

SURVEY REPORT  
NETHERY RANCH  
KIMBLE COUNTY, TEXAS

The Nethery Ranch is located in Kimble County, Texas, its approximate center being located about 3½ miles S 78½° E from Junction, the county seat. The ranch extends from the main Llano River to just south of Interstate 10, about 4½ miles, with varying widths, the maximum being about ¾ miles east-west at its widest point. The ranch contains, within its long standing perimeter fence, approximately 5060 acres. This acreage is comprised of all or part of eighteen (18) original surveys. Most of this is within the titled boundaries, however it does include areas lying within surveys which are not within the titled boundaries and also a part of a possible vacancy. Terrain within the ranch and adjoining properties is very rugged, extending from a low elevation of 1640 feet to a high of 2140 feet. One or more lines of nearly every survey involved either climbs 200 to 300 feet very steeply or crosses one or more valleys 150 to 200 feet in depth with extremely steep sides.

Original survey work was performed at various times between 1841 and 1949. This work was performed by at least seven different surveyors. Adding to confusion in the location of the original surveys is the fact that many of the files contain one or more sets of corrected field notes, some by the original surveyor and some by other surveyors. Also, there are indications that some of the original survey work was prepared from existing maps rather than “on the ground” survey work. Considering the topography of the land, this is not surprising.

The purpose of the current survey was initially to determine the proper boundaries of the ranch for partitioning. This survey work was performed between May 2016 and October 2018. The field work was performed using Trimble R 10 GPS equipment with a TSC 3 data collector and the field work adjusted to the Texas Coordinate System of 1927, Central Zone, based on coordinates in that system recovered from monuments related to USGS Triangulation Station Nethery (now destroyed) which was located within the ranch. Problems became evident as the survey work proceeded. These included excess lands, unpatented fractional parts of surveys, a mislocated patent, and possible vacant lands.

As the survey progressed to completion, a total of eleven physical corners were recovered, some deemed to be original and others perpetuations used historically as originals. One survey in the heart of the ranch is defined by fourteen corners, only two of which are found monumented at this time. At several places on the perimeter of the ranch ancient occupation as evidenced by old wire fences and/or stone fencing appears to be the only, and therefore the best, evidence of the location of original survey lines and has been honored as locative.

Surveys within the ranch are primarily located between two surveys located by Ben McCulloch in 1841, both fronting on the Llano River. The east line of the Simeon Glenn Survey 63, Abstract 135, forms a portion of the west boundary of the ranch and the west boundary of the S. D. Green Survey 26, Abstract 133, forms a brief portion of the east boundary of the ranch. Both of these surveys provide the basis for locating other surveys within the ranch.

The river corners of both of these surveys, being the only corners at which accessories were called for, have long since disappeared, removed by nearly 180 years of river action. The east line of the Glenn survey is evidenced by an ancient fence which closely fits the pattern of the adjacent surveys to its east. The west line of the Green survey is located course and distance from its southeast corner as determined by an adjoinder call at the reentrant northwest corner of the B.B.B.&C. Ry. Co. Survey 661, Abstract 46, in its field notes as located by William Friedrich in 1857.

The location of Survey 661 is fixed by honoring all four of the passing calls for Elm Creek (now called Johnson Fork) as recited in the Friedrich field notes. This series of B.B.B.&C. Ry. Co. surveys, numbered 661 through 669, by Friedrich in 1857 lies across Elm Creek, moving upstream from Survey 661 with each survey having one or more ties to the creek. Using only the course and distance calls for Surveys 661 through 665, the southwest corner of Survey 665 would be approximately 300 varas east of where it was found in the late 1960's and on the wrong side of the creek. A stone mound was recovered for the southwest corner of B.B.B.& C. Ry. Co. Survey 664, Abstract 38, of this series, called to be and presently found to be located 1701 varas west of Elm Creek as called for in the original field notes for Survey 664. The southwest corner of Survey 665, called as the beginning point of A.B.&M. Survey 1, although in place in the late 1960's, has been destroyed by power line construction in the area. The A.B.&M. Surveys No. 1, 2, 3, and 4 have been placed according to their original calls from the southwest corner of Survey No. 664 together with a found corner in the south line of Survey 2, they being the only two corners found in relation to those four surveys. It does appear that the ancient occupation of Survey 3 in this group would place the north line of Surveys 2 and 3 slightly north of the original calls so this was honored and the north line of Survey 4 was placed call distance north of the north line of Survey 3 so located.

