



Travis County Commissioners Court Agenda Request

Meeting Date: May 1, 2012

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: Approve setting a public hearing on Tuesday, May 22, 2012 to receive comments regarding a request to authorize the filing of an instrument to vacate a 7,885 square foot area of a drainage easement located over and across a portion of Tract 95 of the Travis Hollow Section Three subdivision – Precinct Three.

BACKGROUND/SUMMARY OF REQUEST:

TNR staff has received a request to vacate a 7,885 square foot area of a drainage easement located over and across a portion of Tract 95 of the Travis Hollow Section Three subdivision. The easement is dedicated per plat and is schematically shown on the face of the plat. The subject lot fronts on a section of Alfalfa Drive, which is not maintained by Travis County.

Professional engineer Fred C. Lockwood has stated that:

"This drainage easement vacation/dedication is necessary because the existing channel that crosses this tract is not located in its original location. This was caused by buildings being constructed on the up-gradient tract within the existing channel (and within an existing drainage easement) and re-routing the channel around the southern side of those buildings. This re-routing resulted in the channel entering the subject tract approximately 80 feet south of its original location, leading to a portion of the channel across the subject tract being south of and outside of the existing drainage easement on the tract."

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:

The request has been reviewed by TNR staff and staff finds the vacation request meets all Travis County standards. As such, TNR staff recommends setting the public hearing.

ISSUES AND OPPORTUNITIES:

According to the request letter the existing channel is not located in its original location, which was caused by buildings being constructed on the up-gradient tract. The buildings' location caused the channel to be re-routed approximately 80 feet south, which lead to a portion of the channel being outside of the existing drainage easement on the subject tract. Vacating the subject portion of the current drainage easement and re-dedicating it in a new configuration will allow for the existing channel to be within a dedicated easement.

FISCAL IMPACT AND SOURCE OF FUNDING:

None.

ATTACHMENTS/EXHIBITS:

- Order of Vacation
- Field Notes and Sketch
- Request/Engineer's Letter
- Easement Dedication and Survey
- Maps

REQUIRED AUTHORIZATIONS:

| | | | |
|-----------------------|-------------------|-----|----------|
| Cynthia McDonald | Financial Manager | TNR | 854-4239 |
| Steve Manilla | County Executive | TNR | 854-9429 |
| Anna Bowlin | Division Director | TNR | 854-7561 |
| Don Grigsby <i>DW</i> | Engineer | TNR | 854-7560 |
| | | | |
| | | | |

CC:

| | | | |
|-----------------|-----------------|-------------|----------|
| Stacey Scheffel | Program Manager | TNR Permits | 854-7565 |
| | | | |
| | | | |
| | | | |

SM:AB:ps

1101 - Development Services - Travis Hollow Section Three

ORDER OF VACATION

STATE OF TEXAS §

COUNTY OF TRAVIS §

WHEREAS, the property owner requests the vacation of a 7,885 square foot area of a drainage easement located over and across a portion of Tract 95 of the Travis Hollow Section Three subdivision as recorded at Book 78, Pages 394-397 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 12,223 square foot 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 May 22, 2012 to consider the proposed action; and

NOW, THEREFORE, by unanimous vote, the Commissioners Court of Travis County, Texas, orders that a 7,885 square foot area of a drainage easement located over and across a portion of Tract 95 of the Travis Hollow Section Three subdivision, 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

EXHIBIT "A"
LEGAL DESCRIPTION

BEING 7,885 SQUARE FEET OF LAND, BEING A PORTION OF A DRAINAGE EASEMENT OUT OF TRACT 95, TRAVIS HOLLOW SECTION THREE, A SUBDIVISION RECORDED IN BOOK 78, PAGES 394-397, PLAT RECORDS, TRAVIS COUNTY, TEXAS, SAME BEING THAT CERTAIN TEXMART INC TRACT RECORDED IN DOCUMENT NUMBER 2011102600, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, SAID 7,885 SQUARE FEET OF LAND TO BE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a point in the westerly line of said Tract 95, in the easterly line of Tract 96 of said subdivision, for the northwest corner hereof, from which an iron rod found at the northwest corner of said Tract 95 bears, North 38 degrees 08 minutes 05 seconds East, 87.81 feet;

THENCE South 43 degrees 52 minutes 06 seconds East, through said Tract 95, 156.17 feet a point, for the northeast corner hereof;


Thence South 56 degrees 38 minutes 25 seconds West, continuing through said Tract 95, 66.35 feet to a point, for the southeast corner hereof;

