



Travis County Commissioners Court Agenda Request

Meeting Date: January 17, 2012

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

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

AB

Carol B. Jorgensen

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 a 0.658 acre drainage easement located over and across a portion of Lot 1, Block A of the Schmidt Addition subdivision – Precinct Three.

BACKGROUND/SUMMARY OF REQUEST:

TNR staff has received a request to vacate a 0.658 acre drainage easement located over and across a portion of Lot 1, Block A of the Schmidt Addition subdivision. The easement is dedicated per plat and is schematically shown on the face of the plat. The subject lot fronts on Capital of Texas Highway (Loop 360), which is maintained by The State of Texas.

Professional engineer Alex G. Clarke has stated that:

"The aforementioned drainage easement was designed for a specific site plan, Wendy's at 360 (Travis County Development Permit #04-1710; City of Austin Site Development Permit #SPC-03-0026C), which was never constructed. We are currently seeking a site development permit for Loop 360 Climatized Self Storage (Travis County Development Permit #11-1897; City of Austin Site Development Permit #SPC-2011-0190C). This site requires a differently shaped drainage easement of 1.003 acres, which we are offering for recordation in exchange for the release of the existing drainage easement. The vacating of this drainage easement and the proposed drainage easement that will replace it will not cause any adverse affects to any of the surrounding property."

After review of the submitted request and recommendation, Travis County engineer Don Grigsby has stated he has no objections to this vacation request. Staff foresees no opposition to this request.

STAFF RECOMMENDATIONS:

As of this memo staff has not received any inquiries in regards to this vacation request. The request has been reviewed by TNR staff and staff finds the vacation requests meets all Travis County standards. As such, TNR staff recommends the vacation.

ISSUES AND OPPORTUNITIES:

The original plan for this site was Wendy's at 360 (Permit #04-1710). The current 0.658 acre drainage easement was to service that particular plan. However, the Wendy's was never built. A new site plan (Permit #11-1897) has since been submitted. This new site plan, according to the request letter, requires a differently shaped drainage easement. Vacating the current drainage easement and re-dedicating it in a new configuration will allow the property owners to move forward with the permit process.

FISCAL IMPACT AND SOURCE OF FUNDING:

N/A.

ATTACHMENTS/EXHIBITS:

- Order of Vacation
- Field Notes and Sketch
- Request Letter
- Easement Dedication and Survey
- 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
Don Grigsby <i>DG</i>	Engineer	Development Services	854-7560

CC:

Stacey Scheffel	Program Manager	TNR Permits	854-7565

SM:AB:ps
1101 - Development Services - Schmidt Addition

ORDER OF VACATION

STATE OF TEXAS §

COUNTY OF TRAVIS §

WHEREAS, the property owner requests the vacation of a 0.658 acre drainage easement located over and across a portion of Lot 1, Block A of the Schmidt Addition as recorded at Document #200400179 of the Real Property Records of Travis County, Texas;

WHEREAS, an independent Professional Engineer has submitted a letter recommending the vacation of the subject easement;

WHEREAS, the property owner has agreed to re-dedicate a 1.003 acre replacement drainage easement to be simultaneously recorded with this Order;

WHEREAS, a Travis County Engineer has stated that there is no objection to the vacation of the drainage easement as described in the attached field notes and sketch;

WHEREAS, the Travis County Transportation and Natural Resources Department recommends the vacation of the subject drainage easement 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 January 17, 2012 to consider the proposed action; and

NOW, THEREFORE, by unanimous vote, the Commissioners Court of Travis County, Texas, orders that the 0.658 acre drainage easement located over and across a portion of Lot 1, Block A of the Schmidt Addition, as shown on the attached sketch and described in the attached field notes, is hereby vacated.

ORDERED THIS THE _____ DAY OF _____ 2012.

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



Professional Land Surveying, Inc.
Surveying and Mapping

Office: 512-443-1724
Fax: 512-389-0943
3500 McCall Lane
Austin, Texas 78744

EXHIBIT " _____ "

PORTION OF LOT 1, BLOCK A,
SCHMIDT ADDITION
(DRAINAGE EASEMENT RELEASE)

**0.658 ACRE DRAINAGE EASEMENT
ARNOLD COLBURD SURVEY 78, ABSTRACT 33
CITY OF AUSTIN, TRAVIS COUNTY, TEXAS**

BEING ALL OF THE 0.658 ACRE DRAINAGE EASEMENT SHOWN OVER AND ACROSS A PORTION OF LOT 1, BLOCK A, SCHMIDT ADDITION, A SUBDIVISION OF RECORD IN DOCUMENT NO. 200400179 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS AND CONVEYED TO UPLIFTING PROPERTIES, LP BY SPECIAL WARRANTY DEED DATED JUNE 20, 2005 AND RECORDED IN DOCUMENT NO. 2005110669 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

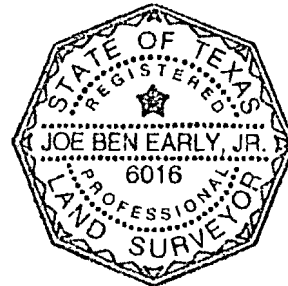
Attachments: Survey Drawing No. 229-005-PL1-REL-DE

A handwritten signature in black ink, appearing to read "JBE", written over a faint grid.