The result of this construction places the A.B.&M. Surveys 1, 2, 3, and 4 lying immediately west of B.B.B.&C. Ry. Co. Surveys 662 thru 665 some 300 varas west of their presumed location, leaving two areas of vacant land. One area containing 40.90 acres lies between the most northerly east line of the A.B.&M. Survey No. 1, Abstract 748, and the west line of B.B.B.&C. Survey 662, Abstract 45. The other area containing 74.46 acres lies between the east line of A.B.&M. Surveys 3, Abstract 784, and 4, Abstract 1795, and the west line of the J. A. Hager Survey 143, Abstract 1121, and the W. Emmert Survey 144, Abstract 1146. It appears obvious

that the original locating surveyors were not aware of this westward shift in the B.B.B.& C. surveys as in both instances they call for adjoinder to the surrounding surveys but make no call to corner monuments or accessories. Also, the west line of the Hager Survey is marked by an ancient stone fence for several varas southward from its northwest corner.

The G.W.T.& P. Surveys 1, Abstract 321, and 2, Abstracts 1345(N) and 1796(S) are constructed from the west line of the S. D. Green survey, extending the east line of Survey No. 1 south along the west line of the Green its called distance from the Llano River, constructing the whole of Survey No. 2 according to its relationship with Survey No. 1 and giving both surveys their correct width of 950.4 varas. The patented north quarter of Survey 2 as found on the ground appears to have been located with regard to a short length of ancient fence on the east side of its present location. This places the patented north quarter of Survey 2 in partial conflict with Survey 1 and, when combined with the found southwest corner of the patented portion, in partial conflict with the unpatented part of Survey 2.

Third class Surveys 704 (J. Willie, Abstract 721), 705(W. Price, Abstract 423), and 706 (B. A. Shaw, Abstract 470) are constructed from the east line of the Glenn Survey 63 and to conform to a large old stone mound found and taken to be the southeast corner of Survey 705. No other corner object was found either north or south of this single mound. The excess between this corner and the east line of the Glenn survey is prorated by placing the common line between Surveys 704 and 705 along the ancient fence between those two surveys. The south line of Survey 704 is set on the existing ancient fence along that line, even then leaving minimal north – south excess in Survey 704.

The most southerly west line of the S. W. Brill Survey 61, Abstract 857, calls to terminate at the north line of an A.B.&M. Survey 755, which north line, in its original field notes, calls to adjoin the south line of the Glenn Survey 63. The 1879 GLO map of Kimble County shows A.B.&M. Surveys 755 and 756 in basically that position. The Brill then calls to go east with the north line of the A.B.&M. Surveys 755 and 756 and continue east to the west line of the Green Survey 26, with no mention of the already existing A.B.&M. Survey 4 which appears on the 1879 map to extend north of the north line of Surveys 755 and 756. Interestingly enough, the remnants of Surveys 755 and 756 appear on the current GLO map over a mile south of their original called location.

The GLO Kimble County map of 1892 shows the Brill south line coincident with the north lines of the A. J. Royal Survey 760, Abstract 1013, and the A.B.&M. Survey 4. Survey 4 was located three (3) years prior to the Brill and the Royal Survey 760 was located over two (2) years after the Brill. The patent for the Royal survey was issued on the second set of corrected field notes dated fifteen (15) years after the Brill. The Royal survey calls to begin at the northwest corner of the A.B.& M. Survey 4, adjoin the northeast corner of the S. A. Kelley Survey 756, Abstract

1987, (an obviously erroneous call) and the northwest corner of G.C.& S.F.Ry.Co. Survey 10, Abstract 1988, with no other adjoinder calls until it reaches the south line of the Brill. It is interesting to note that the patented field notes of both the Royal survey and the adjoining J. C. Patton Survey 757, Abstract 1359, were dated the same date by W. T. Hope, County Surveyor, yet the field notes of the Royal make no mention of the adjoining Patton.

