

**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

A handwritten signature in black ink, appearing to read "Steven M. Manilla".

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

Sponsoring Court Member: Commissioner Davis, Precinct One

AGENDA LANGUAGE: Consider and take appropriate action on 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 One – 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 1

ORDER OF VACATION

STATE OF TEXAS §

COUNTY OF TRAVIS §

WHEREAS, the property owner requests the vacation of 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 B of the Kingsberry Park Section 1 subdivision as recorded at Volume 37, Page 9 of the Real Property Records of Travis County, Texas;

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

WHEREAS, the public utility portion of the public utility and drainage easements will remain;

WHEREAS, a Travis County Engineer has stated that there is no objection to the vacation of the drainage easements 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 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 May 22, 2012 to consider the proposed action; and

NOW, THEREFORE, by unanimous vote, the Commissioners Court of Travis County, Texas, orders that 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 B of the Kingsberry Park Section 1 subdivision, as shown on the attached sketch and described in the attached field notes, are 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 “ _____ ”
F#**

EASEMENT RELEASE

LEGAL DESCRIPTION

BEING 1748 SQUARE FEET, OR 0.040 OF AN ACRE OF LAND, MORE OR LESS, OUT OF LOT 8, BLOCK D, KINGSBERRY PARK, SECTION ONE, A SUBDIVISION OF RECORD IN VOLUME 37, PAGE 9, PLAT RECORDS, TRAVIS COUNTY, TEXAS, BEING THAT SAME TRACT OF LAND CONVEYED TO MARIAM COLMENERO LEON, JONATHAN REYES LEON, AND CHRISTOPHER REYES LEON IN DOCUMENT NUMBER 2008147616, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS AND BEING ALL OF A 5 FOOT PUBLIC UTILITY EASEMENT AND DRAINAGE EASEMENT (P.U.E. & D.E.) RECORDED IN VOLUME 37, PAGE 9, PLAT RECORDS, TRAVIS COUNTY TEXAS; SAID 1748 SQUARE FEET OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½” rebar found in the northerly right of way line of Liveoak Lane, said point being the southeasterly corner of Lot 9, said Kingsberry Park, Section One and being the southwesterly corner of said Lot 8 and of said 5 foot P.U.E. & D.E. and the **PLACE OF BEGINNING** hereof;

THENCE N 30°38’00” E (Bearing Basis), with the common boundary line of said Lot 9, Lot 8, 5 foot easement, and the tract hereof, a distance of 150.14’ feet to an iron pipe found in the southerly line of Lot 23, Kingsberry Park, Section 2, a subdivision of record in Volume 63, Page 75, Plat Records of said County, said point being the northeasterly corner of said Lot 9 and being the northwesterly corner of said Lot 8 and the tract hereof;

THENCE S 59°18’39” E, with the southerly line of said Lot 23, in part, and Lot 22 of said Kingsberry Park, Section 2, in part, being the northerly line of said Lot 8, said 5 foot easement and the northerly line hereof, a distance of 59.91 feet to an iron pipe found at the northwesterly corner of Lot 7, said Kingsberry Park, Section One, said point being the northeasterly corner of said Lot 8, said 5 foot easement, for the northeasterly corner hereof;

THENCE S 30°39’07” W, with the common boundary line of said Lot 7 and Lot 8, being the easterly line of said 5 foot easement and the tract hereof, a distance of 149.67 feet to a an iron pipe found in the aforementioned right of way of Liveoak Lane, said point being the southwesterly corner of said Lot 7, the southeasterly corner of said Lot 8, and said 5 foot easement for the southeasterly corner hereof;

THENCE N 59°45’37” W, with said right of way, being the southerly line of said Lot 8, said 5 foot easement and the tract hereof, a distance of 5.00 feet to a point for the eastern most southern point hereof;

THENCE running through said Lot 8 and with the said 5 foot easement, the following 3 calls:

1. N 30°39'07" E, a distance of 144.71 feet to a point for an interior ell corner of said 5 foot easement and the tract hereof;
2. N 59°18'39" W, a distance of 49.91 feet to a point for an interior ell corner of said 5 foot easement and the tract hereof;
3. S 30°38'00" W, a distance of 145.10 feet to a point in the aforementioned right of way line of said Liveoak Lane, being the southerly line of said Lot 8 for an exterior angle point hereof;

THENCE N 59°45'37" W, running with said right of way, said southerly line of Lot 8, said southerly line of the 5 foot easement and the southerly line hereof, a distance of 5.00 feet to the **PLACE OF BEGINNING** hereof and containing 1748 square feet, or 0.040 of an acre of land, more or less.

