

FROM: Ralph B. Filburn III
11869 Dove Creek Lane East
San Angelo, TX 76904

FILED FOR RECORD

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ELIZABETH MCGILL
COUNTY CLERK
COUNTY OF TOM GREEN, TEXAS

DATE: November 15, 2011

- TO: (1) Tom Green County Commissioners' Court
Edd B. Keyes Building
124 W. Beauregard
San Angelo, TX 76903
- (2) Dove Creek Subdivision Owners Association (DCSOA)
11191 Northcross Lane
San Angelo, Texas 76904
- (3) Surrounding Neighbors

TO ALL CONCERNED:

On this date I received a letter by USPS Certified Mail informing me of the intent of Corby Maskill to combine two adjacent lots: SECTION 1, TRACTS 3 (5.11 Acres) AND 4 (5.15 Acres), BLOCK 2, located in the Dove Creek Subdivision.

I am the owner of SECTION 1, TRACT 2, BLOCK 2 in the Dove Creek Subdivision adjacent to the proposed replat.

The purpose of this letter is to express my opposition to this action but if approved by the Commissioners' Court that the approval will be with a permanent restriction on the combined acreage that prohibits hunting or the discharge of firearms as is currently restricted by Section 235.022 below for all other 5 acre tracts.

The replating of these lots will result in a single 10.16 acre lot. The stated purpose of this combining of lots by the owner is to allow hunting on the property. Under current Texas State Law this activity is prohibited (to promote public safety) on lots of less than 10 acres in accordance with:

Sec. 235.022. AUTHORITY TO REGULATE. To promote the public safety, the commissioners court of a county by order may prohibit or otherwise regulate the discharge of firearms on lots that are 10 acres or smaller and are located in the unincorporated area of the county in a subdivision. Added by Acts 1989, 71st Leg., ch. 1, Sec. 55(a), eff. Aug. 28, 1989. Renumbered from Sec. 240.022 by Acts 2001, 77th Leg., ch. 1420, Sec. 12.003(9), eff. Sept. 1, 2001.

In addition, Texas Park and Wildlife Regulations state that it is:

It is against the law to:

(1) discharge a firearm on or across a public road or hunt game animals, game birds, exotic animals or fur-bearing animals on public roads.

(2) It is unlawful for any person, while hunting or engaging in recreational shooting, to knowingly discharge a firearm in such a fashion as to cause a projectile to cross a property line, unless the person owns the property on both sides of the property line or has obtained written permission from the owner of any land crossed by the projectile.

Further, ARTICLE IV, Section 4 of the Dove Creek Covenants and Restrictions states:

In addition to all other covenants and restrictions provided in or by this Declaration, the Properties shall be, unless otherwise expressly exempt there from in this Declaration, subject to the following covenants and restrictions running with the land which shall be binding on all parties having any right, title or interest in the Properties, or any part thereof, their heirs, representatives, successors or assigns, to-wit:

Section 4. No noxious or offensive activity shall be conducted upon the Properties, nor shall anything be done thereon which may become an annoyance or nuisance to any Owner.

Using the southwest survey line of TRACT 3 as a distance baseline (903 feet = 301 yards) I have constructed the following analysis.

DEFINITIONS:

EFFECTIVE RANGE OF A FIREARM

In military terms the maximum effective range of a firearm is the range at which a trained soldier can hit a man sized target (similar to the size of a grown deer) 50% of the time.

LETHAL RANGE OF A FIREARM

The lethal range of a firearm is the range at which the bullet fired from a weapon drops to subsonic speed. Any range up to the lethal range would inflict a mortal wound to a living human/animal if struck in a vital organ.

MAXIMUM RANGE OF A FIREARM

The maximum range of a firearm is the range that a bullet fired from a firearm is capable of traveling after being fired.

SAMPLE FIREARM:

TYPICAL RANGES FOR A RIFLE

Using information gathered on the internet for Springfield 30-06 Rifle (typical of caliber and range of a low end deer rifle) firing a 180 grain bullet the following are the ranges of the rifle:

EFFECTIVE RANGE*	400 Yards
LETHAL RANGE	1200 Yards
MAXIMUM RANGE	5675 Yards (3.22 miles)

NOTES:

- a. The above ranges are lower than more modern high powered rifles such as a .308 caliber rifle or a .270 caliber rifle
- b. *An "average shooter" will miss the intended target 50% of the time at the Maximum Effective Range.

