



BILL O'HARA
LAND SURVEYOR

EST. 2016

TBPLS Firm Reg. #10194232

September 15, 2022

The Honorable George P. Bush, Land Commissioner
c/o Mark Neugebauer, RPLS, LSLS
Director, Surveying Division
Texas General Land Office
1700 Congress Ave.
Austin, Texas 78701

File No. SKETCH FILE No. 34
BEE County
SEE Bee Co Rolled Sk. No. 1
Date Filed: 12/14/2022
George P. Bush, Commissioner
By K. Schreiber

Re: Corrected surveys for Deeds of Acquittance in Bee County, Texas

Dear Commissioner Bush,

I have been retained by the Grissom family, owners of a ranch made up of four original grant surveys in Bee County, to provide surveying services in order to identify excess acreage within the surveys so they can obtain a deed of acquittance from the General Land Office.

The original surveys are: The Isaac Robinson Survey, A-288, the William Gant Survey, A-169, the Placide B. McEarley Survey, A-236, and the Gregorio Lopez Survey, A-215. The land is primarily used for grazing although the pastures are overgrown with mesquite growth in most areas of this ranch. There is oil and gas development on the property and generally in this area of Bee County. There is also wind and solar energy development nearby.

HISTORY

The Isaac Robinson Survey was surveyed on the authority of Land Warrant certificate number 4394 by R.F. Hord, County Surveyor of Goliad County, on June 4, 1839. The survey contains 320 acres, the amount authorized by said Land Warrant certificate. Patent was issued on the field notes October 13, 1846. Records of this survey are filed in the archives as Goliad - Bounty - 65.

The William W. Gant Survey was surveyed on the authority of Land Warrant certificate number 2066 by R.F. Hord, County Surveyor of Goliad County, on June 5, 1839. The survey contains 320 acres, the amount authorized by said Land Warrant certificate. Patent was issued on the field notes October 20, 1846. Records of this survey are filed in the archives as Goliad – Bounty – 66.

The Placide B. McEarley was surveyed on the authority of Donation Land Certificate number 306 by John A. King, Deputy Surveyor of Karnes Land District, on May 20, 1857. The survey contains 640 acres, the amount authorized by said Donation Land Certificate. Patent was issued on the field notes April 6, 1858, to R.B. Jorman. The survey is sometimes referred to as the “Jorman Survey” on subsequent sketches in other files. Records of this survey are filed in the archives as Bexar – Donation – 1299.

The Gregorio Lopez Survey was surveyed on the authority of 2nd Class certificate number 308 by Chas. A. Russell, Deputy Surveyor of Karnes Land District, on April 13, 1857. The survey contains 640 acres, the amount authorized by said land certificate. Patent was issued on the field notes December 14, 1857. Records of this survey are filed in the archives as Goliad – 2nd – 66.

Adjoining original surveys include the following:

The William Gill Survey, A-168, (Goliad – Donation – 62) adjoining the said Isaac Robinson Survey to the west, was surveyed June 3, 1839, by S.A. White, Deputy Surveyor of Goliad County. Two subsequent field notes of the Gill Survey were filed by Joseph H. Barnard. The first has a survey date of June 3, 1839, and a filing date in the county surveyor records of October 15, 1853. The General Land Office endorsements on the field notes do not include a date of filing in the archives. The second field notes by Mr. Barnard do not have a survey date noted but indicate a filing date of July 28, 1854 in the county surveyor records and August 12, 1854 for the GLO. The second field notes (presumably considered Corrected Field Notes but not noted as such on the document) are endorsed patented August 17, 1854.

The Charles Baker Survey, A-112, (Goliad – Bounty – 73) adjoining the said McEarley Survey to the west and the said Gill Survey to the north, was surveyed June 4, 1839, by said R.F. Hord. The survey

contains 1,280 acres as entitled by Land Warrant certificate number 2976 and is filed in the archives as Goliad – Bounty – 73.

The Franklin Lewis Survey, A-385, (Goliad – 1st – 316) adjoins the north line of said McEarley Survey and of the said Baker Survey. The original field notes by J.B. Atkins, County Surveyor Bee County, have a survey date of December 21, 1876. Corrected Field Notes of same survey date but certified by J.F. Fenner, County Surveyor of Bee County on the later date of October 26, 1878, were filed in GLO archives November 2, 1878, and are endorsed “Patented” December 4, 1878.

The William F. Hodge Survey, A-175, (Goliad – 2nd – 33) was surveyed June 8, 1839, by Mr. Hord and is patented on the original field notes for 1,280 acres. The Hodge Survey adjoins the east line of the Lewis Survey.