Joe Ben Early, Jr.
Registered Professional Land Surveyor
State of Texas No. 6016

9/28/11

Date

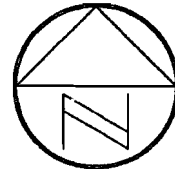


REFERENCES

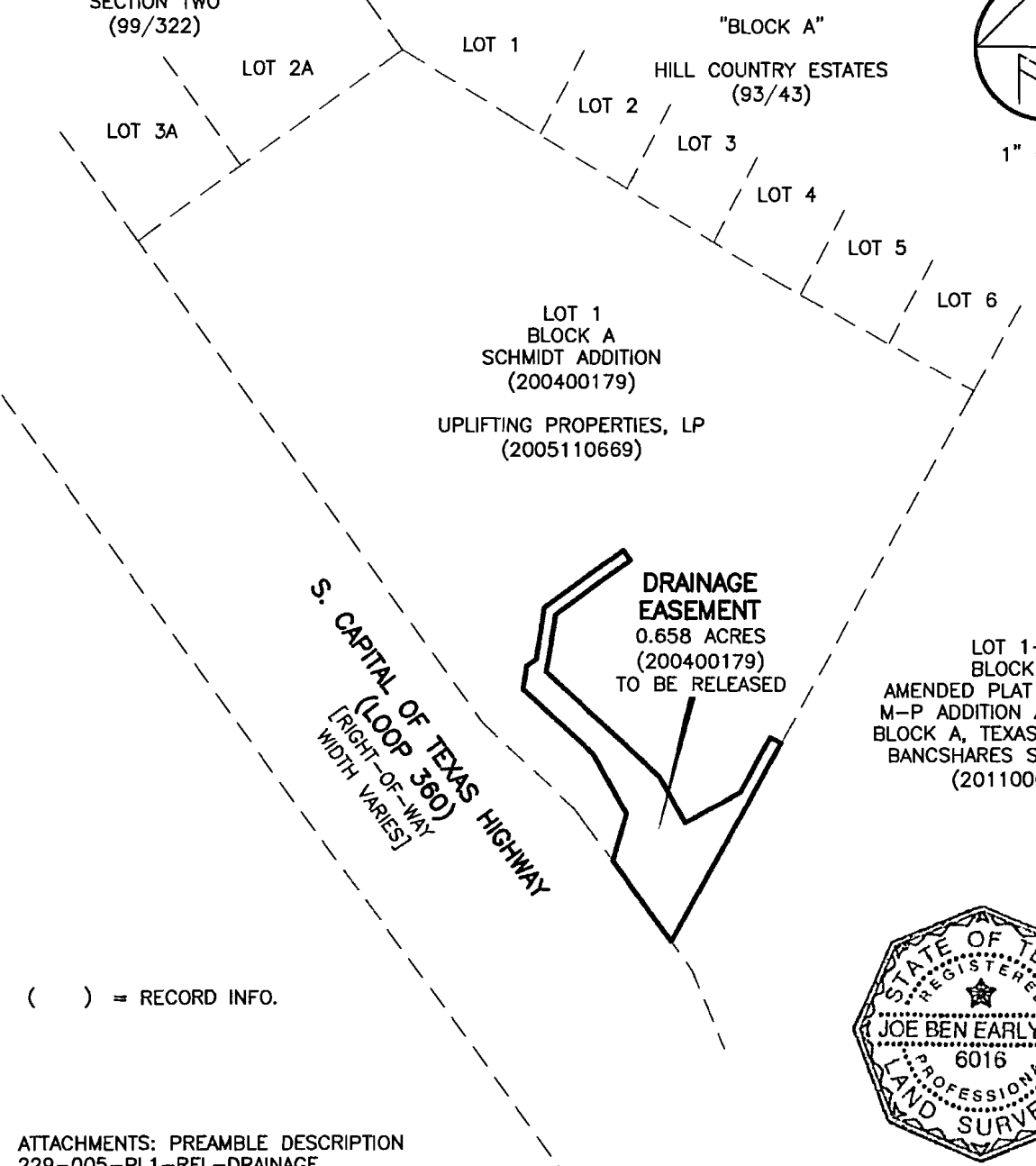
TCAD Property ID #: 0103190104
Austin Grid Map E21

