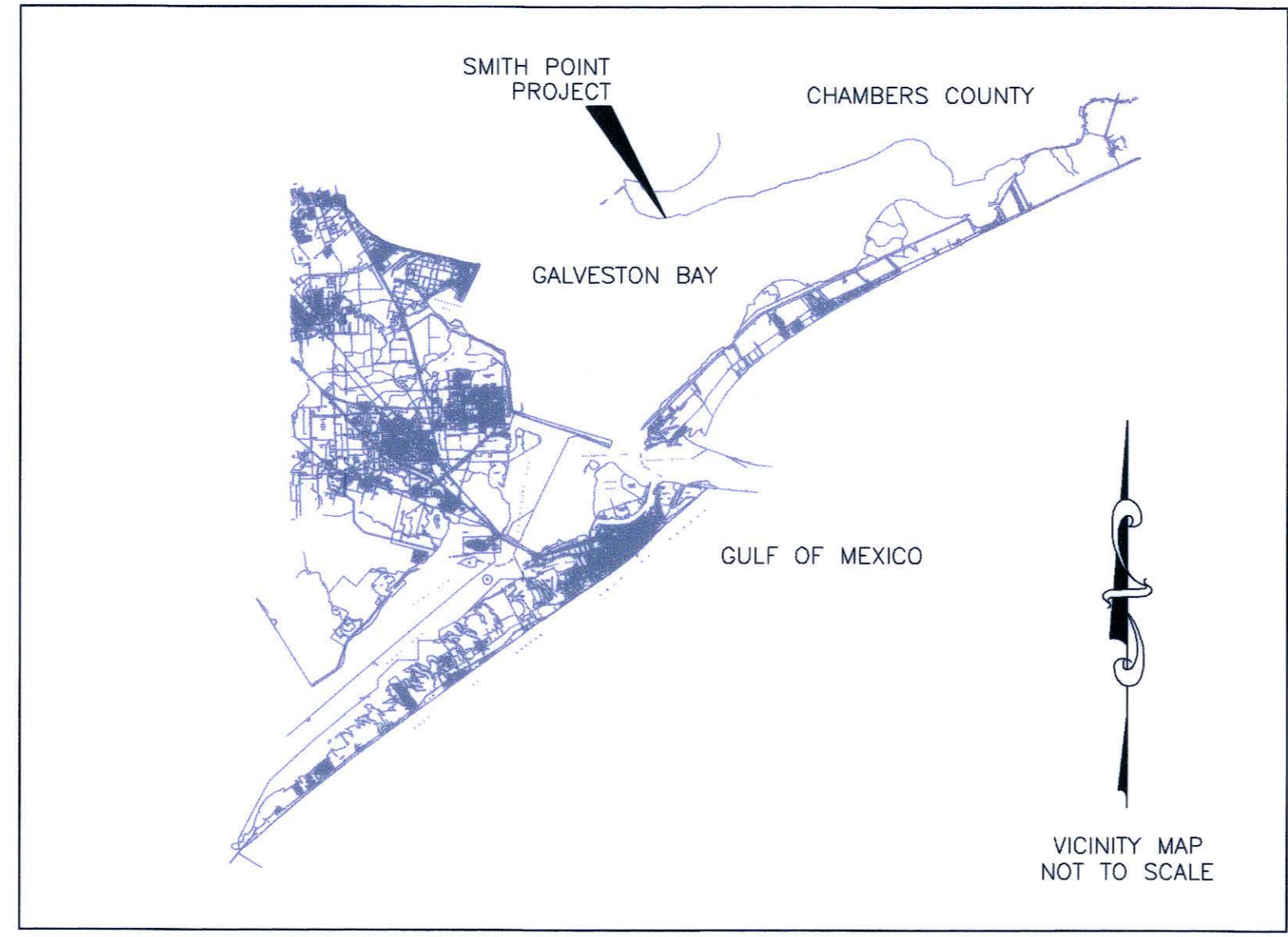


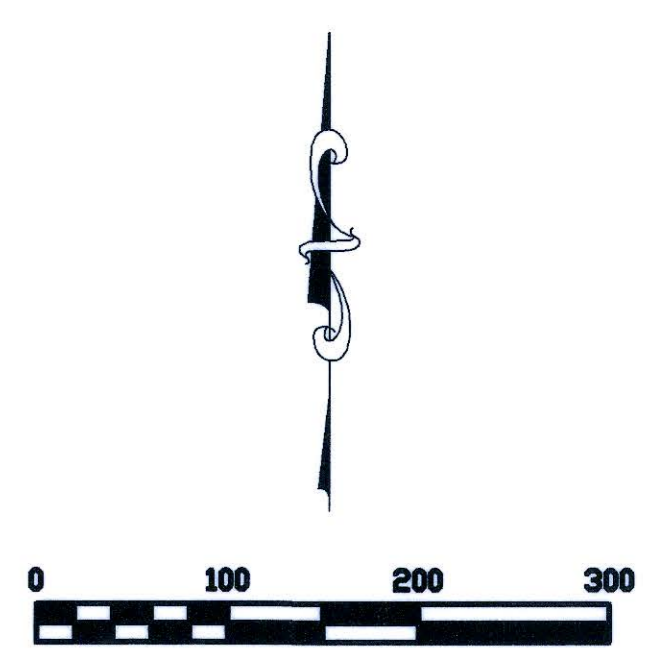
Terri Lynn Woody and Tracy Woody
 Called 6.9372 acres
 C. F. No. 201061271 O.P.R.C.C.T.
 Owners Address:
 23229 Smith Point Road
 Anahuac, Texas 77514

EDWARD T. BRANCH SURVEY
 ABSTRACT No. 40



CANDY CANN ABSHIER
 WILDLIFE MANAGEMENT AREA
 TEXAS PARKS AND WILDLIFE DEPARTMENT

BJS Crown Realty
 Called 4.99 acres



W. CLAREY SURVEY
 ABSTRACT No. 71

POINT OF TERMINATION
 N: 13,763,084.22
 E: 3,314,293.62
 Convergence Angle: 02° 04' 25.46231"
 Scale Factor: 0.999868773
 NGS Monument "877 0907 C" (D09989) bears
 North 30° 10' 20" West,
 8,098.80' (2,915.57 Varas)

BOUNDARY LINE DESCRIPTION
 EDWARD T. BRANCH SURVEY
 ABSTRACT NUMBER 40
 CHAMBERS COUNTY, TEXAS
 May 5, 2020

Texas Parks and Wildlife Department
 Tract No. 1
 Remainder
 Called 202.001 acres
 Volume 101, Page 386, O.P.R.C.C.T.
 Owners Address:
 4200 Smith School Road
 Austin, Texas 78744

Jerome and Anne Abshier
 Remainder
 Called 1.00 acre
 Volume 132, Page 78,
 O.P.R.C.C.T.
 Owners Address:
 350 Georgetown
 Beaumont, Texas 77707

TBM: Magnetic nail on the
 bulkhead (seaward) side of
 wooden pier near the southerly
 terminus of a gravel road
 (Plummer's Camp Road).
 N: 13,762,731.38
 E: 3,316,803.01
 Elevation: 5.51' (NAVD 1988)

COMMENCING at NGS Monument 877 0907 C (PID D099899) having a coordinate pair of North: 13,770,085.78; East: 3,310,223.15, a convergence angle of + 02 Degrees 04 Minutes 04.3 Seconds, and a grid scale factor of 0.99986997;

THENCE, South 41 Degrees 34 Minutes 22 Seconds East, a distance of 9,790.66 feet (3,524.64 varas) to a point lying on the Mean High Water line of the southerly bank of Galveston Bay/Galveston East Bay and a northerly line of State Submerged Tracts 138 and 197 to the southeasterly end of and POINT OF BEGINNING of the herein described boundary line (N: 13,762,761.25; E: 3,316,719.94);

THENCE, meandering along the Mean High Water Line of the southerly bank of Galveston Bay/Galveston East Bay and the northerly line of the Edward T. Branch Survey and State Submerged Tracts 138 and 197, the following twenty six (26) courses:

