

VICINITY MAP (nts) WEST GALVESTON COUNTY, TEXAS

"NOTICE: This survey was performed in accordance with Section 33.136, Natural Resources Code, for the purpose of evidencing the location of the shoreline in the area depicted in this survey as that shoreline existed before commencement of erosion response activity, as required by Chapter 33, Natural Resources Code. The line depicted on this survey fixes the shoreline for the purpose of locating a shoreline boundary, subject to movement landward as provided by Section 33.136, Natural Resources Code."

"This survey does not nor is intended to be used to identify, delineate or fix the line of vegetation or the landward boundary of the public beach."

Lines Shown were surveyed on the ground by Sidney Bouse, Jim Burns, and Keith Clark on April 3, 2008. Level loop was run on January 29, 2001 by Brene Addison and Stephen Blaskey.

NOTES:

1.) ALL COORDINATES ARE STATE PLANE COORDINATES BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE, AS DEFINED BY ARTICLE 21.071 OF THE NATURAL RESOURCES CODE OF THE STATE OF TEXAS IN FEET. 2). ALL DISTANCES ARE GRID DISTANCES IN FEET AND VARAS.

Mean High Water Line established and shown as referenced to NGS Monument J 1186 PID AW

0622. J 1186 is 7.946' above Mean High Water (MHW) based on GPS Static Survey and level loops by Sidney Bouse RPLS 5287 January 4-29, 2001 as referenced to 1450-A reference monument for Pier 21 Tide Gauge and adjusted to the 1983-2001 epoch.

Tidal Datum at Galveston Pier 21, Galveston Channel are based on the following:

LENGTH OF SERIES	5 YEARS
TIME PERIOD	JANUARY 1997-
DECEMBER 2001	17 3.60
TIDAL EPOCH	1983-2001

April 25, 2008

I hereby certify that the above described property was surveyed in the field according to law under my direction on the above referenced date, and that the above map together with dimensions and coordinates is true and correct as of the above date.

COASTAL SURVEYING OF TEXAS, Inc.

Sidney'Bouse Licensed State Land Surveyor email: sid@surveygalveston.com

08-0216 GALVESTON BAY CLUB LSLS- JK







Survey of the Mean High Water Line of a portion of Galveston Island, Abstract 121 Galveston County, Texas, as patented to Edward Hall and Levi Jones, and out of Lots 476, 481 and 482, Section 2 of the Trimble and Lindsey Survey of Galveston Island, and futher being along a called 5.56 acre Galveston Bay Club Subdivision, a subdivision in Galveston County, Texas, according to the map or plat thereof recorded in Volume 18, Page 941, of the Map Records in the Office of the County Clerk of Galveston County, Texas, and being along Eckert Bayou, said Mean High Water Line being more particularly described by metes and bounds as follows;

COMMENCING at NGS Monument J 1186 (Northing: 13,648,718.80 feet,

Easting: 3,267,441.36 feet); THENCE N 39°01'19" W, a distance of 4,332.99 feet (1559.9 Varas) to the intersection of the said Mean High Water line and a North line of the said Galveston Bay Club tract and the POINT OF BEGINNING (Northing: 13,652,085.12'; Easting: 3,264,713.25'; Convergence: 1'59'29.26065"; Scale Factor: 0.999865052);

THENCE following the said Mean High Water line the following courses and distances:

