

Received by  
Commissioner's  
Court 2/29/16

Cause No. \_\_\_\_\_

IN THE COMMISSIONERS COURT  
OF DEWITT COUNTY, TEXAS

A PETITION BY PROPERTY OWNERS OF DEWITT COUNTY,  
REQUESTING THE COMMISSIONERS COURT  
TO DISCONTINUE, VACATE AND/OR ABANDON  
A PORTION OF A ROAD TO THE PUBLIC

**POSTED**  
DATE: 3/1/16 @ 1:00pm  
Notary Public  
Co. Clerk

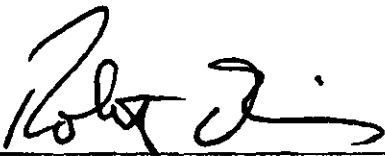
Pursuant to §§251.051, 251.052 and §251.058 of the Texas Transportation Code, the following parties, each being a property owner of land situated in Precinct 1, DeWitt County, Texas, hereby Petition the Commissioners Court of DeWitt County, Texas, to discontinue, vacate and/or abandon of a portion of a road alleged by DeWitt County to be a public road ("Road"), having first provided twenty (20) days' notice of their intent to apply to discontinue, vacate and/or abandon a portion of the road in conformity with law.

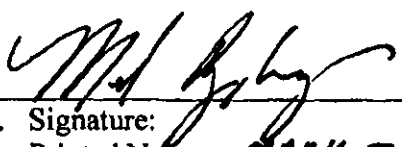
The Road, or portion thereof, to be discontinued, vacated and/or abandoned is described as follows:

The portion of the Road to be discontinued, vacated and/or abandoned is known as Oliver Road, located between Bellevue Cemetery Road and where Oliver Road turns proximately north, extending a distance of approximately 4,368.16 feet, more or less into the lands of Robert Oliver, Mark S. Zgabay and wife Betty Zgabay, Petitioners herein, and is described more fully as set forth herein on Exhibits A and B with yellow highlight:

- Point of Beginning: (See Attached Exhibits A and B)
- Point of Termination: (See Attached Exhibits A and B)
- Distance: (See Attached Exhibits A and B)

The parties signed below make application for the discontinue, vacate and/or abandon a portion of said Road by filing a petition with the DeWitt County Commissioners Court on the 29<sup>th</sup> day of FEBRUARY, 2016, at a regular meeting of said Court scheduled for that date. Persons requiring further information should contact the DeWitt County Judge, Hon. Daryl L. Fowler, at the office of the county judge in the DeWitt County Courthouse, Cuero, Texas 77954. Interested parties should also plan to attend the Commissioners Court meeting on the date above.

  
 1. Signature: \_\_\_\_\_  
 Printed Name: **ROBERT OLIVER**  
 Address: **Box 976**  
**CUERO, TX. 77954**  
 Phone #: **(210) 240-5533**

  
 2. Signature: \_\_\_\_\_  
 Printed Name: **MARK ZGABAY**  
 Address: **590 OLIVER RD**  
**CUERO, TX**  
 Phone #: **361-243-6005**

*Betty Zagar*

3. Signature  
Printed Name: Betty Zagar  
Address: 509 Oliver Road  
Cuero, Texas 77954  
Phone #:

*William T. Oliver Jr*

4. Signature  
Printed Name: William T. Oliver Jr  
Address: 12218 Broken Bay, Houston, TX  
Phone #: 713-876-7475 77024

*Mary E. Hamilton*

5. Signature  
Printed Name: MARY E. HAMILTON  
Address: P.O. Box 729 Cuero  
Phone #: (991) 275-6676

*Gregson Oliver*

6. Signature  
Printed Name: Gregson Oliver  
Address: 1703 Silver St., Houston, TX 77024  
Phone #: 512-826-1064

*Gareth Oliver*

7. Signature  
Printed Name: GARETH OLIVER  
Address: 823 W. Hampton  
Houston, TX 77024  
Phone #: 713-962-5958

*Kirsten C. Jesulaitis*

8. Signature  
Printed Name: Kirsten C. Jesulaitis  
Address: 9625 Wickford Dr, Houston, TX  
Phone #: 713-857-7616 77624

