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August 5, 2015

Surveyor's Report No. 15-875B

Upon Various Facts indicating that Map No. 300-A in the Records of the City of Houston Engineering Department is a copy of the Plat of W.R. Baker's Addition made by Samuel C. West

The subdivision known as HOLLY HOMES SUBDIVISION that is shown upon the Plat recorded as Film Code 650071 of the Map Records of Harris County, Texas is a resubdivision of a tract of land known as Lot 7 in Block 241 on the North Side of Buffalo Bayou in the City of Houston, Harris County, Texas according to the map by S.C. West. Block 241 is also known as Block 241 in W.R. Baker's Addition N.S.B.B. and by other similar variations on those terms. Block 241 was originally conveyed by the subdivider, W.R. Baker, in September, 1862 (Bk.8 Pg.186 Harris County Deed Records) describing the land by reference to the "Map of the City of Houston made by S.C. West". The lots in Block 241 were later conveyed in 1882 and 1883 by Henry Vanderzee to various parties, describing all of the lots by reference to the "Map of the City of Houston made by S.C. West".

The present dispute between the owners of the three lots in HOLLY HOMES SUBDIVISION and the adjoining owner of Lot 8 in Block 241 to the East would appear to be a dispute as to the location of the common line of Lots 7 and 8. In that light, one of the more important questions is the identity of that "map of the City of Houston made by S.C. West" to which the original conveyances in Block 241 refer. While this map does not appear of record and is not even generally recognized as having survived, I have concluded that a certain map designated as Map No. 300-A in the records of the Houston City Engineering Department held by the present Department of Public Works and Engineering is in fact a 19th century copy of that map made by S.C. West to which many of the early conveyances by the subdivider, W.R. Baker, refer. In the following sections, I set forth the evidence upon which I base that conclusion.

Map No. 300-A :

The document on file in the Department of Public Works and Engineering (PWE) is at least a second generation copy of the original map. The document resides presently as a digital scan of a paper map that was reportedly destroyed after scanning. Mr. Rodney Sanders of the staff of PWE described the paper map from which the scan was made as being a print made from a tracing upon which various notations had been added. I understood from my conversations with him that he had never found the original tracing from which the print had been made.

H. & T.C. Railroad Not Shown :

The immediate clue as to the early date of Map No. 300-A is that it does not show the Houston & Texas Central Railway Co. tracks in place in West Street that were reportedly laid in 1856. Later maps in 1867 and 1868 give the same street the name of "Railroad Street".

Other Important Details Not Shown :

Other evidence of the map having been made at some time in 1856 or before is that it does not show any of the following pieces of land that between 1856 and 1858 were conveyed out of the land shown upon the map:

- 4 acre tract located in vicinity of Blocks 254, 255, 268, and 269 conveyed by William R. Baker to William Tiekotter on June 20, 1856 (Bk."U" Pg. 635 HCDR),
- 1-1/2 acre tracts on North side of the Houston & Texas Central Railroad conveyed by W.R. Baker to Charles A. Burton and John Dawson on January 1, 1857 (Bk."P" at Pg.711 HCDR),
- 5 acre tract conveyed by Thos. B. White to the Houston & Texas Central Railway Co. February 5, 1857 (Bk."W" Pg.435 HCDR), the tract upon which the H.&T.C. Machine Shop was subsequently constructed, and
- 1 acre. tract located in vicinity of Blocks 270 and 271 at end of Houston Avenue, conveyed by W.R. Baker to Elizabeth Benson on January 26, 1858 (Bk."T" Pg.532 HCDR).

All of the above tracts are shown upon the map entitled "Map of the City of Houston and Environs" made by Theodore Kosse and Hu T. Scott dated 1867.

Baker, Shearne & Riordan Addition :

Map No. 300-A entitled "Plat Showing the Baker, Shearne & Riordan Add[ition]" shows various lands that W.R.Baker did not own subdivided into blocks of lots. For example, it covers Lots 16 and 17 in Block 3 of Hollingsworth Survey that had been conveyed to Henry Evans in December, 1839 (Bk."E" Pg.352 HCDR). Lots 16 and 17 lie South of Dart Street and West of the centerline of Houston Avenue.

At some time prior to February 23, 1866, Henry Evans evidently granted Power of Attorney to Charles Shearn who then conveyed certain parts of Lots 16 and 17 in Block 3 to various parties. By two deeds executed on February 23, 1866, Shearn, acting for Henry Evans under Power of Attorney, conveyed a certain 0.43 acre tract to T.W. Sweetman (Bk. 2 Pg. 365 HCDR) and a 0.55 acre tract to G.W. Hardy (Bk. 2 Pg. 362 HCDR). In the deed to Sweetman, the land is described as "including Lots Nos. 1, 2, & 3 in Block 473 as shown by W.R. Baker's Map" and in the deed to Hardy, the land is described as "including Lots Nos. 14, 15 & 16 in Block 473 as shown by W.R. Baker's Map".

While in both deeds the land is described as including certain lots shown upon W.R. Baker's map, the grantor further specified that W.R. Baker's map was "not recognized as valid as far as sales of H. Evans tracts are concerned". In other words, what was recognized as W.R.Baker's map in 1866 did in fact show the lands owned by Henry Evans subdivided into blocks of lots as Map No. 300-A does. Map No. 300-A is the only map I have found that shows the scheme of lot and block numbers given in the 1866 deeds mentioned above.

Map of the City of Houston by S.C. West :

In my judgment, the above details identify Map No. 300-A as almost certainly being a copy of the same map by which W.R.Baker described the lands he originally conveyed in Block 241 and its vicinity. The details identify the map as what was known as "W.R.Baker's map" (the recitals of the 1866 conveyances by Henry Evans mentioned in the section above).

The absence of the Houston & Texas Central Railway Co. track dates the map to 1856 or before, which is also the same time period when Samuel C. West was engaged in surveying in Harris County. Mr. West held the office of Harris County Surveyor in 1857, for example. On that basis, I would conclude that Map No. 300-A is the same map to which W.R.Baker referred as "the Map of the City of Houston made by S.C. West" by which he described Block 241 on September 9, 1862 when he conveyed Block 241 to G.W. Gooch (Bk. 8 Pg. 186 HCDR).

Extraneous Notations on Map No. 300-A :

Map No. 300-A shows various notations along Crockett Street East of Houston Avenue and around what appears to be a surveyor's idea of the location of the 4 acre William Tiekotter tract covering parts of Blocks 254, 255, 265 and 266. Those notations are fairly clearly from after 1894, long after the map itself was created. The 4 acre Tiekotter tract was only subdivided in 1894 (Bk. 75 Pg. 466 HCDR). The notation of a "stake in Valentine's garden" indicating the Southwest corner of Lot 1 in Block 255 on the North side of Shearn Street is evidently a reference to a landowner with the surname of Valentine after 1894.

While the original state of Map No. 300-A to which various notations were evidently added later generally fails to explicitly indicate any monuments of any sort, there is a notation of an "iron stake" at the Southeast corner of Houston Avenue and Dart Street. This notation is in what I would say is the same hand as the obviously later notations along Crockett Street. I do not consider it to date from 1856 or before, when Map No. 300-A was created.

Width of Dart Street :

Note that the North line of Dart Street as laid out on Map No. 300-A is shown as being 80 ft. North of the South line of Dart Street, not 65 ft. as various surveyors have later thought it to be.



Respectfully submitted,

A handwritten signature in black ink that reads "Kent Neal McMillan".

Kent Neal McMillan
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