



MEMORANDUM

TEXAS GENERAL LAND OFFICE • GEORGE P. BUSH • COMMISSIONER

Date: May 4, 2015

To: Upshur County Sketch File No. 22

From: Bill O'Hara, Chief Surveyor *BO*

Subject: Alleged vacancy in Upshur County

In March of this year I was provided a copy of a survey plat prepared by an RPLS which showed a strip of land labeled as "vacancy" between the north line of the Harris Parker Survey No. 255 (A-406) and of the J.L. Shipman Survey No. 254 (A-465) and the south line of the C.R. Daniels Survey No. 147 (A-141) in Upshur County, approximately seven miles N 45-deg E of Gilmer. The survey plat does not show any evidence of original survey corners or explain how the surveyor arrived at his conclusion of a vacancy.

The initial contact came from Jennifer M. Tichelaar, Staff Counsel for Universal Forest Products, Inc. headquartered in Grand Rapids, Michigan. The survey plat had been prepared for the purchase by her company of approximately 10 acres of land adjoining the north line of the alleged vacancy. Ms. Tichelaar called me with questions regarding the implications of the alleged vacancy. I pulled the archive files of the original surveys surrounding this area of concern and checked the records in the map room. Nothing in the archive records indicates a potential vacancy between these surveys. According to the field notes on which patents were issued, the Parker and Shipman Surveys were both made by Upshur County Surveyor J.M. Glasco on April 25, 1854, and are connected by adjoiner calls. The Daniels Survey was made April 2, 1858, also by J.M. Glasco and patented on its original field notes. The field notes make connection to the north line of the Shipman Survey, and the northwest corner and north line of the Parker Survey. These adjoiner ties cannot be broken unless physical evidence of the original survey corners is found and located on the ground which would separate the surveys. In this case however the same monuments are called for in the field notes for the subject surveys concluding that the surveys cannot be pulled apart. I informed Ms. Tichelaar of my findings and opinion that a vacancy is not possible in this area. I also explained the vacancy application process.

Universal Forest Products, Inc. engaged the services of David Watson, LSLS to investigate this alleged vacancy. Mr. Watson came to the General Land Office to meet with me on the matter and to conduct his own independent research of the archive records. In addition he went on the ground to make surveying ties and measurements and to look for evidence of a possible vacancy in the area. Mr. Watson found no evidence of a vacancy in his research of the records or on the ground. He has prepared a report and sketch for filing in the Upshur County Sketch Files of the GLO archives. This memo will accompany the report and sketch by Mr. Watson to provide additional information.

The GLO Surveying department prepared Upshur County Working Sketch No. 20 at the request of Mr. Watson.

File No. Sketch File 22
Upshur County
Alleged Vacancy
Date Filed: May 6, 2015
George P. Bush, Commissioner
By Douglas Howard

Mr. Bill O'Hara
Texas General Land Office
1700 N. Congress Street
Ste. 131 B
Austin, Texas 78701

Re: Update on work related to an
alleged Vacancy in Upshur County, Texas
at the C. R. Daniels Survey, Abstract 141

Dear Mr. O'Hara:

I have emailed some working sketches relating to an alleged vacancy in the vicinity of the south line of the C. R. Daniels Survey and the north line of the Harris Parker Survey, both in Upshur County, Texas. My opinion, based on document research and survey work on the ground, is that there is no Vacancy that is not already recognized and accounted for, in or around the C. R. Daniels Survey.

In 1948, Mr. McClelland, County Surveyor of Upshur County, surveyed 55.56 acres out of the northwest corner of the Harris Parker Survey. He called for the north line of his survey to be congruent with the south line of the C. R. Daniels. We found in place a damaged 5/8-inch steel rod in what we believe is a collapsed stone mound. It is at or near a northeasterly projection of the line common to the C. R. Daniels and Harris Parker Surveys, some 122 varas northeasterly along the line common to the Harris Parker and Childress & Newsom Surveys. This steel rod and old mound may well be the north corner of the 55 acres out of the west end of the Harris Parker Survey (Vol. 397, Pg. 847, Upshur County Records, 1948).