*Kathy Oliver*

8. Signature  
Printed Name: KATHY OLIVER  
Address: 1258 RIPPLE CREEK  
Houston, TX 77057  
Phone #: 713-952-5557

*Gale Oliver III*

8. Signature  
Printed Name: GALE OLIVER III  
Address: 122 HICKORY RIDGE, HOUSTON, TX TX  
Phone #: 713-782-0469

9. Signature  
Printed Name: COYLENE OLIVER  
Address: 4812 MIRAVISTA CT.  
BRYAN, TX 77802  
Phone #: (779) 704-2825

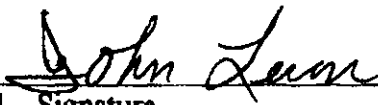
*William T. Oliver*

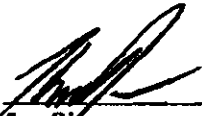
10. Signature  
Printed Name: William T. Oliver  
Address: 4812 Miravista Ct.  
Bryan TX  
Phone #: 530-857-5161

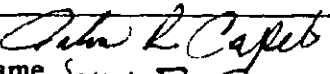
11. Signature  
Printed Name:  
Address:  
Phone #:

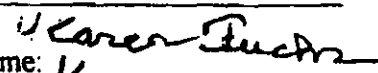
12. Signature  
Printed Name:  
Address:  
Phone #:

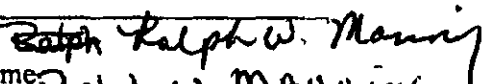
3. ~~Signature~~  
Printed Name: Betty Zgabay  
Address: 509 Oliver Road  
Cuero, Texas 77954  
Phone #: \_\_\_\_\_


  
4. Signature  
Printed Name: JOHN LEON  
Address: 415 Schleicher  
Phone #: 361-243-2039

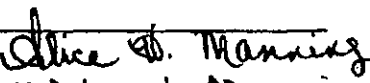
  
5. Signature: MARIAN FUCHS  
Printed Name:  
Address: P.O. Box 66  
Phone #: 361-557-7869  
830-236-9365

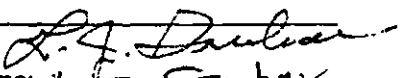
6. Signature:   
Printed Name: JOHN R. CAPELO  
Address: P.O. Box 183 - WESTHOFF, TX  
Phone #: (830) 236-5529

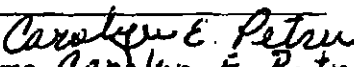
7. Signature:   
Printed Name: KAREN FUCHS  
Address: PO Box 66, Westhoff TX  
Phone #: 830-236-5365 77994

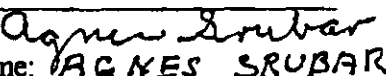
8. Signature:   
Printed Name: RALPH W. MANNING  
Address: 202 Oak Ridge Dr.  
Yoakum, TX 77995  
Phone #: 361-293-6616

8. Signature:   
Printed Name: MARY A. CAPELO  
Address: P.O. Box 183 - WESTHOFF  
Phone #: (830) 236-5529 77994

8. Signature:   
Printed Name: ALICE H. MANNING  
Address: 202 Oak Ridge Drive  
Yoakum, TX 77995  
Phone #: 361-293-6616

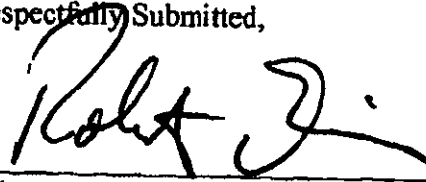
9. Signature:   
Printed Name: W.S. SRUBAR  
Address: 2840 Schulle Rd, Westhoff  
Phone #: 830-236-5949

10. Signature:   
Printed Name: CAROLYN E. PETRU  
Address: 2565 FM 531  
Phone #: Shiner, TX 77984  
361-594-2537

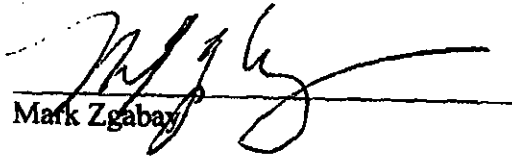
11. Signature:   
Printed Name: AGNES SRUBAR  
Address: 2840 SCHULLE RD.  
Phone #: 830-236-5949

12. Signature  
Printed Name  
Address  
Phone #:

Respectfully Submitted,



Robert Oliver



Mark Zgabay



Betty Zgabay

(Property owners burdened by this portion of Oliver Road)

**THOMAS SURVEYORS**

**Caley A. Thomas**  
**R.P.L.S. No. 6371**

**304 N. Gonzales**  
**Cuero, Texas 77954**

**Bus. 361-275-2716**  
**Firm No. 10193901**

**METES AND BOUNDS DESCRIPTION OF A 3.189 ACRE TRACT OF LAND  
REQUESTED BY MR. ROBERT OLIVER (JOB # 15092301)**

**BEING** all that certain parcel, tract or strip of land containing 3.189 Acres, being on and across portions of the following original surveys located in DeWitt County, Texas:

1. Mary Cogswell Survey A-109 (approximately 2.513 Acres covered herein);
2. Wiley W. Hunter Survey A-230 (approximately 0.203 Acre covered herein);
3. Memphis El Paso and Pacific Rail Road Company A-358 (approximately 0.368 Acre covered herein);
4. Alex Hamilton Survey A-609 (approximately 0.105 Acre covered herein);

And said 3.189-Acre tract being on and across portions of the following tracts located in said County:

1. A called 648.79-Acre tract styled Exhibit "A" described in special warranty deed to Robert L. Oliver from Oliver Family Surface Investments, Ltd. recorded in Vol. 484 Page 633 in the official public records of said County (1.685 Acres of said tract covered herein);
2. A called 40-Acre tract referenced in gift deed to Mark S. Zgabay et. ux. from Keyes F. Carson, Jr. recorded in Vol. 155 Page 536 in said official public records and described in Vol. 79 Page 83 in the deed records of said County (1.504 Acres of said tract covered herein);

Said 3.189-Acre being a portion of "Oliver Road" (a prescriptive-type, County maintained right of way varying in width at this location as presently fenced), and is more particularly described by metes and bounds as follows:

**BEGINNING** at a mag nail set in the centerline of a 12" diameter cedar fence corner post found at the southwest corner of this tract, at the intersection of the presently fenced southern right of way line of said Oliver Road, with the presently fenced eastern right of way line of County Road No. 147 / Bellevue Cemetery Road (a County maintained, variable width right of way), at a point interior of said 648.79-Acre tract and of said Memphis El Paso and Pacific Rail Road Company Survey A-358, located (along the following call which crosses through the interior of said 648.79-Acre tract description, and does not run along the presently fenced eastern right of way line of said County Road No. 147 / Bellevue Cemetery Road) N 01 Deg. 27 Min. 30 Sec. W, 1,265.69 feet from a 5/8" diameter iron rod found at the most northerly southwest corner of said 648.79-Acre tract;

**THENCE** crossing said Oliver Road, with the northerly and southerly prolongations of the presently fenced eastern right of way line of said County Road No. 147 / Bellevue Cemetery Road, and crossing an interior portion of said 648.79-Acre tract, N 01 Deg. 44 Min. 08 Sec. W, the following:

1. At a distance of approximately 34.69 feet, pass the line separating said Memphis El Paso and Pacific Rail Road Company Survey A-358, from said Mary Cogswell Survey A-109;

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2. (Now entering said Mary Cogswell Survey A-109) continue same course a total distance of 35.94 feet to a 100D nail set in the centerline of a 12" diameter cedar fence corner post found (broken) at the northwest corner of this tract, at the intersection of the presently fenced eastern right of way line of said County Road No. 147 / Bellevue Cemetery Road with the presently fenced northern right of way line of said Oliver Road, at a point interior of said 648.79-Acre tract and of said Mary Cogswell Survey A-109, located:
  - a. N 47 Deg. 40 Min. 23 Sec. E, 5.09 feet from a calculated point at an angle point in the most northerly west line of said 648.79-Acre tract;
  - b. N 42 Deg. 30 Min. 28 Sec. W, 2.06 feet from the centerline of a 10" diameter steel bollard found (leaning) as a reference;

**THENCE** departing the presently fenced eastern right of way line of said County Road No. 147 / Bellevue Cemetery Road, with the presently fenced northern right of way line of said Oliver Road, and continuing across interior portions of said 648.79-Acre tract, the following:

1. N 69 Deg. 39 Min. 50 Sec. E, 1,076.20 feet to a 5/8" diameter iron rod capped and marked 6371 set at an angle point in said line;
2. N 70 Deg. 54 Min. 25 Sec. E, the following:
  - a. At a distance of 1,114.83 feet, pass the common easterly interior line of said 648.79-Acre tract and west line of said 40-Acre tract, from which:
    - i. A 5/8" diameter iron rod found at the common northwest corner of said 40-Acre tract and interior corner of said 648.79-Acre tract, bears N 04 Deg. 58 Min. 08 Sec. W, 767.46 feet;
    - ii. A 5/8" diameter iron rod found at the common southwest corner of said 40-Acre tract and interior corner of said 648.79-Acre tract (at a point interior of said Oliver Road and of this 3.189-Acre tract), bears S 04 Deg. 58 Min. 08 Sec. E, 28.00 feet;
  - b. (Now crossing a portion of said 40-Acre tract), continue same course a total distance of 1,170.55 feet to a mag nail set on the side of a 10" diameter wood fence corner post found at another angle point in said presently fenced northern right of way line;