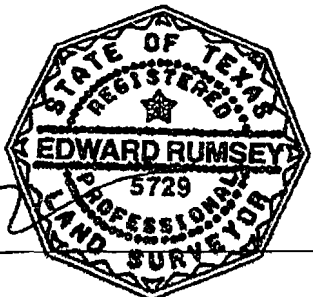
THENCE continuing through said Tract 95, the following 3 courses,

1. North 56 degrees 46 minutes 14 seconds West, 66.89 feet to a point,
2. North 11 degrees 08 minutes 03 seconds East, 76.32 feet to a point,
3. North 45 degrees 09 minutes 14 seconds West, 32.53 feet to a point in the common line of said Tracts 95 and 96, for the southwest corner hereof;

THENCE North 38 degrees 08 minutes 05 seconds East, along the common line of said Tracts 95 and 96, 18.56 feet to the POINT OF BEGINNING.

THIS LEGAL DESCRIPTION IS TO BE USED IN CONJUNCTION WITH THE ATTACHED SURVEY PLAT (BY SEPARATE INSTRUMENT), ONLY.


Edward Rumsey
TX R.P.L.S #5729
Job # A0300512-1



03/21/2012
Date

PARTIAL VACATION OF DRAINAGE EASEMENT

SCALE 1"=120'

LEGEND

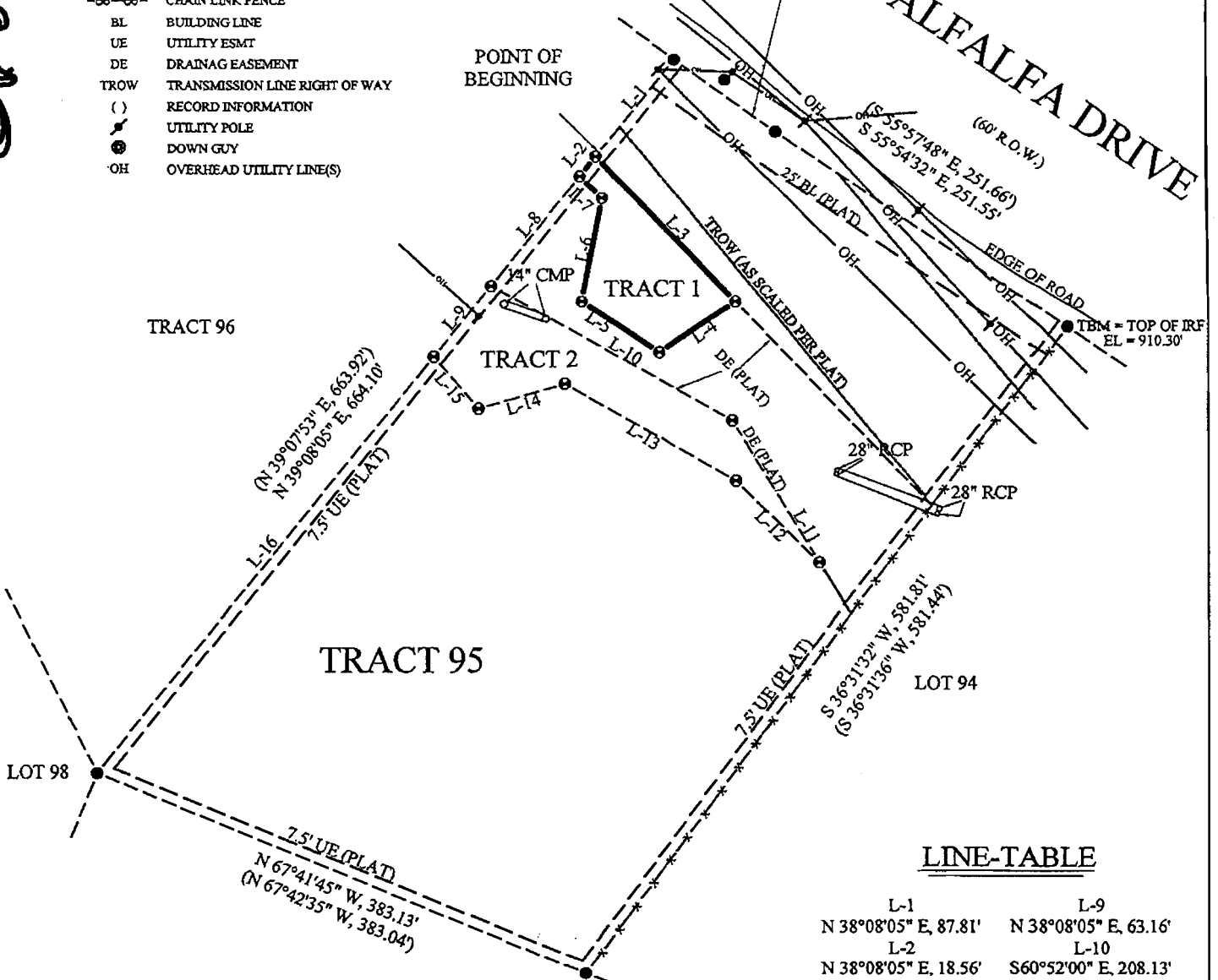
- 1/2" ROD FOUND
- CHAIN LINK FENCE
- BL BUILDING LINE
- UE UTILITY ESMT
- DE DRAINAG EASEMENT
- TROW TRANSMISSION LINE RIGHT OF WAY
- () RECORD INFORMATION
- UTILITY POLE
- DOWN GUY
- OH OVERHEAD UTILITY LINE(S)