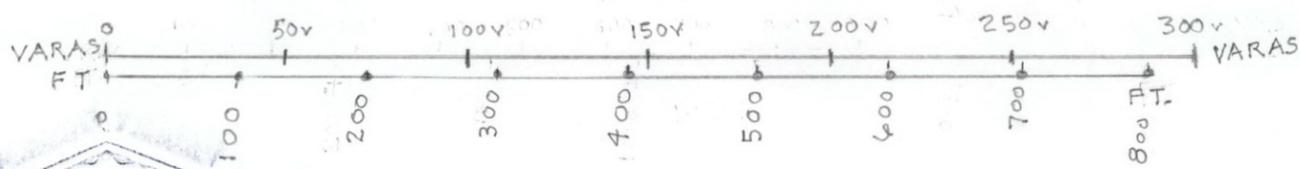
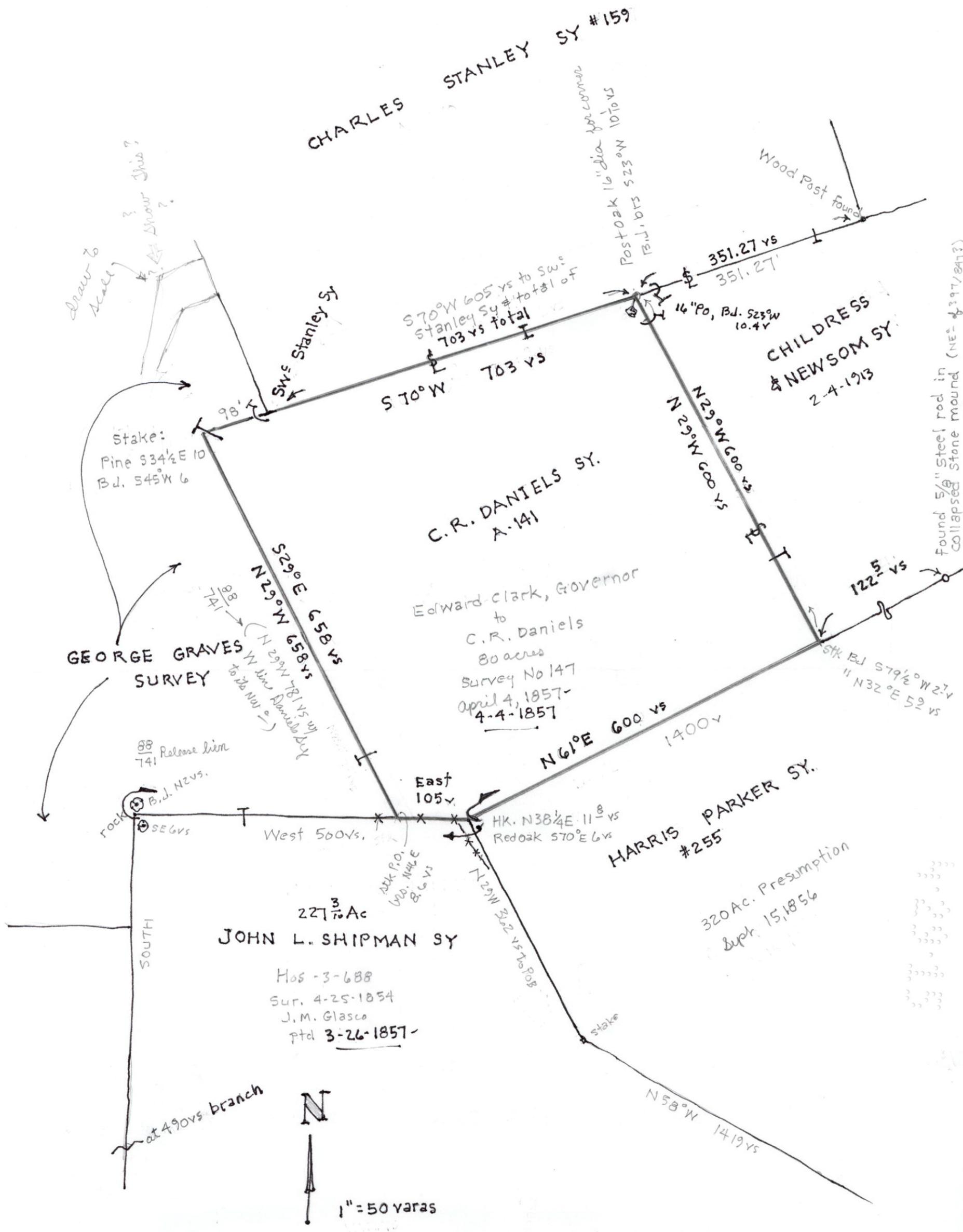
This suggests that the C. R. Daniels Survey is hard against the north line of the Harris Parker. This would, in turn, attach the southeast corner of the Daniels and the west corner of the Harris Parker and the northeast corner of the John L. Shipman Survey, and place the southwest corner of the C. R. Daniels Survey in the north line of John L. Shipman, at the easterly southeast corner of the George Graves Survey. The George Graves boundaries call to have a corner common with the Charles Stanley Survey at its southwest corner and in the north line of the C. R. Daniels.

Without information to the contrary, there are too many common and compatible features amongst these three surveys, both on the ground and in their descriptions, for this to not be their proper locations.

From this information and reasoning, I believe there is No Vacancy in the area covered by the C. R. Daniels Survey, as depicted on our drawing.

David A. Watson *David A. Watson*
Licensed State Land Surveyor
Registered Professional Land Surveyor No. 1756.





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