ANALYSIS:

Using the Southwest survey line as previously noted (~300 yards) ranges are depicted for EFFECT RANGE and LETHAL RANGE of the sample rifle chosen. The range arcs assume a hunter standing on the proposed TRACT and firing at a target on that TRACT. Five (5) points were chosen to establish the arcs. Four points at the corners of the TRACT were used along with one at the center point.

Using the above information and road and satellite maps from the Google data base the following is presented:

Figure 1 (Attached) shows the proposed combined TRACT requested of the Court in relation to other property lines in the immediate area. The Letter A represents my property. The EFFECTIVE RANGE of the chosen rifle is shown with the GREEN lines and the LETHAL RANGE shown by RED lines.

Figure 2 (Attached) is a satellite image from Google Maps and it shows the inhabited houses surrounding the proposed track. These houses are circled in Blue. The EFFECTIVE RANGE of the chosen rifle is again shown with the GREEN lines and the LETHAL RANGE in RED lines. There are nine (9) inhabited residences within the

EFFECTIVE RANGE as depicted, one public road (Dove Creek Lane East) and Dove Creek itself.

Figure 3 (Attached) shows the proposed combined TRACT requested of the Court in relation to other property lines in the immediate area at a smaller scale to allow for the expanded LETHAL RANGE arcs. Again, the Letter A represents my property.

Figure 4 (Attached) is a satellite image from Google Maps in the same scale as Figure 3 and it shows the inhabited houses surrounding the proposed track along with the LETHAL RANGE arcs shown in RED. These houses are again circled in Blue.

Using Figure 4 as a reference there are:

- a. 43 inhabited residences on the East side of Dove Creek within the LETHAL RANGE of the sample firearm,
- b. 30 inhabited residences on the West side of Dove Creek within the LETHAL RANGE of the sample firearm, and
- c. 5 public roads (Dove Creek Lane East, Dove Creek Lane West, Twin Lakes Lane, Northcross Lane, and Westcross Lane) along with the private road connecting Dove Creek Lane East and Dove Creek Lane West via the low water crossing within the LETHAL RANGE of the sample firearm.

A depiction of the MAXIMUM RANGE is not included as I believe the point is made with Figures 1-4.

In addition to the above, it is difficult to quantify the effects of ricochet bullets in the analysis but their presence is a significant issue in my objection.

SUMMARY:

I believe that the attached Figures clearly demonstrate the danger and threat to public safety in allowing the combining of these two tracts for the purpose of hunting on them. There is no position on the combined TRACTS that will allow the discharge of a firearm without crossing a public road, hazarding an inhabited residence, and creating an annoyance or public nuisance.

Within the LETHAL RANGE of a discharged firearm are the public roads Dove Creek Lane East, Dove Creek Lane West, Twin Lakes Lane, Westcross Lane, Northcross Lane, and the road for the low water crossing. These roads not only serve as thoroughfares for vehicle traffic they are used daily by local families for walking, jogging, bike riding, and horse back riding.

Within the LETHAL RANGE of a discharged firearm there are 73 inhabited private residences along with multiple out buildings and structures to include the water tower that serves the Dove Creek Subdivision.

In addition, the banks of Dove Creek provide recreational activities for boating, fishing, and swimming.

For purely safety reasons, I will not grant permission to fire toward or over my property (TPWR (2) above). There are 487 five acre tracts with 372 owners in the Dove Creek Subdivision of which 284 contain either inhabited residences or buildings. With the restrictions placed upon tracts of land under 10 acres by Section 235.022, I believe that there is a reasonable expectation that a "retroactive" replating of two 5+ acre lots to allow hunting and shooting within the Subdivision is a detriment to Public Safety.

In closing let me say that I am not against hunting or sport shooting – I do both myself. Sport Shooting at the San Angelo Gun Club and hunting on a 1400 acre ranch in Mason County. There is a time and a place to safely conduct these activities – the Dove Creek Subdivision is not that place. There are too many inhabited houses, outdoor activities, and publicly used roads to allow the discharge of high powered weapons within the Subdivision. I do not object to the replating of this property if the replat clearly restricts the property from hunting or sport shooting.

Thank you for your consideration in this matter.



