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**R.Q. 0682-GA**

**RECEIVED**  
FEB 26 2008  
OPINION COMMITTEE

FAX  
903-872-6858

February 22, 2008

FILE # ML-45568-08  
I.D. # 45568

The Honorable Greg Abbott, Attorney General  
P. O. Box 12548  
Austin, TX 78711-2548

CM RRR - 7006 0810 0002 6014 2597

Re: Request for an Opinion Letter in regard to the legal status of the southeasternmost segment of a road (which portion is now known to be located in northern Navarro County) which had originally been established as a county road in what was then believed to be southern Ellis County. The question is whether the very action of the subsequent re-surveying and clarification of the boundary line between the two counties – as a result of which the location of the southeasternmost segment of what had been established as a county road of Ellis County came to be recognized as being a part of Navarro County – resulted in the establishment thereof as a county road of Navarro County.

Dear General Abbott:

Pursuant to the authority to issue advisory opinions granted to the Attorney General in Section 22 of Article IV of the Texas Constitution, as that authority is more specifically described in Sections 402.041, *et seq.* of the Government Code (and particularly §402.043 thereof), this letter is being submitted to request an opinion regarding a question which has arisen in regard to the present legal status of a portion of a road in northern Navarro County, Texas, which had originally been established as a county road in southern Ellis County, Texas.

#### **I. THE HISTORY OF THE SOUTHEASTERNMOST 0.432 MILES OF SLAMA RD.**

The resolution of the present question has its roots, beginning some 105 years ago, in circumstances involving the establishment of a road through property which was at that time in an area – which was then considered to be located in the southernmost portion of Ellis County – near Chambers Creek. Nearly thirty years later, this road segment was effectively “moved,” relative to the surrounding land (due to the subsequent clarification of the county boundary line), from southern Ellis County to northern Navarro County. The opinion which is being requested deals with what

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effect, if any, this clarification of the county boundary line may have had on the legal status, as a county road, of this short segment of the road which had been originally established in Ellis County.

A. *In 1902, Slama Rd. was laid out and established as a public county road, situated entirely in Ellis County.*

In the August, 1902 term of the Ellis County Commissioners' Court, a resident of Ellis County filed a "Petition for New Road" seeking the establishment of a:

ROAD FROM Ennis & Rice Road at Jules Sweatman's [residence] TO Navarro Co.  
Line.

Accompanying this letter as **Exhibits 1 and 2** are certified copies, from the Minutes Commissioners' Court, Ellis County, Texas, as attested by the County Clerk of Ellis County. These include an August 11, 1902 Order for Jury to View Road and a November 10, 1902 Report of Jury of View. The language of these documents leaves no doubt that the persons involved believed that the entirety of the new road which was being opened and established was located in Ellis County – and that it was to extend only "to Navarro County line." This belief is further demonstrated by the direction of travel of the new road just before the point at which it dead ended at the boundary line between the counties. This direction was identified in the change made in the field notes upon the presentation of the report of the jury of view to the Ellis County Commissioners' Court. As a result of this change, the route of the road from "the widow Marcia Corner" is described as follows:

... – *Thence in a westerly direction along dividing lines of Widow Marcia and Travis Parks to Oak Branch – Thence down east bank of said branch to Travis Parks line – Thence in SE direction down said Parks' line to Navarro Co.* (Emphasis added).

By comparison of these directions of travel with more current maps (mentioned below) which depict the road, it can be easily seen that the terminal portion of this road was traveling in a southeasterly direction up to the point where it dead-ended at what was then considered to be the boundary line between Ellis and Navarro Counties. Based on the report of the jury, the Commissioners' Court ordered that the Report be adopted, and that the road be established as a Public Road of the 3<sup>rd</sup> class.

This situation continued for almost thirty years – with this new road coming to be commonly called "Slama Rd." However, as described below, the terminal portion of the southeasterly course of Slama Rd. later came to be recognized as being located in Navarro County instead of in Ellis County.

***B. The 1931 clarification of the location of the Ellis/Navarro County line reveals that the southeasternmost 0.432 mile of Slama Rd. is actually located in Navarro County.***

In 1931, the County Commissioners' Courts of Ellis and Navarro Counties ordered their respective county surveyors to "make re-survey of the line dividing Navarro and Ellis Counties for the purpose of ascertaining just what proportions of the various tracts of land on said line are in the two counties. . . ." (See 4-page, April 15, 1931, J. W. Martin, et al. Certificate as to County Line, recorded in the Records of Ellis County, Vol. 310, Pages 240-243, a copy of which accompanies this letter as **Exhibit 3**). The two surveyors stated that they ". . . beg to report that we have run the said County line, and being the same as long established, and have determined the area of each owner on said land lying within the two counties respectively, and which we find to be as follows:" Thereupon, they listed numerous surveys, and tracts within each of the surveys; and, as to each tract, they showed, in three columns, the "Area of Whole Tract," the "Acres in Ellis County" and the "Acres in Navarro County."

Near the end of the 4-page Certificate As To County Line, it recites that "Plat of original surveys and tracts thereof affected by this establishment of County Line accompany this report." However, after a diligent search of the Records of Ellis and Navarro Counties, no copy of the referenced "Plat of Original Surveys and tracts thereof affected by this establishment of County Line" has been located.

As a result of this re-survey, and the divisions of the acreage described above, it became apparent that portions of tracts which had previously been believed to lie in southern Ellis County in fact lie within the northern portion of Navarro County. Included among those tracts were some seven tracts which are described as being parts of the George B. McKinstry Survey: Abstract No. 932, Navarro County and No. 668, Ellis County. One of these tracts, through which the southeasternmost 0.432 miles of Slama Rd. runs to its point of termination, was purchased by James Mayes Farms, Inc. by Warranty Deed dated October 9, 2000. As noted above, more current maps of the area depict this road as crossing from Ellis County into Navarro County and coming to a dead end there (at the point which had apparently long been considered, prior to the time Slama Rd. was laid out, to be on the county dividing line).

