



# **Travis County Commissioners Court Agenda Request**

Meeting Date: July 10, 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 Eckhardt, Precinct Two

AGENDA LANGUAGE: Consider and take appropriate action on a request to authorize the filing of an instrument to vacate a five foot wide public utility easement and a five foot wide guy wire easement located along the east lot line of Lot 10, Block F of River Ridge - Precinct Two.

## BACKGROUND/SUMMARY OF REQUEST:

TNR staff has received a request to vacate a five foot wide public utility easement (PUE) and a five foot wide guy wire easement located along the east lot line of Lot 10, Block F of the River Ridge subdivision. The PUE is dedicated by plat note with the guy wire easement being schematically shown. The subject lot fronts on Mixson Drive, a street maintained by Travis County.

The utility companies operating in the area have stated they have no objection to vacating the subject easements. 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 vacating the subject easements.

## **ISSUES AND OPPORTUNITIES:**

According to the request letter, the purpose of this request is to accommodate for construction of a boat port and driveway in the same area as the subject easements. Vacating the subject easements will allow for this construction without encroaching the easements.

# FISCAL IMPACT AND SOURCE OF FUNDING:

N/A.

# **ATTACHMENTS/EXHIBITS:**

Order of Vacation Field Notes and Sketch Request Letter Utility Statement 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

CC:

Stacey Scheffel	Program Manager	TNR Permits	854-7565

### SM:AB:ps

1101 - Development Services - River Ridge

#### **ORDER OF VACATION**

#### STATE OF TEXAS §

#### COUNTY OF TRAVIS §

WHEREAS, the property owner requests the vacation of a five foot wide public utility easement and a five foot wide guy wire easement located along the east lot line of Lot 10, Block F of the River Ridge subdivision as recorded in Book 63, Page 18 of the Travis County Plat Records;

WHEREAS, all utility companies known to be operating in the area have indicated they have no need for the easements requested to be vacated as described in the attached field notes and sketch;

WHEREAS, the Travis County Transportation and Natural Resources Department recommends the vacation of the 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 July 10, 2012 to consider the proposed action; and

NOW, THEREFORE, by unanimous vote, the Commissioners Court of Travis County, Texas, orders that the five foot wide public utility easement and a five foot wide guy wire easement located along the east lot line of Lot 10, Block F of the River Ridge subdivision, as shown on the attached sketch and described in the attached field notes, are hereby vacated.

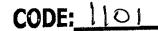
ORDERED THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2012.

#### 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 RECEIVED

### HAY 25 2012



# TNR

EXHIBIT "A" Page 1 of 3 EASEMENT RELEASE AREA

BEING 595 SQUARE FEET OR 0.014 OF AN ACRE OF LAND, MORE OR LESS, OUT OF LOT 10, BLOCK F, RIVER RIDGE, A SUBDIVISION OF RECORD IN VOLUME 63, PAGE 18, PLAT RECORDS, TRAVIS COUNTY, TEXAS, CONVEYED TO MICHAEL J. EIRAS AND KELLY S. EIRAS IN DOCUMENT NUMBER 2011096099, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF A 5 FOOT PUBLIC UTILITY EASEMENT (P.U.E.) DEDICATED IN SAID PLAT OF RIVER RIDGE; SAID 595 SQUARE FEET OR 0.014 OF AN ACRE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a <sup>1</sup>/<sub>2</sub>" rebar found in the northerly right of way line of Mixson Drive, said point being the southwesterly corner of Lot 9, Block F of said River Ridge, conveyed to John Arevalo Castillo and Mary A. Castillo in Volume 12325, Page 297, Real Property Records of said County and being the southeasterly corner of said 5 foot P.U.E., said Lot 10, Block F, and the tract hereof;

THENCE N 84°07'07" W, with the said Mixson Drive, being the southerly line of said Lot 10, said 5 foot P.U.E., and the tract hereof, a distance of 5.00 feet to a point, said point being the southwesterly corner of said 5 foot P.U.E. and the southwesterly corner of the tract hereof;

