

2135 HWY 87, Crystal Beach, TX 77650

METES AND BOUNDS DESCRIPTION  
40.391 ACRES ( 1,759,428 SQUARE FEET)  
BURWELL FRANKS SURVEY, ABSTRACT NUMBER 65  
GALVESTON COUNTY, TEXAS  
Tract 1

All of that certain 40.391 acre (1,759,428 square feet) of land situated in the BURWELL FRANKS SURVEY, ABSTRACT NUMBER 65, on Bolivar Peninsula, Galveston County, Texas, and described in a Special Warranty Deed to Juanita Rohacek at Galveston County Clerk's File Number (GCCFN.) 2010040507 of the Official Public Records of Galveston County, Texas (OPRCGX) as Tract 3, and further being referenced in a Deed to Joe Rohacek at Volume 1127, Page 617 of the Deed Records of Galveston County, Texas and being more particularly described by metes and bounds as follows (all bearings based upon the Texas Coordinate System of 1983, South Central Zone 4204, and are tied to NGS Mark "TXGM REF MON 2" (PID DR8251) (N:13,703,575.90; E:3,312,955.72). All coordinates shown hereon are reported in grid. All area quantities are reported in surface;

BEGINNING at a 1/2 inch iron rod with plastic cap stamped "HIGH TIDES SURVEYING" found for the north corner of a certain 1.901 acre tract described in a Warranty Deed to Crystal Bay, LTD and the east corner of the herein described tract (N:13,741,862.58; E:3,359,807.20) and from which a 1/2 inch iron rod with plastic cap stamped "HIGH TIDES SURVEYING" found in the north right of way (ROW) line of a State Highway Number 87 (SH 87, 120 feet wide) and from which the east corner of said 1.901 acre tract bears South 44 Degrees 30 Minutes 30 Seconds East, a distance of 191.52 feet;

THENCE, with the north line of said 1.901 acre tract and the south line of the herein described tract South 65 Degrees 07 Minutes 40 Seconds West, a distance of 460.17 feet to a 1/2 inch iron rod with plastic cap stamped "HIGH TIDES SURVEYING" found in the east line of a variable width ROW sometimes known as Gulf Coast Drive (nothing of record found or provided), for the west corner of said 1.901 acre tract and the south corner of the herein described tract (N:13,741,669.03; E:3,359,389.71);

THENCE, with the east ROW line of said Gulf Coast Drive, North 44 Degrees 30 Minutes 30 Seconds West, at 3,759.65 feet pass a 1/2 inch iron rod with plastic cap stamped "SEACOAST 5423" set for reference (N:13,744,350.22; E:3,356,754.15), and continue, in all a distance of 4,059.65 feet to a point (submerged) in the south line of the Intracoastal Canal Waterway (ICW, nominal width 300, actual width considerably wider) and the west corner of the herein described tract (N:13,744,564.16; E:3,356,543.84);

THENCE, with the south line of the ICW and the north line of the herein described tract, North 65 Degrees 09 Minutes 49 Seconds East, a distance of 460.27 feet to a point (submerged) in the south line of the ICW, for the west corner of a certain 26.500 acre tract described in said Warranty Deed to Crystal Bay, LTD, and for the north corner of the herein described tract (N:13,744,757.49; E:3,356,915.55);

THENCE, with the west line of the said 26.500 acre tract and the east line of the herein described tract, South 44 Degrees 30 Minutes 30 Seconds East, at 300 feet pass a 1/2 inch iron rod with plastic cap stamped "SEACOAST 5423" set for reference (N:13,744,543.54; E:3,357,171.85), and continue, in all a distance of 4,059.34 feet to the POINT OF BEGINNING and containing 40.391 acres (1,759,428 square feet) of land.

METES AND BOUNDS DESCRIPTION  
11.452 ACRES ( 498,846 SQUARE FEET)  
BURWELL FRANKS SURVEY, ABSTRACT NUMBER 65  
GALVESTON COUNTY, TEXAS  
Tract 2

All of that certain 11.452 acre (498,846 square feet) of land situated in the BURWELL FRANKS SURVEY, ABSTRACT NUMBER 65, on Bolivar Peninsula, Galveston County, Texas, and referenced in a Special Warranty Deed to Juanita Rohacek at Galveston County Clerk's File Number (GCCFN.) 2010040507 of the Official Public Records of Galveston County, Texas (OPRCGX) as Tract 3, and further being described in a Deed to Joe Rohacek at Volume 1127, Page 617 of the Deed Records of Galveston County, Texas and being more particularly described by metes and bounds as follows (all bearings based upon the Texas Coordinate System of 1983, South Central Zone 4204, and are tied to NGS Mark "TXGM REF MON 2" (PID DR8251) (N:13,703,575.90; E:3,312,955.72). All coordinates shown hereon are reported in grid. All area quantities are reported in surface;