AN EXHIBIT OF THE 0.658 ACRE DRAINAGE EASEMENT SHOWN OVER AND ACROSS A PORTION OF LOT 1, BLOCK A, SCHMIDT ADDITION, A SUBDIVISION OF RECORD IN DOCUMENT NO. 200400179 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS AND CONVEYED TO UPLIFTING PROPERTIES, LP BY SPECIAL WARRANTY DEED DATED JUNE 20, 2005 AND RECORDED IN DOCUMENT NO. 2005110669 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

AMENDED PLAT OF
LOTS 1, 2, & 3
SANDBIRD SUBDIVISION
SECTION TWO
(99/322)



1" = 200'



LOT 1
BLOCK A
SCHMIDT ADDITION
(200400179)
UPLIFTING PROPERTIES, LP
(2005110669)

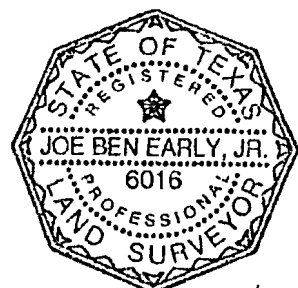
"BLOCK A"
HILL COUNTRY ESTATES
(93/43)

S. CAPITAL OF TEXAS HIGHWAY
(LOOP 360)
[RIGHT-OF-WAY
WIDTH VARIES]

DRAINAGE
EASEMENT
0.658 ACRES
(200400179)
TO BE RELEASED

LOT 1-A
BLOCK A
AMENDED PLAT OF LOT 1,
M-P ADDITION AND LOT 1,
BLOCK A, TEXAS COMMERCE
BANCSHARES SUBDIVISION
(201100084)

() = RECORD INFO.



JE 9/28/11

ATTACHMENTS: PREAMBLE DESCRIPTION
229-005-PL1-REL-DRAINAGE

PLOT DATE: 09/28/11
DRAWING NO.: 229-005-PL1-REL-DE
PROJECT NO.: 229-005
DRAWN BY: CWW
SHEET 1 OF 1

Chaparral

November 14, 2011

Travis County Commissioners' Court
c/o Paul Scoggins
Travis County TNR
411 W. 13th Street
Austin, Texas 78701

RE: Vacation of Drainage Easement
Loop 360 Climatized Self-Storage (Travis County Development Permit #11-1897)
Longaro & Clarke, L.P. Project #352-01-83

Dear Paul:

We respectfully request the vacation of a 0.658-acre drainage easement as shown on the Schmidt Addition, a final plat recorded in the Official Public Records of Travis County, Texas as Document No. 200400179.

The aforementioned drainage easement was designed for a specific site plan, Wendy's at 360 (Travis County Development Permit #04-1710; City of Austin Site Development Permit #SPC-03-0026C), which was never constructed. We are currently seeking a site development permit for Loop 360 Climatized Self Storage (Travis County Development Permit #11-1897; City of Austin Site Development Permit #SPC-2011-0190C). This site requires a differently shaped drainage easement of 1.003 acres, which we are offering for recordation in exchange for the release of the existing drainage easement. The vacating of this drainage easement and the proposed drainage easement that will replace it will not cause any adverse affects to any of the surrounding property.

Included with this letter are the survey documents for the release of the 0.658-acre drainage easement, a copy of the plat (Schmidt Addition) on which the easement was granted, and the survey documents for the new easement for your reference. Please let me know if you have any questions or require additional information.

Very Truly Yours,
LONGARO & CLARKE, L.P.



Alex G. Clarke, P.E.
Vice President

AGC/ew

cc: Randy Hughes, Legend Communities, Inc.
Brendan Callahan, Endeavor Real Estate Group

G:\352-01\DOCS\Drainage Easement Release Request-County.doc

DRAINAGE EASEMENT

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

STATE OF TEXAS §

COUNTY OF TRAVIS §

That I/we, Uplifting Properties, L.P. (GRANTOR), being the owner/owners of Lot 1, Block A, Schmidt Addition, as recorded at Document Number 200400179 of the Plat Records of Travis County, Texas and conveyed to me/us by deed of record in Document Number 2005110669 of the Official Public Records of Travis County, Texas, do hereby grant and convey, to the Public (GRANTEE), the use of a portion of said land, out of the aforementioned tract of land, for drainage easement purposes in, under, upon, and across the following described property, to-wit:

Those certain tracts of land situated in Travis County and being more particularly described by metes and bounds in Exhibit A, which is attached hereto and made a part hereof.