**THENCE** continuing with the presently fenced northern right of way line of said Oliver Road, and continuing across interior portions of said 40-Acre tract, the following:

1. N 70 Deg. 47 Min. 08 Sec. E, 837.61 feet to a 5/8" diameter iron rod capped and marked 6371 found at another angle point in said right of way line;
2. N 70 Deg. 56 Min. 58 Sec. E, 65.32 feet to a 5/8" diameter iron rod capped and marked 6371 found at another angle point in said right of way line;
3. N 70 Deg. 58 Min. 27 Sec. E, 554.50 feet to a 5/8" diameter iron rod capped and marked 6371 found at another angle point in said right of way line;
4. N 70 Deg. 57 Min. 07 Sec. E, 41.06 feet to a 5/8" diameter iron rod capped and marked 6371 found at another angle point in said right of way line;
5. N 70 Deg. 52 Min. 33 Sec. E, 637.05 feet to a 5/8" diameter iron rod capped and marked 6371 set at another angle point in said right of way line;

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**Firm No. 10193901**

6. N 46 Deg. 06 Min. 34 Sec. E, 30.68 feet to a 5/8" diameter iron rod capped and marked 6371 set at the northeast corner of this tract, at the intersection of the presently fenced northern right of way line of said Oliver Road with the presently fenced western right of way line of said Road (once said Road turns and projects both northerly and southerly from this location), located (along the following call which crosses through the interior of said 40-Acre tract description, and does not run along the presently fenced western right of way line of said Oliver Road, once said road turns and projects northerly from this location), S 00 Deg. 38 Min. 39 Sec. W, 771.32 feet from a 5/8" diameter iron rod found at the common northeast corner of said 40-Acre tract and most northerly southeast corner of said 648.79-Acre tract;

**THENCE** crossing said Oliver Road, with the northerly and southerly prolongations of the presently fenced western right of way line of said Oliver Road (once said Road turns and runs north and south from this location), and further crossing said 40-Acre tract and a portion of said 648.79-Acre tract, S 08 Deg. 06 Min. 44 Sec. W, the following:

1. At a distance of 49.54 feet, pass the line separating the common south line of said 40-Acre tract and north interior line of said 648.79-Acre tract, also being in or near the line separating said Mary Cogswell Survey A-109 from said Wiley W. Hunter Survey A-230, from which a 5/8" diameter iron rod found at the common southeast corner of said 40-Acre tract and northeast corner of said 648.79-Acre tract, bears N 70 Deg. 58 Min. 33 Sec. E, 15.26 feet, said rod also being at or near the northeast corner of said Wiley W. Hunter Survey A-230 and the northwest corner of the John Harwood Survey A-213 of said County, and in or near the southeast line of said Mary Cogswell Survey A-109;
2. (Now entering said 648.79-Acre tract and said Wiley W. Hunter Survey A-230), continue same course a total distance of 67.02 feet to a 5/8" diameter iron rod capped and marked 6371 set at the southeast corner of this tract, at the intersection of the presently fenced western right of way line of said Oliver Road (once said road turns and projects southerly from this location) with the presently fenced southern right of way of said Oliver Road;

**THENCE** with the presently fenced southern right of way line of said Oliver Road, and continuing across interior portions of said 648.78-Acre tract, the following:

1. (Fence partially destroyed along the following call), N 78 Deg. 13 Min. 02 Sec. W, 25.85 feet to a cotton spindle set at an angle point in said right of way line;
2. S 70 Deg. 52 Min. 52 Sec. W, 1,169.34 feet to a 5/8" diameter iron rod capped and marked 6371 set at another angle point in said right of way line;
3. S 71 Deg. 05 Min. 52 Sec. W, 941.30 feet to a 5/8" diameter iron rod capped and marked 6371 set at another angle point in said right of way line;
4. S 70 Deg. 56 Min. 54 Sec. W, the following:
  - a. At a distance of approximately 704.60 feet pass the line separating said Wiley W. Hunter Survey A-230 from said Alex Hamilton Survey A-609;
  - b. (Now entering said Alex Hamilton Survey A-609), continue same course a total distance of 1,173.46 feet to a 5/8" diameter iron rod capped and marked 6371 set at another angle point in said right of way line;

**THOMAS SURVEYORS**

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**Firm No. 10193901**

5. (Now continuing across said Alex Hamilton Survey), S 69 Deg. 22 Min. 23 Sec. W, the following:
- a. At a distance of approximately 164.70 feet pass the line separating said Alex Hamilton Survey A-609 from said Memphis El Paso and Pacific Rail Road Company Survey A-358;
  - b. (Now re-entering said Memphis El Paso and Pacific Rail Road Company Survey A-358), continue same course a total distance of 1,084.06 feet to the Place of Beginning and containing 3.189 Acres of land.