***C. The Navarro County Commissioners' Court has not declared Slama Rd. to be a County Road.***

As shown in A above, Slama Rd. had been established in 1902, as a public county road by the Ellis County Commissioners' Court; however, after a diligent search of Navarro County Records, no record has been found that any affirmative action with regard to the establishment of Slama Rd. as a county road of Navarro County has ever been taken by the Navarro County Commissioners' Court. And no record has been found which demonstrates the Navarro County Commissioners'

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Court has adopted or affirmed the prior actions of the Ellis County Commissioner's Court in establishing Slama Rd. Nevertheless, as noted below, the current owner of land in Navarro County adjacent to Slama Rd. now contends that it is a County Road of Navarro County.

***D. A Landowner now contends that Slama Rd. is a County Road.***

James Mayes Farms, Inc., (an owner who had purchased, by Warranty Deed dated October 9, 2000, property located in Navarro County adjacent to Slama Rd.) began to raise a series of questions and theories suggesting that Navarro County has the responsibility for maintenance of this road. Mayes Farms urges that Slama Rd. is a county road of Navarro County.

***E. Excluded from the scope of the opinion being requested are any and all fact-driven theories which can result in dedication of a road as being public.***

Navarro County is aware that there are other, fact-driven theories based upon which it may sometimes be contended that a given set of circumstances has resulted in the dedication of a road to the public. Some of these theories, by their very nature, can be determined only by an examination of a rather complicated set of facts. Many of such facts may be in dispute; so a resolution of factual disputes may be required in order to arrive at a decision as to the road's legal status. The resolution of such a matter would not be an appropriate subject of an Attorney General's opinion. Consequently, Navarro County recognizes that no purpose would be served by requesting an opinion with respect to the types of fact-driven theories which might or might not – depending on the resolution of the fact issues – result in an authoritative resolution of the inquiry as to the legal status of the road. For these reasons, Navarro County seeks to focus its request for an opinion letter on the matters which are shown – in the records of the two counties involved – as reflecting actual official actions, with regard to the legal status of Slama Rd., which have been taken by the County Commissioners' Courts of Ellis County and Navarro County. As stated above, diligent search of the records of the two counties has produced only the documents prepared and filed in 1902 and in 1931 which are mentioned in this letter.

***F. Some maps which show the location of Slama Rd.***

1. The maps which accompany this letter are presented simply for illustrative purposes.

Different entities which produce maps of the State, a county, a municipality, etc. may treat features such as streets or roads – including the ways these features are named – in different ways at different times. This is to be expected since any feature shown on a map may be copied from earlier maps, from surveys, from recorded plats, from aerial photographs, from satellite imagery, etc. So, while it is true that referring to maps can often assist a reader in converting verbal descriptions into "pictures," it is also true that not every feature shown on a map may necessarily accurately reflect reality.

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It is with these points in mind that copies of portions of several maps are being submitted along with this letter for illustrative purposes – while disclaiming any intent to represent that Navarro County should thereby be bound by every detail or description shown on any map which was prepared by any other entity.

In a related connection, we are aware of no legal authority that would bind Navarro County to any declaration – whether by Mapsco, or by or any other entity which has prepared a map purporting to depict Navarro County – with respect to the legal status, as a “county road,” of any road or highway depicted on the map. Conversely, if a county were to prepare a map which, without the specific and official authorization by the County Commissioners’ Court, leaves off a road which had previously been established as a county road by the prior official action of the County Commissioners’ Court, the omission of the road from the new map would not change in any respect the legal status of the road as an established county road.

As illustrated above, and in Section II below, Navarro County’s understanding is that under the Constitution and statutes of Texas, the authority of the County Commissioners’ Court with respect to the public roads and highways can be exercised *only* by action of the Commissioners’ Court taken at an official, properly-noticed meeting. This means that changes made on a map, alone, can have no effect on the legal status of a road as a public, county road. Navarro County is requesting an opinion letter addressing the correctness of its understanding of the law in these respects.

As stated above, diligent search of the Records of Navarro County has been made but has failed to reveal any document even suggesting that the Commissioners’ Court of Navarro County has ever taken any affirmative action to include Slama Rd., or any part of it, as a part of the system of county roads of Navarro County, Texas. Accordingly, to the extent that any portion of Slama Rd. may be reflected on any map or other document of Mapsco, or any other map-making entity, Navarro County is aware of no facts which would support a conclusion that any portion of Slama Rd. which is situated in Navarro County has ever been established as, or declared to be, by any affirmative action of the Navarro County Commissioners’ Court, a part of the system of county roads of Navarro County. Similarly, as stated in C above, no record has been found which demonstrates that the Navarro County Commissioners’ Court has adopted or affirmed the prior actions of the Ellis County Commissioners’ Court in establishing Slama Rd.

Nevertheless, it is true that there are maps and other documents which reflect that portions of Slama Rd. are situated in Navarro County. This does not mean that they have ever been officially declared to be County Roads of Navarro County, or that Navarro County concedes them to be such.

2. County Maps – prepared by Navarro County.

The most recent Navarro County Map is dated “06-18-07.” A copy of a small portion

of it is being submitted as **Exhibit 4** to this letter. Running diagonally across this map portion is the County line between Ellis County and Navarro County. One can look at this 06-18-07 county map and focus on the portion of the county line which extends from the LOW WATER CROSSING of the road designated as NW 1250 (on the west) to the point at which NW 0150 (on the east) crosses the county line (from which point its extension into Ellis County is called Oak Grove Rd.) On this 06-18-07 Navarro County map, between the Low Water Crossing of NW 1250 and NW 0150 N – *but on the Ellis County side of the county line* – Slama Rd. is depicted. It is shown to dead-end at the county line. This is consistent with the description of the road as originally described by the Ellis County Jury of View (**Exhibit 1**). However, a map *could* (as does the Mapsco map described below) show Slama Rd. as dead-ending inside Navarro County – at the point on the ground where it would have ended in 1902 – at the time before the county line was, effectively, “moved” to the northeast of where it had previously been generally considered to exist.

3. Mapsco. From a comparison of the various maps of the same area, it becomes apparent that a particular road may have either a different numerical designation, or a different name, depending on various factors. For example, another group of documents being submitted along with this letter as **Exhibit 5** consists of various pages from the 1997, 2006 Mapsco Street Guide for Ellis, Johnson, Hill & Navarro Counties. Slama Rd. appears on **Exhibit 5**, at Book Page 1017, Map 6K, Grid N. Look at Map 6K, Grid N and the adjacent grids (at the lower left corner of Map 6K) and compare the roads shown to those shown on the Navarro County map (**Exhibit 4**). This Mapsco map refers to and locates “Slama Rd.” in Ellis County and shows that a portion of this road extends into Navarro County. From comparing this map to the description on **Exhibit 1**, one can see that the same road originally laid out by the Ellis County Commissioners’ Court in 1902 can still be found on the 1997, 2006 Mapsco map. This Mapsco map shows that the southeasternmost portion of Slama Rd. extends from Ellis County southeastward to the point at which it dead ends within Navarro County (on the “N” in Grid N). (However, as shown above, no official action has been taken by Navarro County which would officially establish any part of Slama Rd. as a Navarro County Road).