GRANTOR further covenants and agrees to:

1. use said property only in those ways consistent with the drainage easement herein granted and agrees to do nothing which would impair, damage, or destroy said drainage easement, and it is further understood and agreed that the covenants and agreements set forth above shall be considered covenants running with the land, fully binding upon GRANTOR and his/her successors and assigns;
2. no objects including but not limited to, buildings, fences, or landscaping shall be allowed in subject drainage easement except as approved by City of Austin and Travis County;
3. the subject drainage easement shall be maintained by the property owner or his/her assigns; and
4. the property owner or his/her assigns shall provide for access to the subject drainage easement as may be necessary and shall not prohibit access by City of Austin and Travis County for inspection or maintenance of said easement.

TO HAVE AND TO HOLD the above-described easement, together with all and singular the rights and appurtenances thereto in any way belonging, unto the said GRANTEE and assigns forever; and GRANTOR does hereby bind himself/herself, his/her heirs, executors, and administrators to WARRANT AND DEFEND FOREVER all and singular the said easement unto the said GRANTEE and its assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof.

EXECUTED THIS THE 7TH DAY OF DECEMBER, 2011.

UPLIFTING PROPERTIES, L.P.

By: [Signature]
Steve Goldstein

STATE OF TEXAS §

COUNTY OF TRAVIS §

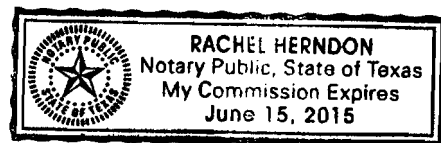
This instrument was acknowledged before me on December 7th, 2011
by Steve Goldstein.

Notary Public in and for the State of Texas

[Signature]

Printed Name: Rachel Herndon

My commission expires: 6-15-2015





Professional Land Surveying, Inc.
Surveying and Mapping

Office: 512-443-1724
Fax: 512-389-0943

3500 McCall Lane
Austin, Texas 78744

EXHIBIT " _____ "

PORTION OF LOT 1, BLOCK A,
SCHMIDT ADDITION
(DRAINAGE EASEMENT)

1.003 ACRES

**C. ARNOLD SURVEY NO. 78, ABS. NO. 33
CITY OF AUSTIN LIMITED PURPOSE
TRAVIS COUNTY, TEXAS**

A DESCRIPTION OF 1.003 ACRES (APPROXIMATELY 43,689 SQ. FT.) IN THE C. ARNOLD SURVEY NO. 78, ABS. NO. 33, TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 1, BLOCK A, SCHMIDT ADDITION, A SUBDIVISION OF RECORD IN DOCUMENT 200400179 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, CONVEYED TO UPLIFTING PROPERTIES, LP BY SPECIAL WARRANTY DEED DATED JUNE 20, 2005 AND RECORDED IN DOCUMENT 2005110669 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 1.003 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" rebar with "Chaparral" cap set in the northeast right-of-way line of S. Capital of Texas Highway (Loop 360) (right-of-way width varies), being the southernmost corner of said Lot 1, being also the westernmost corner of Lot 1-A, Block A, Amended Plat of Lot 1, M-P Addition and Lot 1, Block A, Texas Commerce Bancshares Subdivision, a subdivision of record in Document 201100084 of the Official Public Records of Travis County, Texas, from which a concrete highway monument found at highway station 784+00, 150' left, in the northeast right-of-way line of S. Capital of Texas Highway (Loop 360), same being the southwest line of said Lot 1-A, bears South 35°39'55" East, a distance of 46.65 feet;

THENCE with the northeast right-of-way line of S. Capital of Texas Highway (Loop 360) and the southwest line of said Lot 1, the following two (2) courses and distances;

1. North 35°39'55" West, a distance of 203.05 feet to a concrete highway monument found at highway station 781+50, 150' left;
2. North 46°54'31" West, a distance of 13.30 feet to a calculated point, from which a concrete highway monument found at highway station 780+00, 120' left, in the northeast right-of-way line of S. Capital of Texas Highway (Loop 360), same being the southwest line of said Lot 1, bears North 46°54'31" West, a distance of

139.75 feet;

THENCE over and across said Lot 1, the following eight (8) courses and distances;