- 1) North 83 Degrees 43 Minutes 06 Seconds West, a distance of 76.93 feet (27.69 varas);
- 2) South 75 Degrees 14 Minutes 54 Seconds West, a distance of 52.27 feet (18.82 varas);
- 3) South 83 Degrees 33 Minutes 13 Seconds West, a distance of 89.86 feet (32.35 varas);
- 4) North 25 Degrees 30 Minutes 24 Seconds West, a distance of 62.67 feet (22.56 varas);
- 5) North 74 Degrees 38 Minutes 21 Seconds West, a distance of 75.57 feet (27.21 varas);
- 6) South 81 Degrees 02 Minutes 50 Seconds West, a distance of 95.13 feet (34.25 varas);
- 7) South 77 Degrees 20 Minutes 25 Seconds West, a distance of 110.19 feet (39.67 varas);
- 8) South 81 Degrees 38 Minutes 48 Seconds West, a distance of 72.69 feet (26.17 varas);
- 9) South 82 Degrees 05 Minutes 09 Seconds West, a distance of 29.35 feet (10.57 varas);
- 10) South 70 Degrees 13 Minutes 08 Seconds West, a distance of 109.82 feet (39.54 varas);
- 11) North 87 Degrees 22 Minutes 22 Seconds West, a distance of 116.27 feet (41.86 varas);
- 12) South 72 Degrees 21 Minutes 26 Seconds West, a distance of 140.57 feet (50.61 varas);
- 13) North 68 Degrees 04 Minutes 03 Seconds West, a distance of 164.93 feet (59.37 varas);
- 14) South 81 Degrees 48 Minutes 45 Seconds West, a distance of 174.40 feet (62.78 varas);
- 15) North 78 Degrees 14 Minutes 52 Seconds West, a distance of 253.28 feet (91.18 varas);
- 16) North 85 Degrees 12 Minutes 35 Seconds West, a distance of 115.54 feet (41.59 varas);
- 17) North 43 Degrees 22 Minutes 42 Seconds West, a distance of 131.38 feet (47.30 varas);
- 18) North 78 Degrees 17 Minutes 35 Seconds West, a distance of 68.05 feet (24.50 varas);
- 19) South 74 Degrees 45 Minutes 45 Seconds West, a distance of 84.74 feet (30.51 varas);
- 20) North 79 Degrees 50 Minutes 30 Seconds West, a distance of 162.33 feet (58.44 varas);
- 21) North 51 Degrees 50 Minutes 02 Seconds West, a distance of 79.36 feet (28.57 varas);
- 22) North 69 Degrees 57 Minutes 48 Seconds West, a distance of 55.20 feet (19.87 varas);
- 23) North 79 Degrees 42 Minutes 53 Seconds West, a distance of 144.60 feet (52.06 varas);
- 24) North 82 Degrees 51 Minutes 04 Seconds West, a distance of 71.63 feet (25.79 varas);
- 25) North 54 Degrees 26 Minutes 21 Seconds West, a distance of 43.77 feet (15.76 varas);
- 26) North 04 Degrees 40 Minutes 19 Seconds West, a distance of 47.72 feet (17.18 varas) to the northwesterly end of and POINT OF TERMINATION of the herein described boundary line (North: 13,763,084.22; East: 3,314,293.62), and from which NGS Monument 877 0907 C (PID D099899) bears North 30 Degrees 10 Minutes 20 Seconds West, a distance of 8,098.80 feet (2,915.57 varas).

POINT OF COMMENCEMENT
 (control monument)
 NGS Monument "877 0907 C" (D09989)
 North: 13,770,085.78
 East: 3,310,223.15
 Convergence Angle: +02° 04' 04.3"
 Scale Factor: 0.99986997