The Thomas Powell Survey, A-266, (Goliad – Scrip – 2) was surveyed June 5, 1839, by Mr. Hord by virtue of Land Scrip certificate number 118. The file and field notes are endorsed Patented February 25, 1850. This Thomas Powell Survey adjoins the east line of the McEarley Survey, the north line of the said Lopez Survey, and the south line of Lewis and Hodge Surveys.

The Thomas Powell Survey, A-267, (Goliad – Scrip – 3) was surveyed June 5, 1839, by Mr. Hord by virtue of Land Scrip certificate number 117. The file and field notes are endorsed Patented February 25, 1850. This Thomas Powell Survey adjoins the north line of said Lopez Survey and the east line of the Thomas Powell Survey, A-266.

The Charles Amsler Survey, A-76, (Goliad – Bounty – 79) was surveyed June 4, 1839, by said R.F. Hord under Land Warrant certificate number 938. The survey was patented on the original field notes for 320 acres April 11, 1850. The Amsler Survey adjoins the east line of the Thomas Powell Survey, A-267 and the north corner of the said Lopez Survey.

The James Cunningham Survey, A-141, (Goliad – 3rd – 38) was surveyed by Joseph H. Barnard, District Surveyor Goliad District. No survey date is noted on the field notes but the surveyor’s certification indicates the field notes were filed in the county surveyor records August 19, 1854. The survey was

patented April 2, 1859. The Cunningham Survey adjoins the west line of said Lopez Survey and the south line of said Amsler Survey.

The Obid Marshall Survey, A-235, (Goliad – Donation – 132) was surveyed by Joseph H. Barnard, District Surveyor Goliad District. No survey date is noted on the field notes but the surveyor's certification indicates the field notes were filed in the county surveyor records December 9, 1854. The survey was patented March 31, 1855. The Cunningham Survey adjoins the east line and east corner of said Lopez Survey and the south line of said Cunningham Survey.

The J.W. Copeland Survey, A-547, (San Patricio – Scrip – 2824) was surveyed December 15 and 16, 1882, by R.W. Fenner, County Surveyor of Bee County and was patented on the original field notes May 6, 1884. The Copeland Survey adjoins the south line of the said Obid Marshall Survey.

In 1929, R.E. Cezeaux inquired with Land Commissioner J.T. Robison about a possible vacancy in the area of these surveys, specifically adjoining the south lines of the Robinson, Gant and Lopez Surveys. R.E. Cezeaux made an Application for Survey with Roy Fenner the County Surveyor of Bee County. A survey of the suspected vacancy was made by J.M. Morgan, a Licensed State Land Surveyor, May 12, 1929, and filed with the GLO. The field notes of the survey describe a strip of land being 5,684 varas long and 214 varas wide containing 215.47 acres. According to the records in S.F. 13203, Mr. Cezeaux ultimately forfeited the tract for non-payment of interest. The survey has since been classified as "Surveyed Unsold School Land."

FINDINGS

A "system of surveys" is generally defined as a group of surveys made by the same surveyor, on the same date, for the same grantee, under the same type of certificate. The surveys listed above do not, as a whole, represent a system of surveys. Although the two Thomas Powell Surveys surveyed by R.F. Hord on June 5, 1839, meet the criteria for a system of surveys and therefore should be considered as such, all other surveys considered in this report must be constructed in sequential order of seniority. Seniority of surveys in most cases is determined by date of survey.

The original, patented field notes of the subject surveys generally call for a post, post and mound, or stake to mark the corners. Some corners also call for bearing trees. No original survey corner monuments called for in the patented field notes of the subject surveys have been found from this re-survey effort with the one exception of a bearing tree found alive and standing at northeast corner of the Gregorio Lopez Survey.

Paved County Road No. 127 now exists along the west line of the Isaac Robinson Survey and the P.B. McEarley Survey. The pavement is about 15 feet wide. Fences along both sides of the road are about 35 - 50 feet apart. County Road No. 122, also paved, runs along the east line of the Lopez Survey with fences along both sides of the road. At its southern end, near the southeast corner of the Lopez Survey County Road No. 122 turns west and becomes County Road No. 121. This road runs along the south line of the Lopez Survey to its southwest corner then turns south approximately 350 feet and then makes another turn to the west running more or less parallel to the south line of the Gant and Robinson Surveys. The south end of County Road No. 127 meets the north side of County Road No. 121 about 300 feet south of the southwest corner of the Isaac Robinson Survey.

