

## **Travis County Commissioners Court Agenda Request**

Meeting Date: April 24, 2012

Prepared By: Darla Vasterling Phone #: 854-7564

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

Services

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

Sponsoring Court Member: County Judge Samuel T. Biscoe

**AGENDA LANGUAGE**: Approve setting a public hearing on Tuesday, May 15, 2012 to receive comments regarding a request to authorize the filing of an Order of Rejection of Dedication of public streets - Lenape Trail, Lenape Cove, Superview Drive, and Indian Scout Trail, all originally dedicated by the plat of The Overlook Estates Phase 1, a subdivision in Precinct Three.

## **BACKGROUND/SUMMARY OF REQUEST:**

On May 20, 1986, the Travis County Commissioners Court passed an Order authorizing the filing for record of the plat of The Overlook Estates 1. In that document the developer Spindletop Savings Association President David L. Parsley signed a statement which dedicated the streets, shown on the plat, to the public.

In a letter from the Law Office of Terrence L. Irion, dated March 27, 2012, Mr. Irion presents the Declaration of Covenants, Conditions, and Restrictions, for the subdivision, which shows that the Association shall maintain, repair and replace as necessary all private improvements in the public right-of-way and/or the roads themselves, should they become private.

The Attorney for the developers, Mr. Irion requests that the streets of this subdivision be declared private by action of the Travis County Commissioners Court. Travis County TNR staff recommends setting a date of May 15, 2012, to have a public hearing in regards to Rejecting the Dedication of these streets.

## **STAFF RECOMMENDATIONS:**

The request has been reviewed by TNR staff and staff finds the request meets Section 82.206(c) of the Travis County Standards for Construction of Streets and Drainage in Subdivisions. As such, TNR staff recommends setting the public hearing.

## **ISSUES AND OPPORTUNITIES:**

On March 3, 2012, developers and engineers met with the neighborhood, in order to inform them of the proposed change in status of the roads in this subdivision. Mr. Irion has reported, in his letter dated March 27, 2012, that most of the residents who attended the meeting were not opposed to the change. So, it is possible that one or two may speak against this action. No one has contacted staff in this regard.

## **FISCAL IMPACT AND SOURCE OF FUNDING:**

None.

## **ATTACHMENTS/EXHIBITS:**

Letter from T.L. Irion
Posted signs and sign in sheet
for March 3 meeting
Letter from Thompson Land Engineering
Map of Plat
Statements of Utility Companies,
City of Austin, Emergency Services, Austin ISD
Map

## **REQUIRED AUTHORIZATIONS:**

Cynthia McDonald	Financial Manager	TNR	854-4239	
Steve Manilla	County Executive	TNR	854-9429	
Anna Bowlin	Division Director	TNR	854-7561	
Christopher Gilmore	Assistant Co. Atty.	County Attorney	854-9415	

CC:		

SM:AB:dv

1101 - Development Services - Overlook Estates Phase 1

1105 - Subdivision - Overlook Estates Phase 1

### LAW OFFICE OF TERRENCE L. IRION

3 Cielo Center, Suite 601 Austin, Texas 78746

Terrence L. Irion Attorney at Law (512) 347-9977 (512) 306-8903-FAX tirion@tirionlaw.com

March 27, 2012

VIA EMAIL: darla.vasterling@co.travis.tx.us
Ms. Darla Vasterling
Engineering Specialist
Travis County TNR
411 W. 13<sup>th</sup> Street
Austin, Texas 78701

RE: The Overlook Estates Phase I – Request to convert publicly dedicated right-of-way to private streets

Dear Ms. Vasterling:

Attached please find an electronic copy of the completed application package to convert the above referenced public street to a private street. This application package has been approved by the City of Austin and all public utility service providers including AT&T, PEC, Time Warner Cable and Austin Water Utility. It has also been approved by Fire Department which services this area, ESD No. 3.

Request is made that the item be scheduled on the agenda of the Commissioner's Court for the next available meeting.

I am also attaching with this letter The Overlook Estates Phase I Homeowners Association, Inc. Certificate of Filing; a copy of The Overlook Estates Phase I Declaration of Covenants, Conditions and Restrictions, which includes a private street maintenance covenant.