THIS DESCRIPTION TO BE USED WITH THE ATTACHED SKETCH ONLY.



MICHAEL LANCASTER, R.P.L.S. 5529
B & G SURVEYING, INC.
1404 W. NORTH LOOP BLVD.
AUSTIN, TEXAS 78756
(512) 458-6969, FAX: (512) 458-1129

04/03/12
DATE

B0310812_ESMT_REL
TCAD Parcel ID: 0213850108

<http://www.bandgsurvey.com>



Burrier Engineering

Reg. No F-5694

★★★

P.O. Box 1406
Kyle, TX 78640

Phone: 512-268-1573
Fax: 512-268-1572
Email: gburrier@austin.rr.com

★★★

November 15, 2011

To Whom It May Concern:

re: Mariam Leon Colmenero
20712 Live Oak Lane
Manor, Texas 78653
Travis County

2031

Please find attached a copy of the requirements for vacating a drainage easement.

This letter is requesting that the drainage easement on the above referenced lot be vacated. Currently there is a failed septic system on this lot. Because of the size of the lot is not large enough to accommodate a new septic system that meets current standards because of the setback requirements from the drainage easement. Even with the vacating of the easement, the lot may not be large enough for a septic system; however, it will provide additional room to maximize the area needed for a septic system.

Please find attached a metes and bounds survey as required. This survey depicts the five foot drainage easement on three sides of the lot that we are requesting to be vacated.

I have preformed 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 does not functional an no negative impact will occur it th easement is vacated.

If additional information is required, you may contact me at 512-632-3855. Thank you for your consideration in this matter.

Sincerely,

Stan Burrier
Stan Burrier

11-15-11





CODE: 1101

TRANSPORTATION AND NATURAL RESOURCES
JOSEPH P. GIESELMAN, EXECUTIVE MANAGER
411 West 13th Street
Executive Office Building
P.O. Box 1748
Austin, Texas 78767
tel 512-854-9383
fax 512-854-4649

RECEIVED
MAY 04 2012
TNR

AFFIDAVIT OF POSTING

TO: County Judge
County Commissioners
Travis County, Texas

A Public Notice of Vacation of a Drainage Easement sign was posted on April 30, 2012, on the north side of Live Oak Lane in front of Lot 8, Block D of Kingsberry Park, 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 2 DAY OF May, 2012.

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

cc: Garcia (sign shop)

M:\PERMITS\Vacate\12DE\05-LiveOak\SignRequest.doc



NOTICE OF PUBLIC HEARING

MAY 22, 2012 AT 9:00 AM
DRAINAGE EASEMENT VACATION

TO APPROVE THE VACATION OF THE
DRAINAGE EASEMENTS LOCATED ALONG
THE REAR AND SIDE LOT LINES OF LOT 8,
BLOCK D OF KINGSBERRY PARK, SECTION
1 - A SUBDIVISION IN PRECINCT ONE

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

FOR MORE INFORMATION CALL 854-9383



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314 WEST 11th STREET
(FIRST FLOOR), AUSTIN

FOR MORE INFORMATION CALL 854-9383



Travis Central Appraisal District
 P.O. Box 149012
 Austin, Texas 78714
 Internet Address: www.traviscad.org
 Main Telephone Number (512) 434-5317
 TDD (512) 636-3328

NAD_1983_StatePlane_Texas_Central_FIPS_4203_Feet
 Projection: Lambert_Conformal_Conic