BEGINNING at a point (submerged) in the north line of the Intracoastal Canal Waterway (ICW, nominal width 300 feet, actual width considerably wider), the east corner of a certain 12.00 acre tract referenced in a Warranty Deed to John Dafonte at GCCFN 2017072095 OPRGX, and for the south corner of the herein described tract (N:13,744,791.36; E:3,356,320.50);

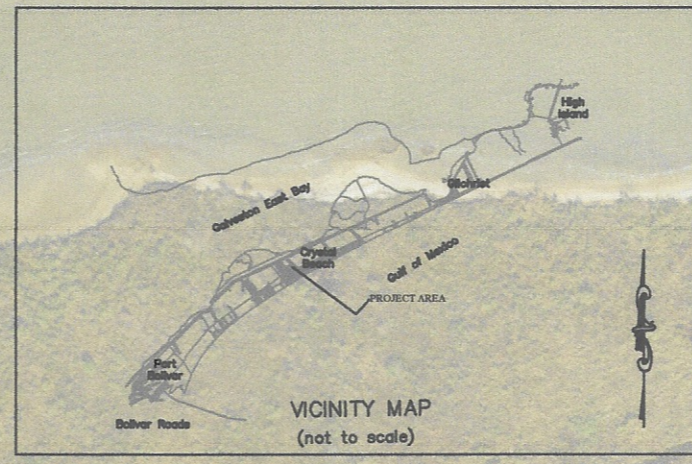
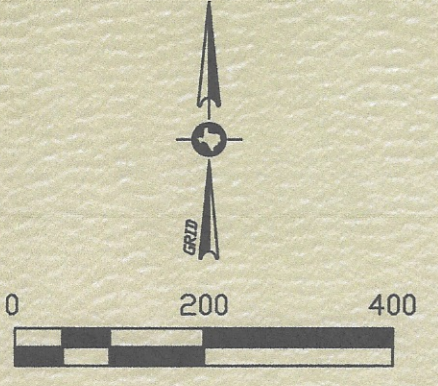
THENCE, with the east line of said 12.00 acre tract and the west line of the herein described tract North 44 Degrees 30 Minutes 30 Seconds West, a distance of 1,150.68 feet to a point on the south shoreline of East Galveston Bay and the west corner of the herein described tract (N:13,745,611.97; E:3,355,513.86);

THENCE, with the south shoreline of East Galveston Bay, the following four (4) courses;

- 1) North 19 Degrees 52 Minutes 21 Seconds East, a distance of 69.99 feet;
- 2) North 65 Degrees 16 Minutes 52 Seconds East, a distance of 81.50 feet;
- 3) South 86 Degrees 23 Minutes 54 Seconds West, a distance of 282.85 feet;
- 4) North 75 Degrees 49 Minutes 07 Seconds East, a distance of 92.50 feet to the west corner of a certain 8.822 acre tract described in a Warranty Deed to Crystal Bay, LTD at GCCFN. 2021029588 OPRGX, and for the north corner of the herein described tract (N:13,745,752.30; E:3,355,983.66);

THENCE, with the west line of said 8.822 acre tract and the east line of the herein described tract South 44 Degrees 30 Minutes 30 Seconds East, a distance of 1,076.37 feet to a point (submerged) in the north line of said ICW, for the south corner of said 8.822 acre tract, and the east corner of the herein described tract (N:13,744,984.69; E:3,356,738.21);

THENCE, with the north line of said ICW and the south line of the herein described tract South 65 Degrees 09 Minutes 49 Seconds West, a distance of 460.27 feet to the POINT OF BEGINNING and containing 11.452 acres (498,846 square feet) of land.



LINE	BEARINGS	DISTANCE
L1	N 19°52'21" E	69.99'
L2	N 65°16'52" E	81.50'
L3	S 86°23'54" W	282.85'
L4	N 75°49'07" E	92.50'



**LEGEND**

- Power Pole
- Telephone Pedestal (Broken)
- Approx. FEMA Flood Line as of August 15, 2019
- 15' Culvert
- Overhead Utility Esmt.