POINT OF BEGINNING

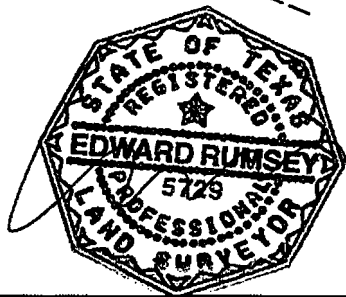
RADIUS = (1925.35')
 ARC = 89.86'
 CH = S 54°38'52" E, 89.85'
 (S 54°37'48" E, 89.60')

ALFALFA DRIVE
 (60' R.O.W.)
 S 55°57'48" E, 251.66'
 S 55°54'32" E, 251.55'



LINE-TABLE

| | |
|------------------------|------------------------|
| L-1 | L-9 |
| N 38°08'05" E, 87.81' | N 38°08'05" E, 63.16' |
| L-2 | L-10 |
| N 38°08'05" E, 18.56' | S 60°52'00" E, 208.13' |
| L-3 | L-11 |
| S 43°52'06" E, 156.17' | S 31°19'00" E, 120.71' |
| L-4 | L-12 |
| S 56°38'25" W, 66.35' | N 45°19'14" W, 84.30' |
| L-5 | L-13 |
| N 56°46'14" W, 66.89' | N 60°28'57" W, 142.58' |
| L-6 | L-14 |
| N 11°08'03" E, 76.32' | S 74°22'43" W, 65.02' |
| L-7 | L-15 |
| N 45°09'14" W, 32.53' | N 40°48'19" W, 56.48' |
| L-8 | L-16 |
| N 38°08'05" E, 104.48' | S 38°08'05" W, 389.23' |



| | | |
|-------------|----------------|------------|
| SURVEY DATE | MARCH 21, 2012 | |
| JOB NO. | A | |
| FIELD BY | REX NOWLIN | 08/09/2011 |
| CALC. BY | CHRIS ZOTTER | 08/18/2011 |
| DRAWN BY | DAMIAN SMITH | 03/21/2012 |
| RPLS CHECK | EDWARD RUMSEY | 03/21/2012 |

CHRISTINA BUCKNER
 20103 ALFALFA DRIVE
 LAGO VISTA, TRAVIS COUNTY, TEXAS



9020 ANDERSON MILL RD
 AUSTIN, TEXAS 78729
 (512) 249-8149 PHONE
 (512) 331-5217 FAX
 WWW.ALLSTARLANDSURVEYING.COM

BEING 7,885 SQUARE FEET OF LAND, BEING A PORTION OF A DRAINAGE EASEMENT OUT OF TRACT 95, TRAVIS HOLLOW SECTION THREE, A SUBDIVISION RECORDED IN BOOK 78, PAGES 394-397, PLAT RECORDS, TRAVIS COUNTY, TEXAS, SAME BEING THAT CERTAIN TEXMART INC TRACT RECORDED IN DOCUMENT NUMBER 2011102600, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, SAID 7,885 SQUARE FEET OF LAND TO BE MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN EXHIBIT "A", ATTACHED HERETO AND MADE A PART HEREOF.