1. North 20°59'13" East, a distance of 94.68 feet, to a calculated point;
2. North 74°09'02" East, a distance of 36.11 feet, to a calculated point;
3. South 76°41'24" East, a distance of 26.50 feet, to a calculated point;
4. North 33°14'37" East, a distance of 53.91 feet, to a calculated point;
5. North 60°55'22" East, a distance of 46.72 feet, to a calculated point;
6. South 14°06'50" East, a distance of 27.67 feet, to a calculated point;
7. South 61°48'35" West, a distance of 22.28 feet, to a calculated point;
8. South 64°19'09" East, a distance of 122.68 feet to a calculated point in the southeast line of said Lot 1, being in the northwest line of said Lot 1-A, from which a 1/2" rebar found for the easternmost corner of said Lot 1, being in the northwest line of said Lot 1-A, being also the southernmost corner of Lot 6, Block A, Hill Country Estates, a subdivision of record in Volume 93, Page 43 of the Plat Records of Travis County, Texas, bears North 28°48'18" East, a distance of 493.73 feet;

THENCE with the southeast line of said Lot 1 and the northwest line of said Lot 1-A, the following two (2) courses and distances;

1. South 28°48'18" West, a distance of 127.24 feet, to a 1/2" rebar with "Chaparral" cap found;
2. South 28°58'18" West, a distance of 150.86 feet to the **POINT OF BEGINNING**, containing 1.003 acres of land, more or less.

Surveyed on the ground on March 23, 2009. Bearing basis is Grid Azimuth for the Texas Central Zone, NAD 1983/93 HARN from the LCRA survey control network.

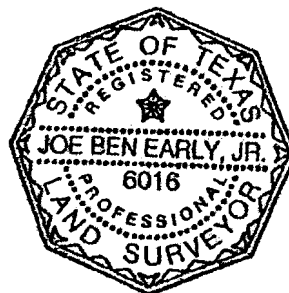
Attachments: Survey Drawing No. 229-005-DE5



Joe Ben Early, Jr.
Registered Professional Land Surveyor
State of Texas No. 6016

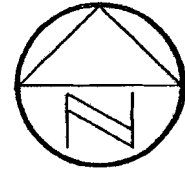
9/27/11

Date



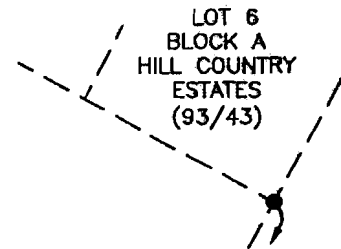
REFERENCES
TCAD Property ID #: 0103190104
Austin Grid Map E21

SKETCH TO ACCOMPANY A DESCRIPTION OF 1.003 ACRES (APPROXIMATELY 43,689 SQ. FT.) IN THE C. ARNOLD SURVEY NO. 78, ABS. NO. 33, TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 1, BLOCK A, SCHMIDT ADDITION, A SUBDIVISION OF RECORD IN DOCUMENT 200400179 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, CONVEYED TO UPLIFTING PROPERTIES, LP BY SPECIAL WARRANTY DEED DATED JUNE 20, 2005 AND RECORDED IN DOCUMENT 2005110669 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.



1"=100'

LINE TABLE		
No.	BEARING	LENGTH
L1	S35°39'55"E	46.65'
L2	N46°54'31"W	13.30'
L3	N20°59'13"E	94.68'
L4	N74°09'02"E	36.11'
L5	S76°41'24"E	26.50'
L6	N33°14'37"E	53.91'
L7	N60°55'22"E	46.72'
L8	S14°06'50"E	27.67'
L9	S61°48'35"W	22.28'
L10	S64°19'09"E	122.68'
L11	S28°48'18"W	127.24'
L12	S28°58'18"W	150.86'



LOT 1
BLOCK A
SCHMIDT ADDITION
(200400179)