Course	Bearing	Distance—Feet	Distance—Varas
L1	N 83°43'06" W	76.93'	27.69
L2	S 75°14'54" W	52.27'	18.82
L3	S 83°33'13" W	89.86'	32.35
L4	N 25°30'24" W	62.67'	22.56
L5	N 74°38'21" W	75.57'	27.21
L6	S 81°02'50" W	95.13'	34.25
L7	S 77°20'25" W	110.19'	39.67
L8	S 81°38'48" W	72.69'	26.17
L9	S 82°05'09" W	29.35'	10.57
L10	S 70°13'08" W	109.82'	39.54
L11	N 87°22'22" W	116.27'	41.86
L12	S 72°21'26" W	140.57'	50.61
L13	N 68°04'03" W	164.93'	59.37
L14	S 81°48'45" W	174.40'	62.78
L15	N 78°14'52" W	253.28'	91.18
L16	N 85°12'35" W	115.54'	41.59
L17	N 43°22'42" W	131.38'	47.30
L18	N 78°17'35" W	68.05'	24.50
L19	S 74°45'45" W	84.74'	30.51
L20	N 79°50'30" W	162.33'	58.44
L21	N 51°50'02" W	79.36'	28.57
L22	N 69°57'48" W	55.20'	19.87
L23	N 79°42'53" W	144.60'	52.06
L24	N 82°51'04" W	71.63'	25.79
L25	N 54°26'21" W	43.77'	15.76
L26	N 04°40'19" W	47.72'	17.18

—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 it intended to be used to identify, delineate, or fix the line of vegetation or the landward boundary of the public beach.

GENERAL NOTES:

- 1) All distances are grid distances and are shown in U.S. survey feet and varas.
- 2) All bearings shown hereon are grid bearings and refer to the Texas Coordinate System of 1983 - South Central Zone 4204, as defined by article 21.071 of the Natural Resource Code of the State of Texas.
- 3) All coordinates shown hereon are grid coordinates and refer to the Texas Coordinate system of 1983 - South Central Zone 4204, as defined by article 21.071 of the Natural Resource Code of the State of Texas.
- 4) Local tide gauge referenced to:
 Eagle Point
 National Ocean Service Station Identification No. 8771013
 Status: Accepted July 12, 2011
 Tidal Epoch: 1983-2001
 Control Tide Station: 8771450 Galveston Pier 21, Texas
- 5) On the date of this Survey there was no apparent fill or buildup upon or adjacent to the line of mean higher high water except as shown hereon.
- 6) On the date of this Survey there was no apparent retaining wall or other structure upon or adjacent to the line of mean higher high water except as noted on this survey.
- 7) The Littoral Boundary as shown on this survey was located in accordance with methodology approved by the Texas General Land Office.
- 8) This survey complies with requirements in chapter 21 of the Natural Resource Code of the State of Texas.
- 9) This survey has been prepared in connection with planned "Erosion Response Activity SL #20190035, Construction of Breakwaters".
- 10) C.C.M.R.: Chambers County Map Records; O.P.R.C.C.T. Official Public Records Chambers County, Texas. MHW: Mean High Water.

TEXAS GENERAL LAND OFFICE
 Art. 33.136, Natural Resources Code
 Co. *Chambers, SL No. 12*
 File Date *01/11/2020* by *K.S. Linder*



CRYSTAL BEACH OFFICE
 Registration Number: 10194364
 (409) 684-6400 www.hightidelandsurveying.com
 975 LAZY LANE WEST / CRYSTAL BEACH, TX 77650
 Mailing / P.O. BOX 16142 / GALVESTON, TX 77552
 FILED FOR RECORD JUNE 17, 2020
 BOOK 4, PAGE 205, COUNTY SURVEYOR RECORDS
 CHAMBERS COUNTY, TEXAS

NO.	DATE	DESCRIPTION	BY

I, Michael Hoover, Licensed State Land Surveyor in and for the State of Texas, do hereby certify that on February 13, 2020, I have located the natural contour line of Mean High Water on the ground, according to law and with the personnel stated, and that the meanders of said contour line is true and correct as shown hereon. To the best of my knowledge, no artificial fill or any development other than shown hereon that would cause alteration of said contour line has occurred with the area surveyed. Reference is hereby made to the accompanying report by me dated May 5, 2020.

