

Cameron County
Joe G Rivera
County Clerk
Brownsville, TX 78520



70 2009 00037231

Instrument Number: 2009-00037231

As

Recorded On: September 10, 2009

Real Property

Parties:

To

Billable Pages: 5

Number of Pages: 6

Comment:

(Parties listed above are for Clerks reference only)

**** Examined and Charged as Follows: ****

Real Property 32.00
Total Recording: 32.00

File No. Sketch File 17
Cameron County
Parrot Eyes - Boundary Agreement
Date Filed: 2-28-2013
By Jerry Patterson, Commissioner
Douglas Howard

***** DO NOT REMOVE. THIS PAGE IS PART OF THE INSTRUMENT *****

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

File Information:

Document Number: 2009-00037231
Receipt Number: 486066
Recorded Date/Time: September 10, 2009 03:37:14P
Book-Vol/Pg: BK-OR VL-16316 PG-238
User / Station: H Perez - Cash Station #4

Record and Return To:

DENNIS SANCHEZ
SANCHEZ WHITTINGTON ZABARTE & WOOD
3505 BOCA CHICA BOULEVARD SUITE 100
BROWNSVILLE TX 78521

I hereby certify that this instrument was filed on the date and time stamped hereon and was duly recorded in the Official Public Records in Cameron County, Texas



Joe G. Rivera
Cameron County Clerk

BOUNDARY AGREEMENT

THIS AGREEMENT is made and entered into by and between the State of Texas, acting by and through **Jerry Patterson**, Commissioner of the Texas General Land Office and Chairman of the School Land Board (hereinafter referred to as "the State"), pursuant to TEX. NAT. RES. CODE ANN., §33.060 (Vernon 1978), and **Tatos Island Properties, LP** (hereinafter referred to as "Owner"), owner of the real property landward of the bulkhead described in **Exhibit "A"** and attached hereto; and

WHEREAS, the State is the owner, by sovereignty, of coastal public lands in the Laguna Madre adjacent to Owner's Property; and

WHEREAS, the parties deem it to be in their respective best interests to establish the location of the boundary between coastal public land and the Owner's Property; and

WHEREAS, the parties agree that an equitable and accurate boundary between their lands will be delineated by an existing bulkhead together with an extension thereof southerly along the Boyle's Line located on or adjacent to Owner's Property (the "Bulkhead") so that each party can have and hold, free of any claim by the other, all interests in its land as divided by the Bulkhead;

NOW, THEREFORE, the parties being in agreement that each is receiving a benefit and value equal to that being received by the other, in consideration of the mutual agreements herein contained, the parties mutually agree as follows:

1. The common boundary between the State-owned coastal public lands and Owner's Property (the "Boundary") is hereby mutually agreed to be at and along the Laguna Madre face of the Bulkhead as that line is described in **Exhibit "A"** attached hereto and incorporated herein by reference.
2. The State shall have no responsibility for repair or maintenance of the Bulkhead nor shall the State incur any liability as a result of its placement or maintenance in place.
3. The Boundary will be and remain fixed and permanent, subject to all natural boundary changes, except accretion and reliction.
4. In the event of erosion landward of the Bulkhead due to a storm event, the State and Owner acknowledge that for a period of time not to exceed one year from the time that such storm event has taken place, Owner may pursuant to law and General Land Office rules, reclaim any portion of Owner's Property that became submerged as a result of such storm event, and may, to the extent necessary, rebuild or replace the Bulkhead in its original size and location. If Owner fails to reclaim such area within said one-year period, Owner acknowledges that the State will claim ownership to all submerged land located landward of the Bulkhead that has not been reclaimed.
5. This agreement, upon execution by the parties, shall be filed for record by Owner, at its sole

cost and expense, in the Deed Records of Cameron County, Texas, and in the Records of the General Land Office, Austin, Texas.

6, This agreement shall be binding on and inure to the benefit of the heirs, successors, representatives, and assigns of the parties hereto, but is limited to the specific area defined between the beginning and ending points of the Bulkhead as described in Exhibit "A" and attached hereto.

IN WITNESS WHEREOF, this agreement is executed under Seal of Office, effective the 21st day of July, 2009.

STATE OF TEXAS

Jerry E. Patterson
Jerry Patterson, Commissioner
Texas General Land Office and
Chairman, School Land Board

SA RTM
DIV la
GC law by la
EXEC lee by la

OWNER
TATOS ISLAND PROPERTIES, LP
By Its General Partner
Tatos Management, LLC.