TEXAS REGISTERED ENGINEERING FIRM NO. F-2613

March 28, 2012

Mr. Paul Scoggins, Travis County TNR
411 W. 13th St.
Austin, TX 78767

RE: Tract 95, Travis Hollow Section Three
Drainage Easement Vacation & Dedication

LE#08-945

Dear Mr. Scoggins:

The owner of the referenced tract, TexMart, Inc., desires to vacate a portion of an existing drainage easement on the tract, as well as dedicate some additional drainage easement adjacent to an existing drainage easement on the tract. This drainage easement vacation/dedication is necessary because the existing channel that crosses this tract is not located in its original location. This was caused by buildings being constructed on the up-gradient tract within the existing channel (and within an existing drainage easement) and re-routing the channel around the southern side of those buildings. This re-routing resulted in the channel entering the subject tract approximately 80 feet south of its original location, leading to a portion of the channel across the subject tract being south of and outside of the existing drainage easement on the tract. A recent aerial photograph copy is attached for your use.

A site plan reflecting recent grading changes to the site is currently under review by TNR and is ready for approval upon the recording of this drainage easement vacation/dedication. The TNR reviewer is Don Grigsby.

Items required to be submitted with this request letter are attached as follows:

- Metes & bounds description and sketch of the proposed easement vacation area.
- Metes & bounds description and sketch of the proposed easement dedication area.
- Copy of the Travis Hollow, Section Three final plat with the drainage easement vacation/dedication areas shown.
- Drainage study titled "TEXMART STORAGE, 20103 Alfalfa Drive, Lago Vista, TX 78645, HEC-RAS MODEL, March 07, 2012".
- Non-refundable fee check for \$680.00.

1 of 2

RECEIVED

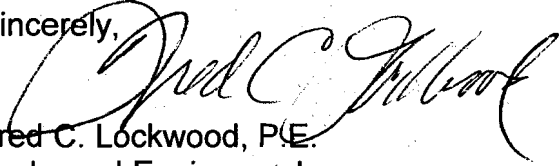
APR 02 2012

TRAVIS COUNTY - TNR
PERMITS DEPARTMENT

Also attached is a proposed drainage easement dedication document for your review.

Please review this request letter and the attached items and respond to me with any comments. I can be reached at (512) 422-5065 or fred@lockwood-eng.com if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Fred C. Lockwood". The signature is written in a cursive style with a large, stylized initial "F".

Fred C. Lockwood, P.E.
Lockwood Engineers, Inc.
Texas Registered Engineering Firm No. F-2613

Copy: Christina Buckner

DRAINAGE EASEMENT

STATE OF TEXAS §

COUNTY OF TRAVIS §

That I, Christina Buckner, as Secretary for TexMart, Inc., a Texas corporation (GRANTOR), being the owners of Tract 95, Travis Hollow, Section Three, as recorded at Book 78, Pages 394 - 397 of the Plat Records of Travis County, Texas and conveyed to us by deed of record in Document Number 2011102600 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 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 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 ____ DAY OF _____, 2012.

By: TexMart, Inc.

Christina Buckner, Secretary

STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on _____, 2012 by

_____.

Notary Public in and for the State of Texas

Printed Name: _____

My commission expires: _____

EXHIBIT "B"
LEGAL DESCRIPTION

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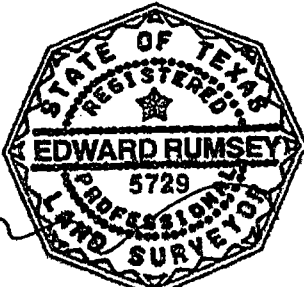
THENCE North 38 degrees 08 minutes 05 seconds East, along the common line of said Tract 95 and 96, 63.16 feet to a point in said line, for the northwest corner hereof;

THENCE through said Tract 95, South 60 degrees 52 minutes 00 seconds East, 208.13 feet to a point and South 31 degrees 19 minutes 00 seconds East, 120.71 feet to a point, for the most easterly corner hereof;

THENCE continuing through said Tract 95, the following 4 courses,

1. North 45 degrees 19 minutes 14 seconds West, 84.30 feet to a point,
2. North 60 degrees 28 minutes 57 seconds West, 142.58 feet to a point,
3. South 74 degrees 22 minutes 43 seconds West, 65.02 feet to a point,
4. North 40 degrees 48 minutes 49 seconds West, 56.48 feet to the POINT OF BEGINNING.