Field Personnel:
 Michael Hoover, RPLS, LLSL
 Stephen Blaskey, RPLS, LLSL
 Aaron Ferguson, RPLS
 Robert Barrow

Michael Hoover
 Michael Hoover
 Licensed State Land Surveyor
 License No. 220004



COASTAL BOUNDARY SURVEY

SHORELINE LOCATION AND COASTAL BOUNDARY SURVEY OF A PORTION OF THE LITTORAL BOUNDARY OF THE EDWARD T. BRANCH SURVEY, ABSTRACT NUMBER 40, CHAMBERS COUNTY, TEXAS, ALONG THE LINE OF MEAN HIGH WATER, SITUATED ON A SOUTHERLY BANK OR SHORELINE OF GALVESTON BAY/EAST BAY AND THE NORTHERLY LINE OF A PORTION OF STATE SUBMERGED TRACT No.'s 138 and 197 IN CHAMBERS COUNTY, TEXAS, APPROXIMATELY 15 MILES SOUTH 17 28' WEST OF THE CHAMBERS COUNTY COURTHOUSE.

DRAWN BY: MH	DATE: 05-05-2020	SCALE: 1" = 100'
CHECKED BY: MH	JOB No. 20-0164	SHEET No. 1 OF 1



TEXAS GENERAL LAND OFFICE
GEORGE P. BUSH, COMMISSIONER

Surveying Division
Coastal Boundary Survey Approval

Project: Smith Point, Edward T. Branch A-40, Chambers County
Project No: GLO # SL20190035
Project Manager: Amy Nunez, Coastal Resources
Surveyor: Michael Hoover, Licensed State Land Surveyor
Description: Coastal Boundary Survey, dated May 5, 2020, delineating the line of Mean High Water along the southerly line of the Edward T. Branch Survey, Abstract number 40, Chambers County, Texas, and a northerly line of Galveston Bay/Galveston East Bay and State Submerged Tract numbers 138 and 197, Chambers County Texas in connection with planned Erosion Response Activity SL 20190035. Situated south of Smith Point along the south shore of Candy Abshier Wildlife Management Area. Centroid coordinates N 29°31'29", W 94°45'46", WGS84. A copy of the survey has been filed in Book 4, Page 205, County Surveyor Records, Chambers County, Texas.

A Coastal Boundary Survey for the above-referenced project has been reviewed and accepted; upon completion of public notice requirements, the survey will be filed in the Texas General Land Office, Archives and Records, in accordance with provisions of the *Texas Natural Resources Code*, Chapter 33.136.

Approved:

Signed: _____

Surveying Division

8/21/2020

Date

Approval Filed as:

Tex.Nat.Res.Code Article 33.136 Chambers County, Sketch No. 12

TEXAS GENERAL LAND OFFICE
Art. 33.136, Natural Resources Code

Co. Chambers, 58 No. 12

File Date 01/12/2021 by K. Schreiber

SURVEYORS REPORT

SURVEY OF THE LINE OF MEAN HIGH WATER ALONG THE SOUTHERLY LINE OF THE EDWARD T. BRANCH SURVEY, ABSTRACT NUMBER 40, CHAMBERS COUNTY, TEXAS, AND A NORTHERLY LINE OF GALVESTON BAY/GALVESTON EAST BAY AND STATE SUBMERGED TRACT No's 138 AND 197, CHAMBERS COUNTY TEXAS MAY 5, 2020

At the request of LJA Surveying, Inc., and in my capacity as a Licensed State Land Surveyor in the State of Texas, I have determined the line of Mean High Water along a portion of the southerly line of the Edward T. Branch Survey, Abstract number 40, Chambers County, Texas, and along a portion of a lower northerly line of Galveston Bay/Galveston East Bay and State Submerged Tract No's. 138 and 197.

This survey was performed as per the requirements outlined in the Coastal Public Lands Management Act of 1973, as amended, Chapter 33, Natural Resources Code, and specifically per Section 33.136, Natural Resources Code, "Property Rights: Preservation of Littoral Rights".

The purpose of this survey is to evidence "...the location of the shoreline in the area depicted in this survey as that shoreline existed before the commencement of erosion response activity..." (Section 33.136 (b), Natural Resources Code), and is in connection with "Erosion Response Activity SL #20190035, Construction of Breakwaters".