By: Martha Paez
Martha Paez, Manager

ACKNOWLEDGMENT

STATE OF TEXAS

§
§
§

COUNTY OF CAMERON

This instrument was acknowledged before me on the 9 day of September, 2009, by Martha Paez, Manager of Tatos Management, LLC, the General Partner of Tatos Island Properties, LP, a Texas Limited Partnership.

Christina Logan
Notary Public, State of Texas



Exhibit "A"

Boundary Agreement between State Of Texas and Tatos Island Properties, Ltd.

Commencing at an iron pin found for the northeast corner of a 1.341 acre tract of land conveyed to Tatos Island Properties, Ltd., by Roy Development One, Inc., by a warranty deed recorded in Volume 12108, Page 61 of the Official Records of Cameron County, Texas. (Coordinates, X= 1,418,711.39, Y = 16,576,285.45).

THENCE, N-90°-00'-00"-W, along the north line of said 1.341 acre tract, at a distance of 136.944 varas (380.40 feet), the northwest corner of said 1.341 acre tract, continuing west along said line, an additional distance of 1.170 varas (3.25 feet) for a total distance of 138.114 varas (383.65 feet) to a point on the western face of a concrete cap of a seawall on the Laguna Madre for the **Point of Beginning** of this boundary agreement (Coordinates X= 1,418,327.74, Y 16,576,285.45;)

THENCE, S-00°-20'-52"-W, along the along the face of said seawall cap a distance of **68.310 varas** (189.75 feet) to the southwest corner of said seawall cap and the south end of this line; (Coordinates X =1,418,326.59, Y =16,576,095.70)

The meridian of this description is based on the Texas State Plane Coordinate System, South Zone, NAD-83 referenced Monument "Coast" with a theta angle of +00°-36'-14.3", a scale factor of 1.00000934.

June 3, 2009
Date

David L. Nesbitt

David L. Nesbitt, R.P.L.S. No. 5302
Licensed State Land Surveyor



After Recording Return To:

Dennis Sanchez
Sanchez, Whittington, Zabarte & Wood, LLC
3505 Boca Chica Blvd. Ste 100
Brownsville, TX 78521-4064



MEMORANDUM

Texas General Land Office • Jerry Patterson • Commissioner

To: Archives
From: Michael Lemonds: 463-3881 *ML*
Date: February 14, 2006
Re: No Action for GLO ID LC20020011

12/1
#
JERRY PATTERSON
JERRY E. PATTERSON, COMMISSIONER
DATE FILED:
FILE NO. 156888

The processing status for LC20020011 was canceled. Survey reviewed the plat and determined that the State did not have a valid claim. General Counsel and Chief Clerk have agreed to this stance and no instrument will be issued.

#17

File No. LC 202011

Cancellation

Date Filed: 2-14-20

Jerry E. Patterson, Commissioner

By [Signature]

Notice and no instrument will be issued that the State did not have a valid claim. General Counsel and Chief Clerk have agreed to this. The processing status for LC20030011 was canceled. Status reviewed the list and determined

Re: NO ACTION FOR CGO ID FC30030011

Date: FEBRUARY 14 2020

From: MICHAEL REMONDS: 403-3881

To: Archives



TEXAS COUNCIL OF GOVERNMENTS • TELLS 591161200 •

MEMORANDUM

SANCHEZ WHITTINGTON ZABARTE & WOOD, LLC

Attorneys At Law

3505 Boca Chica Blvd., Suite 100
Brownsville, Texas 78521-4064

Jack D. Sanchez (1945-1987)

DENNIS M. SANCHEZ, P.C.
ROBERT A. WHITTINGTON, P.C.
FRANCISCO J. ZABARTE, P.C.
C. FRANK WOOD, P.C.
JUAN "TREY" MENDEZ, III, P.C.

TELEPHONE: (956) 546-3731
FACSIMILE: (956) 546-3765/66
dsanchez@swjz.com
rwhittington@swjz.com
fzabarte@swjz.com
fwood@swjz.com
tmendez@swjz.com

September 23, 2009

Robert F. Moreland
Director, Coastal Law Section
Texas General Land Office
PO Box 12873
Austin TX 78711-2873

RE: Tatos Island Properties, Ltd./Parrot Eyes - Boundary Agreement

Dear Mr. Moreland:

Enclosed please find a true and correct copy of the recorded Boundary Agreement.