Ralph B. Filburn III

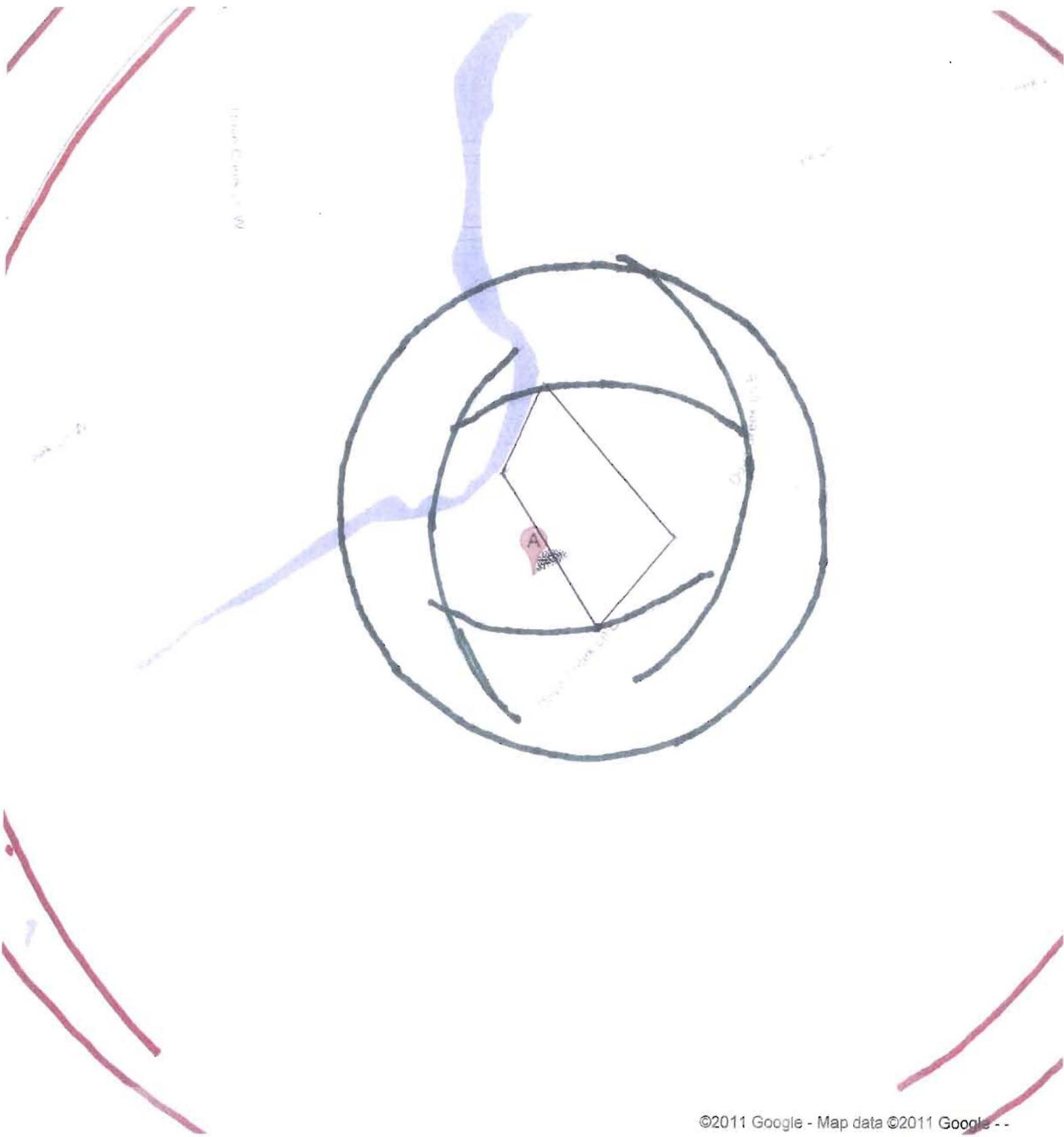
Owner

SECTION 1, TRACT 2, BLOCK 2

Dove Creek Subdivision

cc: Dove Creek Home Owners Association
Neighbors

FIGURE 1



Google maps

To see all the details that are visible on the screen, use the "Print" link next to the map.