## II. COMMISSIONERS COURTS’ STATUTORY AUTHORITY OVER ROADS

A. *It is commonly understood that a county acts only through specific actions taken by its commissioners’ court. Art. V, Section 18(b), Texas Constitution provides that:*

the County Commissioners. . . , with the County Judge as presiding officer, shall compose the County Commissioners Court, which shall exercise such powers and jurisdiction over all county business, as is conferred by this Constitution and the laws of the State, or as may be

hereafter prescribed.

**B. Provisions of both the Texas Transportation Code and the Local Government Code set out the authority of the county commissioners' court with respect to public roads and highways (as well as bridges and ferries).**

1. In the Texas Transportation Code, Title 6 ("Roadways"), Subtitle C ("County Roads and Bridges") contains a number of provisions regarding county authority over roads.

Chapter 251 under Subtitle C covers the "General County Authority Relating to Roads and Bridges;" and its Subchapter B (§251.051, *et seq.*) is titled "Establishing and Closing Roads."

Title 6's Subtitle D contains "Road Laws Relating to Particular Counties," and each of its six chapters (281 through 286) sets out a group of "road laws" which are applicable to a particular group or category of counties.

2. Title 3 of the Local Government Code establishes the "Organization of County Government," and Subtitle B of that Title deals with the "Commissioners Court and County Officers." The first of the eight chapters of Subtitle B is "Chapter 81. Commissioners Court."

Section 81.028, "Certain Powers Specified," includes, among others, a number of powers of the commissioners court which relate to transportation – including to "exercise general control over all roads and highways, ferries and bridges in their counties. . . ." §81.028(5). The powers of the court with regard to public roads and highways include the powers to "lay out and establish, change, discontinue, close, abandon, or vacate public roads and highways. . . ." §81.028(2).

**C. How Must County Authority With Regard to Roads Be Exercised?**

As shown above, the Texas Constitution requires that such powers and jurisdiction over all county business as have been conferred on the county commissioners' court by the Constitution and laws of the State are exercised by the commissioners' court – which consists of the county commissioners "with the County Judge as presiding officer." So, a county can transact county business only through official actions of the county commissioners' court at its meetings presided over by the county judge.

As shown above, a number of specific statutes grant a county the authority to exercise general control over, and to make various decisions concerning, all roads and highways, ferries and bridges in the county. (Perhaps there are other relevant statutes, but those which we have found are referenced above).

Applying these legal principles to Slama Rd., it is apparent that its legal status relative to

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Navarro County must be consistent with, and be determined by, official and specific decisions made by the County Commissioners' Court. Such decisions, if any, as may have been made must be evidenced in the official records of the County Commissioners' Court.

In the case of Slama Rd., it was laid out and established by actions of the Ellis County Commissioners' Court in 1902. In 1931, based on the orders of the County Commissioners' Courts of Ellis County and Navarro County, their respective County Surveyors responded to the orders that they re-survey the line dividing the two counties "for the purpose of ascertaining just what proportions of the various tracts of land on said line are in the two counties. . . ." Having done so, the surveyors reported that "we have run the said County line, and being the same as long established, and have determined the area of each owner on said land lying within the two counties respectively, and which we find to be as follows:" [then setting out the acreage of each tract which lay within each county].

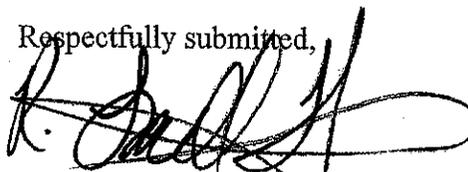
Neither on the face of the 1931 documents which have been found in the records of the two counties, nor based on any other document which has been found through diligent search of such records, has any evidence been found of any action whereby the Navarro County Commissioners' Court established any portion of Slama Rd. as a public road of Navarro County.

Under this set of facts, Navarro County requests an Opinion Letter, as described above, in regard to the legal status of the southeasternmost portion of Slama Rd. which is now actually located in Navarro County, based on the county line as re-surveyed in 1931.

Navarro County is of the opinion that, while the 1931 re-survey had the effect – as stated in the relevant documents – of determining the area of each tract which lies within the respective counties, this re-survey did not have the effect of establishing any portion of Slama Rd. as a public county road of Navarro County or of obligating Navarro County to maintain any portion of Slama Rd.

Please respond to this request for an Attorney General's Opinion regarding these matters.

Respectfully submitted,



Lowell Thompson, District Attorney  
Navarro County, Texas

Minutes Commissioners' Court, Ellis County, Texas.

August Term, 1907

Geo. D. Bernard & Co., St. Louis.

ORDER FOR JURY TO VIEW ROAD.

ROAD FROM Lewis & Rice road at Jules Sweetman's TO Navarro County line -

IN THE MATTER OF THE PETITION OF

Jules Sweetman

et al.

PETITION FOR

Road.

In the Commissioners' Court,

August Term, - Aug 11<sup>th</sup> 1907

AND NOW, The Petition of the above named parties for the laying out of a Road from the Lewis & Rice

road at a point in front of Jules Sweetman's residence, about six miles south from Lewis; - thence in a westerly direction along a line through said Sweetman's land to Frank Parris's R.O. corner about 1/4 mile; thence in a westerly direction about 1/4 mile along the dividing line on said Parris - also Reeves - and McAdams' sons land to the widow Marcia corner - thence in a westerly direction along dividing lines of Widow Marcia and Frank Parris to Navarro County line, about one mile.

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as set forth in said Petition, coming on to be heard, and the same being publicly read, and it being proven to the satisfaction of the Court that the twenty days' notice required by law has been given, by advertisement of the intended application posted up at the Court House door and two other public places in the vicinity of the route of the proposed new Road.