A line extended east-west through the northeast corner of the A.B.&M. Survey 4, located as described above, from the Green Survey 26 to the Glenn Survey 63 will define a proper south line of the Brill survey, eliminating any conflict with a senior survey. The north-south dimension of the Brill at the east end of this line is 281.6 varas, 62.4 varas short of its patent field note call. The north-south dimension of the Brill at the west end of this line is 1566.68 varas, 26.68 varas longer than its patent field note call. All other boundaries of the Brill are determined by the existing boundaries of the surrounding surveys. Only two corner monuments were found to support these existing boundaries. A stone mound was recovered at the southwest corner of the L. L. Denman Preemption, Abstract 832, and another at the southeast corner of the Price Survey 705. The Brill, so configured, contains 1325.05 acres giving it 45.05 acres of excess land.

As the Royal Survey 760 was located subsequent to the Brill, we have constructed the Royal to adjoin the Brill, the J. C. Patton Survey 757, and the E. F. Kelly east, Abstract 1813, and west, Abstract 2128, parts of Survey 758. The beginning line of the Royal along the west line of the A.B.& M. Surveys 4 and 3 is slightly longer than call due primarily to the position of the north line of the G.C.& S.F. Survey 10, Abstract 1988. The southerly south line of the Royal adjoining the north line of Survey 10 is very nearly exactly the patent field note call, being less than one vara long of that call. The third call of the Royal, if honored, would extend into the Brill and therefore it seems only practical to allow the western leg of the Royal to fill the area between the unquestioned location of the north line of the surveys to the south and the south line of the Brill. Since the Brill adjoins the Glenn Survey 63, the call in the Royal field notes to go north to the southwest corner of the Brill by inference causes the extreme west line of the Royal to adjoin the Glenn. The call distance of the westerly south line of the Royal is 2622 varas. The surveyed length of this line today is 2645.58 varas.

The surveys to the south of the western leg of the Royal are the J. C. Patton Survey 757 and the E. F. Kelley east and west parts of Survey 758, companion survey to the Patton Survey 757. West of these surveys a small part of the E. F. Kelley east part of the I. O. Noble Survey 757, Abstract 2127, is also within the Nethery enclosure. These surveys have been constructed from corners found at the northwest corner and the southeast corner of the E. F. Kelley east part of Survey 758. The north-south and east-west lines of these surveys have been adjusted to honor the bearing, as found, of the diagonal between these two corners. The Patton Survey 757 is constructed called bearing and distance from the stone mound found for its westerly southwest



corner with only a slight lengthening of its east and west lines caused by a slight excess in the north-south length of the diagonal between the two found corners. The construction of the east part of Survey 758 is controlled by the two found corners and the construction of the west part of Survey 758 follows suit, the only variation being in the bearing of its north line which is altered slightly to honor an ancient corner post, the southern terminus of the ancient fence along the east line of the Glenn Survey 63, taken to be the southeast corner of the Glenn survey.

Other than the Patton, all of the surveys mentioned in the previous paragraph plus the E. F. Kelley north part of Survey 4, Abstract 1811, which lie within the Nethery enclosure are divided by either the right of way of Interstate Highway 10 or the right of way of old U. S. Highway 290 as shown on the survey sketch accompanying this report. The fractional parts of the B.S.& F. Survey 3, Abstract 754, the E. F. Kelley north part of Survey 4 and the S. A. Kelley Survey 756 take their locations from their adjoinders to the surveys to the north together with their called east-west dimensions.

The Mrs. S. A. Kelley north part of G.C.& S.F. Ry. Co. Survey 10, Abstract 1988, occupies the area between the mid part of Survey 10 to the south, the south leg of the Royal Survey 760 to the north, the west lines of the E. F. Kelley Survey 2 and the A.B.&M. Survey 3 to the east, and the east lines of the S. A. Kelley Survey 756 and the J. C. Patton Survey 757 to the west. This is an unpatented tract, lying mostly within the Nethery enclosure. The file is marked "Paid in full for 90 acres". This part of the survey contains 114.59 acres.

This report is submitted with a survey sketch of the Nethery Ranch and adjoining surveys which is filed in the General Land Office as Kimble County Rolled Sketch No. 44. The multiple purpose of this submission is to assist in clearing up the following matters.

1. Correcting the mislocated patent for the north quarter of G.W.T.& P. Ry. Co. Survey 2.
2. Obtaining a patent for the south three quarters of said Survey 2
3. Obtaining a patent for the Mrs. S. A. Kelley north part of Survey 10, G.C.& S.F. Ry. Co.
4. Possibly obtaining a Deed of Acquittance on the excess within the S. W. Brill Survey 61.
5. Determination of existence of vacant land within the Nethery Ranch.