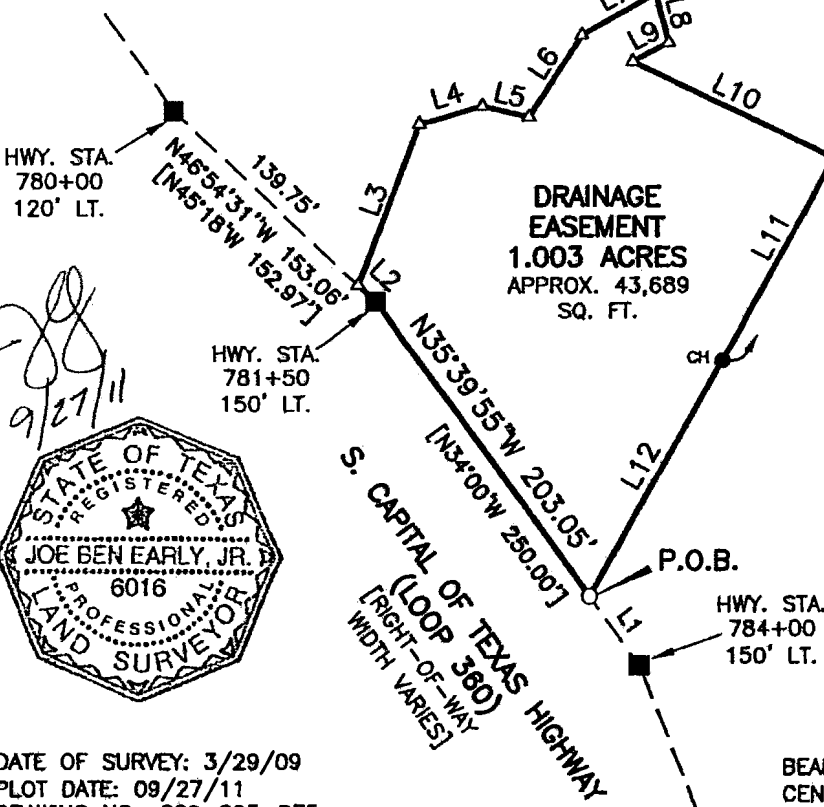
UPLIFTING PROPERTIES, LP
(2005110669)

N28°48'18"E 493.73'
S28°48'18"W 620.97'

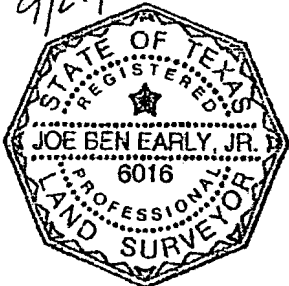
LOT 1-A
BLOCK A
AMENDED PLAT OF LOT 1,
M-P ADDITION AND LOT 1,
BLOCK A, TEXAS COMMERCE
BANCSHARES SUBDIVISION
(201100084)

LEGEND

- 1/2" REBAR FOUND
- 1/2" REBAR WITH "CHAPARRAL" CAP SET
- △ CALCULATED POINT
- CONC. HIGHWAY MON. FOUND



9/27/11



DATE OF SURVEY: 3/29/09
PLOT DATE: 09/27/11
DRAWING NO.: 229-005-DE5
PROJECT NO.: 229-005
DRAWN BY: CWW
SHEET 1 OF 1

BEARING BASIS: GRID AZIMUTH FOR TEXAS
CENTRAL ZONE, 1983/93 HARN VALUES FROM
LCRA CONTROL NETWORK.

ATTACHMENTS: METES AND BOUNDS
DESCRIPTION 229-005-DE5

Chaparral



TRANSPORTATION AND NATURAL RESOURCES
STEVEN M. MANILLA, 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

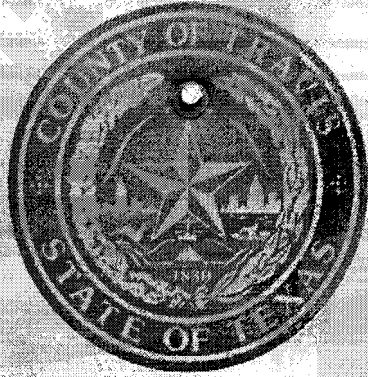
A Public Notice of Vacation of a 0.658 acre drainage easement sign was posted on December 27, 2011, on the easterly side of Loop 360 along the front lot line of Lot 1, Block A of Schmidt Addition at a point as near as practical to the area being vacated, and was also posted at the Travis County Courthouse.

CERTIFIED THIS THE 29 DAY OF December, 2011.

SIGNATURE: Jaime Garcia
NAME (PRINT): Jaime Garcia
TITLE: TNR / R & B Supervisor

cc: Garcia (sign shop)

M:\PERMITS\Vacate\11DE\05-Loop360\SignRequest-Loop360.doc



NOTICE OF PUBLIC HEARING


JANUARY 17, 2012, AT 9:00 AM

DRAINAGE EASEMENT VACATION

**TO APPROVE THE VACATION OF A 0.658
ACRE DRAINAGE EASEMENT LOCATED
OVER AND ACROSS A PORTION OF LOT 1,
BLOCK A OF SCHMIDT ADDITION — A
SUBDIVISION IN PRECINCT THREE**

**AT THE TRAVIS COUNTY
COMMISSIONERS COURTROOM
314 WEST 11th STREET
(FIRST FLOOR) AUSTIN**

FOR MORE INFORMATION CALL 854-9383

 **NOTICE OF
PUBLIC HEARING**
JANUARY 11, 2012 AT 7:00 AM
BRANIFF EXHIBIT, AUSTIN
TO APPROVE THE VARIATION OF A DASH
ZONE INSURANCE LICENSE LOCATED
ONE EIGHT ZERO ZERO WEST 11TH STREET
OF SCANDY, AUSTIN - 1
SUBDIVISION IN PRECINCT THREE
THE TRAVIS COUNTY
COMMISSIONERS COURTROOM
314 WEST 11TH STREET
IF NOT THERE, AUSTIN
FOR MORE INFORMATION CALL 512-478-2000