File No. _____

_____ County

Date Filed: _____

Jerry Patterson, Commissioner

By _____
DS/cl
Enclosure

Sincerely,

Dennis Sanchez
Dennis Sanchez

RECEIVED

SEP 28 2009

GENERAL LAND OFFICE

09-28-09A11:38 RCVD
LEGAL _____

TEXAS



GENERAL LAND OFFICE

JERRY PATTERSON, COMMISSIONER

November 4, 2005

Ron Guillot
P. O. Box 3738
South Padre Island, TX 78597-3738

Re: Lease Application

Dear Mr. Guillot:

In consideration of your lease application, a comprehensive review was performed by the General Land Office to determine the extent of the State's ownership of the property.

Historic maps, surveys, and aerial photos were compared with recent aerial photos through the medium of digitized overlays. In addition, files related to issuance of structure registrations for small boat docks and coastal easements in this area were reviewed. Staff has concluded that the channel in which the present boat slips are located was dredged out of private uplands in the Padre Beach Estates Subdivision, and then bulk headed. It appears that the bulkhead was subsequently extended toward the bay, and then along the historic "Boyles line" (which was a survey of the mean high water boundary between public and private lands in 1941) to incorporate an area that had accreted to the land shown as Tract one (1) of the subdivision, at some point following the dredging of the channel. Based on our recent review of these events, including the use of new technology and additional documents that have been made available, structure registrations and coastal easements that were issued for this area will no longer be required.

Based on this information, the General Land Office, acting on behalf of the Permanent School Fund, will not assert claim of ownership at this time to the tract for which your application was submitted. The information and documents on which this decision was based are available for your consideration. If you wish to review this material, please contact me at 512-463-5055, or by e-mail at tony.williams@glo.state.tx.us.

Sincerely,

Tony Williams
Director of Coastal Leasing, Texas General Land Office

cc: Rene Truan, Deputy Commissioner
Manuel Freytes, Corpus Christi Field Office
Bob Moreland, Legal Division
Ben Thomson, Survey Division
LaNell Aston, Executive Division
Troy Giles

Stephen F. Austin Building • 1700 North Congress Avenue • Austin, Texas 78701-1495

Post Office Box 12873 • Austin, Texas 78711-2873

512-463-5001 • 800-998-4GLO

www.glo.state.tx.us

95198

GENERAL LAND OFFICE

JERRY PATTERSON, COMMISSIONER



TEXAS

November 4, 2002

Ron Guillot
P.O. Box 3738
South Padre Island, TX 78597-3738

Re: Lease Application

Dear Mr. Guillot:

In consideration of your lease application, a comprehensive review was performed by the General Land Office to determine the extent of the State's ownership of the property.

Historic maps, surveys, and aerial photos were compared with recent aerial photos through the medium of digitized overlays. In addition, files related to issuance of structure registrations for small boat docks and coastal easements in this area were reviewed. Staff has concluded that the channel in which the present boat slips are located was dredged out of private uplands in the Padre Beach Estates 2nd subdivision, and then bulk headed. It appears that the bulkhead was subsequently extended toward the bay, and then along the historic "Boyles line" (which was a survey of the mean high water boundary between public and private lands in 1941) to incorporate an area that had accreted to the land shown as Tract one (1) of the subdivision, at some point following the dredging of the channel. Based on our recent review of these events, including the use of new technology and additional documents that have been made available, structure registrations and coastal easements that were issued for this area will no longer be required.

Based on this information, the General Land Office, acting on behalf of the Portman School Fund, will not assert claim of ownership at this time to the tract for which your application was submitted. The information and documents on which this decision was based are available for your consideration. If you wish to review this material, please contact me at 212-463-2025, or by e-mail at tony.williams@glto.state.tx.us.

Sincerely,

Tony Williams

Director of Coastal Leasing, Texas General Land Office

- cc: Rene Tran, Deputy Commissioner
- Manuel Freytes, Corpus Christi Field Office
- Bob Moreland, Legal Division
- Ben Thomson, Survey Division
- Lanell Astor, Executive Division
- Tony Oles

Stephen E. Austin Building • 1700 North Congress Avenue • Austin, Texas 78701-1492

Port Office Box 12873 • Austin, Texas 78711-2873

212-463-2001 • 800-938-4GLO

www.glto.state.tx.us

LC 910017 (53)



MEMORANDUM

Texas General Land Office • Jerry Patterson • Commissioner

DATE: June 29, 2009

TO: Commissioner Patterson, School Land Board Members

FROM: Bob Moreland, Legal Services

THROUGH: Bill Warnick, General Counsel

SUBJECT: Boundary Agreement

SUMMARY: After several years of uncertainty about ownership of a small area of fill behind a long-standing bulkhead, staff determined that the bulkhead was constructed along the seaward limit of accretion to an upland tract. It was further determined that the location of the bulkhead coincided with the 1941 survey of the line of mean high water in this bayside area of South Padre Island by LSLs Stuart Boyles (the Boyles Survey). (See Exhibits A and B.) The owner of the upland property has requested that the bulkhead be recognized as the boundary between his property and the adjacent state-owned submerged land by the execution of the attached Boundary Agreement.