THENCE N 05°37'56" E, departing said Mixson Drive, running through said Lot 10 with the westerly line of said 5 foot P.U.E and the westerly line of the tract hereof, a distance of 117.96 feet to a point on said 5 foot P.U.E. and being the northwesterly corner hereof;

THENCE N 73°38'37" E, continuing through said Lot 10 and running through said 5 foot P.U.E., a distance of 5.39 feet to a point in the westerly line of Lot 7, Block F, said River Ridge, conveyed to Juan R. Castillo in Document Number 2003170370, Official Public Records of said County, for the northeasterly corner hereof; from which a <sup>1</sup>/<sub>2</sub>" rebar found at the northwesterly corner of said Lot 9, Block F and being the eastern most angle point of said 5 foot P.U.E. bears N 05°37'56" E, a distance of 5.00 feet;

THENCE S 05°37'56" W, with the common boundary line of said Lot 9 and Lot 10 and being the easterly line of said 5 foot P.U.E. and the easterly line hereof, a distance of 120.00 feet to the **PLACE OF BEGINNING** hereof and containing 595 Square Feet of land or 0.014 of an acre of land, more or less.

EXHIBIT "A" Page 2 of 3

THIS DESCRITPTION TO BE USED WITH THE ATTACHED SKETCH ONLY.

DATE

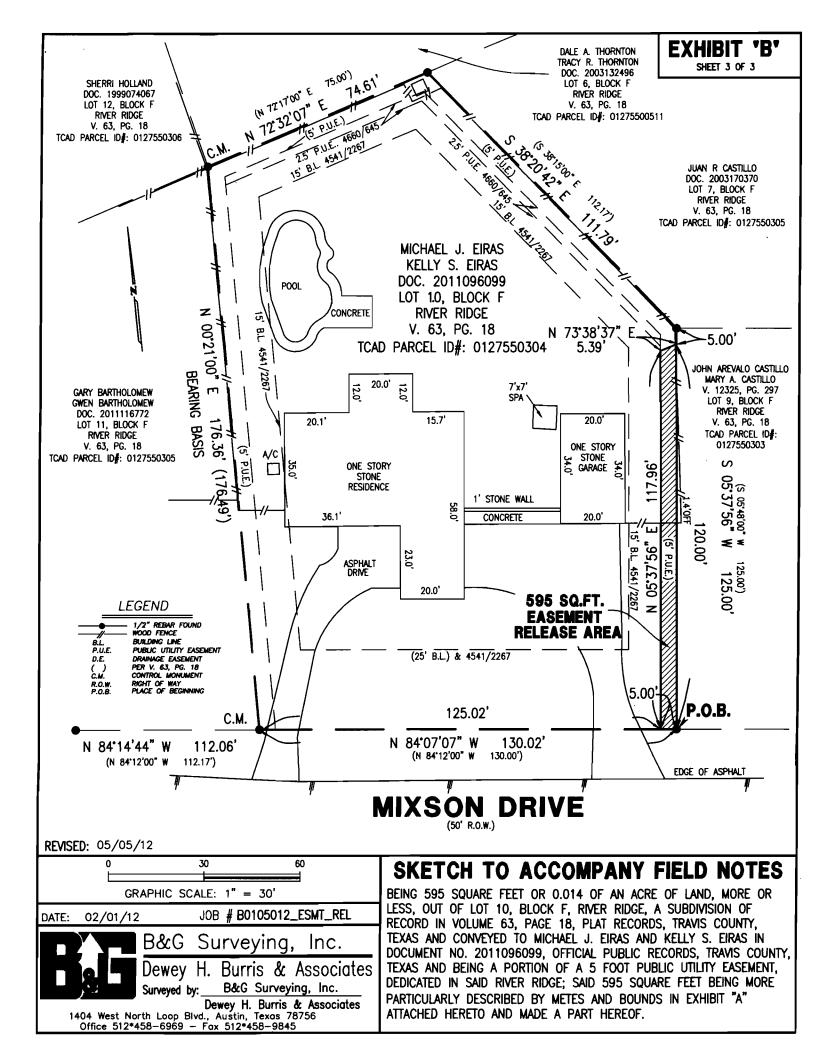
MICHAEL LANCASTER, R.P.L.S. 5529 B & G SURVEYING, INC. 1404 W. NORTH LOOP BLVD AUSTIN, TEXAS 78758 (512) 458-6869, Fax: (512) 458-9845

