPORT ACCOMPANYING ROLLED SK. 22
Vacancy - 42.81 ac.

Date Filed: Sept. 10, 2013

August 1, 2012
Jerry Patterson, Commissioner

By Douglas Howard
For Plat - See Rolled Sketch 22
For Working Sketch - See Rolled Sketch 22-A

Mr. Bill O'Hara
Texas General Land Office
Stephen F. Austin Building, 1st Floor
1700 Congress Avenue
Austin, Texas 78701

Re: Resurvey of a portion of Dimmit County, Texas

Dear Bill:

I have performed a resurvey of a portion of Dimmit County, and it is my opinion that I have identified an area of unsurveyed, unpatented land of approximately 42.81 acres. This vacant area lies just north of the Dimmit/Webb County line and is bounded as follows:

- On the east by Survey 577 of ACH&B, A-1365 (D);
- On the north by Survey 45, A-1394;
- On the west by Survey 39, A-1403;
- On the south by Survey 44, A-1584 (D).

This area of Texas is sparsely populated and made up mainly of old ranches. This area is composed of mostly 640 acre sections laid out in large blocks. Included with this report are field notes of the subject tract, a working sketch of the area, and the survey plat showing my conclusions dated August 1, 2012.

HISTORICAL BACKGROUND:

The first surveyor in this area was Jacob Kuechler. In 1875, he surveyed the Gulf, West Texas & Pacific Railroad Company Block IV to the north of our area of interest.

The next surveyor was A. Wyschetzki, Deputy Surveyor for the Webb District. It is interesting to note that Mr. Wyschetzki was a draftsman in the General Land Office prior to taking this Deputy Surveyor position. In June of 1877 Mr. Wyschetzki surveyed land certificates for the International and Great Northern Railroad Company, Block 8, for numerous sections in Dimmit and Webb Counties.

Survey 39 of this I&GN Block 8 was originally surveyed by Mr. Wyschetzki on June 15, 1877. The first set of his field notes from the archives of the GLO calls to adjoin Survey 578 (meant to be 577) lying to its east; however, all calls to adjoin are penciled through. It is my opinion that this first set is the work of Mr. Wyschetzki because of the distinctive rubric below his signature. The next set

with Mr. Wyschetzki's signature in the archives (same date) has been rewritten and does not contain the calls to adjoin. On July 2, 1880, Mr. C. W. Pressler of the GLO added the following note: "Survey originally made by the Webb Dist. Surveyor within the limits of Bexar District." In August of 1880, the second Wyschetzki field notes were replaced by a set by L. C. Navarro, District Surveyor for Bexar District, using the same description as Mr. Wyschetzki's second set. The work of Mr. Navarro was patented by the GLO on August 18, 1881. The patented field notes call to adjoin I&GN Survey 38 lying to the west and the southwest corner of I&GN Survey 45. There is no call to adjoin the west line of Alexander Crain Harris & Brooke Survey 577. The north line of I&GN Survey 44 calls to adjoin the south line of Survey 39, but there is no call to join the northeast corner of Survey 44 with the southeast corner of Survey 39. These I&GN certificates were for Bexar Scrip and because Mr. Wyschetzki was appointed to Webb District, his work was not allowed to stand. (Kirby Lumber Co. v. Gibbs Bros. & Co., 3 SW2d 819)

Surveyor S. M. Jarvis surveyed the Alexander Crain Harris & Brooke 640 acre Sections in April 1879. These certificates were granted as a result of the holders having cleaned out at least 17.17 miles of a channel of the Angelina River per section awarded. These are noted as being resurveys, but they were relocations from elsewhere due to being in conflict with existing surveys. Mr. Jarvis did not call his west line ACH&B Survey 577 to join the east line of I&GN Survey 39.

This vacant area has appeared on the official maps of the General Land Office with some consistency at least since 1879, and it does appear on the latest Dimmit County map. It is contained within Block 219 of the Catarina Farms 'L' Subdivision which was laid out in 1927 by Surveyor A. Walton, Licensed State Land Surveyor. Included with this report is a portion of this subdivision in our area of interest. Block 219 is outlined in red and the identified vacant area is outlined in green.

SURVEY CONSTRUCTION

The original field notes in this area contain no calls for natural objects and calls for artificial objects are: st. and mound, 5x5 earth mound, stone (Mr. Jarvis on I&GN Survey 34), and a call to cross a fence on SF 8424 by Mr. Tom Atlee in 1907. There are calls to adjoin the surveys with the exception of the identified vacant area.

Because of the lack of locative calls and because time and use have destroyed whatever mounds may have been built, it becomes necessary to rely upon occupation and recognition of these survey lines. I have relied heavily upon the work of Mr. C. A. Douglas and his son-in-law following him, C. V. "Buddy" Howland. Both of these men were well respected in their survey careers. Mr. Douglas began surveying in Dimmit County in 1922; his son-in-law, C. V. 'Buddy'

Howland joined him in 1951 and continued surveying into the 1990's. Their work is archived at Howland Engineering in Laredo.