DETAILS: For several years in the latter 1990's, a restaurant/bar business known most recently as Parrot Eyes operated on a small tract of filled land on the bayside of South Padre Island under authority of a coastal easement issued by the GLO. The adjacent upland tract changed ownership and in researching the title, questions were raised about the origins and history of the part of the tract occupied by Parrot Eyes. Staff researched the matter and identified a series of aerial photos and other documentation that show how the area was developed over the years. The aerials show the development of an area of accretion to the tract where it borders the Laguna Madre in the time period preceding the construction of the subject bulkhead. The digital imposition of the Boyles Survey on the photo shows the survey very closely following the seaward extent of the accreted area. The subsequent construction of the bulkhead was also aligned with the Boyles Survey line.

Based on the foregoing, the coastal easement was not renewed and the attached disclaimer of interest in the tract was sent to the former lessee. (See Exhibit C.) The subject Boundary Agreement provides further documentation of the lack of state interest in the upland tract.

AUTHORITY: The SLB is authorized to have coastal public land boundaries located and marked, pursuant to §33.060, NRC and the commissioner is authorized to approve coastal boundary surveys pursuant to §33.136, NRC. This Agreement memorializes the boundary of the particular portion of the coastal public lands reflected by the survey.

RECOMMENDATION: Authorize the commissioner to execute the attached Boundary Agreement for filing in the Cameron County deed records.

720

Laguna Madre

Padre Island

CAMERON

733



The Texas General Land Office makes no representations or warranties regarding the accuracy or completeness of the information depicted on this map or the data from which it was produced. This map is not suitable for navigational purposes and does not purport to depict boundaries of private and public land.

1:6,000

Exhibit A

2007 Aerial Imagery

Map Compiled by A. Cortinas
Professional Services/GIS
June 15, 2009



95200

720

Gulf of Mexico

Padre Island

CAMERON

733

Laguna Madre



The Texas General Land Office makes no representations or warranties regarding the accuracy or completeness of the information depicted on this map or the data from which it was produced. This map is not suitable for navigational purposes and does not purport to depict boundaries of private and public land.

1:12,000

Exhibit B

2007 Aerial Imagery

Map Compiled by A. Cortinas
Professional Services/GIS
June 15, 2009



95201

TEXAS



GENERAL LAND OFFICE

JERRY PATTERSON, COMMISSIONER

November 4, 2005

Ron Guillot
 P. O. Box 3738
 South Padre Island, TX 78597-3738

Re: Lease Application

Dear Mr. Guillot:

In consideration of your lease application, a comprehensive review was performed by the General Land Office to determine the extent of the State's ownership of the property.

Historic maps, surveys, and aerial photos were compared with recent aerial photos through the medium of digitized overlays. In addition, files related to issuance of structure registrations for small boat docks and coastal easements in this area were reviewed. Staff has concluded that the channel in which the present boat slips are located was dredged out of private uplands in the Padre Beach Estates Subdivision, and then bulk headed. It appears that the bulkhead was subsequently extended toward the bay, and then along the historic "Boyles line" (which was a survey of the mean high water boundary between public and private lands in 1941) to incorporate an area that had accreted to the land shown as Tract one (1) of the subdivision, at some point following the dredging of the channel. Based on our recent review of these events, including the use of new technology and additional documents that have been made available, structure registrations and coastal easements that were issued for this area will no longer be required.

Based on this information, the General Land Office, acting on behalf of the Permanent School Fund, will not assert claim of ownership at this time to the tract for which your application was submitted. The information and documents on which this decision was based are available for your consideration. If you wish to review this material, please contact me at 512-463-5055, or by e-mail at tony.williams@glo.state.tx.us.

Sincerely,

Tony Williams
 Director of Coastal Leasing, Texas General Land Office

cc: Rene Truan, Deputy Commissioner
 Manuel Freytes, Corpus Christi Field Office
 Bob Moreland, Legal Division
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