Tcad Parcel ID: 0127550304

Ref #: B0105012\_ESMT\_REL

http://www.bandgsurvey.com





MAY 23 297 TAR



EXHIBIT "A" Page 1 of 3 **EASEMENT RELEASE AREA** 

BEING 170 SQUARE FEET OR 0.004 OF AN ACRE OF LAND, MORE OR LESS, OUT OF LOT 10, BLOCK F, RIVER RIDGE, A SUBDIVISION OF RECORD IN VOLUME 63, PAGE 18, PLAT RECORDS, TRAVIS COUNTY, TEXAS, CONVEYED TO MICHAEL J. EIRAS AND KELLY S. EIRAS IN DOCUMENT NUMBER 2011096099, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, AND BEING A 5 FOOT BY 40 FOOT GUY EASEMENT (G.E.) DEDICATED IN SAID PLAT OF RIVER RIDGE; SAID 170 SQUARE FEET OR 0.004 OF AN ACRE OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**COMMENCING,** at a <sup>1</sup>/<sub>2</sub>' rebar found at the southwesterly corner of Lot 7, Block F, said River Ridge, conveyed to Juan R. Castillo in Document Number 2003170370, Official Public Records of said County, said point being the northwesterly corner of Lot 9, Block F, said River Ridge, conveyed to John Arevalo Castillo and Mary A. Castillo in Volume 12325, Page 297, Real Property Records of said County, being the eastern most angle point of said Lot 10, and being the northeasterly corner of said G.E. for the northeasterly corner hereof;

THENCE S 05°37'56" W, with the common boundary line of said Lot 9 and Lot 10 and being the easterly line of said G.E. and the easterly line hereof, a distance of 5.00 feet to a point for the northeasterly corner and the **PLACE OF BEGINNING** hereof

THENCE S 05°37'56" W, continuing with the common boundary line of said Lot 9 and Lot 10 and being the easterly line of said G.E. and the easterly line hereof, a distance of 35.00 feet to a point for the southeasterly corner hereof; from which a  $\frac{1}{2}$ " rebar found in the northerly right of way line of Mixson Drive, said point being the common southerly corner of said Lot 9 and Lot 10 bears, S 05°37'56" W, a distance of 85.00 feet;

THENCE N 84°22'04" W, running through said Lot 10 with the south line of said G.E., a distance of 5.00 feet to a point, said point being the southwesterly corner of said G.E. for the southwesterly corner hereof;

THENCE N  $05^{\circ}37'56"$  E, continuing through said Lot 10, with the said westerly line of the G.E. and the westerly line of the tract hereof, a distance of 32.98 feet to a point for the northwesterly corner hereof;

THENCE N 73°38'37" E, still continuing through said Lot 10 and running with the north line of said G.E. and the tract hereof, a distance of 5.39 feet to the **PLACE OF BEGINNING** hereof and containing 170 Square Feet or 0.004 of an acre of land, more or less.

EXHIBIT "A" Page 2 of 3

THIS DESCRITPTION TO BE USED WITH THE ATTACHED SKETCH ONLY.