	TUENOE	2	70.40144	, –		, .P. 1	<i>c</i> .		- I	/7 0	· · ·	
L1	THENCE	5	J9 42 44			distance d						
			45°48'10"			distance d						
L3	THENCE	2	48'09'20"	, E,		distance d						
L4	THENCE	2	33'35'30"	, E ,		distance d				Contraction of the second s		
			27'41'27"			distance d				(8.5 vc		
L6	THENCE	S	36'36'13"	E,		distance d						
L7	THENCE	S	45°23'33"	W,		distance						
L8	THENCE	Ν	44°11'32"	′W,	а	distance	of	8.28 fe	eet (3.0 var	ras);	
L9'	THENCE	N	11'00'21"	″₩,	a	distance	of	10.05	feet	(3.6 v)	aras);	
L10	THENCE	N	50°58'12	2"W	, a	distance	of	11.24	feet	(4.0	varas);	
L11	THENCE	N	71°53'35	5"W	, a	distance	of	23.86	feet	(8.6	varas);	
L12	THENCE	N	54.08,08	3" W	. a	distance	of	19.59	feet	(7.1	varas);	
L13	THENCE	N	67.47'45	9" W	. a	distance	of	43.48	feet	(15.7	varas);	
L14	THENCE	S	78'25'38	3" W		distance					varas);	
L15	THENCE	S	68'01'05	5" W		distance					varas);	
L16	THENCE	ŝ	68°57'29	9" W		distance					varas);	
L17	THENCE	S	58'04'46	5" W		distance						
L18			33'03'53			distance						
L19	TUENCE		41.15'02	2" W		distance						
	THENCE	5	77 13'48		- NOV						varas);	
L20						distance					varas);	
L21	THENCE	2	87'45'55	5" W		distance					varas);	
L22	THENCE	5	50°12'10)" W		distance	of	13.87	feet	(5.0)	varas);	
L23	THENCE	S	49'26'02	2" W		distance						
L24	THENCE	S	46°03'25	5" W	5 100 C	distance					varas);	
L25	THENCE	S	56°12'12	2" W		distance					varas);	
L26	THENCE	S	57'13'27	7" W		distance					varas);	
L27	THENCE	S	52.06,12	7" W	, a	distance	of	28.57	feet	(10.3	varas);	
L28	THENCE	S	33°58'59	9" W	, a	distance	of	25.66	feet	(9.2 \	varas);	
L29	THENCE	S	26°44'57	7" W.	, a	distance	of	21.71	feet	(7.8)	varas);	
L30	THENCE	S	07°34'50)" W	, a	distance	of	27.11	feet	(9.8	varas);	
L31 L32	THENCE	S	13°53'22	2" W	, a	distance	of	30.93			varas);	
L32	THENCE	S	21'49'15	5"W	•	distance					varas);	
L33	THENCE	S	13.14'36			distance					varas);	
L34			05.42'17			distance						
L35	THENCE	S	00.51,18	9" F.		distance						
L36	THENCE	S	07'57'06	5" W		distance					varas);	
L37	THENCE	S	01.00,36	5"E,	, ч	distance	of	17 76	feet	(64)	aras).	
L38	THENCE	S	14.08,40	, " w	. u	distance	of	10 /5	feet	(70.7)	urus),	
L39	THENCE	S	00.43,02	ς" Ε	, u	distance	of	22 34	foot	(8.0	varas);	
L40	THENCE	0	06'40'27	ノ に, 7" F	u	distance	of	22.04	foot		aras),	
L40 L41	THENCE	5	44°23'35		a	distance	of	20.02	foot	(3.0)	urus),	
L42	THENCE	5	70°24'50	י ב, איי ב	u	distance	of	30 17	feet	11.0	vurus),	
	THENCE	S C	63°03'22	ις, "Ε	a	distance	01	17 07	feet	(14.1	varas;	
L43	THENCE	5	03 03 22			distance						
L44	THENCE	2	45°21'54	+ Ľ, v –	a	distance	of	21.86	feet	(7.9 v	aras);	
L45	THENCE	2	32°36'12	έ, -"Ε,		distance						
L46	THENCE	S	43°29'35) E,	a	distance	of	30.28	feet	(10.9	varas);	
L47	THENCE	S	38°23'52	2 <u>"</u> E,	a	distance	of	30.01	feet	(10.8	varas);	
L48	THENCE	S	35'46'00)″E,		distance						
L49	THENCE	S	56°08'24	4"Ε,		distance						
L50	THENCE	S	34°52'06	5"E,		distance						
L51	THENCE	S	32'31'04	↓"Ε,	a	distance	of	21.42	feet	(7.7 v	varas);	
L52	THENCE	S	48'08'09	Э"E,	a	distance	of	26.09	feet	(9.4 v	varas);	
L53	THENCE	S	29°27'40)"E,	a	distance	of	49.18	feet	(17.7	varas);	
L54	THENCE	S	35'26'52	2"E.		distance						
L55	THENCE	S	27.12'09			distance						
L56	THENCE	S	17.19'09	• F.		distance						
L57	THENCE	S	00'21'59	9" E		distance						
L58	THENCE	ŝ	39*26'58	Ϋ́F		distance						
L59	THENCE	Š	40°22'11	Έ.		distance						
L60	THENCE	S	51'39'00)" F		distance						
L61	THENCE	S	52°11'15	, L, " E		distance						
L62	TUENCE	0	48.21,18	ノ L,)" E		distance						
	THENCE	С С	200132	ייב, מייב,								
L63	THENCE	2	28°04'32	ζ, Ε, 7" Γ		distance						
L64	THENCE	2	53°46'57	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		distance						
L65	THENCE	5	49°35'13	p, Ŀ,		distance						
L66	THENCE	S	43°44'21	ι, Ε,		distance						
L67	THENCE	S	59.09,30			distance						
L68			37°43'52			distance						
L69	THENCE	S	51'07'56	5″E,	a	distance	of	22.06	feet	(7.9 v	'aras);	
L70	THENCE	S	45°35'40) Έ,	a	distance	of	33.26	feet	(12.0	varas);	
L71	THENCE	S	53°42'45	5″E,	a	distance	of	33.61	feet	(12.1)	varas);	
L72	THENCE	S	52°16'13	5"E,	a	distance	of	50.72	feet	(18.3	varas):	
L73	THENCE	N	16°51'01	1" W.	, a	distance	of	6.33	feet	(2.3 vo	aras) to	the
POIN	T OF TEF	RMI	NATION in	an	Ea	st line of	th	e said	Galv	eston	Bay Club	o tract
(Nort	hing: 13	,65	0,890.92,	, Eas	stin	g: 3,265,0	057	.41;			and a state of a state of	
Conv	ergence.	1.	50'30 037	310".	Sr	cole Facto	nr.	n agas	6516	3)		

