



Travis County Commissioners Court Agenda Request

Meeting Date: December 20, 2011

Prepared By: Paul Scoggins **Phone #:** 854-7619

Division Director/Manager: Anna Bowlin, Division Director of Development Services

Department Head: Steven M. Manilla, P.E., County Executive-TNR

Sponsoring Court Member: Commissioner Huber, Precinct Three

AGENDA LANGUAGE: Consider and take appropriate action on a request to authorize the filing of an instrument to vacate two five foot wide public utility easements located along the common lot line of Lots 39 and 40, Block H of Highland Creek Lakes, Section 1 – Precinct Three.

BACKGROUND/SUMMARY OF REQUEST:

TNR staff has received a request to vacate two five foot wide public utility easements (PUEs) located along the common lot line of Lots 39 and 40, Block H of Highland Creek Lakes, Section 1. The easements are dedicated per plat note. The subject lots front on Oakwood Circle, a street not maintained by Travis County.

The utility companies known to be operating in the area have stated that they have no objection to vacating the subject easements. As of this memorandum staff has not received, nor foresees, any opposition to this request.

STAFF RECOMMENDATIONS:

The request has been reviewed by TNR staff and staff finds the vacation request meets all Travis County standards. As such, TNR staff recommends vacating the subject easements.

ISSUES AND OPPORTUNITIES:

The purpose of this request is to allow the issuance of the license to operate permit for the septic. The issue in this case is that the house is on Lot 39 with the septic drain field being on Lot 40. The lines connecting the two can not cross a public utility easement per septic regulations.

FISCAL IMPACT AND SOURCE OF FUNDING:

N/A.

ATTACHMENTS/EXHIBITS:

- Order of Vacation
- Field Notes and Sketch
- Request Letter
- Utility Statements
- Sign Affidavit and Pictures
- Maps

REQUIRED AUTHORIZATIONS:

Cynthia McDonald	Financial Manager	TNR	854-4239
Steve Manilla	County Executive	TNR	854-9429
Anna Bowlin	Division Director	Development Services	854-7561

CC:

Stacey Scheffel	Program Manager	TNR Permits	854-7565

SM:AB:ps

1101 - Development Services - Highland Creek Lakes, Section 1

ORDER OF VACATION

STATE OF TEXAS §

COUNTY OF TRAVIS §

WHEREAS, the property owner requests the vacation of two five foot wide public utility easements located along the common lot line of Lots 39 and 40, Block H of Highland Creek Lakes, Section 1 as recorded in Volume 34, Page 32 of the Travis County Plat Records;

WHEREAS, the utility companies known to be operating in the area have indicated that they have no need for the public utility easements requested to be vacated as described in the attached field notes and sketch;

WHEREAS, the Travis County Transportation and Natural Resources Department recommends the vacation of the public utility easements as described in the attached field notes and sketch;

WHEREAS, the required public notice was posted and the Travis County Commissioners Court held a public hearing on December 20, 2011 to consider the proposed action; and

NOW, THEREFORE, by unanimous vote, the Commissioners Court of Travis County, Texas, orders that the two five foot wide public utility easements located along the common lot line of Lots 39 and 40, Block H of Highland Creek Lakes, Section 1, as shown on the attached sketch and described in the attached field notes, are hereby vacated.

ORDERED THIS THE _____ DAY OF _____ 2011.

SAMUEL T. BISCOE, COUNTY JUDGE

COMMISSIONER RON DAVIS
PRECINCT ONE

COMMISSIONER SARAH ECKHARDT
PRECINCT TWO

COMMISSIONER KAREN HUBER
PRECINCT THREE

COMMISSIONER MARGARET GOMEZ
PRECINCT FOUR

10' UTILITY EASEMENT

ALONG THE COMMON LINE OF LOTS 39 and 40, BLOCK H, HIGHLAND CREEK LAKES, SECTION 1, A SUBDIVISION OF RECORD IN TRAVIS COUNTY, TEXAS