Z DÀ

MICHAEL LANCASTER, R.P.L.S. 5529 B & G SURVEYING, INC. 1404 W. NORTH LOOP BLVD AUSTIN, TEXAS 78758 (512) 458-6869, Fax: (512) 458-9845

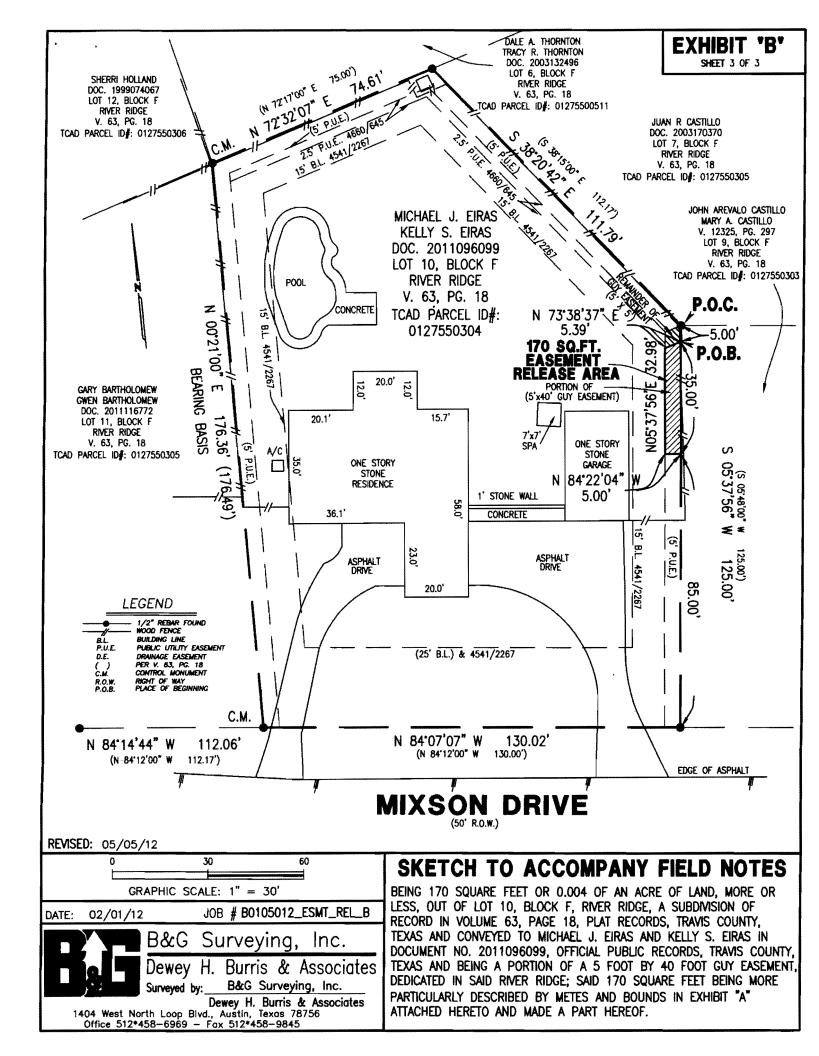
Tcad Parcel ID: 0127550304

Ref #: B0105012\_ESMT\_REL\_B

http://www.bandgsurvey.com

\_\_\_\_





#### Easement Release Request

Address: 12506 Mixson Drive, Austin TX 78732 Lot: 10Block: F Subdivision: River Ridge Volume: 63 Page: 18

This easement request is being submitted to release the Public Utility Easement (PUE) and the guy wire easement along the East border of the above described property as indicated in survey metes and bounds notes (attached) to allow for construction of a boat port and driveway. This area has been reviewed by the affect utility companies and has no electrical, plumbing or other utilities running through it at this time other than a 5'x 5' section of the North and East area of easement as described in the response from Austin Energy. Letters form affected utility companies are also attached for review.

Please let us know if there are any questions or additional actions required to release this easement. We can be contacted at the number and address below.