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Edward Rumsey
TX R.P.L.S #5729
Job # A0300512-2

03/21/2012
Date

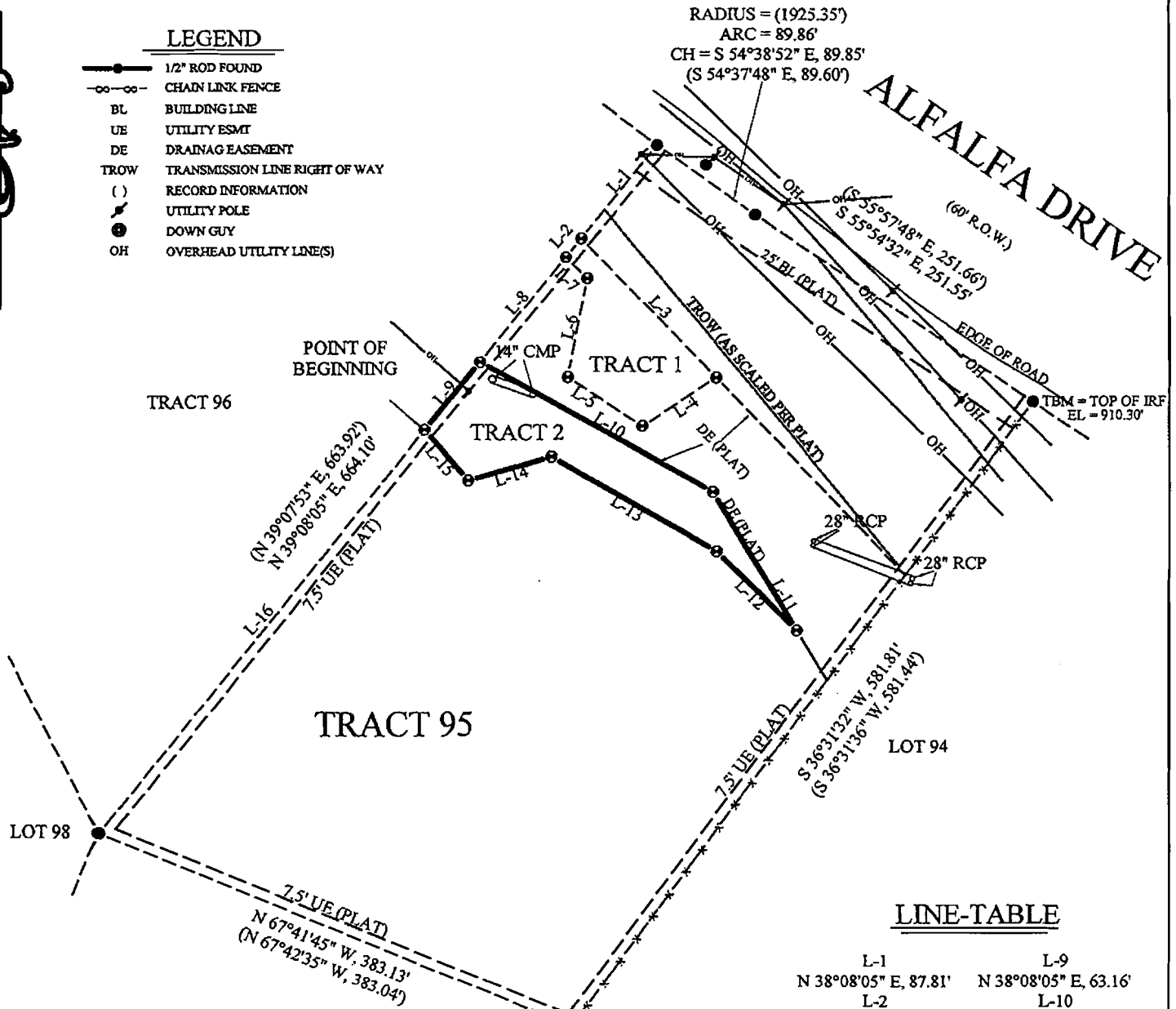
DRAINAGE EASEMENT

SCALE 1"=120'



LEGEND

- 1/2" ROD FOUND
- CHAIN LINK FENCE
- BL BUILDING LINE
- UE UTILITY ESMT
- DE DRAINAGE EASEMENT
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| | | | |
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EXISTING UP-GRADIENT
BUILDINGS