Convergence: 1'59'30.93310"; Scale Factor: 0.999865163).

- NGS Monument J 1186 Northing: 13,648,718.80' Easting: 3,267,441.37

° 6-22-2018

Mean High Water Survey of Part of Lots 476, 481 and 482, Section 2 of the Trimble and Lindsey Survey of Galveston Island, Abstract No. 121, Galveston County, Texas, 10.26 miles S 56°36' W of the old Galveston County Courthouse

68 dih 6-22-2018 NRC Art. 33,136 Galveston Co. Sketch 80



Survey of a portion of Galveston Island, Abstract 121 Galveston County, Texas, as patented to Edward Hall and Levi Jones, and out of Lots 476, 481 and 482, Section 2 of the Trimble and Lindsey Survey of Galveston Island, and further being along a called 5.56 acre tract being Galveston Bay Club Subdivision, a subdivision in Galveston County, Texas, according to the map or plat thereof recorded in Volume 18, Page 941, of the Map Records in the Office of the County Clerk of Galveston County, Texas.

I surveyed the Mean High Water Line of a portion of Galveston Island, Abstract 121 Galveston County, Texas, as patented to Edward Hall and Levi Jones, and out of Lots 476, 481 and 482, Section 2 of the Trimble and Lindsey Survey of Galveston Island, and further being along a called 5.56 acre tract being Galveston Bay Club Subdivision, a subdivision in Galveston County, Texas, according to the map or plat thereof recorded in Volume 18, Page 941, of the Map Records in the Office of the County Clerk of Galveston County, Texas as authorized by Mark J. Meier, Mark D. Meier and Edwin A. Eubanks owners, in my official capacity as Licensed State Land Surveyor for the State of Texas.