Regards,  $\mathcal{H}$ 

Michael and Kelly Eiras (owners) 12506 Mixson Drive Austin TX, 78732 512-739-0794



### SOUTHWESTERN BELL TELEPHONE COMPANY

#### RELEASE OF EASEMENT

THIS RELEASE OF EASEMENT, entered into by SOUTHWESTERN BELL TELEPHONE COMPANY, a Missouri corporation, GRANTOR, AND Michael J. Eiras and Kelly S. Eiras, GRANTEE(S), wherein GRANTOR in consideration of One Dollar (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged, does by these presents ABANDON, RELEASE, RELINQUISH AND DISCLAIM to GRANTEE(S), as is, all or a specific portion of certain easements for telecommunication purposes hereinafter described that affects land owned by GRANTEE(S) situated in Travis County, Texas, and described as follows:

Lot 10, Block F, River Ridge, Deed of record in Document 2011096099, Property Records of Travis County, Texas

Said land of GRANTEE(S) being subject to:

Easements recorded in Volume 63. Page 18. Plat Records of Travis County. Texas.

The portion of said easements to be hereby released is described as follows:

620 square feet, a portion of a 5 foot Public Utility Easement and a 5 foot by 40 foot Guy Easement along the east property line of said Lot 10, described above,

TO HAVE AND TO HOLD same, together with all rights and appurtenances to the same belonging, unto GRANTEE(S), their heirs, successors and assigns forever.

IN WITNESS WHEREOF, GRANTOR has caused this Release of Easement to be executed by ,2012 its duly authorized officers this 12-th day of APRIL

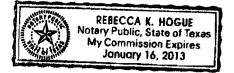
SOUTHWESTERN BELL TELEPHONE COMPANY STEVE Name : Title: MANAGER

THE STATE OF TEVAL COUNTY OF TRAVIS

BEFORE ME, the undersigned authority, on this day personally

\_, known to me to be the person whose name is STEVE FONGERON appeared\_\_\_\_ subscribed to the foregoing instrument as Manager, Engineering-Design of Southwestern Bell Telephone Company, a Missouri corporation, and acknowledged to me that he/she executed the same for purposes and considerations therein expressed in the capacity stated, and as the act and deed of said corporation. 2012.

Given under my hand and seal of office this the 2th day of April



Notary Public in another the State of TEXAS My Commission Expires 16, 2013



#### TRANSPORTATION AND NATURAL RESOURCES

STEVEN M. MANILLA, P.E., COUNTY EXECUTIVE

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

#### EASEMENT REQUIREMENT STATEMENT FOR VACATION OF PROPERTY

An application is being made to Travis County for the vacation of property at <u>12506 Mixson</u> <u>Drive, Austin TX 78732</u> (address) and/or <u>Lot 10, Block F, River Ridge, Volume 63, page 18</u> (legal description) 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 have need for an easement on the property as described in the accompanying document.

We do have a need for an easement on the property as described in the accompanying document. A description of the required easement is attached.  $\wedge$ 

Title ble-Cer laran Date

Please return this completed form to:

<u>Michael Eiras</u>	
Name	
12506 Mixson Drive	<u>e</u>
Address	
Austin, TX 78732	
City/State/Zip	

ര	TIN	1E	WARNER	Aliza	anything's possible
5	CAE	3 L	E	2 41 / LE	unnun baar

### 12012 N. Mopac Expressway 512/485-6417 (Laurie Schumpert)

Austin, TX 78758 512/485-1485 (Fax)