Title to the Edward T. Branch Survey was received from the State of Texas on February 8, 1846 and lies along a lower northerly shore of Galveston East Bay. The Edward T. Branch Survey is a Liberty 1st Class Headright from the Republic of Texas and was surveyed in 1841 in compliance with the Republic of Texas Common Law.

In the case of Humble Oil & Refining Co. vs. Sun Oil (190 F.2d 191) (5th Cir. 1951), the court held that "grants issued by the King of Spain and the Mexican State before the adoption of common law in Texas, the boundary between sea and upland must be determined in accordance with principals announced in Las Siete Partidas, the basic law of Spain and Mexico which defines "shore" as all ground covered with water at high tide during the whole year, whether in winter or summer."

In a decision by the Texas Supreme Court in the case of Luttus vs. State (324 S.W. 2d 167) (1958), on remand 328 S.W. 2d 920) it was found that the littoral boundaries for civil law grants differs from the boundaries of common law grants. The Court states that for civil law grants (grants by Spain and Mexico) the boundary is the line of Mean Higher High Water (MHHW) and for common law grants (grants made by the Republic and State of Texas) the boundary is the line of Mean High Water (MHW).

Therefore, the littoral boundary along the Edward T. Branch Survey, a State of Texas grant, is the line of MHW.

TEXAS GENERAL LAND OFFICE
Art. 33.136, Natural Resources Code
Co. Chambers, SK No. 12
File Date 01/12/2021 by K. Schreiber

Surveyors Report
Candy Abshier Wildlife Management Area
Edward T. Branch Survey
Abstract No. 40
Chambers County, Texas
May 5, 2020

The Luttess case defined Mean Higher High Water as a tidal datum that is the average of the higher of the two daily tides observed over a specific 19 year period (epoch) and Mean High Water as a tidal datum that is the average of all high tides over a specific 19 year period (epoch). Tides being defined as the regular and predictable rise and fall in sea level due to the gravitational pull of the sun and moon. Also, sea levels are influenced by weather conditions, geographical location, and topography of the coastline. The combination of these conditions can result in a wide variation in the elevation of the tidal datum from location to location.

On or about February 4, 2020, we deployed Onset HOBO water level loggers within the waters of Galveston East Bay near the southerly limit of the subject property. On or about February 13, 2020, we retrieved the water level logger. Utilizing the data obtained therein and integrating it with data from control station "Eagle Point" (NOAA Service Station No. 8771013) from the same time period we were able to successfully able to calculate the elevation of MHW for the subject property.

To the best of my knowledge no artificial fill or development, other than previously stated, that would cause alteration to the line of MHW, has occurred within the area surveyed.,

A plat of even date showing the results of this survey has been prepared by High Tide Surveying, LLC, and accompanies this report.

Respectfully submitted,

TEXAS GENERAL LAND OFFICE
Art. 33.136, Natural Resources Code
Co. Chambers, S/R No. 12
File Date 01/12/2021 by J.C. Schreiber

Michael Hoover
Licensed State Land Surveyor
Texas License No. 220004



BOUNDARY LINE DESCRIPTION
EDWARD T. BRANCH SURVEY
ABSTRACT NUMBER 40
CHAMBERS COUNTY, TEXAS
May 5, 2020

COMMENCING at NGS Monument 877 0907 C (PID D099899) having a coordinate pair of North: 13,770,085.78; East: 3,310,223.15, a convergence angle of + 02 Degrees 04 Minutes 04.3 Seconds, and a grid scale factor of 0.99986997;

THENCE, South 41 Degrees 34 Minutes 22 Seconds East, a distance of 9,790.66 feet (3,524.64 varas) to a point lying on the Mean High Water line of the southerly bank of Galveston Bay/Galveston East Bay and a northerly line of State Submerged Tracts 138 and 197 to the southeasterly end of and **POINT OF BEGINNING** of the herein described boundary line (N: 13,762,761.25; E: 3,316,719.94);