HISTORY

Laws of First Congress of the Republic of Texas authorized and required the Island of Galveston, except the previously granted M. B. Menard Grant, to be surveyed into Lots of between 10 and 40 acres and sold. This Act to dispose of Galveston and other islands of the Republic was approved on June 12, 1837. According to this act, the sale was to be held in "November next" in the City of Houston. The portion of the island of Galveston was surveyed and divided into lots as shown on the survey by R. C. Trimble and Wm. Lindsey dated 1837. This map can be found in the City Collection, Map Number 1954, Archives and Records, General Land Office, Austin, Texas Lots were then sold from of this Trimble and Lindsey Survey. These Original Lots have their own Patent Numbers and can be found in the Galveston County Files in the Class of Galveston Island in the General Land Office, Austin, Texas.

The Republic of Texas later sold the unsold portion of the Trimble and Lindsey Survey of Galveston Island to Levi Jones and Edward Hall.





Perlel 2000

January 14, 2009

LSLS Survey of Division 1, Section 13 Hall and Jones Survey Trimble and Lindsey Survey of Galveston Island, Abstract 121

SIDNEY BOUSE COASTAL SURVEYIING OF TEXAS, INC. 8017 HARBORSIDE DRIVE P.O. BOX 877 GALVESTON, TX 77553 409-740-1517

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Normally, seniority of original grants is determined by the date the surveyor was on the ground. The Republic of Texas, as owner, authorized and required a survey, or subdivision, of this part of Galveston Island without a particular grantee as party to the survey

An Act to adapt the Common Law of England was approved on January 20, 1840. The Littoral State boundary of land granted prior to this date must be surveyed according to the Spanish and Mexican Civil Laws and has been determined to be along the Mean Higher High Water Line. Lands granted after this date are to be located along the Mean High Water Line as required under current Common Law. Mirabeau B. Lamar, President of the Republic signed the grant to Hall and Jones on November 28, 1840 in Austin, Texas. The effective date of the grant is November 28, 1840.

Lots 476, 481 and 482 of said Section 2 were part of the grant to Edward Hall and Levi Jones. The line surveyed is the line of Mean High Water.

CONSTRUCTION

Attached is the letter dated July 9, 2001, explaining the procedures used to delineate the Mean High Water line on the adjacent Lot 475 of Section 2. The data was adjusted to the current tidal epoch and the Mean High Water line was staked on the ground 0.042 feet higher than the adjacent referenced survey of Lot 475 completed in 2001. The data was referenced to Tide Station PIER 21, GALVESTON CHANNEL, Texas-National Ocean Service Station ID: 8771450:

LENGTH OF SERIES: 5 Years

TIME PERIOD: January 1997-December 2001

TIDAL EPOCH: 1983-2001

CONTROL TIDE STATION: N/A.

The Mean High Water elevation was transferred to the shoreline of our project site on April 3, 2008, and the line so located was surveyed on the ground using Trimble RTK GPS equipment and referenced to NGS Monument HGCSD 61 and described as the line shown on the survey.

I hereby certify that the attached survey was surveyed according to law in the field on above dates.

Sidney Bouse Registered/Professional Land Surveyor No. 5287 LSLS P.O. Box 2742 Crystal Beach, Texas 77554 (409) 684-6400 sid@surveygalveston.com 08-0216 Bay Club LSLS.doc

TEXAS GENERAL LAND OFFICE Art. 33.136, Natural Resources Code Co. (20100500, Sletch NO. 54 68 6/22/2018 File Date 06/21/2018 by R. Kartye



TEXAS GENERAL LAND OFFICE Art. 33.136, Natural Resources Code Co. <u>Gelveston</u>, <u>Sketch No. 5468</u> 6/22/2015 Rz File Date <u>06/21/2018</u> by <u>R. Kartye</u>

Ben Thomson Director of Surveying General Land Office, Austin, Texas

Re: Lot 475, Section 2, Trimble and Lindsey Survey of Galveston Island, Galveston County, Texas

July 9, 2001

Dear Sir,

The following information is in response to our conversation concerning the above referenced Survey.