FIGURE 2

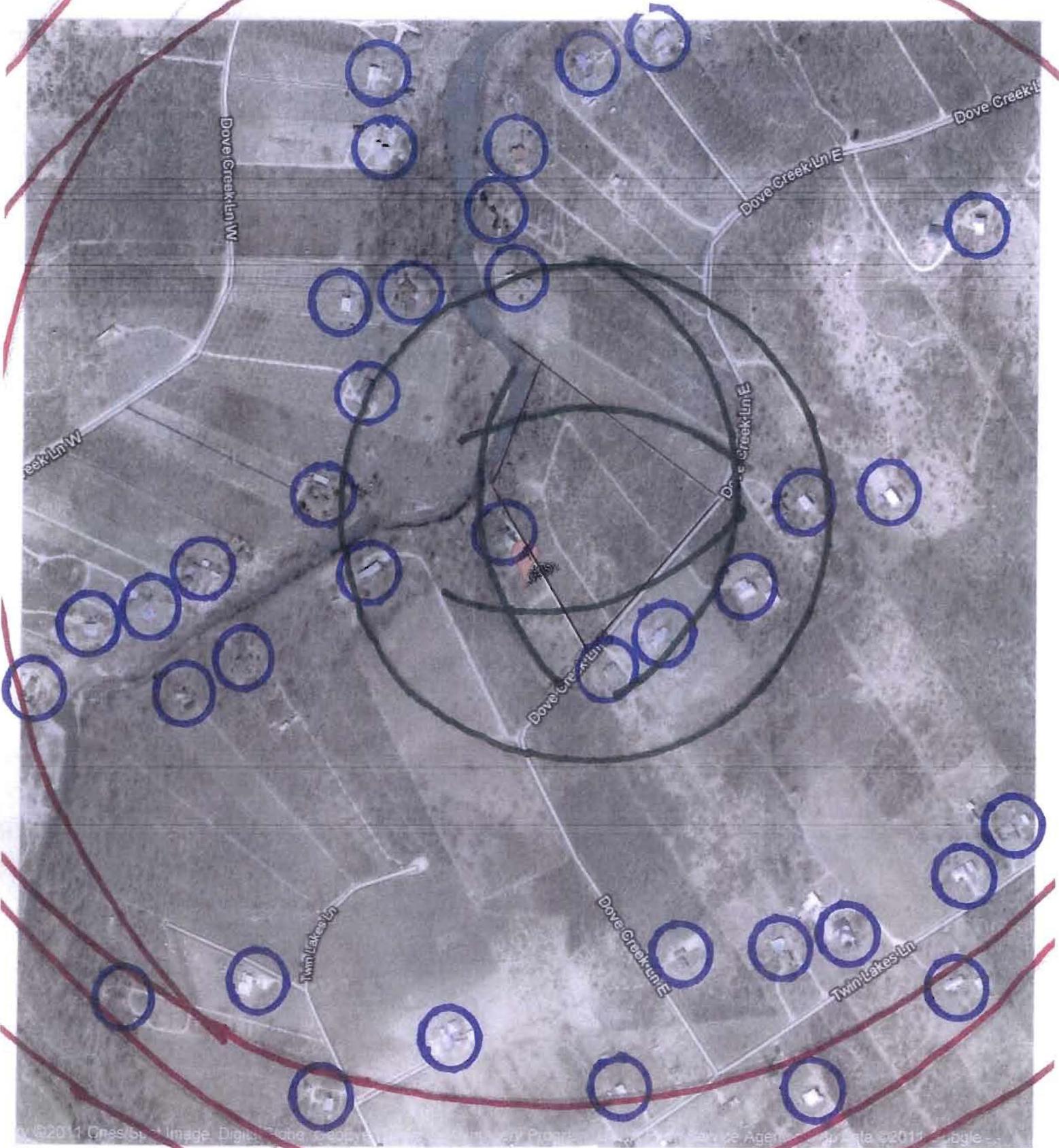


FIGURE 3

