



Travis County Commissioners Court Agenda Request

Meeting Date: May 22, 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 Davis, Precinct One

AGENDA LANGUAGE: Receive comments regarding a request to authorize the filing of an instrument to vacate the drainage easement portion of the five foot wide public utility and drainage easements located along the side and rear lot lines of Lot 8, Block D of Kingsberry Park Section 1, in Precinct One.

BACKGROUND/SUMMARY OF REQUEST:

TNR staff has received a request to vacate the drainage easement portion of the five foot wide public utility and drainage easements located along the side and rear lot lines of Lot 8, Block D of Kingsberry Park Section One. The easements are dedicated per plat note as a public utility and drainage easement and are not schematically shown on the face of the plat. The subject lot fronts on Live Oak Lane, a street maintained by Travis County.

Professional Engineer Stan Burrier has stated that:

"I have performed an on the ground study of this property. It is obvious that the drainage easements are "paper easements" that blanket the perimeter of all the lots in the subdivision. The easement around this lot is not functional and no negative impact will occur if the easement is vacated."

After review of the submitted request and recommendation, Travis County Engineer John Ellis 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 received two 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:

According to the request letter there is a failed septic system on the subject lot. Vacating the subject easements will allow additional room for the upgraded septic system in regards to setbacks requirements for drainage easements. The property owner currently has the upgraded septic design under review and its permit is pending this easement vacation.

Per the county's enforcement department, Travis County has been involved since 3/10/2010. There have been numerous calls from surrounding property owners, in particular the last six-eight months or so, which consisted of complaints of the failing system at this property. This issue was submitted to Travis County Attorney's office to seek compliance.

There have been illegal discharges on several occasions. The last incident was a charge of standing sewage running into and adjacent property, which the county tested on 3/27/2012. However, in this particular instance the test results came back negative for fecal coliform. This area is a runoff/groundwater problem area and this was during a wet period. The owners of 20712 Live Oak have maintained a portable toilet and are living on the property.

Setback requirements of Travis County and State of Texas (the distance between OSSF components and the drainage easement) would render placement of a legal OSSF system impossible without vacation of the drainage easements. As it currently stands, a variance may be necessary in view of the neighbor's refusal to abandon drainage easements in their adjoining lots.

FISCAL IMPACT AND SOURCE OF FUNDING:

N/A.

ATTACHMENTS/EXHIBITS:

Order of Vacation
Field Notes and Sketch
Request/Engineer's Letter
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
John Ellis	Engineer	Development Services	854-9805

CC:

Stacey Scheffel	Program Manager	TNR Permits	854-7565
Rodney Sherrill	Septic Review	TNR Permits	854-7581

SM:AB:ps

1101 - Development Services - Kingsberry Park, Section One