**SURVEYOR'S NOTE:** The Bearing Basis for this survey is between said 5/8" diameter iron rod found at the common southwest corner of said 40-Acre tract and east interior corner of said 648.79-Acre tract, and said 5/8" diameter iron rod found at the common southeast corner of said 40-Acre tract and northeast corner of said 648.79-Acre tract, being N 70 Deg. 58 Min. 33 Sec. E, 2,218.54 feet, the bearing of which is as recited in the description of said 648.79-Acre tract.

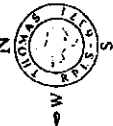
The above description was written from an actual survey made on the ground in conjunction with a drawing thereof and without the benefit of a title commitment, under my direction, and is true and correct to the best of my knowledge and belief.



  
Caley A. Thomas, R.P.L.S. No. 6371  
Cuero, Texas October 9<sup>th</sup>, 2015



**BOUNDARY SURVEY SHOWING**  
**A 3.189 ACRE PORTION OF**  
**THE PRESENTLY FENCED**  
**RIGHT OF WAY OF**  
**"OLIVER ROAD"**  
**(A PRESCRIPTIVE-TYPE,**  
**COUNTY MAINTAINED R.O.W.)**  
**VARIOUS SURVEYS**  
**DEWITT COUNTY, TEXAS**



SCALE: 1" = 200'

ADJACENT SURVEYS	OWNER
SECTION 10, T. 10N, R. 10E	...
SECTION 11, T. 10N, R. 10E	...
SECTION 12, T. 10N, R. 10E	...
SECTION 13, T. 10N, R. 10E	...
SECTION 14, T. 10N, R. 10E	...
SECTION 15, T. 10N, R. 10E	...
SECTION 16, T. 10N, R. 10E	...
SECTION 17, T. 10N, R. 10E	...
SECTION 18, T. 10N, R. 10E	...
SECTION 19, T. 10N, R. 10E	...
SECTION 20, T. 10N, R. 10E	...

LINE	BEARING	DISTANCE	REMARKS
1	N 89° 00' 00" E	30.00	...
2	S 89° 00' 00" W	30.00	...
3	N 01° 00' 00" E	30.00	...
4	S 01° 00' 00" W	30.00	...
5	N 89° 00' 00" E	30.00	...
6	S 89° 00' 00" W	30.00	...
7	N 01° 00' 00" E	30.00	...
8	S 01° 00' 00" W	30.00	...
9	N 89° 00' 00" E	30.00	...
10	S 89° 00' 00" W	30.00	...
11	N 01° 00' 00" E	30.00	...
12	S 01° 00' 00" W	30.00	...
13	N 89° 00' 00" E	30.00	...
14	S 89° 00' 00" W	30.00	...
15	N 01° 00' 00" E	30.00	...
16	S 01° 00' 00" W	30.00	...
17	N 89° 00' 00" E	30.00	...
18	S 89° 00' 00" W	30.00	...
19	N 01° 00' 00" E	30.00	...
20	S 01° 00' 00" W	30.00	...

**LEGEND**  
 ...  
**NOTES**  
 1. THIS SURVEY WAS PERFORMED BY ...  
 2. A P.O.B. HAS BEEN PLACED AT THE ...  
**COMMENTS**  
 ...  
 DEWITT COUNTY, TEXAS  
 10 - 09 - 2015

**3.189 ACRES**

**1.504 ACRES:**  
 PORTION OF 3.189 ACRES  
 SURVEYED BY ...

**1.685 ACRES:**  
 PORTION OF 3.189 ACRES  
 SURVEYED BY ...

**OLIVER ROAD**

**INSET 1**  
 P.O.B.

**INSET 2**

**INSET 3**

**INSET 4**

THIS SURVEY WAS PERFORMED BY ...  
 DEWITT COUNTY, TEXAS  
 10 - 09 - 2015