IT IS THEREFORE ORDERED BY THE COURT, That C. D. Champion - Ex. McNeill Sam McCoy - Clerk Henderson W. H. Alexander

five freeholders of said County, be and they are hereby appointed a Jury, a majority of whom may, after taking the oath prescribed by law, proceed to lay out said Road and assess the damages. They shall give notice in writing to each landowner whose land will be crossed or touched by said Road, of the time when and place where they will meet to assess damages, which notice shall be delivered to such owner at least five (5) days before the day of meeting.

SAID ROAD shall be laid out and surveyed to the greatest advantage of the public, so that the same can be traced with certainty. The field notes of said survey and description of the Road, together with the amount of damages claimed and the amount allowed by them to each landowner, shall be included in the report of the Jury, and, if adopted, shall be recorded in the minutes of the County Commissioners' Court.

IT IS FURTHER ORDERED, That said Jury make a report in this cause at the next regular meeting of this Court.

THE FOREGOING PROCEEDINGS were by order of the Court spread upon the Minutes at above date, and said Minutes were read, approved and signed in open Court.

Attest

Clerk.

Presiding.

EXHIBIT 1

Minutes Commissioners' Court, Ellis County, Texas.

November Term, 1907 - November 10 1907 -

REPORT OF JURY OF VIEW.

This day this is presented to the court the following report to-wit:-

THE STATE OF TEXAS, }  
COUNTY OF ELLIS.

To the Honorable Commissioners' Court of said County, Ellis Term, 1907

WE, the undersigned, resident freeholders of said County and State, duly appointed a jury by your Hon. Court at the Term, 1907 to view, lay out and describe a certain Public Road of the State from J. J. Sweetman to Navarro Co. as designated in the petition of J. J. Sweetman et al. having first been duly sworn, and after giving the five days' notice in writing to the landowners through or over whose lands and premises now known would tread, or their agent or attorney, all as required by law, did, on the 10th day of November, 1907, proceed to view, lay out and designate the said new Road in said petition prayed for, and recommend that said Road be established as a Public Road of the State, as follows, viz.:

From the Lewis Rice road at a point in front of J. J. Sweetman's residence, about six miles south from Lewis; thence in a westerly direction about a line through said Sweetman's land to Grace Penco N.E. corner, about 1/4 mile - thence in a northerly direction about 1/2 mile along the dividing line on said Penco's place between Mrs. Edmondson's land to the widow Marcia corner; thence in a westerly direction along dividing lines of widow Marcia and Grace Penco to \* Navarro County line, about one mile -

We recommend that the following changes be made to the above field notes: \* Bar branch - thence down east bank of said branch to Grace Penco line - thence in S.E. direction down said Penco's line to Navarro Co.



310-240

ELK

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Thence S 39 W 56 vrs. a stake; thence N 23 W 504 vrs. a stake; thence S 73 W 560 vrs. a stake in the center of the said McBrayer tract, 1238 vrs. to the place of beginning, containing 71 acres of land more or less.

2nd tract: A part of the said O'Grutt Survey and part of the said David P. Fearis Survey above mentioned, and beginning at the S.E. corner of the said E. O'Grutt Survey; Thence N with E line of said O'Grutt Survey 439 vrs. a stake; thence K 80 W 640 vrs. a stake; thence S 39 W 321 vrs. a stake; thence S 30 E 575-1/2 vrs. to a stake in the S. line of said O'Grutt Survey, the S.E. corner of the 71 acre tract above described; Thence N 60 W with the S. line of said O'Grutt Survey 572 vrs. to the place of beginning, containing 81-1/4 acres of land more or less. Said two tracts of land being the same land as described in a deed of trust executed by F.K. Thompson and wife to Chas. L. Krebs, Trustee on Dec. 15, 1906, recorded in Vol. 58, page 179, deed of trust records of Ellis County Texas.

TO HAVE AND TO HOLD said premises and premises together with all and singular the rights, members and appurtenances thereto in any manner belonging, unto the said Great Southern Life Insurance Company, its successors and assigns, forever. And I, Geo. D. Lauderdale, substitute trustee, by virtue of the authority vested in me by said deed of trust, do hereby bind and oblige the said W.B. Ward, Jr., his heirs, executors, and administrators, to warrant and forever defend the rights and title to said Great Southern Life Insurance Company, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

WITNESS my hand this 30 day of April, 1931.

Geo. D. Lauderdale

STATE OF TEXAS, )  
COUNTY OF DALLAS )

Before me the undersigned authority, on this day personally appeared Geo. D. Lauderdale, substitute trustee, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, and in the capacity therein stated.

Given under my hand and seal of office, this 30 day of April, 1931.

(SEAL) Josephine Wood, Notary Public  
Dallas County, Texas.

Filed for record May 5, 1931 at 10:45 o'clock A.M.

Recorded May 5, 1931 at 11:30 o'clock A.M.

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F.S. Smith, Clerk  
by Lola Acroy, Deputy

\*\*\*\*\*  
WARRANTIE, et al  
COUNTY OF TEXAS TO COUNTY LIFE

April 15th, 1931.

To the Honorable County Commissioners,  
Commissioners Courts,  
of Navarro, and Ellis Counties:

The undersigned having been directed, by and order of your respective Courts, to re-survey of the line dividing Navarro and Ellis Counties for the purpose of ascertaining just what proportions of the various tracts of land on said line are in the two Counties, beg to report that we have surveyed said County line, and being the same as long established, and have determined the location of each corner on said land lying within the two counties respectively, and the same is as follows:

EXHIBIT  
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ELLIS

310-241

HARRIS SURVEY:		Abstract No. 1, ... Counties:	
Area of Whole Tract	Area in ... County	Area in ... County	Acres in Navarro County
562-5/8	103-5/8		149.
80.	7.		73.
40.	1.5		37.5
548-4/7	222.		255-4/7
301.25	200.75		.5
246.09	64.09		152.00
100.	88.6		1.4
106.25	86.26		60.
90.9	4.1		66.3
99.75	92.		7.75
101.	10.6		90.4
218.5	67.		124.5
75.	10.5		64.5
94.5	63.8		32.
61.5	50.3		1.2
119.2	15.		90.2
103.	12.		50.
DWE SURVEY: Abstract No. 622, Nav. Co. and No. 622, Ellis Co.			
108.9	8.9		106.1
DVIS SURVEY: No abstract No. in Nav. Co. and No. 234, Ellis Co.			
79.5	74.9		1.6
DARLEY SURVEY: Abstract No. 927, Nav. Co. and No. 231, Ellis Co.			
100.	7.4		32.6
DONES SURVEY: Abstract No. 930, Nav. Co. and No. 576, Ellis Co.			
37.5	30.6		3.9
13.5	10.4		2.1
18.2	10.3		8.
58.13	17.28		6.3
DKNITH SURVEY: Abstract No. 938, Nav. Co. and No. 1046, Ellis Co.			
55.5	1.1		0.4
D SMITH SURVEY: Abstract No. 937, Nav. Co. and No. 234, Ellis Co.			
50.	1.8		7.1
50.	1.8		7.
DWOOD SURVEY: Abstract No. 939, Nav. Co. and No. 1128, Ellis Co.			
106.	10.3		7.3
100.	10.3		118.
152.	10.3		
D HAMBLE SURVEY: Abstract No. 924, Nav. Co. and No. 97, Ellis Co.			
79.	10.3		31.2
50.	10.3		17.5
D MCKINSTRY SURVEY: Abstract No. 932, Nav. Co. and No. 236, Ellis Co.			
152-5/8	10.3		61-5/8
150.	10.3		17.
72.5	10.3		15.1
150.	10.3		10.3
73.17	10.3		27.37
63.	10.3		1.5
51.7	10.3		50.4
D WY SURVEY: Abstract No. 879, Nav. Co. and No. 1128, Ellis Co.			
248.57	10.3		139.17
50.	10.3		10.3
27.	10.3		10.3
162.	10.3		10.3
95.	10.3		10.3
55.	10.3		10.3
74.5	10.3		10.3

310-242  
EVA

JOSEPH GARNWOOD, Abstract No. 115, Nav. Co., and No. 115, Ellis Co.			
Mead Vinson, (Part Bay)	15.5	15.5	14.5
Gertie Brock,	55.3	55.3	19.2
Mrs. Annie Brock,	55.3	55.3	19.2
Earl Brock,	55.4	55.4	19.1
Joe Brock,	55.6	55.6	19.1
C.C. Dent,	17.2	17.2	19.9
P. Freeman,	13.8	13.8	90.9
L. Faulk,	20.5	20.5	28.1
W.K. Faulk,	20.5	20.5	28.1

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Heirs of CHARLES PRAZIER SURVEY: Abst. No. 113, Nav. Co., and No. 266, Ellis Co.			
Mrs. W.J. Warren	42.5	42.5	29.4
S. & E.E. Armstrong,	155.8	155.8	95.1
O.S. Bain,	25.9	25.9	64.1
J.S. Bain,	22.9	22.9	77.1
J.L. Venable,	25.6	25.6	69.9
Mrs. C.L. Plickering,	121.	121.	50.7
A.C. Williams,	122.	122.	77.
C.H. Sullivan,	122.4	122.4	86.6

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WILLIAM H. CAMERON SURVEY: Abst. No. 122, Nav. Co., and No. 239, Ellis Co.			
Jasper Venable,	49.	49.	51.
J. Wiltex Nash,	82.4	82.4	116.6
Dr. I.N. George,	49.2	49.2	56.5

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H. & A.G. CAGE SURVEY: Abstract No. 128, Nav. Co., and No. 258, Ellis Co.			
Dr. I.N. George,	113.5	113.5	29.2
J.S. Callicutt,	7.	7.	20.

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Heirs of JOHN KERR SURVEY: Abstract No. 931, Nav. Co., and No. 592, Ellis Co.			
J.S. Callicutt (Part Cage)	130.	130.	218.

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GEO. N. DAUGHERTY SURVEY: Abstract No. 926, Nav. Co., and No. 312, Ellis Co.			
J.C. McNutt,	61.3	61.3	38.7
Butler & Hartzell,	83.3	83.3	26.9
B.F. Hartzell,	89.5	89.5	24.
L.N. Freddy,	100.	100.	4.4

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WM. F. MAURY SURVEY: Abstract No. 824, Nav. Co., and No. 738, Ellis County			
George Green,	47.	47.	6.1
E.C. Fulton,	46.6	46.6	9.6
A.J. Green,	48.6	48.6	13.5
J.W. Green,	51.1	51.1	14.
J.F. Gantt,	30.2	30.2	31.8
Mrs. Emma Couch,	31.1	31.1	6.9
W.E. McClure,	83.	83.	47.

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WILLIAM BRYANT SURVEY: Abstract No. 108, Nav. Co., and No. 122, Ellis Co.			
A.D. O'Bannion,	112.5	112.5	8.4
Lydia Lee Barnes,	203.5	203.5	13.4
Gertrude Raper,	119.9	119.9	7.

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W.K. DALTON SURVEY: Abstract No. 231, Nav. Co., and No. 274, Ellis Co.			
(Part Phoenix Sur) Fred B. Wood,	23.5	23.5	96.

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A.J. PHOENIX SURVEY: Abstract No. 423, Nav. Co., and No. 858, Ellis Co.			
Fred B. Wood, (See Dalton Survey)	3.1	3.1	12.4
Hattie & J.W. Deacon,	6.6	6.6	101.4
C.N. Dillingham,	6.6	6.6	99.5
T.S. Johnson,	6.8	6.8	93.2

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J.V. SWINNEY SURVEY: Abstract No. 100, Nav. Co., and No. 1029, Ellis Co.			
Mrs. Oca Sanders,	2.2	2.2	117.3
Mrs. J.W. Griggs,	1.2	1.2	57.8
Mrs. G.F. Henderson,	1.2	1.2	57.2

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E.K. MORRELL SURVEY: Abstract No. 123, Nav. Co., and No. 721, Ellis Co.			
Mrs. N.J. Hank,	25.78	25.78	64.25

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JEFFERSON HAGGERTY SURVEY: Abstract No. 122, Nav. Co., and No. 431, Ellis Co.			
Estate of S.J. Reelin,	104.	104.	222.
S.S. Hooser,	106.	106.	106.
R.A. Dewser,	112.	112.	68.
Bedney Hooser,	112.7	112.7	11.

316-243

Ellis

BERNARD GIBERNATH SURVEY: Abstract No. 331, Nav. Co., and No. 384, Ellis Co.			
Sims,	166.	62.6	93.4
Couch,	87.5	9.4	78.1
W.S. Griffis,	172.5	20.6	151.9
George,	147.	59.	88.