Dr. Alice O' Donell, of Galveston, Texas requested a survey for a Corps of Engineers Permit to "Create a Wetland Area" adjacent to Lot 475 in Section 2 of the Trimble and Lindsey Survey of Galveston Island, Galveston County, Texas. Her restoration plans required a survey of the Mean High Water Line and the Natural Resources Code Survey Statement as per Section 33.136 Texas Natural resources Code be placed on the face of the survey.

A record search of the Galveston County Deed Records showed Dr. O' Donell was deeded all of Lot 475 as recorded in Film Code No. 012-49-0938 in the office of the County Clerk, Galveston County, Texas. A search of the records in the General land Office, Austin Texas shows ownership of the submerged lands of Eckert Bayou may be vested in the private sector. In a letter in Galveston County Sketch File 63, Surveying Division of The General Land Office, from Sharon Gillespie, Assistant Attorney General to Mr. Spencer Reid, Director, asset Analysis & Disposition, General Land Office, Sharon Gillespie states "I am of the opinion that the judiciary would reject the State's claims to Lake Como and Eckert's Bayou in favor of private interests." Galveston County Sketch File 63 F, Surveying Division of The General Land Office contains a letter from Sharon M. Mattox, Attorney for Mitchell Development Corporation of the Southwest to Mr. C Bruce Smith, Encroachment Program Coordinator, General Land Office.

page 1

This letter is in reference to a Corps of Engineers permit No. 17800 for construction in the submerged lands of Eckert Bayou. Arguments are made that the submerged lands of Eckert Bayou were Patented out of the Republic of Texas to Edward Hall and Levi Jones on November 28, 1840. It also states, "this initial Patent of 18,215 acres was held void by the Supreme Court of the Republic of Texas

in <u>State v. Delesdenier</u>, Tex. 75 (1851). The Texas Legislature, by an act dated February 8, 1854, confirmed the patent and Stated that, "Texas disclaims any title in and to the lands described in said patent." This letter makes additional arguments that the lack of meander calls along the lots in said Eckert Bayou may further reinforce the claim of the private sector. Galveston County Sketch Files 73 A-I contain details of the Exchange Agreement between the General Land Office and Mitchell Resort, Inc., in which property was exchanged but neither side conceded their rights or claim to the remainder of the submerged lands of Eckert bayou.

It was my concern that Dr. O' Donell had color of title to the submerged portion of said Lot 475, and that with a Mean High Water line delineation and the accompanying Section 33.136 Statement on the face of her survey, she would be acquiescing her possible rights to the said submerged land to the State of Texas. The Mean High Water line was staked on the ground for her visual reference. I explained my opinion and concerns about her possible loss of rights to the submerged area of her lot, and the probable consequences of continuing with the survey. She subsequently instructed me to proceed with the survey including the Section 33.136 statement and turn it in to the General Land Office in La Porte.

Attached are the various forms and data as requested. If you have any additional questions please feel free to call.

Respectfully,

Sidney Bouse, RPLS 5287

Attachments:

Surveyors Report and certification NGS Data Sheets NOS Tidal Benchmarks Referenced to Pier 21 Project 2529-5 Trimble Network Adjustment Report Project 2529-5a Trimble Network Adjustment Report J 1186 Elevation loop Notes

TEXAS GENERAL LAND OFFICE Art. 33.136, Natural Resources Code & Co. <u>Galveston</u>, <u>SketchNo.</u> <u>54 68</u>

page 2



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Art.	33.136,	Natural	Resourc	es Code	11
Co.	Galvest	ton 5	Ketch No.	es Code 5768	6/22/2018 RX

File Date 06/21/2018 by R. Kartye

SURVEYORS REPORT

Survey of the Mean High Water line along Eckert' Bayou and Lot 475 in Section 2 Trimble and Lindsey Survey of Galveston Island, Galveston County, Texas.

HALL, JOHNSON & BOUSE, Surveyors had previously preformed a GPS Elevation tie from Pier 21 Reference Benchmark 1450-A to NGS Monument K 1186 as outlined and described below. The procedures and results were discussed and approved by Roy Molina in February of 2001. On January 29, 2001 a conventional level loop was run from K 1186 to J 1186 by party chief Brene Addison and rod man Stephen Blaskey.