### APPLICATION FOR VACATION OF EASEMENT

Please Print	
Application is hereby made for the release of the following easer	nent(s) as described below:
The easement is on property legally described as:	
Subdivision: RIVER RIDGE	Section:Block:F
Lot Numbers: / O	
Address: <u>12506 MIX50~ Dane</u> Number & Street C	AUSTIN TX 78732 ity State Zip
As recorded in Volume $63$ , Page $18$ , of the Plat	Records of Travis County, Texas
Provide common description of the easement requested for release (Example: Five foot P.U.E. & D.E. on either side of the common Please provide a survey or plat of the area with the easement to b $2 \in \Delta \omega \in ST$ $R \in Lease or PUE Area$	a lot line between lots X and X). e released highlighted
SIDE OF LOT AS ILLUSTRATED IN ATTACHY	O QUY WIRE EASEMENT ON EAST 20 SURVEY METESAND BOUNDS POLUMENT
Reason for requesting release (Example: Single Family Residence TO BUILO A BOAT POUT FOR Please note: If multiple owners are making this request, complete Property Owner's name(s): <u>MILIMEL</u> AND <u>Ke</u>	name, address, phone must be provided for all.
Mailing Address: $12506$ $10.1\times50$ $22.1\times6$ Number & StreetCPhone: $512-737-0334$ Day TimeC	ity State Zip
Day Time Co	ell F ax
I authorize the following person/company to act in my behalf as name of agent/company:	
Name of Company	Name of Contact
Mailing Address:	ity State Zip
Phone:	
	ell Fax
The undersigned Owner/Applicant/Agent understands that the praceordance with procedure for requesting release of easements es acceptance of this application does not obligate Time Warner Ca	stablished by Time Warner Cable. It is further understood that
	03/26/02

Signature of Applicant/Agent

Date



#### TRANSPORTATION AND NATURAL RESOURCES

STEVEN M. MANILLA, P.E., COUNTY EXECUTIVE

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

#### EASEMENT REQUIREMENT STATEMENT FOR VACATION OF PROPERTY

An application is being made to Travis County for the vacation of property at <u>12506 Mixson</u> <u>Drive, Austin TX 78732</u> (address) and/or <u>Lot 10, Block F, River Ridge, Volume 63, page 18</u> (legal description) 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 have need for an easement on the property as described in the accompanying document.

We do have a need for an easement on the property as described in the accompanying document. A description of the required easement is attached.

eny h Marley 3.27.12 insed by:

ø

Signature

Printed Name

Gener Title

TR.Cty. UK Utility Company or District 3・スチ・/2

Date

<u>Michael Eiras</u> Name <u>12506 Mixson Drive</u> Address <u>Austin, TX 78732</u> City/State/Zip

Please return this completed form to:



#### TRANSPORTATION AND NATURAL RESOURCES

STEVEN M. MANILLA, P.E., COUNTY EXECUTIVE

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

#### EASEMENT REQUIREMENT STATEMENT FOR VACATION OF PROPERTY

An application is being made to Travis County for the vacation of property at <u>12506 Mixson</u> <u>Drive, Austin TX 78732</u> (address) and/or <u>Lot 10, Block F, River Ridge, Volume 63, page 18</u> (legal description) 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 have need for an easement on the property as described in the accompanying document.
- We do have a need for an easement on the property as described in the accompanying document. A description of the required easement is attached.

gnature Sonny Poole

Printed Name Mgr., PIRES

Title Austin Energy

Utility Company or District May 10, 2012

Date

<u>Michael Eiras</u> Name <u>12506 Mixson Drive</u> Address <u>Austin, TX 78732</u> City/State/Zip

Please return this completed form to:

RECEIVED

JUN 18 201-



#### 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 two 5' wide public utility easements sign was posted on <u>June</u> 14, 2012, on the northerly side of Mixson Drive along the common lot line of Lots 9 and 10, Block F of River Ridge at a point as near as practical to the area being vacated, and was also posted at the Travis County Courthouse.

CERTIFIED THIS THE _	5	DAY OF June	, 2012.
		SIGNATURE: Tume Garcia	
		NAME (PRINT): Jaime García	
		TITLE: TNR/R&B Supervisor	

M:\PERMITS\Vacate\12PUE\03-MixsonDrive\SignRequest-MixsonDr.doc

