

1997 3 174 0204

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**RETURN TO:**

DOC# 97012423

**EL PASO COUNTY WATER IMPROVEMENT DISTRICT No. 1**

294 CANDELARIA • EL PASO, TEXAS 79907-5599 • (915) 859-4186 • FAX (915) 858-4183

TAX OFFICE (915) 859-0819 • DISPATCHER (915) 859-9128

**El Paso County Water Improvement District No. 1  
Recorded Survey of District Property**

**Report on Right-of-Way Survey for portions of the  
Upper Clint Lateral, Clint Lateral , and the Franklin Drain  
(Survey plat recorded at the District's Engineering Department)**

1997 3 174 0205



# POUNDS SURVEYING INC

REGISTERED LAND SURVEYORS  
TEXAS • NEW MEXICO • ARIZONA

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November 12, 1996

Mr. Edward Zey  
EL PASO COUNTY WATER IMPROVEMENT DISTRICT NO. 1  
294 Candelaria  
El Paso, Texas 79907-5599

RE: REPORT ON RIGHT-OF-WAY SURVEY OF THE CLINT LATERAL  
THROUGH A PORTION OF BLOCK 12, SOCORRO GRANT,  
EL PASO COUNTY, TEXAS

Dear Ed:

We have completed our survey of the 60 feet wide right-of-way limits of the Clint Lateral. As I noted in my earlier report, I am convinced that no accurate survey was ever made by the County of El Paso in its survey of Block 12, Socorro Grant, for tax purposes in 1927. From my examination and study of the original field books on which the Map for Block 12 and adjacent Blocks is based, all ties made on this portion of the Clint Lateral thoroughly support my survey results.

Except for that portion of the Lateral lying between original Tracts 10 and 11, with a county designated width of 30 feet, no real attempt was made to determine the Clint Lateral's right-of-way, since most of it was entirely inside the original boundaries of Tracts 12, 13, 16 and 17. Prior to the 1927 Survey, the boundaries of these tracts did not exist, that is, they all had completely different legal descriptions. Tracts 16 and 17 were part of the Vineyard Tract subdivision, filed in the County in 1908, this map shows the then existing "Acequia Salatral", part of which is now known as the Clint Lateral. Tracts 10, 11, 12 and 13 were all or part of "Numbered Surveys" in the Socorro Grant on which the land was originally titled. The important thing to understand is that the 1927 surveyors were not trying to establish boundaries, they were only trying to retrace the existing boundaries and tie them all together on a common survey system so that all productive land could be accounted for and the owners taxed accordingly. They considered drains, roadways and canals to be non-productive since they could not be farmed and determined the right-of-ways of such, by the extent it was free of cultivation at the time they made their ties. I am sure that is why they assigned a width of 30 feet to the portion of the Clint Lateral East of the Franklin Drain. Along that part of the Lateral there is no toe of the ditch bank on its Northerly side because the adjacent field is practically level with the bank and since the person farming that side couldn't irrigate from it, I am sure he tried to cultivate right to the edge of the ditch. These tracts were surveyed from May through June of 1927, at the height of the growing season, when the Lateral's right-of-way would have been squeezed to its minimum by the adjacent farmers who had no immediate need for its maintenance. When needed, that normally was performed after the crops were in and before the next irrigation season.

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PAGE 2

The 1927 surveyors only made ties necessary for the rough calculation of the area of the Lateral through each of these tracts. There was really no need for an accurate survey, only enough information to determine an approximate acreage of the unproductive land for its deduction from tax assessments. Where these ties were made, they fit amazingly close to the position of the Lateral as it exists today.

At about station 60+80 on Sheet 1 of my survey, while traversing along the boundary between original Tract 13 and original Tract 16, they tied the Easterly right-of-way of the Clint Lateral which fits the present toe of slope within 1/2 a foot.

At station 78+31.08 on Sheet 2 of my survey, while traversing the boundary of original Tract 13 and adjacent Tract 3 in Block 27, they tied the Northerly right-of-way of the lateral from the common corner of Tracts 13 and 18, Block 12, with said Tract 3. The tie is North 39°51' East, 170 feet, my plat shows North 39°50'37" East, 111.01 feet to the South right-of-way, adding a right-of-way width of 60 feet yields a comparable 171 feet.

At about station 91+00 on Sheet 3 of my survey, the boundary of original Tracts 12B and 13 fit within 1/2 a foot of my location for the existing North right-of-way of the Lateral. The original map of Block 12 shows this point to be on its North right-of-way.

At about station 99+50 on Sheet 4 of my survey, where the boundary of original Tracts 11 and 12A intersect the centerline of the Lateral (not noted on map), the first traverse around these tracts called to follow the centerline of the lateral, this traverse was later reran along the current original lines before the map was finalized. Even though later abandoned, by running the called courses from the original 1-1/2" iron pipe found at the common corner of Tracts 10, 12A and 13 (about 98+00), they fit my location of the centerline of the lateral within a couple of inches.

The existing fence line, shown on Sheets 4 and 5, along the Northerly right-of-way of the Lateral on the South side of Tract 10A fits extremely well with our location.