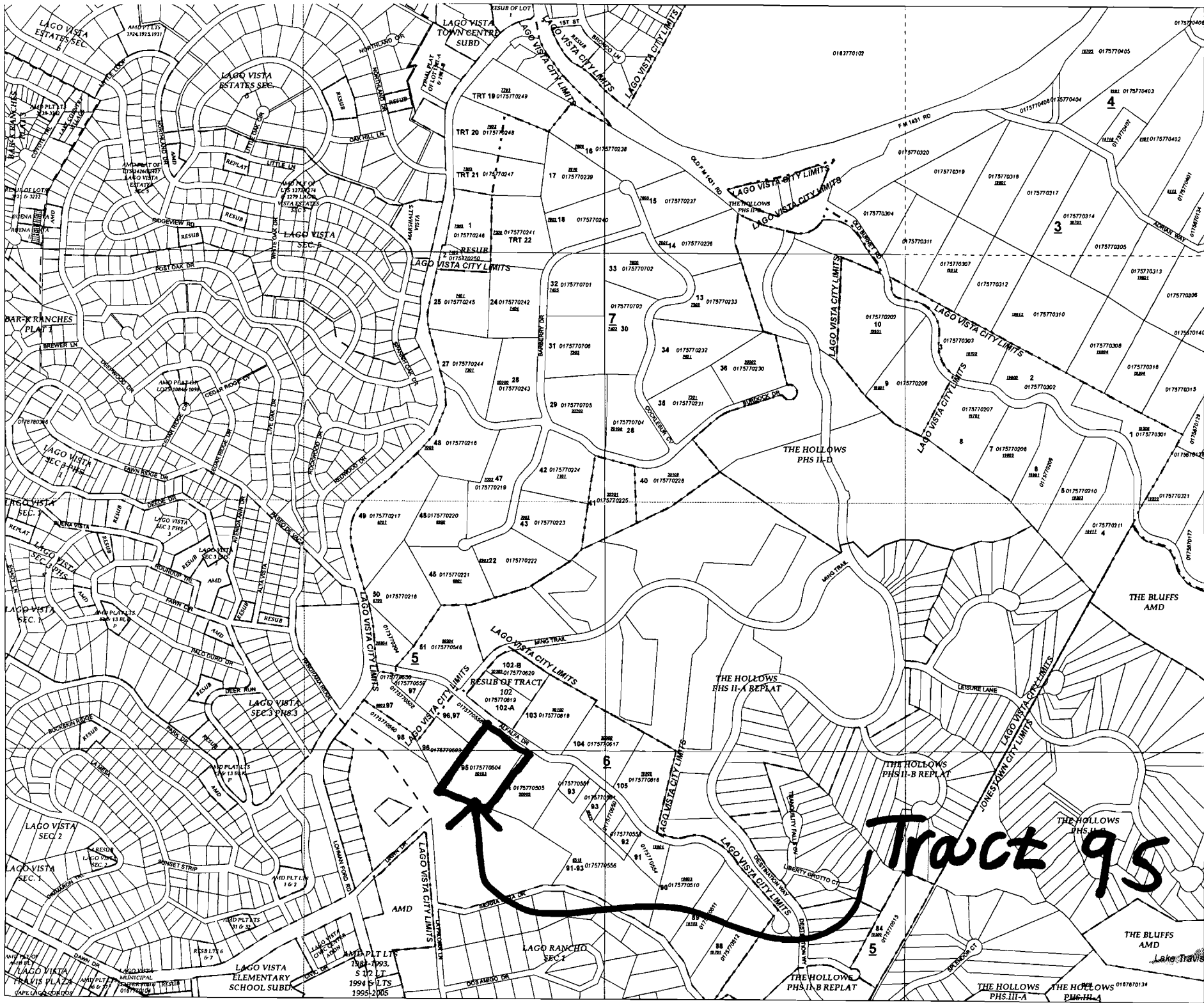


Google earth

feet
meters



TRACT 95, TRAVIS HOLLOW, SEC. THREE



Tract 95

Travis Central Appraisal District
 8314 Cross Park Drive
 Austin, Texas 78754
 Internet Address: www.travis cad.org
 Main Telephone Number (512) 834-9317
 Appraisal Information (512) 836-3328
 P.O. Box 149012
 Austin, Texas 78714

This 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. Conclusions 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