Respectfully submitted in September 2021,



C. B. Thomson  
Licensed State Land Surveyor  
301 W. Redbud  
Junction, TX 76849  
325-446-2445



**AFFIDAVIT OF FACT**

**Date:** April 29, 2022

**Survey:** Surveyors Report

**Affiant:** C. B. Thomson, Licensed State Land Surveyor, State of Texas

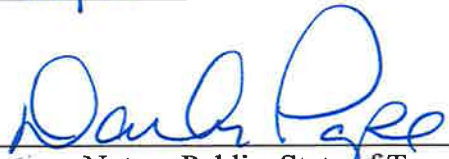
**Description of Instrument:** Survey Report regarding survey and construction and location of 18 original surveys, all or some portion of which lie within the perimeter fence of the Nethery Ranch, the center of which lies approximately S 78½° E about 3½ miles from Junction, the county seat of Kimble County, Texas. This report covers the basis for the location of five surveys whose field notes are attached to affidavits bearing the same date as this affidavit.

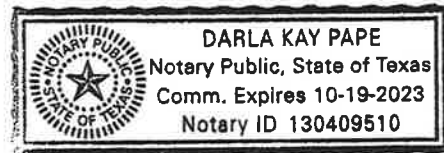
Affiant on oath swears that the following statements are true and within his personal knowledge.

1. My name is C. B. (Ben) Thomson. I am over the age of 18 and otherwise competent to make this affidavit.
2. I am a Licensed State Land Surveyor authorized by the State of Texas to perform surveys for filing in the General Land Office. Accordingly, Original Field Notes and/or Corrected Field Notes must be recorded in the County in which the land is located prior to submitting them to the General Land Office for filing.
3. I have personal knowledge of the facts relevant to the attached Survey Report based upon my investigation of the General Land Office archives together with survey work performed on the ground.

Signed 

This instrument was acknowledged before me on May 2, 2022 by C. B. Thomson.

  
\_\_\_\_\_  
Notary Public, State of Texas



**THOMSON SURVEYING & ENGINEERING**

Phone 325-446-2445

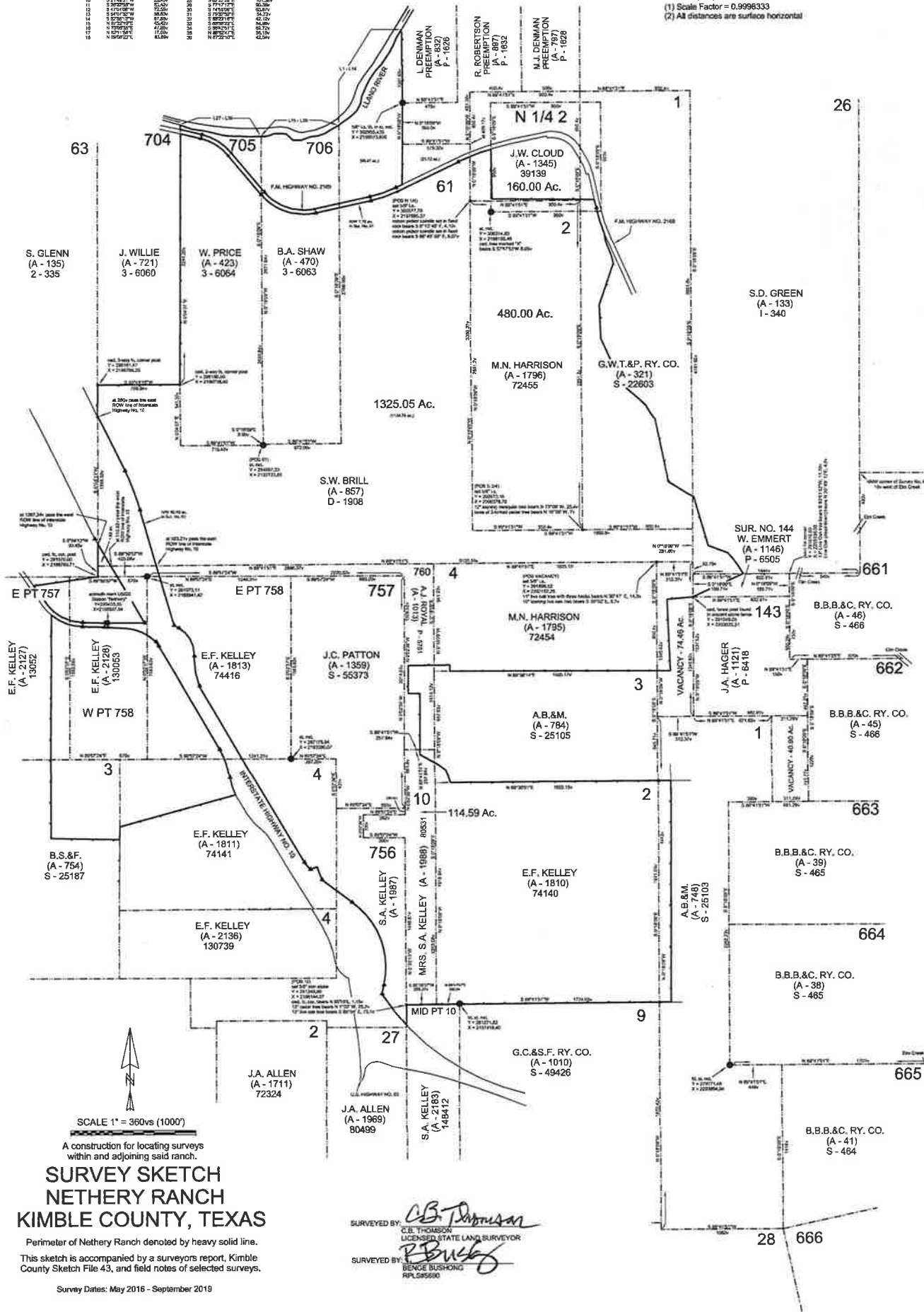
Texas Surveying Firm License No. 10056700  
Texas Engineering Firm License No. 3414