Travis Central Appraisal District
 P.O. Box 149012
 Austin, Texas 78714
 Internet Address: www.travisad.org
 Main Telephone Number (512) 834-9317
 Appraisal Information (512) 834-9318
 TDD (512) 836-3328

This tax map was compiled solely for the use of TCAD
 Areas depicted by these digital products are approximate
 and are not necessarily accurate to mapping, surveying or
 engineering standards. Considers drawn from this information
 are the responsibility of the user. The TCAD makes no claims,
 promises or guarantees about the accuracy, completeness or
 adequacy of this information and expressly disclaims liability for
 any errors and omissions. The mapped data does not constitute
 a legal document.

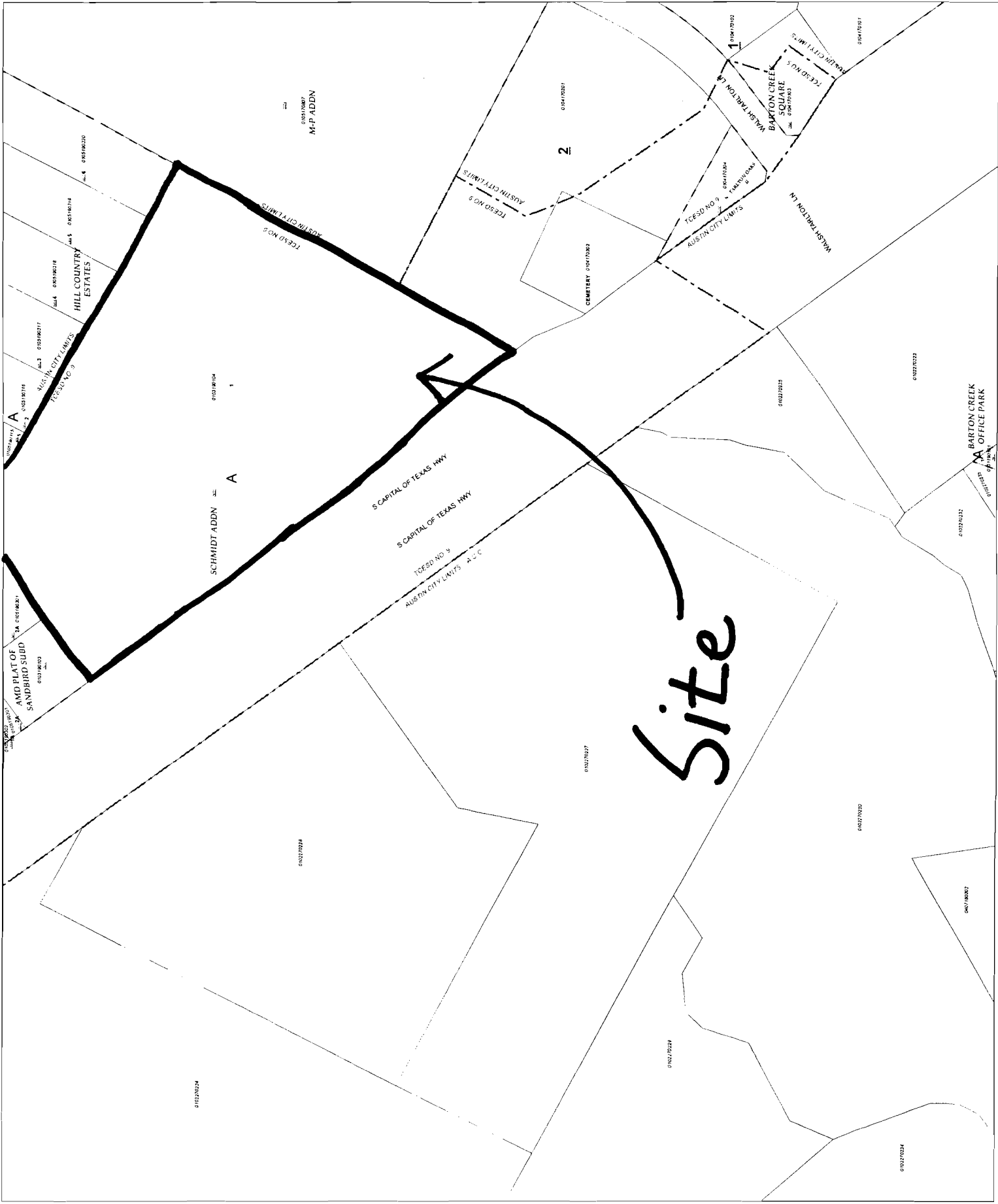
NAD_1983_StatePlane
 Texas_Central_FIPS_4203_Feet
 Projection: Lambert_Conformal_Conic
 Build = 400 scale map