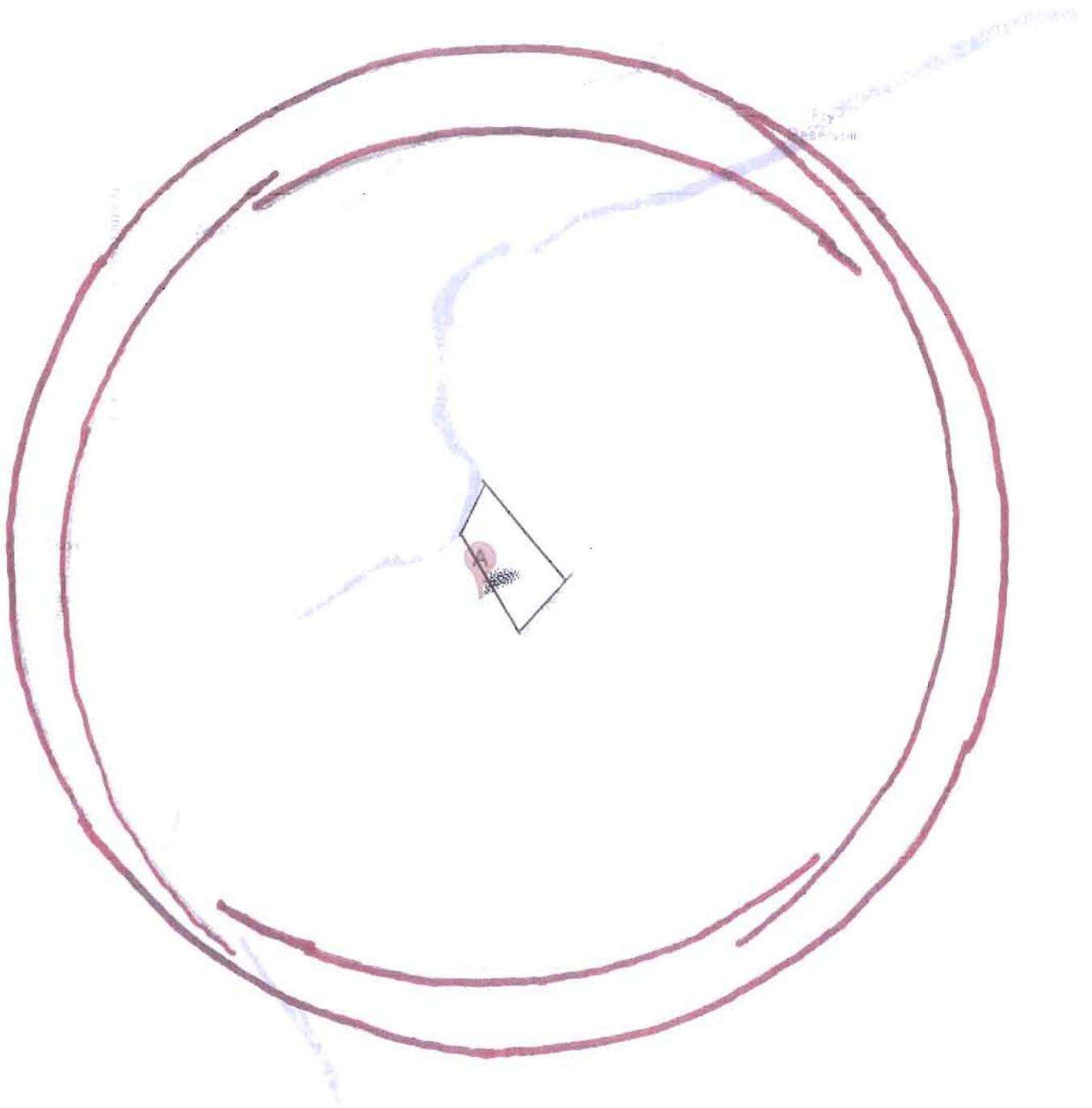
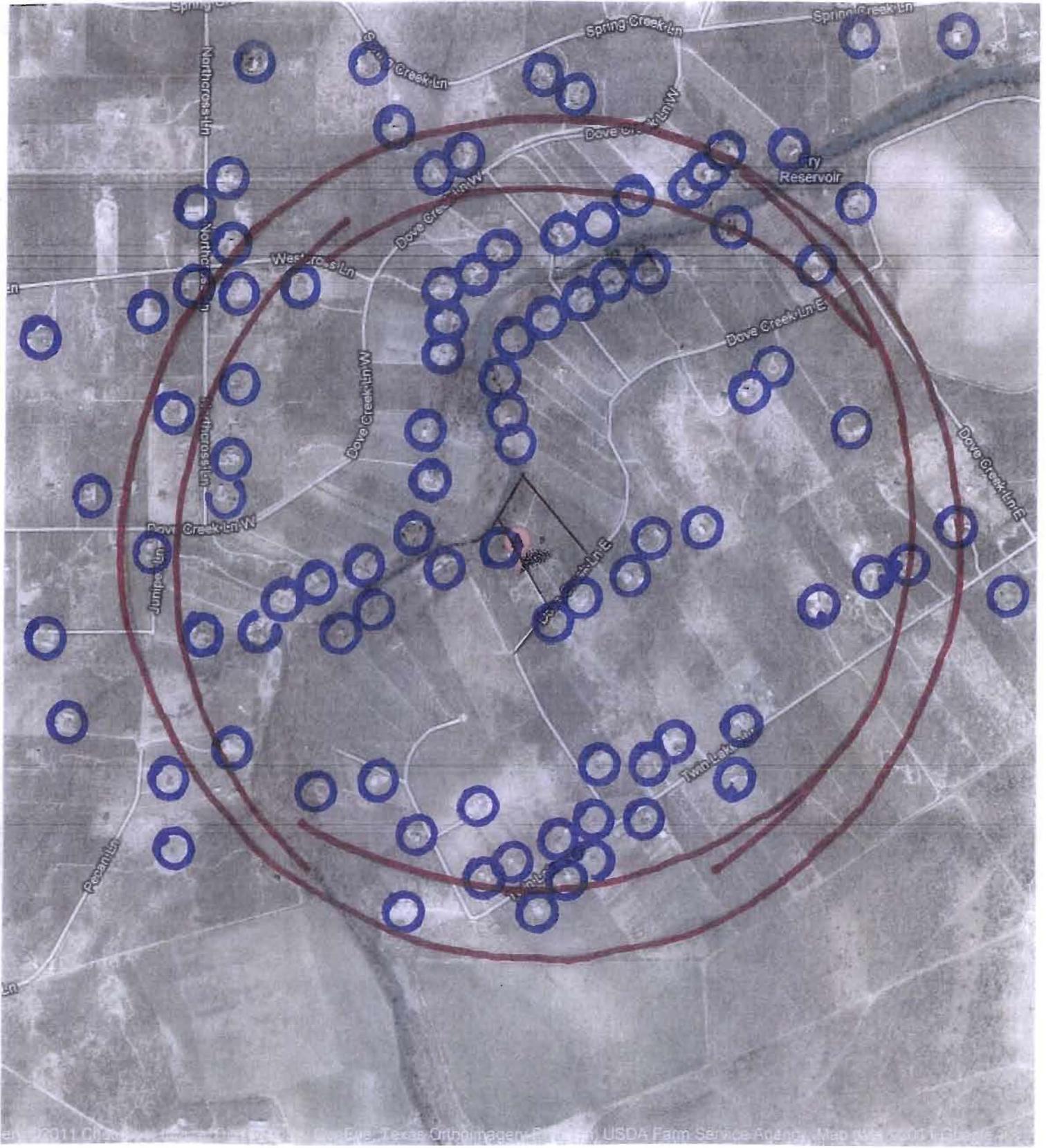
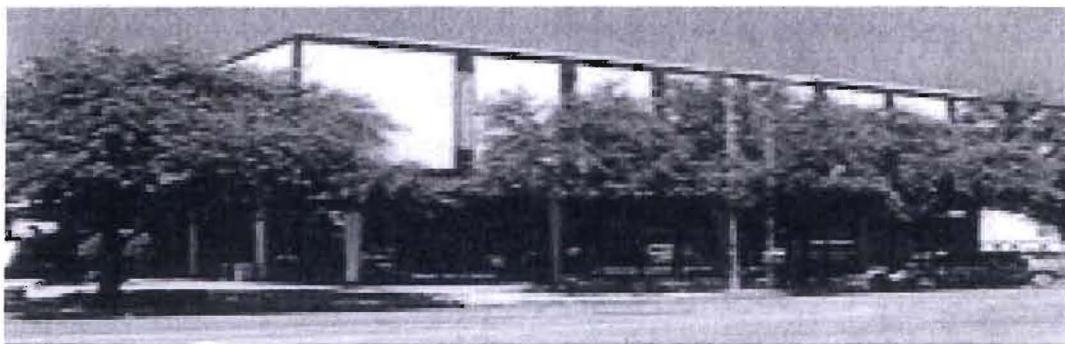