(Note: 8 acres of A.L. George's tract is in Hill County)

... re-ran of this County line were controlled by three fixed points, a point on the West Bank of Trinity River one mile West and one mile North of the Old Col. Robt. Peter Monae; next, the mouth of Mill Creek, and next, the common corner of Navarro Hill on the southerly line of Ellis County, which is 55 varas North 60 East, and 1580 North 30 West from the north-west corner of the Navarro County School Land League Survey, and a tangent was run from the point on the River bank to the mouth of Mill Creek, and also on a tangent from the mouth of Mill Creek to the Navarro-Hill corner of the Ellis County southerly line.

- ... finite ties on the County line were established at
- 104-07, 1035 varas N 30 W from N.E. corner of H.M. Cerr's tract; passed 224.5 varas N 30 E from Oil Well on Mrs. A.F. McPherson 98-1/2 acres tract;
  - 181-10, Pass 29-1/2 varas S 30 E from most Easterly corner of J.W. Tolleson 103 acres tract;
  - 175-77, cross W. line M. Jones Survey, 60.7 varas N 30 W. of M. DuBose 53.12 acres tract;
  - 191-87, pass 68 varas N 30 E from S.W. corner Lester Mairhead 50 acres tract on 1800 Acre Survey;
  - 200-31, cross E. line of H.R. Davis 100 acres tract, 363 varas S 30 E from his N.E. corner;
  - 213-75, cross E. line of J.S. Davis 68 acres tract of Robt. Ray Survey, 1295.5 varas S 30 E from his N.E. corner;
  - 276-09, cross E. line W.H. Carter Survey, 473 varas S 30 E from N.E. corner of survey;
  - 420-11, Mouth of Mill Creek, at its confluence with Charters Crk;
  - 443-59, Cross West line of John Perry Survey, 411-1/2 varas N 30 W from its S.E. corner;
  - 499-86, Cross West line of W.V. Perry Survey, 222.8 varas N 30 W from its south-west corner;
  - 557-95, Cross West line of M. Sanders 120 acres tract of the J.V. Swinney Survey, 25.5 varas from her N.W. corner;
  - 643-94, Cross West line S.R. Davis 17-1/2 acres tract of P. Gibernath Survey, 92.5 varas from his N.W. corner;
  - 660-78, Set stake for north-west corner of Navarro County, and a north-easterly line to Hill County, and its southerly line of Ellis County.

... of original surveys, and tracts thereof affected by this establishment of County accompany this report.

J.W. Martin,  
County Surveyor, Ellis County, Texas.

W.E. Elliott,  
County Surveyor, Navarro County, Texas.

... for record May 5, 1931 at 11:00 A.M.

... ed May 5, 1931 at 1:45 P.M.

Fee \$2.

J.C. Smith, Clerk

By Lois Acroy, Deputy

... HANMAN, Trustee

... OF TRUSTEES OF TRINITY  
... CITY  
... DEED

... (STATE OF TEXAS)

... OF ELLIS

... HUBBARD, et al vs. ... A.E. 1925, T.H. Rowler

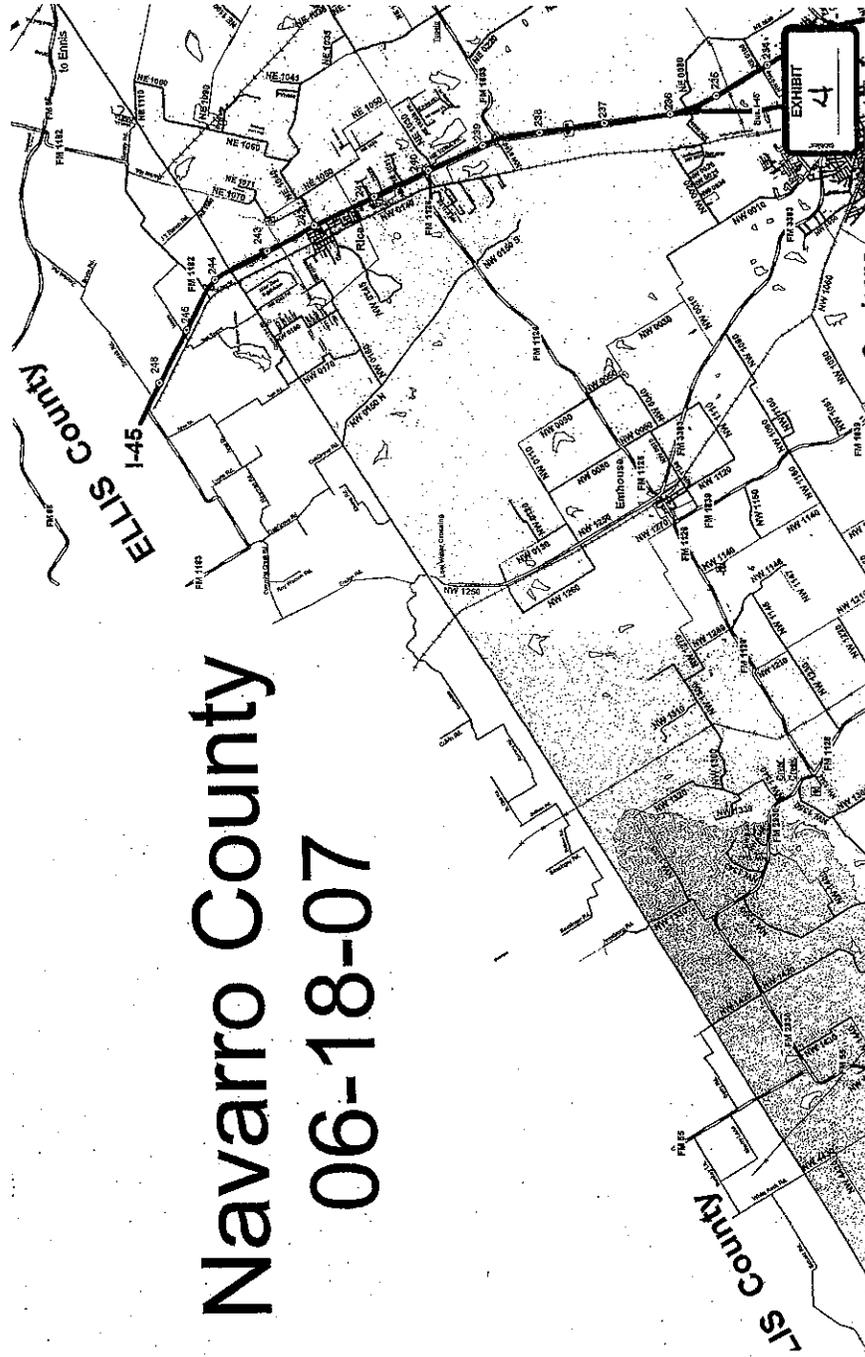
... and S.E. Foster, ... to me S.F. Chapman, Trustee,