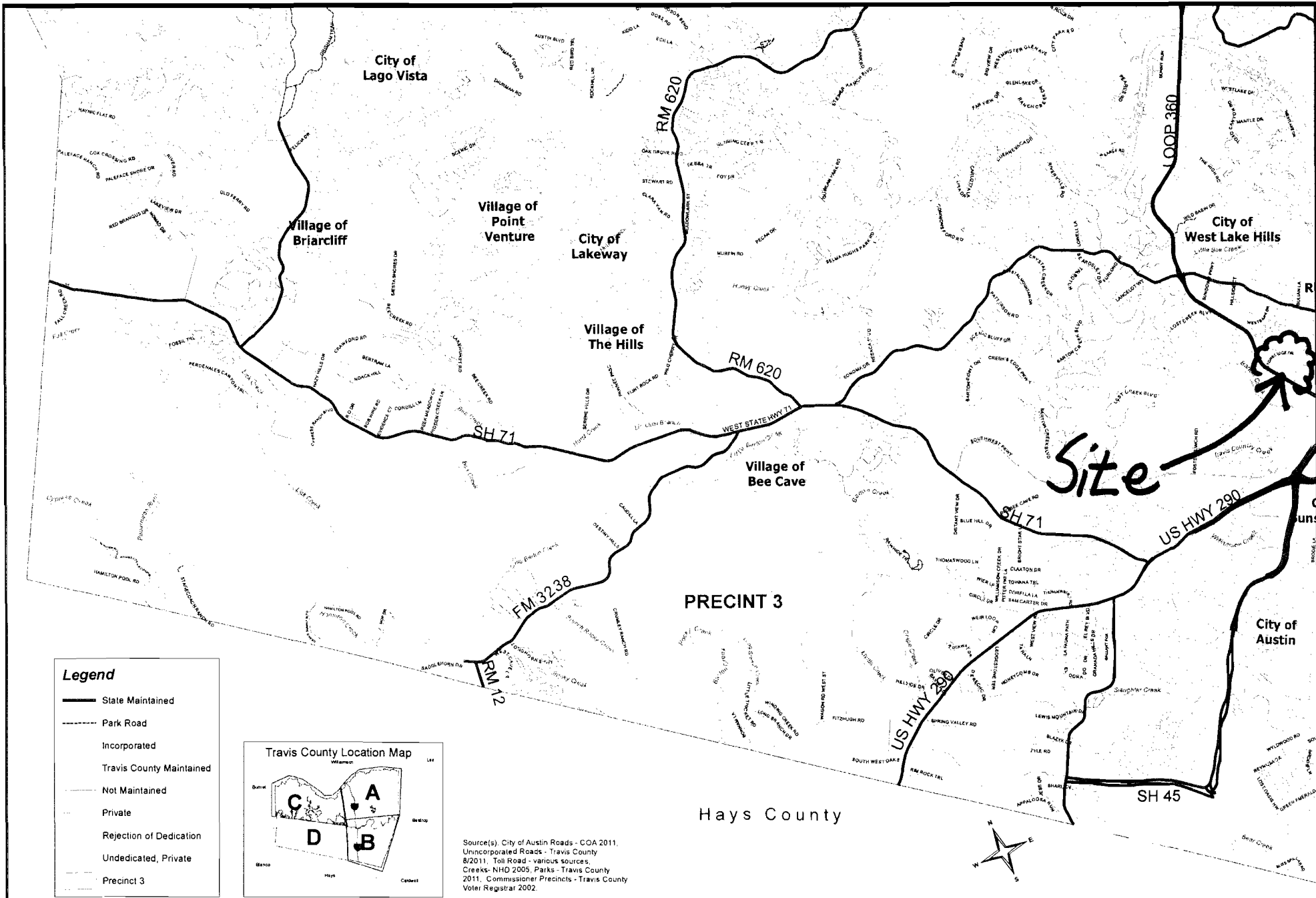
10227	10218
-------	-------

0 100 Feet

Revision Date
 07/29/2008

10319





Map Disclaimer: The data is provided as is with no warranties of any kind

Travis County Roadways, Map D

0 1
Miles



Map Prepared by: Travis County
Dept. of Transportation & Natural
Resources Date: 8/9/2011