In summary, I believe our location of the 60 feet wide right-of-way as shown on my survey to be the best possible based upon the evidence available. It is equitable, reasonable and essentially the same as has existed on the ground for over 70 years.

Assuming that my location of the right-of-way is correct, there are numerous encroachments we have discovered during the course of our survey. Starting at station 50+00 on Sheet 1, please note that Lots 4 thru 16, Block 12, Friedman Estates, Unit 2, all overlap by varying amounts into the Lateral. While these overlaps are quite shocking, none of the adjacent owners appear to be interfering with the operation or maintenance of the Lateral.

Next comes the matter of the proposed subdivision "Flor Del Rio". Since it is only proposed, I think it would be proper for you to require the developer to redesign the subdivision using the location of the right-of-way we have determined. That may be an inconvenience, but nothing prevented his surveyor from locating the right-of-way correctly, its been in the same place for at least 70 years.

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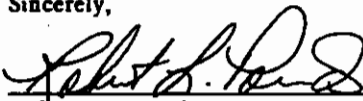
Resolving the issue of the subdivision takes care of the majority of the encroachments we found into your right-of-way. The only other problems to be addressed are those related to the 30 right-of-way width shown for the lateral in or between Tracts 10A, 10B, 11, 12A and 12B. Tracts 10A and 10B are obviously not occupying the area encroaching upon your right-of-way as it is currently being used as roadway. Tracts 11, 12A and 12B are also not using much of their encroachment since they can only farm to the toe of slope of the ditch. Considering these facts, I would think that the owners of these tracts would welcome the reduction in their taxes that agreeing to the correct location of the right-of-way will bring.

The last issue, revealed inadvertently during the course of this survey, concerns the location of the right-of-way of the Franklin Drain through the proposed Flor Del Rio subdivision. Referring to Sheets 2 and 3 of my survey, on the North side of the Clint Lateral, please note the location of proposed subdivision boundary in relation to the now existing top of slope of the drainage channel. Their location of the Drain's right-of-way leaves no room for the District to perform its maintenance. This situation needs to be resolved by the developer's surveyor properly locating the right-of-way on the ground under the supervision of the district. I have reviewed the acquisition deeds for this portion of the Franklin Drain and I am certain that the subdivider's location does not fit the calls in the deeds. I am quite certain they merely used the County tax maps and projected unsurveyed lines without any concern of their relationship to the actual location of the drain.

One last note, as I have previously related to you, we were able to obtain a copy of the map mentioned in the deed for the Clint Lateral in Book 313, Page 308, and even though it is not possible to relate our location of the right-of-way with it accurately, it supports our location by the fact that it shows many more meanders than the county's 1927 location and although it does not specify the width of the Lateral, it does clearly indicate that it has a constant width for its entire length.

I believe this covers most of the items that needed to be addressed and I appreciate the District's patience in allowing us to perform a thorough survey. We will proceed to monument the right-of-way upon the District's acceptance of our survey or at its convenience. If you have any questions further on this matter, don't hesitate to call.

Sincerely,



Robert L. Pounds, R.P.L.S.  
POUNDS SURVEYING, INC.



1997 3 17 0208

RETURN TO:

Doc# 97012423  
# Pages: 4  
Date : 03-05-1997  
Time : 08:55:36 A.M.  
Filed & Recorded in  
Official Records  
of El Paso County, TX.  
HONORABLE HECTOR ENRIQUEZ, JR  
COUNTY CLERK  
Rec. \$ 15.00

ANY PROVISIONS HEREIN WHICH RESTRICTS THE SALE, RESALE  
OR USE OF THE DESCRIBED PREMISES, PROPERLY BECAUSE OF COLOR  
OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW  
STATE OF TEXAS  
I hereby certify that this instrument was filed on the date and time stamped  
hereon by me and was duly received at the volume and page of the Official  
Public Record of said Precinct, El Paso County.

MAR 05 1997



EL PASO COUNTY, TEXAS

14  
*[Handwritten signature]*

END OF INSTRUMENT

1997 3 174 0205



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REGISTERED LAND SURVEYORS  
TEXAS • NEW MEXICO • ARIZONA

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November 12, 1996

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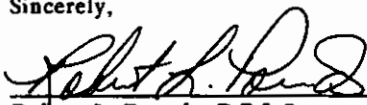
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POUNDS SURVEYING, INC.





1997 3 14 02:08

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# Pages: 4  
Date : 03-05-1997  
Time : 08:55:36 A.M.  
Filed & Recorded in  
Official Records  
of El Paso County, TX.  
HONDRABLE HECTOR ENRIQUEZ, JR  
COUNTY CLERK  
Rec. \$ 15.00

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OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR  
OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW  
I hereby certify that this instrument was filed on the date and time stamped  
hereon by me and was duly recorded in the volume and page stamped  
Public Record of Real Property, El Paso County.

MAR 05 1997



EL PASO COUNTY, TEXAS

It 

RETURN TO:

END OF  
INSTRUMENT