When Phase Two of the Street is extended to The Ridge at Thomas Springs, a fire access gate will be installed to specifications approved by ESD No. 3.

On March 3, 2012, a neighborhood meeting was held onsite in The Overlook and all lot owners in The Ridge at Thomas Springs were invited to attend to learn more about the plans for The Overlook Development and the private street conversion. I am attaching photos of the tent meeting and also of the notices that were placed at the entrance to The Ridge at Thomas Springs notifying the neighbors of the meeting. Letters were also sent to the property owners immediately adjacent to The Overlook Subdivision. Nineteen residents attended the meeting. All seemed to generally support or at least not oppose the emergency access only connection to the extension of Linape Trail into The Ridge at Thomas Ridge Springs Subdivision with the exception of one lady who owns a 5 acre out parcel (not part of either subdivision) and one woman on Rawhide Trail. A copy of the sign-in sheet for the meeting is also attached for your reference.

Having satisfied all the requirements of the County Ordinance for conversion of public dedicated street to private streets, the Applicant respectfully requests that this item be put on the Commissioner's Court agenda for consideration.

Respectfully submitted,

errence L. Irion

TLI:lm Enclosure(s)

Cc:

Ric Thompson

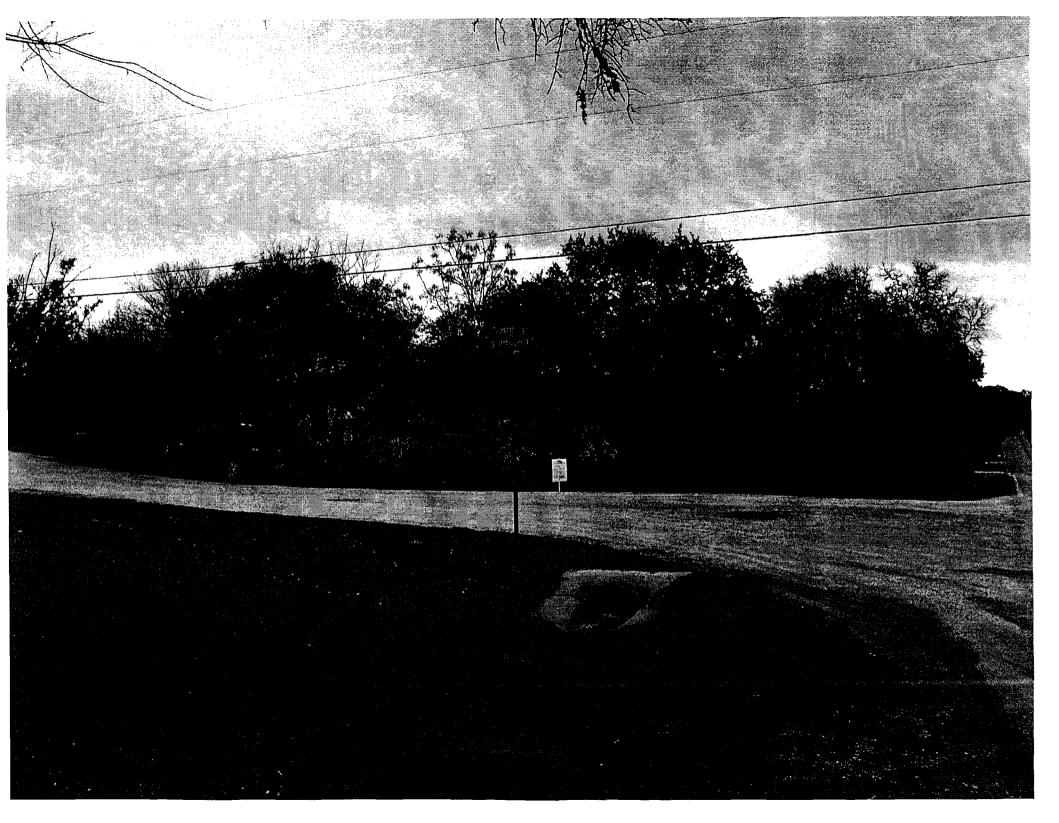
Keith Schoenfelt Michele Turnquist

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### LAW OFFICE OF TERRENCE L. IRION

3 Cielo Center, Suite 601 Austin, Texas 78746

Terrence L. Irion Attorney at Law (512) 347-9977 (512) 306-8903-FAX tirion@tirionlaw.com

December 21, 2011

VIA EMAIL: darla.vasterling@co.travis.tx.us

Ms. Darla Vasterling Travis County TNR 411 W. 13<sup>th</sup> Street Austin, Texas 78701

Re: The Overlook Estates Phase I

Dear Ms. Vasterling:

Please find a copy of the typical letter being sent to lot owners in the Ridge at Thomas Springs. As best we can tell, there is no homeowners association so there is no association contact to whom such a letter can be directed.