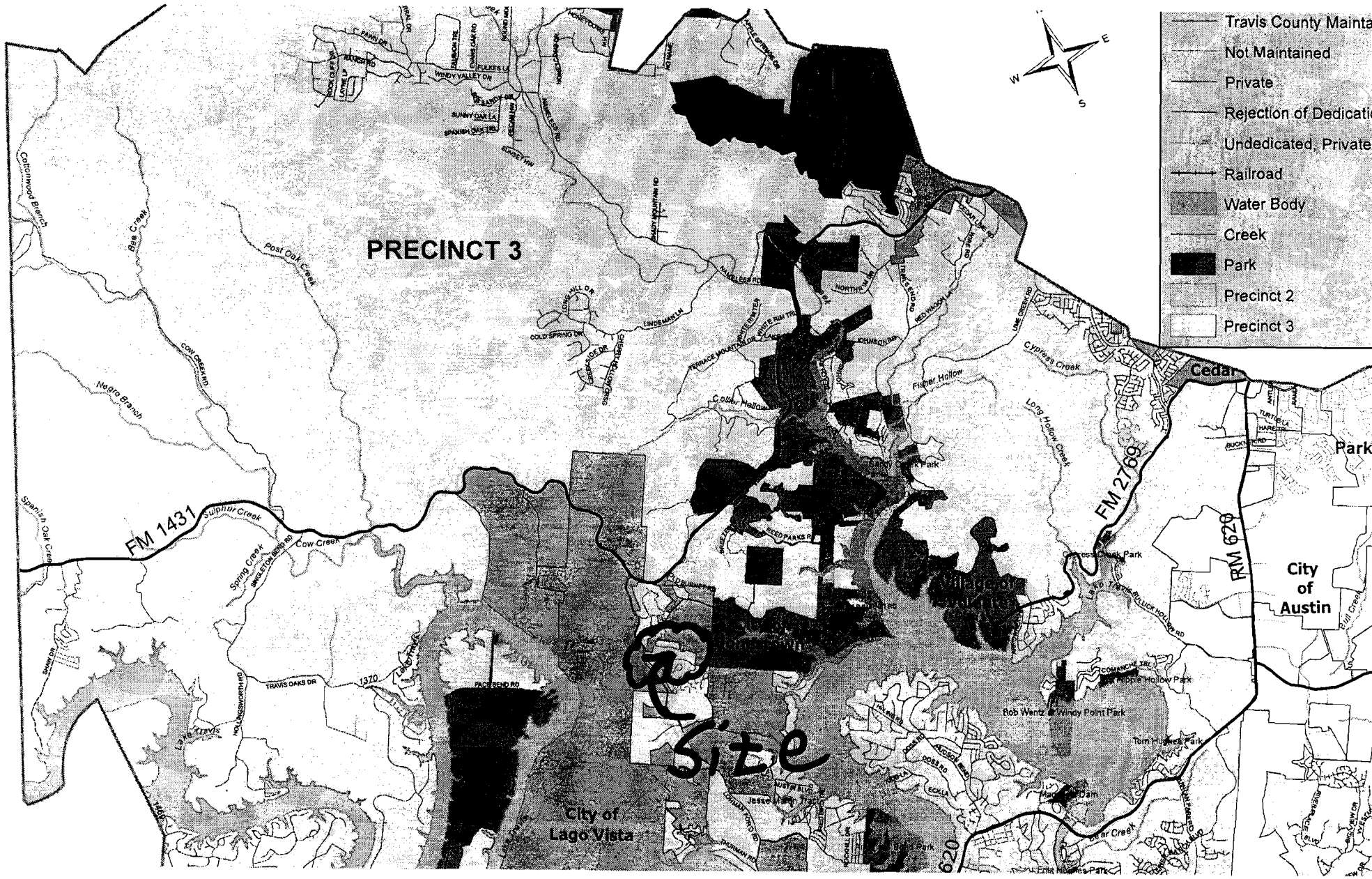
Scale:
 Thin = 100 scale map
 Bold = 400 scale map

| | | | | | | | | | |
|-----|-----|-----|-----|-----|-----|-----|-----|-----|------|
| 100 | 200 | 300 | 400 | 500 | 600 | 700 | 800 | 900 | 1000 |
| 100 | 200 | 300 | 400 | 500 | 600 | 700 | 800 | 900 | 1000 |
| 100 | 200 | 300 | 400 | 500 | 600 | 700 | 800 | 900 | 1000 |
| 100 | 200 | 300 | 400 | 500 | 600 | 700 | 800 | 900 | 1000 |
| 100 | 200 | 300 | 400 | 500 | 600 | 700 | 800 | 900 | 1000 |