... of trust of said data, which is ... back 134, page 681, of the records

... of trust of Ellis County, ... of securing the payment

# Navarro County

06-18-07



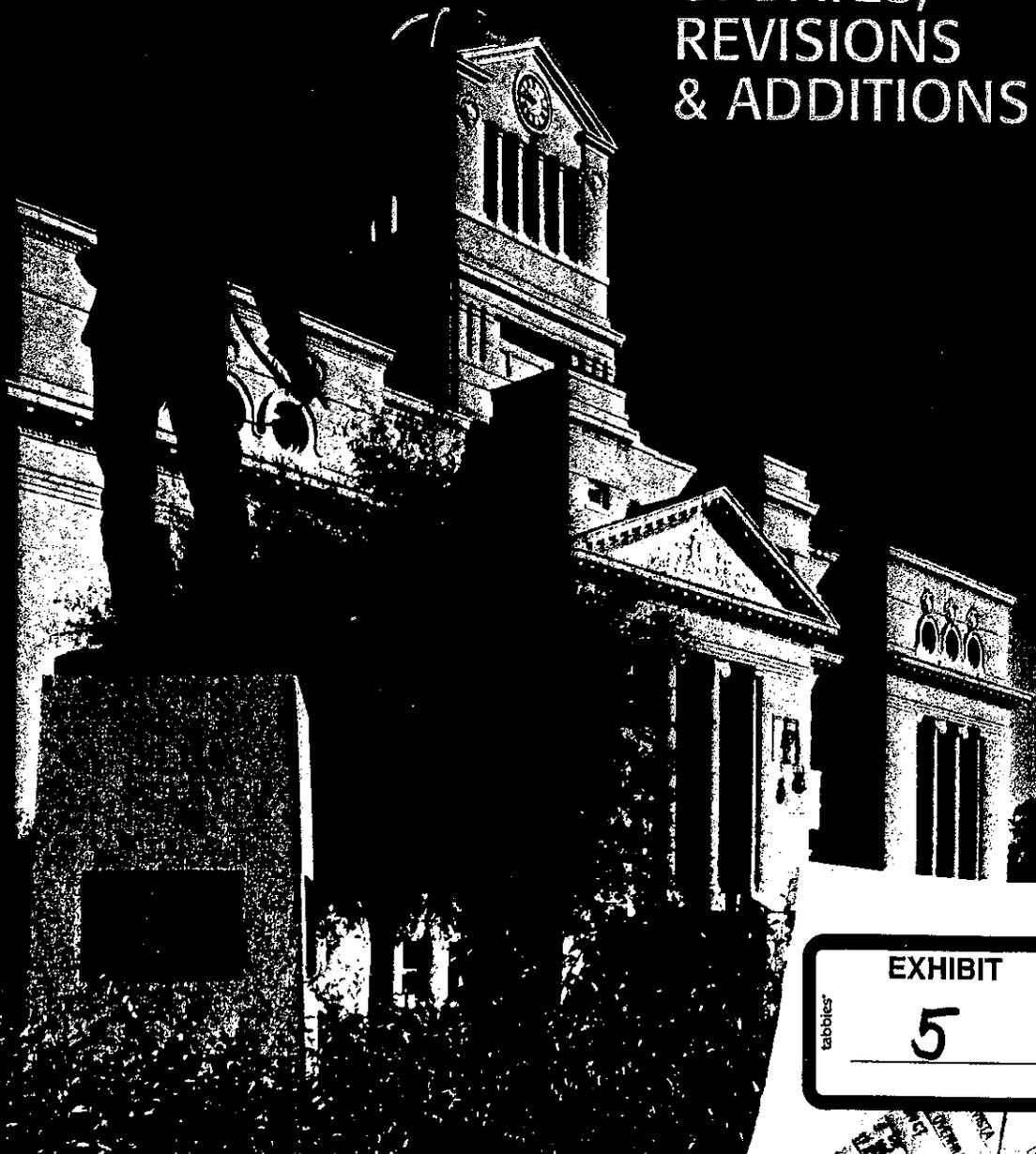
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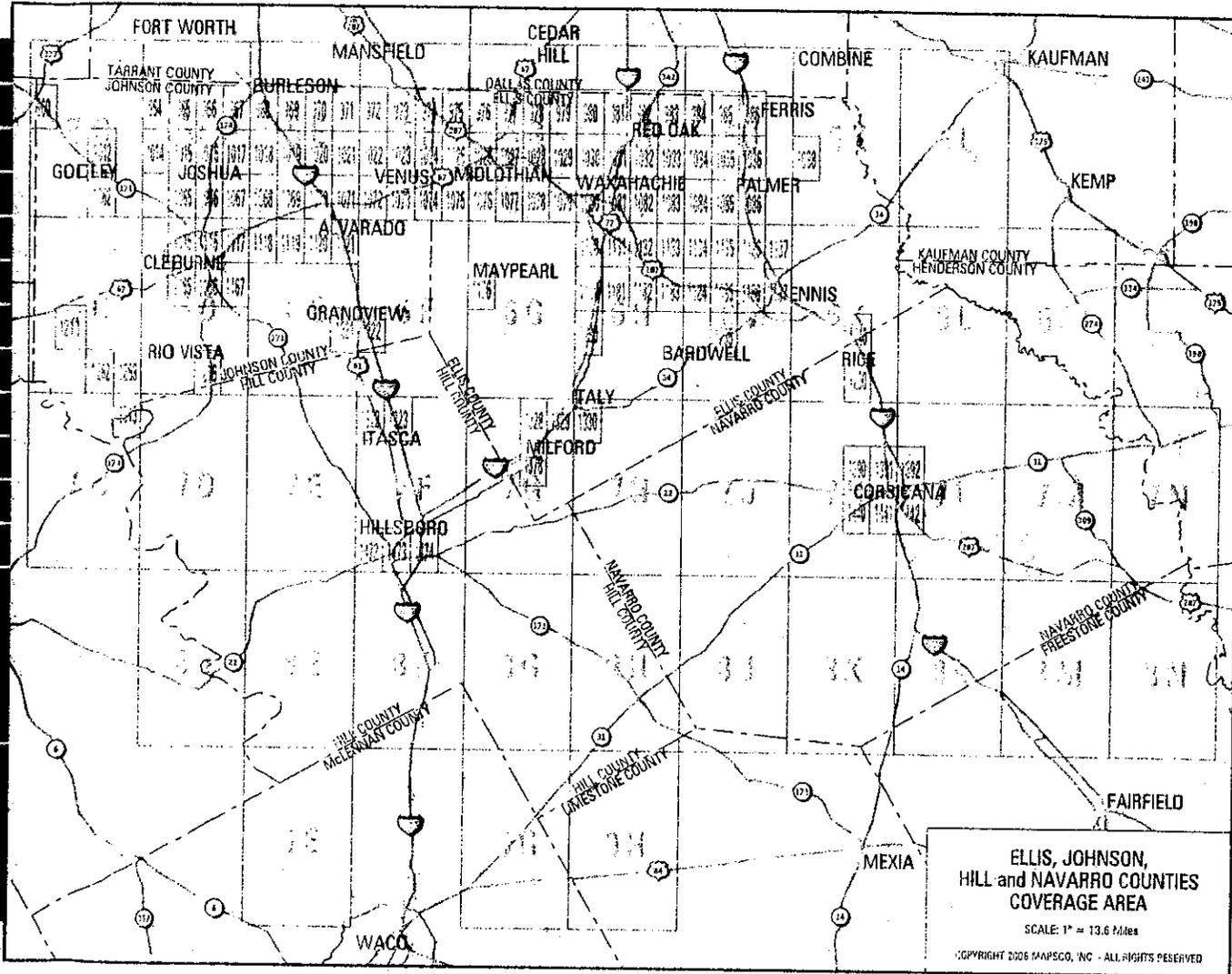