**GENERAL NOTES:**

- 1) This survey has been prepared with the benefit of a Title Report prepared by Capital Title Insurance Company, GF Number 23-764734-CS, with an effective date of October 08, 2023. No additional research regarding the existence of easements, restrictions of any kind, or other matters of record has been performed by the surveyor.
- 2) This property does lie within the 100 Year Flood Plain as established by the Federal Emergency Management Agency. According to the FEMA FIRM Community Number 48167C, Panel No. 0309 G, with an effective date August 15, 2019, this property lies within Zone VE with a Base Flood Elevation of 12' & 13' (as measured to the lowest horizontal structural member).
- 3) All bearings shown hereon are based upon the Texas Coordinate System of 1983, South Central Zone 4204, and are tied to NGS Mark "TXGM REF MON 2" (PID DR8251) (N:13,703,575.90; E:3,312,955.72). All coordinates shown hereon are reported in grid. All area quantities are reported in surface.
- 4) This property may or may not have access to wet utilities (sanitary sewer (wastewater) and water). It is beyond the scope of this survey to determine with certainty if these services are currently available. The surveyor recommends contacting the local providers for further information:
  - a) Sanitary sewer (wastewater): Undine (formerly Bolivar Utility Services): 1830 Hwy 87, Port Bolivar, Texas 77550. (409) 684-9941
  - b) Water: Bolivar Peninsula Special Utility District (BPSUD): 1840 Hwy 87, Crystal Beach, Texas 77650. (409) 684-3515
- 5) This property may or may not have access to electric service. It is beyond the scope of this survey to determine with certainty if this service is currently available. The surveyor recommends contacting the local provider for further information: Entergy Texas, Region Engineering East: 1-800-368-3749; 1-409-981-3260
- 6) This property appears to contain marshlands and wetlands which may affect future development. A wetlands determination is beyond the scope of this survey. A general idea of wetlands on this property as determined by the U.S. Fish and Wildlife Service Wetlands Mapper may be viewed at the following website: <https://www.fws.gov/program/national-wetlands-inventory/wetlands-mapper>.
- 7) The aerial image utilized hereon has been obtained from Houston-Galveston Area Council (H-GAC) and contains digital aerial imagery with 6-inch and 12-inch pixel resolutions acquired between December 21, 2017 and February 28, 2018. The surveyor notes that there are minimal changes on the property since the time of acquisition.
- 8) Separate metes and bounds description of all tracts of even date accompany this survey.
- 9) Schedule "B" items:
  - 1) The following restrictive covenants of record itemized below:
    - Item No. 1, Schedule B, has been deleted in its entirety.
  - 2) Any discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments or protrusions, or any overlapping of improvements.
  - 3) Homestead or community property or survivorship rights, if any, of any spouse of any insured. (Applies to the Owner's Policy only.)
  - 4) Any titles or rights asserted by anyone, including, but not limited to, persons, the public, corporations, governments or other entities, to tidelands, or lands comprising the shores or beds of navigable or perennial rivers and streams, lakes, bays, gulfs, or oceans, or to lands beyond the line of the harbor or bulkhead lines as established or changed by any government, or to filled-in lands, or artificial islands, or to statutory water rights, including riparian rights, or to the area extending from the line of mean low tide to the line of vegetation, or the rights of access to that area or easement along and across that area.

Items 5 through 9 are all non-survey related items.

The following matters and all terms of the documents creating or offering evidence of the matters:

- a) All leases, grants, exceptions or reservations of coal, lignite, oil, gas and other minerals, together with all rights, privileges and immunities relating thereto, appearing in the Public Records whether listed in Schedule B or not. There may be leases, grants, exceptions or reservations of mineral interest that are not listed.
- b) All leases, grants, exceptions or reservations of the geothermal energy and associated resources below the surface of the land, together with all rights, privileges, and immunities relating thereto, appearing in the Public Records whether listed in Schedule B or not. There may be leases, grants, exceptions or reservations of geothermal energy and associated resources below the surface of the land that are not listed.
- c) All visible and apparent easements or uses and all underground easements or uses, the existence of which may arise by unrecorded grant or by use.
- d) Rights of parties in possession.
- e) Rights of tenants, as tenants only, under unrecorded leases or rental agreements.
- f) Any and all matters which would be shown on a current, correct survey of the property.
- g) Any right of adjoining property owners in and to that part of the hereinabove property which may constitute accretion or avulsion by virtue of the possible shifting of the bed or shores of the river, stream, or body of water which bounds the subject property.
- h) Rights of the general public and the State of Texas in the water of streams or the rights of riparian and appropriation owners in the waters of such streams.
- i) Right-of-way executed by Bettie G. Austin, widow, to United States, dated April 8, 1930, of record in Volume 447, Page 484, in the Office of the County Clerk of Galveston County, Texas. (As to Tract 1, affects property, 300 wide Intracoastal Waterway, depicted on face of survey).
- j) Right-of-way executed by W.W. McCullough, et al to United State of America, dated April 16, 1930 and recorded in Volume 447, Page 482, in the Office of the County Clerk of Galveston County, Texas. (as to Tract 2, Does not affect property, 300 wide Intracoastal Waterway, situated north of property)