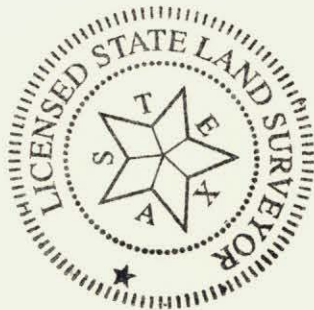
When Mr. A. T. Walton surveyed the Catarina Subdivision in 1927, he made no tie that I have been able to locate between his work and the location of the original surveys in the area. However, the work of Mr. Howland locates and ties together the original surveys and the Catarina Subdivision. In 1976 Mr. Howland surveyed extensively in this area, covering almost 64,000 acres. In our field work we have retraced Mr. Howland's work in our area of interest. He located the corners of ACH&B Survey 576, Abstract 2100. I have found and accepted this location as best evidence of the 1879 work of Mr. Jarvis. The remainder of the surveys are built in the called bearing and distance, with only slightly deviations to honor occupation and recognition as found on the ground.

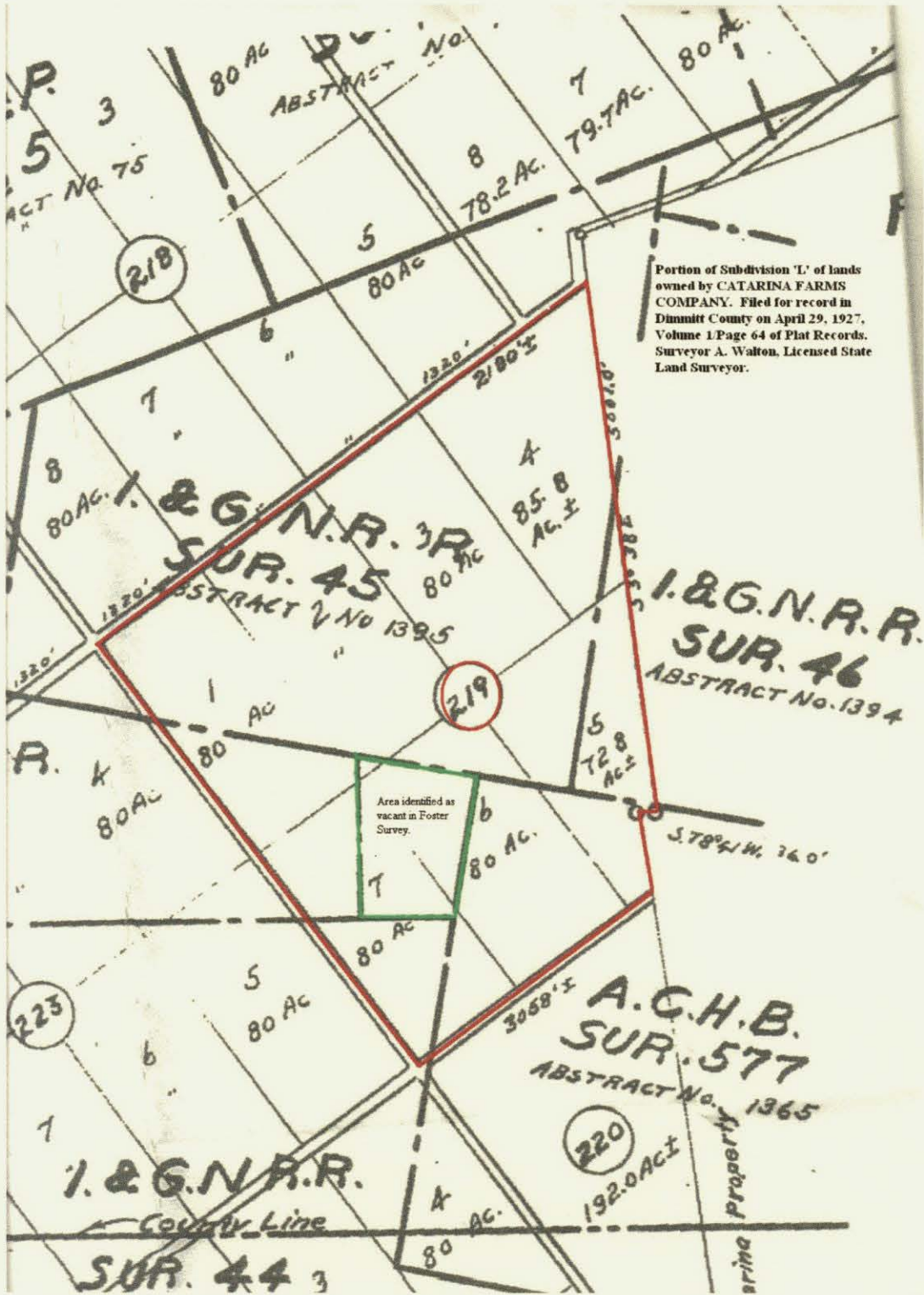
It is my opinion this is the best evidence available for the correct location of these surveys, and to reiterate, it is my opinion that a vacant area of 42.81 acres remains between the ACH&B and I&GN blocks as laid out originally.

Respectfully Submitted,



Nedra J. Foster
Licensed State Land Surveyor





Portion of Subdivision 'L' of lands
 owned by CATARINA FARMS
 COMPANY. Filed for record in
 Dimmitt County on April 29, 1927.
 Volume 1 Page 64 of Plat Records.
 Surveyor A. Walton, Licensed State
 Land Surveyor.