0 400 Feet

Revision Date
 1/31/2011

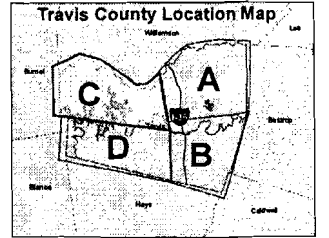
17577



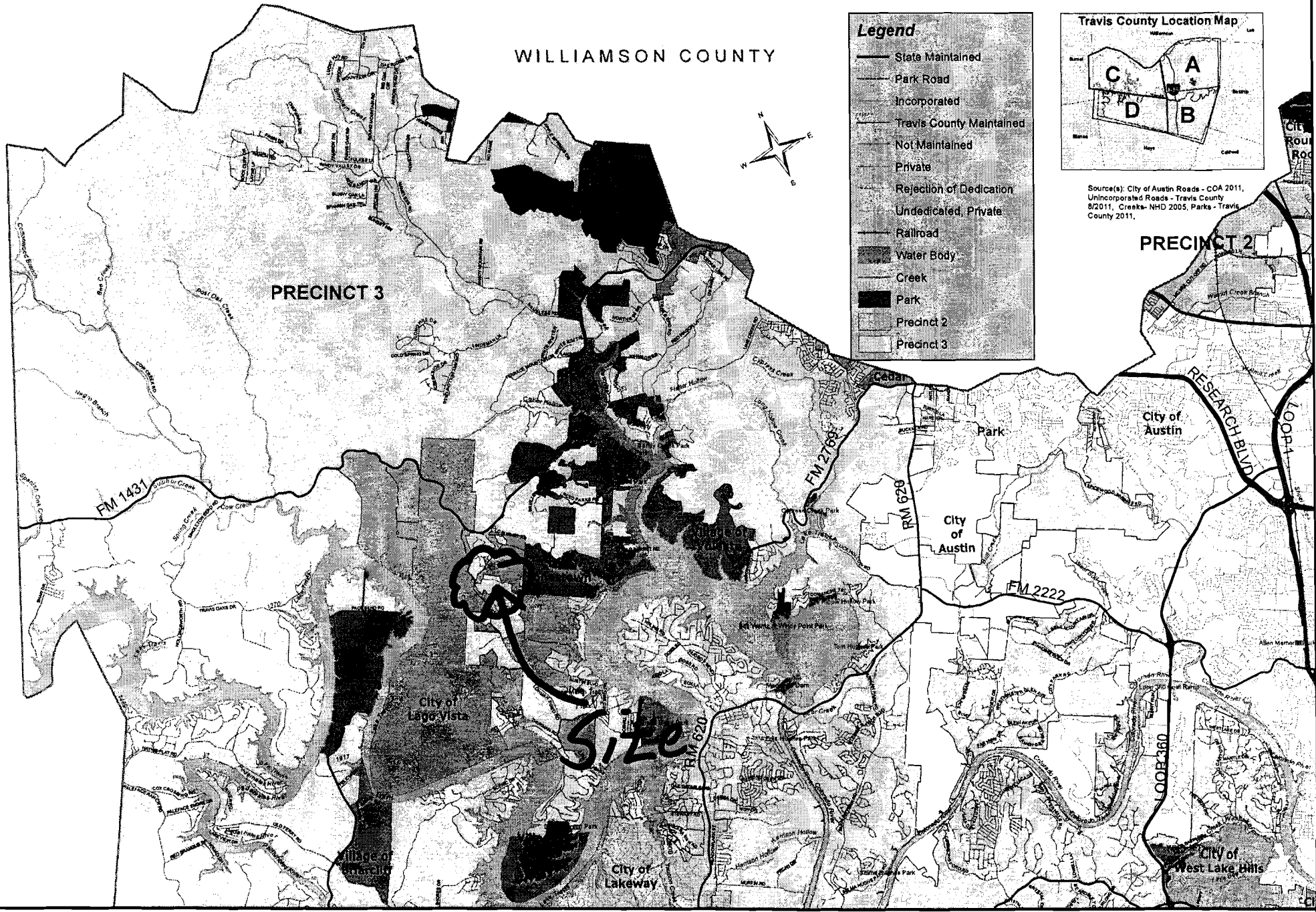
WILLIAMSON COUNTY

Legend

- State Maintained
- Park Road
- Incorporated
- Travis County Maintained
- Not Maintained
- Private
- - - Rejection of Dedication
- - - Undedicated, Private
- Railroad
- Water Body
- Creek
- Park
- Precinct 2
- Precinct 3

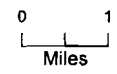


Source(s): City of Austin Roads - COA 2011, Unincorporated Roads - Travis County 8/2011, Creeks- NHD 2005, Parks - Travis County 2011.



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

Travis County Roadways, Map C



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