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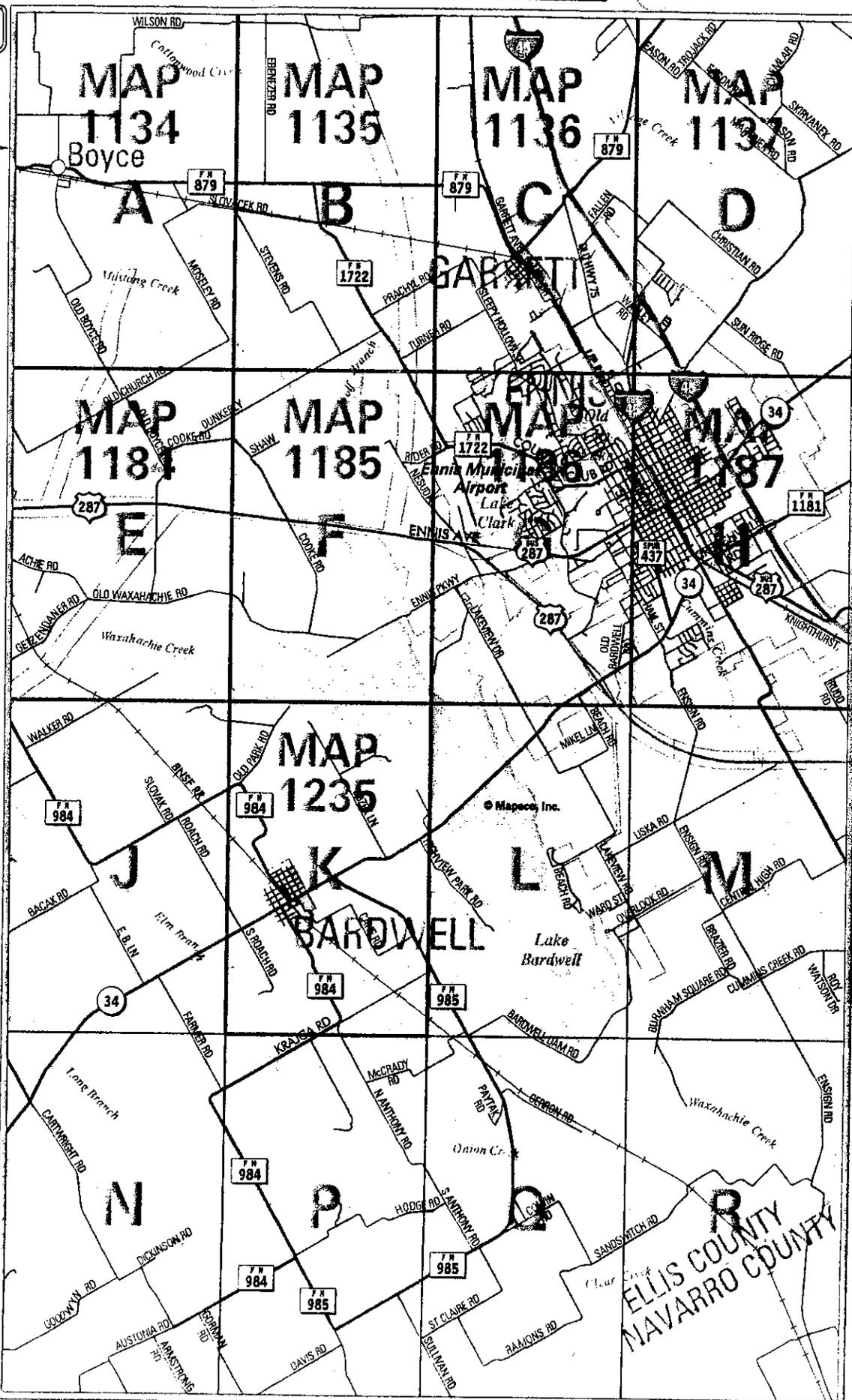
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6J



CONTINUED ON MAP 6H

CONTINUED ON MAP 6K

SCALE IN MILES



SCALE IN FEET



ELLIS COUNTY  
NAVARRO COUNTY