BEING A UTILITY EASEMENT (10 FEET WIDE) ALONG THE COMMON LINE OF LOTS 39 and 40, BLOCK H, HIGHLAND CREEK LAKES, SECTION 1, A SUBDIVISION OF RECORD IN VOLUME 34, PAGE 32, PLAT RECORDS OF TRAVIS COUNTY, TEXAS; SAID 10' UTILITY EASEMENT BEING MORE PARTICULARLY DESCRIBED BY A CENTERLINE METES AND BOUNDS AS FOLLOWS (BEARINGS ARE REFERENCED TO SAID HIGHLAND CREEK LAKES SUBDIVISION PLAT):

COMMENCING

at a point in the northwest right-of-way line of Oakwood Circle (50-foot wide per plat) for the south corner of Lot 39 and the east corner of Lot 40;

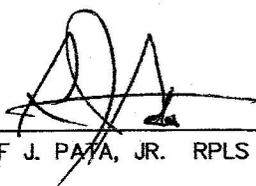
THENCE

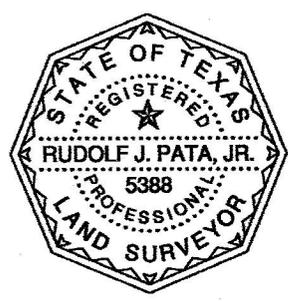
North 53°17' West (bearing basis per plat), with the common line of Lots 39 and 40, a distance of 5.0 feet to the **POINT OF BEGINNING** of the centerline of the herein described easement;

THENCE

North 53°17' West, continuing with the common line of Lots 39 and 40 and the centerline of said 10' utility easement, a distance of 92.3 feet to the **POINT OF TERMINATION** of said easement, from which the west corner of Lot 39 and the north corner of Lot 40 bears North 53°17' West, 5.0 feet.

10/7/11
DATE


RUDOLF J. PATA, JR. RPLS #5388



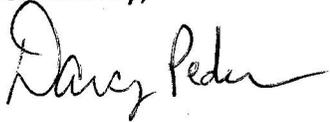
<p>Driftwood Surveying Professional Land Surveyors</p> <p>P.O. Box 379 Wimberley, TX 78676 TEL. (512) 847-7222 www.driftwoodsurveying.com</p>	METES AND BOUNDS		
	<p>10' UTILITY EASEMENT ALONG THE COMMON LINE OF LOTS 39 and 40, BLOCK H, HIGHLAND CREEK LAKES, SECTION 1, TRAVIS COUNTY, TEXAS</p>		
ADDRESS			
10812 OAKWOOD CIRCLE, DRIPPING SPRINGS, TEXAS			
PREPARED FOR:	TITLE CO. FILE NO. XXX	DATE 10-07-11	
SCHWARTZ	COMMITMENT NO. XXX	PROJECT NO. TC07811	

October 24, 2011

To Whom It May Concern:

I am requesting that the public utility easements located at the common line of Lots 39 and 40, Block H, Highland Creek Lakes, Section 1, Travis County, Texas, be vacated so that the final license to operate permit can be issued. Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Darcy Peden". The signature is written in black ink and is positioned below the word "Sincerely,".

Darcy Peden

512-663-5462

RELEASE OF EASEMENT

STATE OF TEXAS

∞
∞
∞

KNOW ALL MEN BY THESE PRESENTS

COUNTY OF TRAVIS

WHEREAS, Earl N. Jackson, as previous owner of all lots in Highland Creek Lakes, Section One, a subdivision in Travis County, Texas according to the map or plat thereof, heretofore granted a public utility easement to Pedernales Electric Cooperative, Inc., a corporation for public utility purposes covering property situated within Highland Creek Lakes, Section One, said easements being recorded in the Restrictive Covenants in Volume 4648, Page 826, and Volume 4127, Page 1861, in the Deed Records in Travis County, Texas; and,

WHEREAS, said public utility easement referred to hereinabove includes and is comprised of all lots within Highland Creek Lakes, Section One, in Travis County; and,

WHEREAS, Darcy Husband, as current owner, desires that said public utility easement between Lots 39 and 40, Block H, Highland Creek Lakes, Section One, be abandoned and released in full; and,

WHEREAS, Pedernales Electric Cooperative, Inc. provides electric service to the aforementioned area and will continue to have an adequate easement to said property through the remaining public utility easement as granted in the above-mentioned Restrictive Covenants and on the plat as recorded in Volume 34, Page 32 in the Plat Records of Travis County, Texas;

NOW, THEREFORE, be it known that Pedernales Electric Cooperative, Inc., a corporation whose post office address is Johnson City, Texas, for and in consideration of One Dollar (\$1.00), does hereby release the public utility easement between Lots 39 and 40, Block H, Highland Creek Lakes, Section One, Travis County, Texas, and referred to hereinabove.