Red (city) = 100 scale map
 Magenta = 100 scale map
 Blue = 400 scale map



0 100 Feet

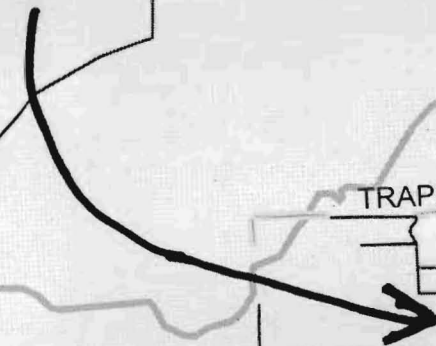
Revision Date
 4/18/2008

2 1385



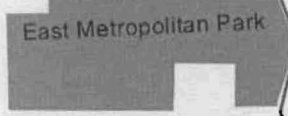
Precinct 1

Site

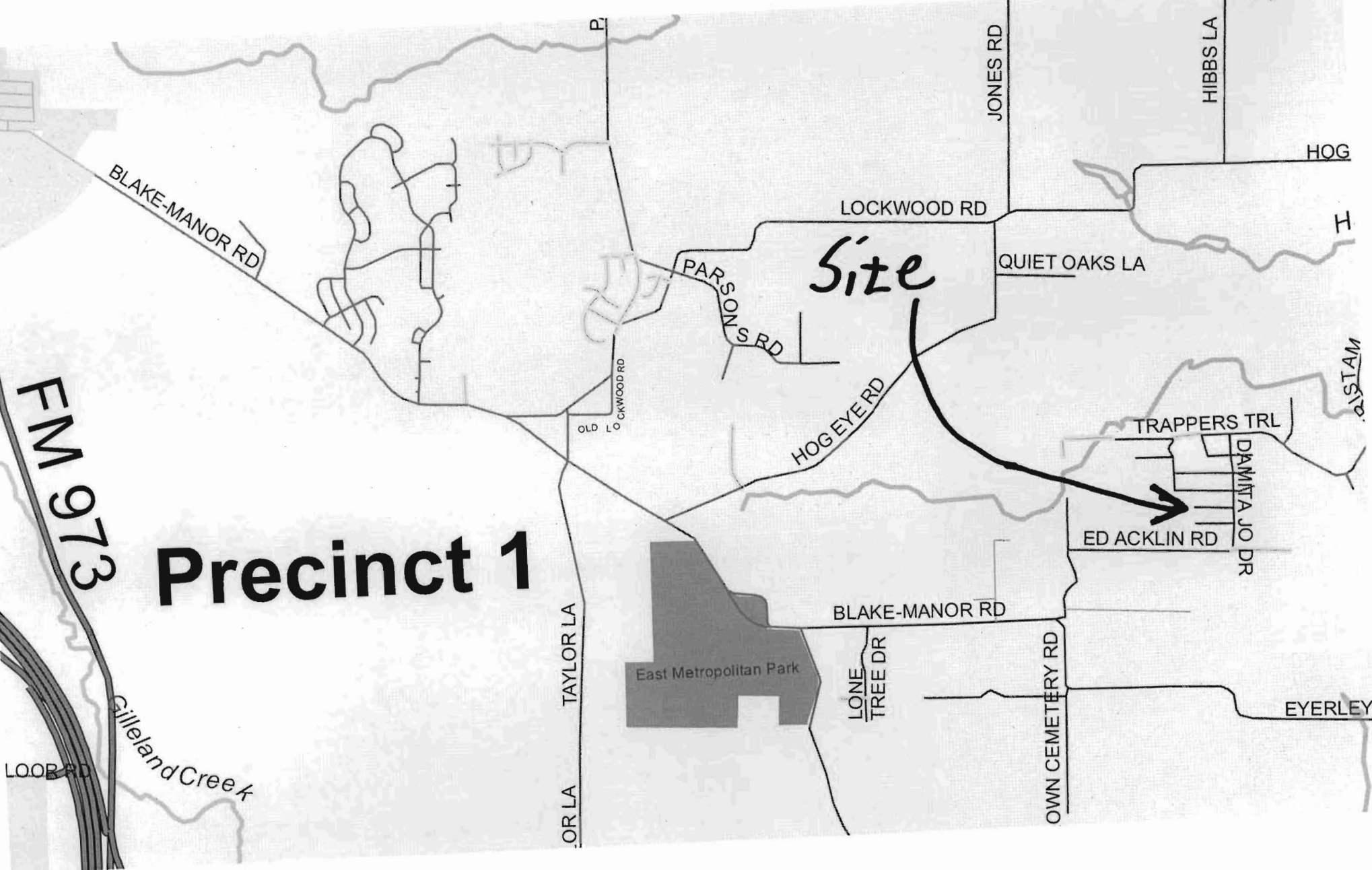


FM 973

Gilleland Creek



East Metropolitan Park



LOOP RD

Gilleland Creek

TAYLOR LA

LONE TREE DR

OWN CEMETERY RD

EYERLEY

BLAKE-MANOR RD

P

OLD L O

CRWOOD RD

PARSONS RD

LOCKWOOD RD

JONES RD

HIBBS LA

HOG

H

QUIET OAKS LA

TRAPPERS TRL

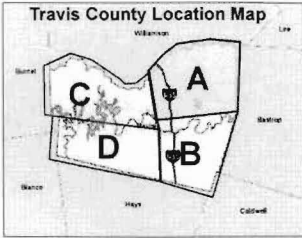
DAMITA JO DR

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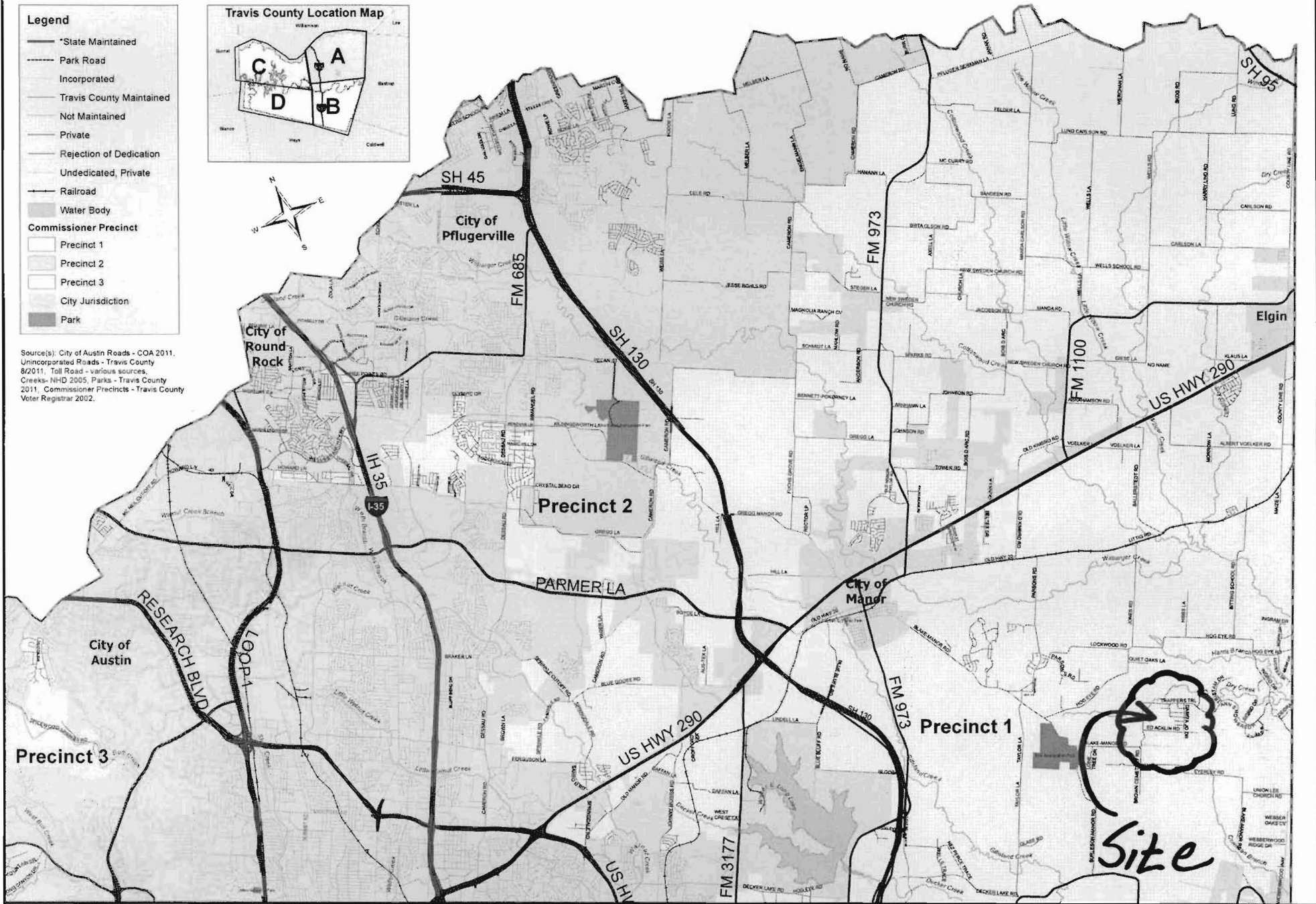
ASIAM

Legend

- *State Maintained
- - - Park Road
- - - Incorporated
- Travis County Maintained
- - - Not Maintained
- Private
- - - Rejection of Dedication
- - - Undedicated, Private
- Railroad
- Water Body
- Commissioner Precinct**
- Precinct 1
- Precinct 2
- Precinct 3
- City Jurisdiction
- Park

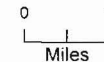


Source(s): City of Austin Roads - COA 2011.
 Unincorporated Roads - Travis County
 8/2011, Toll Road - various sources,
 Creeks- NHD 2005, Parks - Travis County
 2011, Commissioner Precincts - Travis County
 Voter Registrar 2002.



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

Travis County Roadways, Map A



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