Thank you for your attention to this matter.

Sincerely,

Terrence L. Irion

TLI:lm

Cc: Keith Schoenfelt

Ric Thompson

#### LAW OFFICE OF TERRENCE L. IRION

1250 S. Capital of Texas Highway 3 Cielo Center, Suite 601 Austin, Texas 78746

Terrence L. Irion Attorney at Law (512) 347-9977 (512) 306-8903-FAX tirion@tirionlaw.com

December 21, 2011

Hirsch Gaynelle Baker 7310 Linape Trail Austin, Texas 78736-2803

Dear Ms. Baker:

I represent the owners of the Overlook Estates Phase 1 Subdivision, which was platted and recorded in 1986, but which is just now being developed in phases. The first phase of construction which is being completed at this time will build out the streets and utility infrastructure to serve approximately 35 lots along Linape Trail from Circle Drive. The road construction of this phase will stop short of extending Linape Trail to The Ridge at Thomas Springs.

A subsequent phase will eventually build Linape Trail to the street stub-out at The Ridge at Thomas Springs, but no time table has yet been set for this subsequent construction.

The purpose of this letter is to inform you that the owners have requested conversion of the plat dedicated public streets in The Overlook Estates to private streets with the right to install a privacy gate at the entrance on Circle Drive. The conversion to private street request to Travis County will be subject to extension of Linape Trail to the common boundary line with The Ridge at Thomas Springs with the construction of an emergency access gate to allow public emergency service provider access through the street connection. The gate will be installed with a knox box accessible by all public emergency service providers.

If you have any questions regarding this future emergency access or the privatization of Linape Trail through The Overlook Estates, please contact either Keith Schoenfelt at The Overlook Joint Venture (512) 626-3504 or the undersigned.

Also, we have not been able to identify any neighborhood association officers for The Ridge at Thomas Springs. If you know of an association contact within your neighborhood, please advise and I will be happy to provide a copy of this letter your association.

Sinceresv

Derrence L. Irion

TLI:lm

Cc: Keith Schoenfelt

December 15, 2011

Mr. Steven Manilla, P.E., County Executive Transportation and Natural Resources Travis County P.O. Box 1748 Austin, Texas 78767

RE: Letter of request to convert Publicly Dedicated Right-of-Way to Private Streets

Legal name of subdivision: The Overlook Estates Phase 1

TLE No.: 1103

Dear Mr. Manilla,

This letter is to request that the publicly dedicated right-of-way shown on the plat for The Overlook Estates Phase 1 (Lenape Trail, Superview Drive, and Indian Scout Trail) be converted to private streets. We are seeking the conversion for the following reasons.

- The limiting of traffic will provide a safer environment for the children since children can often wander into the street.
- Converting the streets to private will provide the subdivision with a better feeling of security.
- Converting the streets to private will allow to the installation of community landscaping, irrigation, and monumentation without a licensing agreement.
- All of the drainage from the subdivision goes to Barton Creek. All of the drainage from Circle Drive does not necessarily go into Barton Creek. Therefore, by limiting traffic in the subdivision (limiting the "cut through" traffic) it should help limit the pollutant load to the creek.
- The City of Austin would not accept the park lot as a public park. Therefore, converting the streets to private should help reduce any confusion about the park lot being a City or County maintained park.

Included in this application are the unsigned documents for the easements and the Homeowners Association's Declaration of Covenants, Conditions and Restrictions (Items 3, 4 & 5) for legal review. We are awaiting the Homeowners Association Certificate of Incorporation (Item 2). We have the signed letters from all the utility companies (Item 6) and the Emergency Services District (Item 7) stating that they have no objection to the streets converting to private. We are awaiting the same letter from AISD Transportation Director (Item 7) and expect to have it shortly. We are also awaiting the letter from the City of Austin concurring with the request but we understand that we have their approval verbally (Item 8). There is no access needed for adjacent property from the private street (Item 9).

