

TO THE HONORABLE COMMISSIONERS' COURT OF HARRIS COUNTY, TEXAS:

Now come your petitioners, M. A. Ballentine, a feme sole, and J. A. Ballentine and A. L. Ballentine, and would respectfully represent and show as follows, to-wit:

-I-

That your Petitioner, M. A. Ballentine, owns the West one-half ($1/2$) of Block No. Twenty-eight (28), known as Lots Nos. One (1) to Five (5), inclusive, of said Block No. Twenty-eight (28) in the Town of Seabrook, in Harris County, Texas, and that your Petitioners, J. A. Ballentine and A. L. Ballentine, own the East one-half ($1/2$) of said Block No. Twenty-eight (28), known as Lots Nos. Six (6) to Ten (10), inclusive thereof. That the Widow and Heirs of Christian Isensee, Deceased, own that part of Block No. Twenty-nine (29) in the Town of Seabrook, in Harris County, Texas, lying East of the G. H. & S. A. Railroad. That between said Blocks Nos. 28 and 29 is a fifty (50) foot street, known as Andres Avenue; that both of said Blocks Nos. 28 and 29 lie South of Second Avenue or Kittrell Avenue in said Townsite. That the said Town of Seabrook was laid out and all of the streets therein were dedicated to public use in the year 1896; that a map or plat of said Town of Seabrook was then filed for record, which appears in Volume 92 page 284 of the Deed Records of Harris County, Texas; that said map covers and includes all of the Townsite of said Town of Seabrook, which lies East of said Railroad track, and includes, among other blocks, said Blocks Nos. 28 and 29; that an additional map of the Town of Seabrook was filed for record during the year 1903, and appears in Volume 1 page 50 of the Map Records of Harris County, Texas; that said last mentioned map, in so far as the lands lying East of said Railroad track are concerned, is exactly the same as said first mentioned map which was filed in 1896; that there is no difference or change in the map filed in 1903 and said map filed in 1896, except that said map filed in 1903 shows certain property, lying West of the said

Railroad track, as forming a part of the Town of Seabrook as large or acreage lots, whereas the said map filed in 1896 subdivided all of said property lying West of said Railroad track into small city lots and blocks. That all of your Petitioners are residents of Harris County, Texas, and reside in Commissioners' Precinct No. 1 in said County; further, that they reside in the Townsite of Seabrook, east of said Railroad track, and own other property than that hereinbefore described; that all of your petitioners are taxpayers in Harris County, Texas, and pay taxes not only on the property owned by them in said Townsite of Seabrook, but on other property owned by them in Harris County, Texas.

-II-

That Christian Isensee is deceased; that he left surviving him as his sole heirs, his widow and the following named children and grandchildren, to-wit: John Isensee, George Isensee, Christian Isensee, Grace Harris, Ed Harris, P. R. Harris and wife, Louise Harris, Norma Harris Evans and husband, G. C. Evans, Lillian Harris Lockett and husband, C. D. Lockett, That during the lifetime of the said Christian Isensee, to-wit, in the year 1898, by a deed dated the 8th day of January, and duly recorded in Volume 103, page 206, of the Deed Records of Harris County, Texas, he purchased from the then owner thereof all of that part of said Block No. 29 lying East of the said Railroad track; that he purchased the same after the registration of the first mentioned plat; that the deed of the said Christian Isensee covering said Fractional Block No. 29 refers to the map or plat of the Town of Seabrook. That heretofore, to-wit, about fifteen years ago, the exact time being unknown to your Petitioners, but well known to the said widow and the said children of the said Christian Isensee, the said Christian Isensee fenced, or caused to be fenced, a strip of land constituting approximately the Westerly forty (40) feet of said Andres Avenue, lying between said Blocks Nos. 28 and 29 in said Town of Seabrook, and extending Southward from the South Line of Second Street to the Northeasterly Line of said Railroad track; that said street so fenced appears on both of said maps of the Townsite of Seabrook, and is referred to on each of said maps as Andres Avenue; that the fencing of said street

was and is illegal for every purpose; that the same was violative of the rights of your Petitioners and of the rights of every person owning a lot in the said Townsite of Seabrook, and is violative of the rights of Harris County in said Street, and is violative of the rights of the general public in said street, in that the same operates as, and is an obstruction of said street, there being left only a narrow strip of land between said fence and the West Line of said Block No. 28, to-wit, a strip of about ten (10) feet in width, which materially lessens the value of your Petitioners' said property in said Block No. 28. That ever since the said Christian Isensee erected the said fence, as aforesaid, and until his death, he maintained the same, and that after the death of the said Christian Isensee his said widow and said children have ever since maintained, and are now maintaining the same.