k) Easement created in instrument to Gulf States Utilities Company, recorded in County Clerk's File No. 8626209, Real Property Records, Galveston County, Texas. (Does not affect property, situated approximately 1/2 mile northeasterly of subject properties).

l) Easement created in instrument to Bolivar Peninsula Special Utility District, recorded in County Clerk's File No. 2006002552, Real Property Records, Galveston County, Texas. (As to Tracts 3 & 4, affects property, depicted on face of survey).

m) Oil, Gas and Mineral Lease executed by G.T. Austin, Sr., et al to A.C. Felt, dated December 23, 1947, recorded in Volume 781, Page 687, Real Property Records, Galveston County, Texas. (As to tracts within the Burwell Franks Survey, does not appear to affect the property. Although blanket in nature, lease location does enclose subject property, but appears to have expired under its own terms).

n) Oil, Gas and Mineral Lease executed by Wm. W. McCullough and Mary McCullough to A.C. Felt, dated December 20, 1947, recorded in Volume 781, Page 573, Real Property Records, Galveston County, Texas. (As to tracts within the Burwell Franks Survey, does not appear to affect the property. Although blanket in nature, lease location does enclose subject property, but appears to have expired under its own terms).

o) Mineral and/or royalty interest in all of the oil, gas, and other minerals and/or other substances in and under the subject property, including royalties, bonuses, rentals, ingress/egress and all other rights set out in Volume 1127, Page 614, Galveston County, Texas, together with all rights, express or implied, in and to the subject property arising out of or connected with said interest, reference to which instrument is here made for all purposes. (As to tracts within the Burwell Franks Survey, blanket in nature, may affect the property. Surveyor notes there is no evidence of exploration or production within the subject property).

p) Mineral and/or royalty interest in all of the oil, gas, and other minerals and/or other substances in and under the subject property, including royalties, bonuses, rentals, ingress/egress and all other rights set out in Volume 1127, Page 617, Galveston County, Texas, together with all rights, express or implied, in and to the subject property arising out of or connected with said interest, reference to which instrument is here made for all purposes. (As to tracts within the Burwell Franks Survey, blanket in nature, may affect the property. Surveyor notes there is no evidence of exploration or production within the subject property).

q) Lack of ingress and egress to subject property. As to Tract 1, there appears to be physical access via Gulf Coast Drive, however, nothing of record found providing legal access to the property. As to Tract 2, there appears to be physical access via Gulf Coast Drive and Bob's Road, however, nothing of record found providing legal access to the property. As to Tracts 3 and 4, these properties appear to have both legal and physical access via State Highway No. 87. As to Tract 5, there appears to be physical access via Bob's Road (nothing or record found or provided), and the tract appears to have both physical and legal access at its northwest corner via Lakewood Drive as shown on the Plat of Lakewood, of record Book 16, Map Number 52, of the Galveston County Map Records.

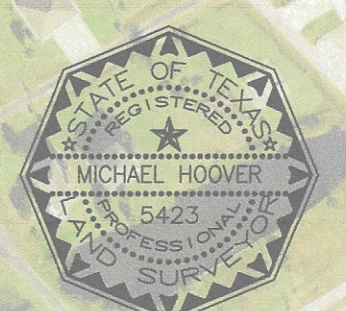
**PLAT OF SURVEY**  
51.843 Acres (2,258,274 Square Feet) in Two Tracts situated in  
**BURWELL FRANKS SURVEY, ABSTRACT NO. 65**  
Galveston County, Texas

This survey substantially complies with the current Texas Society of Professional Surveyors Manual of Practice requirements for a Category 1A, Condition 4, Land Title Survey



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Michael Hoover  
Registered Professional  
Land Surveyor No. 5423



SURVEY DATE:	October 13, 2023
FILE NO.:	0085-0003-0000-000
DRAFTING:	CS
JOB NO.:	23-0848