EXECUTED: March 21, 2003

PEDERNALES ELECTRIC COOPERATIVE, INC.

BY:

Alexia Pearce

Alexia Pearce
Western District Manager

THE STATE OF TEXAS

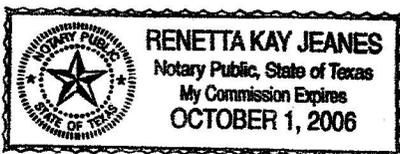
∞

COUNTY OF BLANCO

∞

BEFORE ME, the undersigned authority, on this day personally appeared Alexia Pearce, Western District Manager of Pedernales Electric Cooperative, Inc., a corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE March 21, 2003.



Renetta Kay Jeanes
Notary Public in and for The State of Texas



SOUTHWESTERN BELL TELEPHONE COMPANY

RELEASE OF EASEMENT

THIS RELEASE OF EASEMENT, entered into by *SOUTHWESTERN BELL TELEPHONE COMPANY*, a Missouri corporation, GRANTOR, AND *Tim C. Schwartz*, GRANTEE, wherein GRANTOR in consideration of One Dollar (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged, does by these presents ABANDON, RELEASE, RELINQUISH AND DISCLAIM to GRANTEE, as is, all or a specific portion of certain easements for telecommunication purposes hereinafter described that affects land owned by GRANTEE situated in Travis County, Texas, and described as follows:

Lot 39 and Lot 40, Block H, Highland Creek Lakes Subdivision, Section 1, Deed of record in Document 2003170431, Property Records of Travis County, Texas

Said land of GRANTEE being subject to:

Easements recorded in Volume 34, Page 32, Plat Records of Travis County, Texas,

The portion of said easements to be hereby released is described as follows:

All of the 5 foot PUE along either side of the common property lines of said Lots 39 and 40, described above,

TO HAVE AND TO HOLD same, together with all rights and appurtenances to the same belonging, unto GRANTEE, their heirs, successors and assigns forever.

IN WITNESS WHEREOF, GRANTOR has caused this Release of Easement to be executed by its duly authorized officers this 10th day of OCTOBER, 2011.

SOUTHWESTERN BELL TELEPHONE COMPANY

[Signature]
Name : MARC POTTER

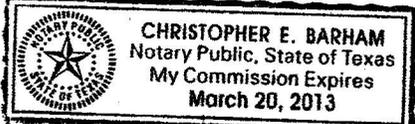
Title: MGR-ENG. DESIGN

THE STATE OF Texas
COUNTY OF TRAVIS

BEFORE ME, the undersigned authority, on this day personally appeared MARC POTTER, known to me to be the person whose name is subscribed to the foregoing instrument as Manager, Engineering-Design of Southwestern Bell Telephone Company, a Missouri corporation, and acknowledged to me that he/she executed the same for purposes and considerations therein expressed in the capacity stated, and as the act and deed of said corporation.

Given under my hand and seal of office this the 10th day of OCTOBER, 2011.

[Signature]
Notary Public in and for the State of Texas
My Commission Expires 03/20/2013



12012 N. Mopac Expressway
512/485-6417 (Laurie Schumpert)

Austin, TX 78758
512/485-1485 (Fax)

EASEMENT RELEASE STATEMENT FOR VACATION OF PROPERTY

A request for release of the P.U.E. easement(s) has been made on the property legally described as:

Subdivision or Section: HIGHLAND CREEK LAKE SECTION 1

Lot and Block Numbers: LOTS 39 & 40, BLOCK H

Street Address: 10812 OAKWOOD CIRCLE, DRIPPING SPRINGS, TX 78620

Property Owner: TIM SCHWARTZ

STATEMENT

X Time Warner Cable **does not** have a need for an easement on the property as described in the accompanying document.