Field notes for the James Cunningham Survey call for a marked 12" live oak tree to bear N 46° W a distance of 21 varas ~ 58.3 feet at its northwest corner. The Gregorio Lopez Survey calls to adjoin the northwest corner of said Cunningham Survey and for the same bearing trees. I have found that tree alive and standing, now 31 inches in diameter. I did not find any other bearing trees as called for in the patented field notes of the subject surveys.

In 1929, R.E. Cezeaux inquired with Land Commissioner J.T. Robison about an area of vacant or unsurveyed land bounded "on north by the George J. Brown and the W.M. Gill, Isaac Robinson ptd., W.M.W. (sic) Gant ptd., to North ptd. Powell ptd. Chas. Ansier ptd., Elijah, -Stapp, through S.M. Whittington ptd. Bound on the East by Geo. Pagan ptd. Bound on the South by Jas. Cunningham, George Lopez ptd., P.C. Hadley, Aurelia Hadley ptd., B.C. Hadley 3, Bound 38 ptd. on the West by the J.B. Atkins ptd." An Application for Survey was made to Roy Fenner, County Surveyor of Bee County that same year. Field notes along with a report and sketch based upon a survey made May 12, 1929, by J.M. Morgan, Licensed State Land Surveyor were submitted to the General Land Office by virtue of the application for survey. Records of the application and survey are filed under S.F. 13203.

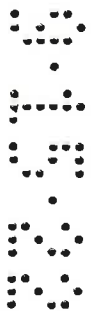
The survey by Mr. Morgan is a connecting line survey in which he connected evidence of survey corners and then constructed the surveys based upon the found evidence and thereby reported an apparent vacant, unsurveyed strip of land being 5,684 varas long (E-W) and 214 varas wide (N-S) and adjoining the south line of the Robinson, Gant and Lopez Surveys among others. The survey and field notes of the claimed vacant area containing 215.47 acres were approved and accepted by the General Land Office. The land was subsequently awarded to R.E. Cezeaux December 22, 1938. The archive file was endorsed "Land Forfeited 7-21-1947". That strip of land is presently classified as "surveyed, unsold school land."

On his sketch, State Land Surveyor Morgan showed fenced lanes in same locations where County Road Nos. 121, 122 and 127 are now located. Mr. Morgan's construction of the survey lines is within those fenced lanes. He then treated the surveys as a "system" and evenly distributed the excess acres. I met with Mr. Mark Neugebauer, Director of Surveying Services and Mr. Mike Grogan, a staff surveyor, at the General Land Office in April of this year to discuss this project and construction of the surveys. We all agreed that the survey by Mr. Morgan should be considered in my construction since it was previously approved by the General Land Office and therefor authoritative.

CONCLUSIONS

The surveys subject to this report will be constructed based upon the one original corner accessory found (bearing tree at northeast corner of the Lopez Survey) and the evidence of occupation along the perimeters of the surveys. Although my measurements do not closely match up with the work done by Mr. Morgan in 1929, I have used his general construction of the surveys as a guideline in my construction. This construction does not cause any conflict with adjacent surveys nor does it leave a hiatus between surveys.

As stated previously in this report, the subject surveys are not considered a system or block of surveys but rather a sequence of surveys. In general, surveys are considered to be connected within a system or block. When working with sequential surveys, we must honor the seniority and not subordinate the senior survey to a junior survey by construction or calls in a description. In consultation with Mark Neugebauer, Director of the Surveying Division and Mike Grogan, Staff Surveyor in the Surveying Division, my instruction was to prepare the corrected field notes for these



four surveys to intentionally call to adjoin the adjacent surveys regardless of seniority for the purpose of continuity of the accepted work by J.M. Morgan, LSLS in 1929. I agreed with and followed that instruction.

Based upon my construction, I have determined the following:

The Isaac Robinson Survey, patented for 320 acres, contains 345.97 acres.

The William W. Gant Survey, patented for 320 acres, contains 345.65 acres.

The Placide B. McEarley Survey, patented for 640 acres, contains 701.01 acres.

The Gregorio Lopez Survey, patented for 640 acres, contains 658.44 acres.

Finally, it should be noted that approximately 38.4 acres of the R.E. Cezeaux Survey (SF-13203) is found to be within the fenced boundaries of the Grissom family ranch property.

This concludes my report. Please do not hesitate to contact me if you have any questions regarding this report.

Respectfully submitted,

William D. O'Hara 9-15-2022

William D. O'Hara
Licensed State Land Surveyor
Registered Professional Land Surveyor No. 4878



Inclusions:

- Corrected Field Notes - Isaac Robinson Survey
- Corrected Field Notes - William W. Gant Survey
- Corrected Field Notes - Placide B. McEarley Survey
- Corrected Field Notes - Gregorio Lopez Survey
- Survey Plat