THENCE, meandering along the Mean High Water Line of the southerly bank of Galveston Bay/Galveston East Bay and the northerly line of the Edward T. Branch Survey and State Submerged Tracts 138 and 197, the following twenty six (26) courses:

- 1) North 83 Degrees 43 Minutes 06 Seconds West, a distance of 76.93 feet (27.69 varas);
purge
- 2) South 75 Degrees 14 Minutes 54 Seconds West, a distance of 52.27 feet (18.82 varas);
- 3) South 83 Degrees 33 Minutes 13 Seconds West, a distance of 89.86 feet (32.35 varas);
- 4) North 25 Degrees 30 Minutes 24 Seconds West, a distance of 62.67 feet (22.56 varas);
- 5) North 74 Degrees 38 Minutes 21 Seconds West, a distance of 75.57 feet (27.21 varas);
- 6) South 81 Degrees 02 Minutes 50 Seconds West, a distance of 95.13 feet (34.25 varas);
- 7) South 77 Degrees 20 Minutes 25 Seconds West, a distance of 110.19 feet (39.67 varas);
- 8) South 81 Degrees 38 Minutes 48 Seconds West, a distance of 72.69 feet (26.17 varas);
- 9) South 82 Degrees 05 Minutes 09 Seconds West, a distance of 29.35 feet (10.57 varas);
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- 11) North 87 Degrees 22 Minutes 22 Seconds West, a distance of 116.27 feet (41.86 varas);
- 12) South 72 Degrees 21 Minutes 26 Seconds West, a distance of 140.57 feet (50.61 varas);
- 13) North 68 Degrees 04 Minutes 03 Seconds West, a distance of 164.93 feet (59.37 varas);
- 14) South 81 Degrees 48 Minutes 45 Seconds West, a distance of 174.40 feet (62.78 varas);

TEXAS GENERAL LAND OFFICE
Art. 33.136, Natural Resources Code

Co. Chambers, SE No. 12

File Date 01/12/2021 by K. Schreiber

96445

Boundary Line Description
Edward T. Branch Survey
Abstract No. 40
Chambers County, Texas
May 5, 2020

- 15) North 78 Degrees 14 Minutes 52 Seconds West, a distance of 253.28 feet (91.18 varas);
- 16) North 85 Degrees 12 Minutes 35 Seconds West, a distance of 115.54 feet (41.59 varas);
- 17) North 43 Degrees 22 Minutes 42 Seconds West, a distance of 131.38 feet (47.30 varas);
- 18) North 78 Degrees 17 Minutes 35 Seconds West, a distance of 68.05 feet (24.50 varas);
- 19) South 74 Degrees 45 Minutes 45 Seconds West, a distance of 84.74 feet (30.51 varas);
- 20) North 79 Degrees 50 Minutes 30 Seconds West, a distance of 162.33 feet (58.44 varas);
- 21) North 51 Degrees 50 Minutes 02 Seconds West, a distance of 79.36 feet (28.57 varas);
- 22) North 69 Degrees 57 Minutes 48 Seconds West, a distance of 55.20 feet (19.87 varas);
- 23) North 79 Degrees 42 Minutes 53 Seconds West, a distance of 144.60 feet (52.06 varas);
- 24) North 82 Degrees 51 Minutes 04 Seconds West, a distance of 71.63 feet (25.79 varas);
- 25) North 54 Degrees 26 Minutes 21 Seconds West, a distance of 43.77 feet (15.76 varas);
- 26) North 04 Degrees 40 Minutes 19 Seconds West, a distance of 47.72 feet (17.18 varas) to the northwesterly end of and **POINT OF TERMINATION** of the herein described boundary line (North: 13,763,084.22; East: 3,314,293.62), and from which NGS Monument Seconds 877 0907 C (PID D09989) bears North 30 Degrees 10 Minutes 20 Seconds West, a distance of 8,098.80 feet (2,915.57 varas).

TEXAS GENERAL LAND OFFICE
Art. 33.136, Natural Resources Code
Co. Chambers, SK No. 12
File Date 01/12/2021 by K. Seckreibe



Michael Hoover
Licensed State Land Surveyor
Texas License Number 220004