-III-

That this Honorable Court has the right to require said Andres Avenue to be thrown open to the public from said Second Avenue to the Northeasterly line of State Highway No. 146; that of right it should require the same to be opened and said obstructing fence removed therefrom in the interest not only of your Petitioners, but of the citizens of Harris County generally, especially including citizens who reside in the Townsite of Seabrook, in Harris County, Texas, and who own property therein.

-IV-

Your petitioners would further show that said State Highway No. 146 is now being constructed, and that as right-of-way therefor your Honorable Body has heretofore obtained from the said widow and Heirs of the said Christian Isensee, Deceased, the Southwesterly portion of said Block No. 29 which lies East of the said Railroad track; that for the same purpose it will be necessary that your Honorable body obtain from your Petitioners herein the Southwesterly portion of Block No. 28, in said Town of Seabrook, owned by them as aforesaid. They would further show that the portion of said Block No. 28 necessary for the purposes aforesaid, that is, for the use of said State Highway No. 146, will be larger in size than that acquired from the said widow

and Heirs of the said Christian Isensee, Deceased. That your Honorable body caused to be paid to said widow and Heirs of the said Christian Isensee, Deceased, for the portion of said Block No. 29 needed for said Highway, containing approximately 13,745 square feet of land, the sum of Thirty-three Hundred Dollars (\$3300.00); that there is no substantial difference in the value of the tract of land so acquired in said Block No. 29 and that which will have to be acquired from your Petitioners in said Block No. 28, containing approximately 14,497 square feet, and in this connection your Petitioners further say that while the portion of said Block No. 28 needed for said Highway and owned by them has no improvements on it, said portion of Block No. 29 obtained for the same purposes from the widow and Heirs of the said Christian Isensee, Deceased, was encumbered with two old buildings,- one large and one small. That this Honorable Court, after obtaining the title to that portion of said Block No. 29 needed for the purposes aforesaid, has requested intending purchasers of said two old buildings to submit bids therefor; that your Petitioners are informed and believe, and so believing allege that only two bids were received for said two old buildings; that one of said bids offered the sum of Fifty-one Dollars (\$51.00) for both of said buildings, and the other of said bids offered the sum of Seventy-five Dollars (\$75.00) for the largest building. That these matters and facts are set up for the purpose of demonstrating to your Honorable body that there is no substantial difference between the value of the land acquired in said Block No. 29 and that owned by Petitioners in said Block No. 28 and needed for the purposes aforesaid. That the agents of this Court, for some reason unknown to your Petitioners, and believed by Petitioners to be unknown to most of the members constituting this Court, have only offered your Petitioners the negligible sum of \$498.75 for the land owned by them in said Block No. 28 and necessary for said Highway; that the price so offered is unjust and discriminatory, and entirely out of line with the price paid for the said tract acquired from the said widow and Heirs of the said Christian Isensee, Deceased. That the agents of this Honorable Court

are now threatening to attempt to obtain title to your Petitioners' said land in said Block No. 28 by the institution of condemnation proceedings; that unless ordered to desist and refrain from so doing by this Honorable Court such proceedings will be instituted; that such proceedings are unnecessary and will place an undue burden on this County because of the willingness of your Petitioners to deal fairly with the County in the matter of conveying said land to it, if the County on the other hand will deal as fairly with your Petitioners in the matter as it has dealt with other citizens in similar matters. In this connection your Petitioners would further represent and show that the institution of such proceedings against them will place a great burden upon them, which they are ill-able to bear, in that they will be required, in order to protect their rights, to employ attorneys to represent them at a great expense to themselves. That it has heretofore been the custom of this Honorable Court wherever streets have been encroached upon, as in the case of said Andres Avenue, as hereinbefore set out, to order the same opened for the use, benefit and protection of its citizens, and for this Court in such matters to exercise the powers and prerogatives conferred upon it by law.

WHEREFORE, premises considered, Petitioners pray for a hearing in which all of said matters may be set down for trial before this Honorable Court, and all of the rights of the parties be heard and determined and made public; that said Court, after hearing the same, require that said Andrew Avenue be opened between the points aforesaid, and all obstructions removed therefrom, and that said Andres Avenue be graded and shelled, and that this Court, acting as a whole, attempt to agree with these Petitioners upon a price to be paid them for the portion of said Block No. 28 needed for the purposes aforesaid, or, on the contrary, that this Court appoint some fair and impartial person, with power to act in the premises, to deal with your said Petitioners in the particulars and respects mentioned, and in this your petitioners say that they will receive fair, equal and impartial justice, and they further pray for such other and further relief, general and special, in the premises as they show themselves en-

titled to receive, for all of which they will forever, as in duty
bound, pray.