 Time Warner Cable **does** have a need for an easement on the property as described in the accompanying document.

Time Warner Cable

Laurie Schumpert
Signature

Sr. Designer
Title

State of Texas
County of Travis

This instrument was acknowledged before me on SEPTEMBER 28, 2011 by

LAURIE SCHUMPERT

Scott M. Wratten

Notary Public



RECEIVED

NOV 29 2011

TNR



TRANSPORTATION AND NATURAL RESOURCES

Steven M. Magilla, P.E., County Executive

411 West 13th Street
Executive Office Building
P.O. Box 1748
Austin, Texas 78767
tel 512-854-9383
fax 512-854-4649

AFFIDAVIT OF POSTING

**TO: County Judge
County Commissioners
Travis County, Texas**

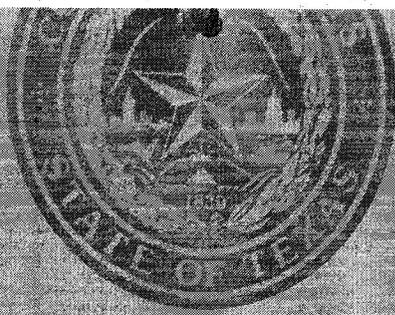
A Public Notice of Vacation of two 5' wide public utility easements sign was posted on November 28, 2011, on the west side of Oakwood Circle along the common lot line of Lots 39 and 40, Block H of Highland Creek Lake, Section 1 at a point as near as practical to the area being vacated, and was also posted at the Travis County Courthouse.

CERTIFIED THIS THE 28 DAY OF November, 2011.

SIGNATURE: Jaime Garcia
NAME (PRINT): Jaime Garcia
TITLE: TNR/RFB Supervisor

cc: Garcia (sign shop)

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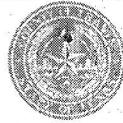
NOTICE OF PUBLIC HEARING

**DECEMBER 20, 2011, AT 9:00 AM
PUBLIC UTILITY EASEMENT VACATION**

**TO APPROVE THE VACATION OF TWO
FIVE FOOT WIDE PUBLIC UTILITY
EASEMENTS LOCATED ALONG THE
COMMON LOT LINE OF LOTS 39 AND 40,
BLOCK H OF HIGHLAND CREEK LAKES,
SECTION 1 — A SUBDIVISION IN PRECINCT 3**