PROCEDURE

The following tidal information is based on the 5 Year Epoch (1990-1994). GPS survey performed January 3, 4 and 5, 2001 with the following equipment and

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references.			
STATION	TRIMBLE ANTENNA	OCCUPATION	
HGCSD 60	micro-centered L1/L2 W/ Ground Plane	1/03 7Am-12noon	
		1/04 1Pm- 5Pm	
		1/05 1-2Pm, 4-5Pm	
HGCSD 62	micro-centered L1/L2 W/ Ground Plane	1/03 7Am-12noon	
		1/04 1Pm- 5Pm	
HGCSD 63	compact L1/L2 W/ Ground Plane	1/05 1-2Pm, 4-5Pm	
1450-A	micro-centered L1/L2 W/ Ground Plane	1/03 7Am-12noon	
		1/04 1Pm- 5Pm	
		1/05 1-2Pm, 4-5Pm	
K-1186	compact L1/L2 W/ Ground Plane	1/03 7Am-12noon	
		1/04 1Pm- 5Pm	

All Stations Utilizing fixed height (2 Meter) Poles.

Downloaded Three(3) extensometer sites for processing: Lake Houston (LKHU), Addicks (ADKS) and Northeast 2250 (NETP) together with CORS Site GAL 1 all from NGS website. Data Processed using Trimble Geomatics Office Software Version 1.01 Build 73 as registered to Hall, Johnson & Bouse Surveyors.

Data Processed by Mike McGuinness of Global Positioning Solutions, 4422 FM 1960 West, Suite 220, Houston, Texas 77068.

Network Adjustment Reports Included.

Results

<u>1450-A 1989</u> has a Published height of (1.396M) 4.58 feet above Mean High Water as referenced to Pier 21 Tide Gauge as per NOAA NOS Tidal Benchmark VM# 853. <u>K 1186</u> has a published height of 3.44 feet NAVD 88



page 3

Two (2) Minimally constrained projects were created to act as independent checks.

Project 2529-5 found the elevation of K 1186 to be 3.103' (0.337 feet below published elevation based on GAL 1).

Project 2529-5A found the elevation of K 1186 to be 3.132 (0.308 feet below published elevation based on HGCSD 60).

The apparent difference in elevations is due to be the result of subsidence at K 1186 and a rise in the ground at both GAL 1 and HGCSD 60 based on the said extensometer sites and confirmed by the Harris Galveston Coastal Subsidence District.

As a result, Fully Constrained Adjustments to the extensioneter sites were not possible due to the extreme difference between published heights for all of the Galveston County monuments and their found heights on 01/03-05/2001.

The critical numbers we are interested in are the differences in elevation between 1450-A 1989 and K 1186

Adjusted Grid Coordinates	Project 2529-5	1450-A	5.499'
		<u>K 1186</u>	3.103'
	Elev	vation difference	2.396'
	Project 2529-5a	1450-A	5.529'
	-	K 1186	3.132'
	Elev	vation difference	2.397'
Published Mean High Water elevati	on of 1450-A 1989	4.580'	
Found Difference in Elevation 14	50-A to K 1186	2.396'	
Mean High Water Elev	ation of K 1186	2.184'	

I hereby certify the on the above dates, the above Mean High Water Elevation of K 1186 was found on the ground to be true and correct.

I hereby certify that the included copies of the field notes and the resultant **Mean High Water Elevation of NGS Monument J 1186 of 7.988'** is true and correct as of January 29, 2001.

Sidney Bouse Registered Professional land Surveyor No. 5287 P.O. Box 877 Galveston, Texas 77553 (409) 740- 1517 hjsurveyor@ aol (or) sid@surveygalveston.com

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TEXAS GENERAL LAND OFFICE Art. 33.136, Natural Resources Code Co. Galveston, Sketch No. 54 68 6/22/2018

File Date 06/21/2018 by R. Kartye

page 4