Should you need additional information for the administrative aspects of processing this request, please contact myself or Gwen Gates at 328-0002. Should you need additional owner information or should you

Mr. Joseph P. Gieselman, Executive Manager Transportation and Natural Resources December 15, 2011 Page 2

wish to talk to the owner, please contact Keith Schoenfelt, President Corum Development, Inc. at 512-626-3504.

Sincerely,

THOMPSON LAND ENGINEERING, LLC

Robert C. (Ric) Thompson, P.E.

M.S., C.F.M., C.P.E.S.C.

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This instrument we submitted before me on Harch 20-1994 David L. Paraley, President of SPINDLETOP DAVINGS ASSOCIATION, a Texas Sevings & Loan Association, on behalf of said association.



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I, William J. Cosh, Jr., as sutherized under the laws of the State of Texas to practice the preference of surrelying and hereby certify that this, plan scopius with Chepura 13-10 ff the Austin Lity Code. is true and correct and was prapared from an actual curvey of the property made by me or under years of the property and by me or under years reporting to the arrest.

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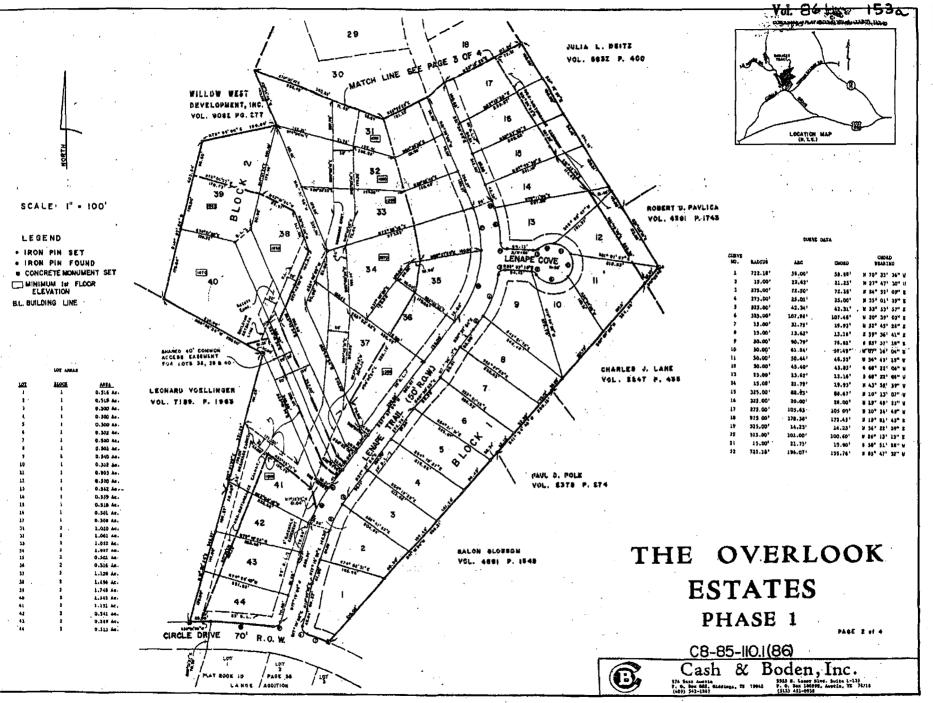
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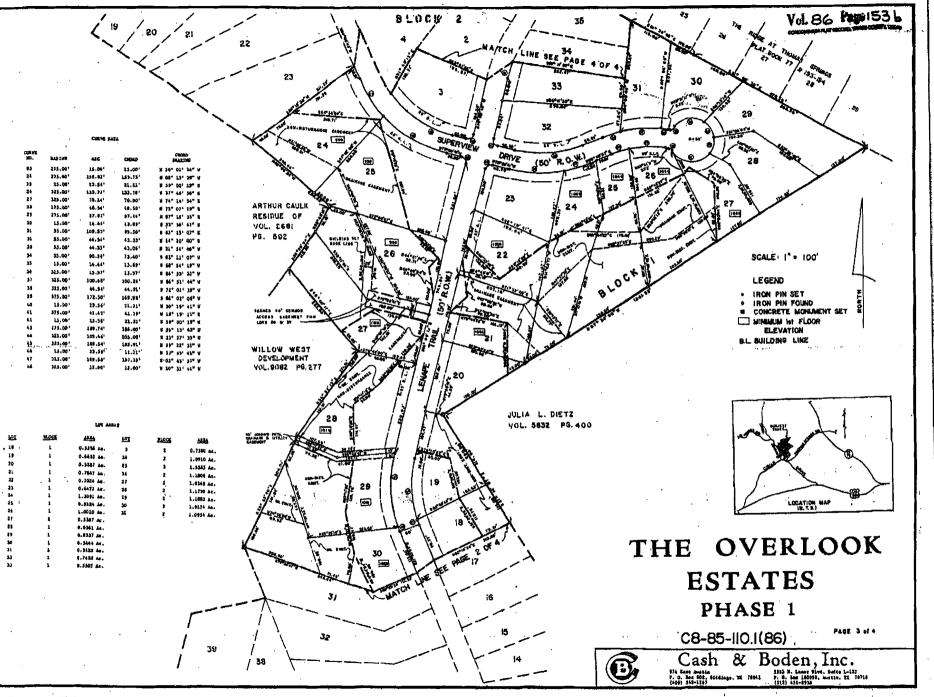
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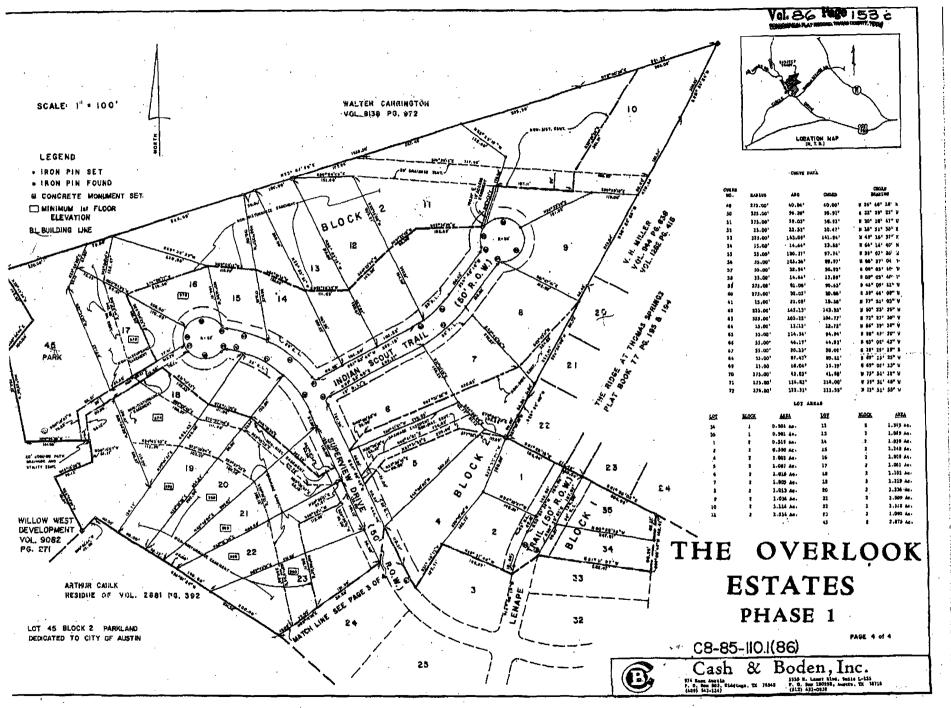
PAGE 1 OF 4



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JOSEPH P. GIESELMAN, EXECUTIVE MANAGER

411 West 13th Street Executive Office Building PO Box 1748 Austin, Texas 78767 (512) 854-9383 FAX (512) 854-4649

# EASEMENT REQUIREMENT STATEMENT FOR CONVERTING PUBLIC STREETS TO PRIVATE STREETS

Item #6 & #7

An application is being made to Travis County for the Conversion from Public Streets to Private Streets in Overlook Estates Phase I subdivision and as described on the enclosed drawing or document. An action of the Commissioners' Court of Travis County is pending your return of this statement. Your prompt reply is requested.