**A HEARING WILL BE HELD AT THE TRAVIS
COUNTY COMMISSIONERS COURTROOM
314 WEST 11TH STREET (FIRST FLOOR)
AUSTIN, TX**

FOR MORE INFORMATION CALL 854-9383



**NOTICE OF
PUBLIC HEARING**

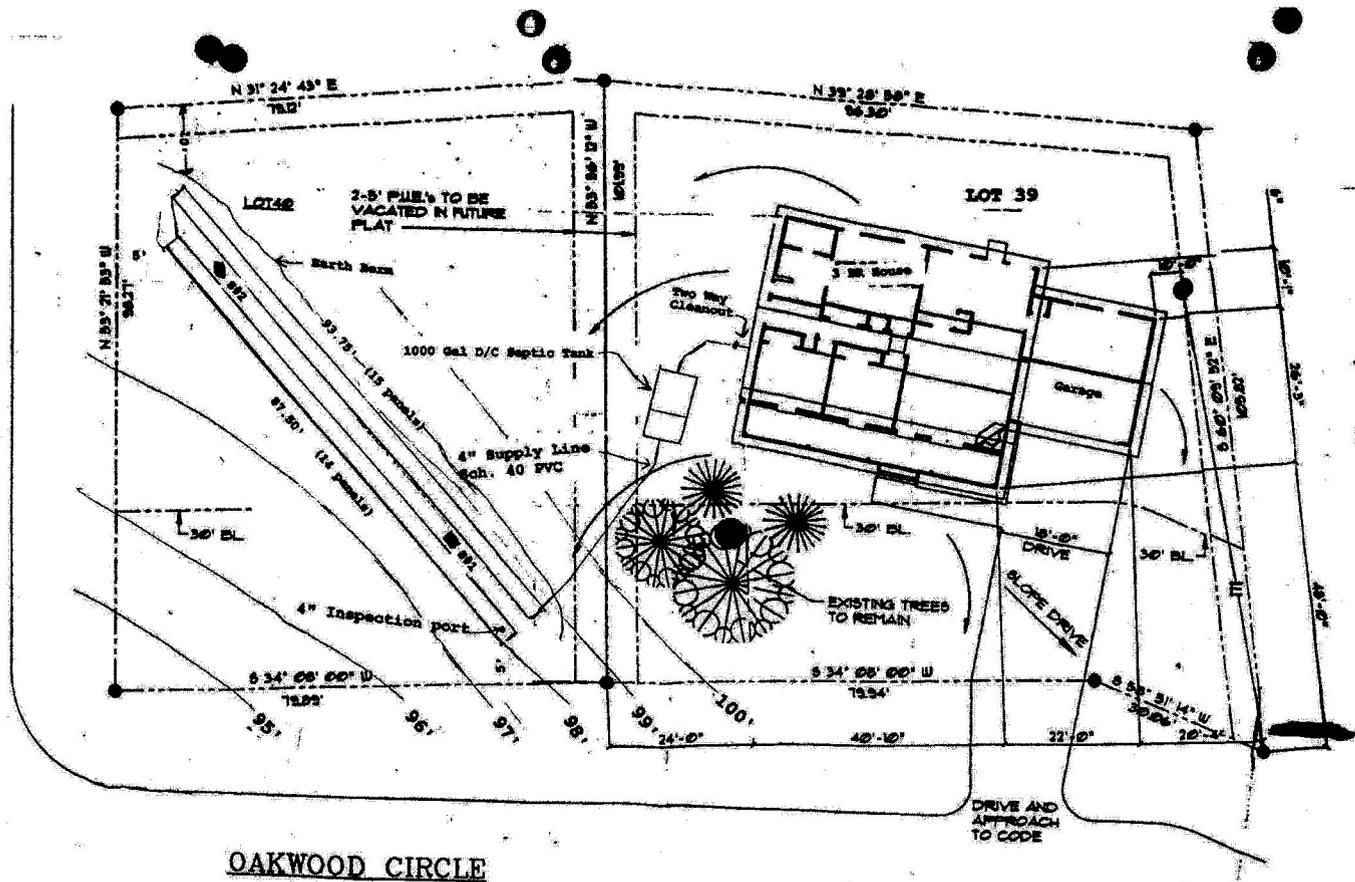
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COUNTY COMMISSIONERS COURTROOM
314 WEST 11TH STREET (FIRST FLOOR)
AUSTIN, TX

FOR MORE INFORMATION CALL 854-9383

PANORAMA DRIVE



Darcy Husband/Jobrey Inc. Inc.
Highland Creek Lakes Subd.
Sec. 3, Hill N, Lots 39 and 40
10812 Oakwood Circle, Dripping
Springs, Travis County
Feb., 2003

OAKWOOD CIRCLE

LEGEND
For Class III soil & Ra of 0.2
using 240 gpd for 3 bedrooms with
water saving devices.

Leaching Chambers
180 linear feet minimum required.

TOTAL LINEAR FEET
181.25 FEET (29 panels at 6.25' ea.)
Panels are connected by 4" solid pipes.

TRENCHES (29 panels total)
3 ft wide (3 ft apart) 18-24" Deep

MINIMUM DISTANCES FROM FIELD
5 ft. to property line/assessments
10 ft. to water lines/unless sleeved
5 ft. to building foundation
25 ft. to a drop-off or bluff
100 ft. to a well
5 ft. to a pool or spa
75 ft. to a creek or river

Tank shall be 5' minimum distance
to a building foundation and
50 ft. minimum to any well.

Soil Holes



Address **10812 Oakwood Cir**
Dripping Springs, TX 78620

Notes Request to vacate two five foot wide public utility easements located along the common lot line of Lots 39 and 40, Block H of Highland Creek Lakes, Section 1 - a subdivision in Precinct Three, Commissioner Karen Huber.