301 West Redbud  
Junction, Texas 76849

Kimble County Rolled Sketch 44

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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Note: Coordinates and Bearings shown hereon are Lambert Grid, NAD 1927. Their angle is +00°18'09"  
 Coordinates shown hereon in feet conform to the "Texas Co-ordinate System, Central Zone"  
 \*(See Tex. Natural Resources Code, Ch. 21, Sub. Chap. D)  
 (1) Scale Factor = 0.9986333  
 (2) All distances are surface horizontal



SCALE 1" = 360vs (1000')

A construction for locating surveys within and adjoining said ranch.  
**SURVEY SKETCH**  
**NETHERY RANCH**  
**KIMBLE COUNTY, TEXAS**

Perimeter of Nethery Ranch denoted by heavy solid line.  
 This sketch is accompanied by a surveyors report, Kimble County Sketch File 43, and field notes of selected surveys.  
 Survey Dates: May 2016 - September 2019

SURVEYED BY: *C.B. Thomson*  
 C.B. THOMPSON  
 LICENSED STATE LAND SURVEYOR  
 SURVEYED BY: *Benge Bushong*  
 BENGE BUSHONG  
 RPLS#5680



**RECORDER'S MEMORANDUM**

At the time of recordation, this instrument was found to be inadequate for the best photographic reproduction because of illegibility, carbon or photo copy, discolored paper, etc. All blackouts, additions, and changes were present at the time the instrument was filed and recorded.

File No. Sketch File 43  
Kimble County  
Nethey Ranch Surv Report  
 Date Filed: 05/19/2022  
 George P. Bush, Commissioner  
 By K. Schaeber

DOC #0000058252  
 OPR VOL 125 PAGE 297 - 303 (7 PAGES)

FILED FOR RECORD  
 AT 1:52 O'CLOCK P. M.  
 ON THE 2nd DAY OF May  
 A.D., 20 22  
 Hon. Haydes Torres  
 COUNTY AND DISTRICT CLERK  
 KIMBLE COUNTY, TEXAS  
 BY  
 Karen Page/Carolyn Lawhon, Deputy

STATE OF TEXAS  
 COUNTY OF KIMBLE

I hereby certify that this instrument was FILED on the date and at the time stamped hereon by me and was duly RECORDED in the Volume and Page of the named RECORDS of Kimble County, Texas



COUNTY AND DISTRICT  
 CLERK KIMBLE COUNTY  
 TEXAS

RECORDED MEMORANDUM  
 At the time of recording, this instrument was not in proper form for recording because of illegibility, omissions, additions, and changes were made to the instrument and recorded.