FIGURE 4





RALPH PHILBURN
11869 DOVE CREEK LANE EAST
SAN ANGELO, TX 76904

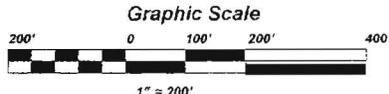
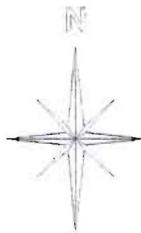
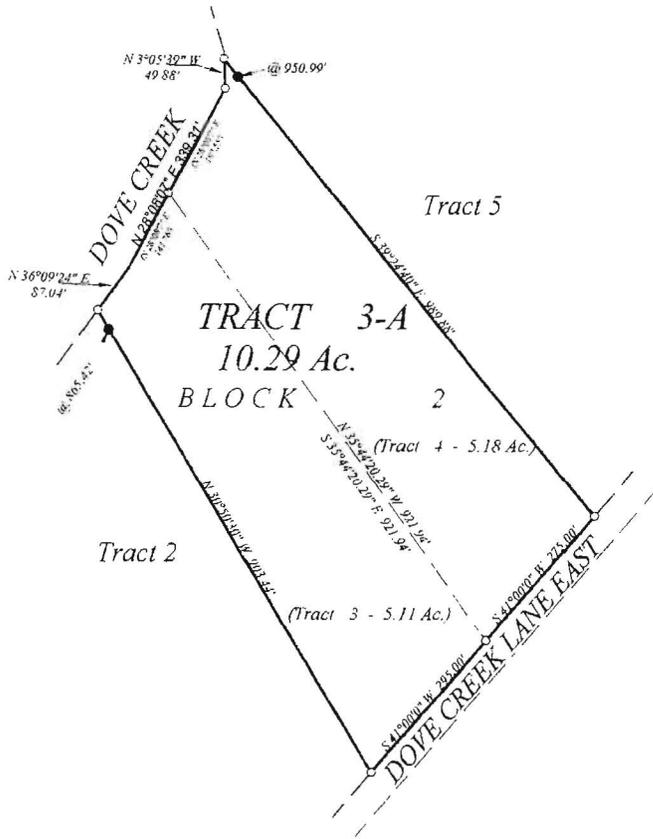
NOTICE

This is to inform you, as an owner in the DOVE CREEK SUBDIVISION SECTION 1 that a replat of TRACTS 3 AND 4, BLOCK 2 in said subdivision located in Tom Green County, Texas, will be considered on DECEMBER 6, 2011 at 8:30 A.M. in the Tom Green County Commissioners' Court at the Edd B. Keyes Building, San Angelo, Texas. The Owner of the tract is: CORBY MASKILL

Sara Palmer

Sara Palmer
Deputy
Tom Green County Clerk
124 W. Beauregard
San Angelo, Tx. 76903
325-659-6551

**TRACT 3-A OF REPLAT
OF TRACTS 3 & 4, BLOCK 2,
SECTION ONE, DOVE CREEK SUBDIVISION,
TOM GREEN COUNTY, TEXAS**



LEGAL DESCRIPTION

Tract 3-A, containing 10.29 acres and being a replat of Tracts 3 and 4, Block 2, Section One, Dove Creek Subdivision, Tom Green County, Texas, according to the original plat as recorded in Plat Cabinet C, Slide 175, Plat Cabinet Records, Tom Green County, Texas.

LEGEND

○ - Found or set 1/2" I.R. w/Cap unless noted otherwise

COMMISSIONER'S COURT ACKNOWLEDGEMENT/DEDICATION

Approved for recording this _____ day of _____, 201____, Commissioner's Court of Tom Green County, Texas.

By: _____
Judge

I, Corby Maskill, owner of this Tract, do hereby adopt this plat as the subdivision of my property.

By: _____
Corby Maskill

COUNTY CLERK

Filed for record this _____ day of _____, 201____, @ _____ County Clerk of Tom Green County, Texas

By: _____

**STATE OF TEXAS
COUNTY OF TOM GREEN**

This instrument was acknowledged before me on _____ by _____
Corby Maskill.

By: _____
Notary Public - Signature

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

That I, Myrl G. Sudduth, a Registered Professional Land Surveyor of San Angelo, Texas, do hereby certify that I prepared this plat from an actual survey made on the ground of this land prior to this 21st day of October, 2011, and that this subdivision lies entirely within Tom Green County, Texas, and outside the city limits or extra jurisdiction of any Town or City of Tom Green County, Texas.

Myrl G. Sudduth
Myrl G. Sudduth
Registered Professional Land Surveyor No. 29282
October 21, 2011