### **STATEMENT**

We do not approve the change from Public Street Easements to Private Street Easements

	as described in the accompanying document.
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<del></del>	We do approve the change from Public Street Easements to Private Street Easements as
	described in the accompanying document. A map of the subject streets is attached. (Note:
	this approval is with the understanding that we will not be denied access to our facilities.)

Signature

Black KARIS

Printed Name

District

Utility Company or District

Date

Please return this completed form to:
David Knoll
c/o Thompson Land Engineering, LLC
904 N. Cuernavaca
Austin, Texas 78733

JOSEPH P. GIESELMAN, EXECUTIVE MANAGER

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	Printed Name
	Title DESIGN ATTT (CONTRACTION)
	Utility Company or District
	3-23-2011 Date

Please return this completed form to:
David Knoll
c/o Thompson Land Engineering, LLC
904 N. Cuernavaca
Austin, Texas 78733

JOSEPH P. GIESELMAN, EXECUTIVE MANAGER

411 West 13th Street Executive Office Building PO Box 1748 Austin, Texas 78767 (512) 854-9383 FAX (512) 854-4649

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	Signature		
	AARON BERRY Printed Name		
	DESIGN SUPERVISOR  TIME WARNER CABLE INC.		
	Utility Company or District  3/24/2011		

Date

Please return this completed form to: David Knoll c/o Thompson Land Engineering, LLC 904 N. Cuernavaca Austin, Texas 78733



JOSEPH P. GIESELMAN, EXECUTIVE MANAGER

411 West 13th Street Executive Office Building PO Box 1748 Austin, Texas 78767 (512) 854-9383 FAX (512) 854-4649

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	ANGIFLA BAKZ Printed Name
	Project Coordinator Title Austin Water Ully
	Utility Company or District  December 6. 2011

Date

Please return this completed form to: Robert C. (Ric) Thompson, P.E. c/o Thompson Land Engineering, LLC 904 N. Cuernavacu Austin, Texas 78733



JOSEPH P. GIESELMAN, EXECUTIVE MANAGER

411 West 13th Street Executive Office Building PO Box 1748 Austin, Texas 78767 (512) 854-9383 FAX (512) 854-4649

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Item #6 & #7

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Signature

Printed Name

DEVELOPMENT SERVICES PROCESS

Utility Company or District

12/21/201

Date

Please return this completed form to: Robert C. (Ric) Thompson, P.E. c/o Thompson Land Engineering, LLC 904 N. Cuernavaca Austin, Texas 78733

KISEPH P. CIESELMAN, EXPOUTIVE MANAGER

411 Wass 13th Street Executive Office Building PO Box 1746 Austin, Texas 78767 (512: 854-9383 FAX (512) 854-4849

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Signifier

Signifier

Michael Lacey

Printed Name

District Chieffire Murshul

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Travis County ESD #3

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3/23/201

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JOSEPH P. GIESELMAN, EXECUTIVE MANAGER

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# EASEMENT REQUIREMENT STATEMENT FOR CONVERTING PUBLIC STREETS TO PRIVATE STREETS

Item #6 & #7

An application is being made to Travis County for the Conversion from Public Streets to Private Streets in <u>Overlook Estates Phase I</u> subdivision and as described on the enclosed drawing or document. An action of the Commissioners' Court of Travis County is pending your return of this statement. Your prompt reply is requested.

### **STATEMENT**

	We do not approve the change from Public Street Easements to Private Street Easements as described in the accompanying document.
V	We do approve the change from Public Street Easements to Private Street Easements as described in the accompanying document. A map of the subject streets is attached. (Note: this approval is with the understanding that we will not be denied access to our facilities.)
	A CONTRACTOR OF THE PARTY OF TH
	Signature  KR3 HAFE Zi 24DETT  Printed Name
	DIRECTOR OF TRANSPORTATION Title
	Utility Company or District  12/15/11

Date

Please return this completed form to: Robert C. (Ric) Thompson, P.E. c/o Thompson Land Engineering, LLC 904 N. Cuernavaca Austin, Texas 78733

