



Travis County Commissioners Court Agenda Request

Meeting Date: August 14, 2012

Prepared By: Carol B. Joseph **Phone #:** 854-9383

Division Director/Manager: Carol B. Joseph

Carol B. Joseph

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

Sponsoring Court Member: Commissioner Eckhardt, Precinct Two

AGENDA LANGUAGE: Receive comments regarding the proposed improvements and assessments to improve substandard roads located at Rick Whinery Drive, Emmett Parkway, and Quiet Pond Court in the Wells Branch Phase W-2A Subdivision in Precinct Two.

BACKGROUND/SUMMARY OF REQUEST:

On January 17, 2012, the Commissioners Court considered a request from property owners of the Wells Branch Phase W-2A subdivision to participate in the Travis County Substandard Roads Program to make improvements to Quiet Pond Court and portions of Rick Whinery Drive and Emmett Parkway so that they meet county standards and can be accepted onto the county-maintained system. During that time, the property owners proposed contributing 25% of the cost of the improvements through an assessment on their property pursuant to an election under Chapter 253 of the Transportation Code, and the Commissioners Court approved moving forward with this proposal.

On June 12th the Court approved the determination that improvements to the three substandard roads are necessary for the public health, safety, and welfare of the residents of the county and propose to assess 25% of the costs of the improvements pro rata against the record owners of the lots along the three substandard roads.

Background:

The Wells Branch Phase W-2A subdivision is located in Travis County Precinct Two, north of Wells Branch Parkway, west of IH 35 and east of Loop 1 in northern Travis County. Rick Whinery Drive, Emmett Parkway, and Quiet Pond Court are located in the Wells Branch Phase W-2A subdivision. Quiet Pond Court and portions of Rick Whinery Drive and Emmett Parkway do not meet Travis County standards, so they have not been accepted onto the Travis County maintained roadway system. Many of the sidewalks along these three substandard roads do not meet minimum ADA standards and have cracked and deflected enough to make walking and other uses of the sidewalk hazardous. Lack of an organized and routine roadway maintenance

program will cause further deterioration of roadway conditions and decrease the safety of these roads.

On January 17, 2012, the Commissioners Court considered a proposal from property owners along these three substandard roads to be included on the Travis County Substandard Road Program. The Travis County Substandard Road Program prioritizes applications based upon the amount of cost sharing the property owners are willing to offer. The county requires cost participation by the affected property owners because of limited program funds and a long list of roads in need of repairs prior to acceptance by the county. In lieu of paying cash up front for their cost share amount, the property owners, along Rick Whinery Drive, Emmett Parkway, and Quiet Pond Court, have proposed having the county hold an assessment election in accordance with Chapter 253 of the Transportation Code, entitled "County Improvement of Subdivision Roads," to collect their contribution to the project. Under Chapter 253, if the Court determines that the improvements to these substandard roads are necessary for the public, health, safety, or welfare of the residents of the county, the Court can propose to improve the roads to bring them in compliance with county standards and to assess all or a portion of the costs against the property owners along these roads. Before assessing the costs, the Court must publish notice of and hold a public hearing to receive public comments regarding the proposed improvements and assessments. After the public hearing is closed, the Court must mail ballots to the property owners, and if a majority of the returned ballots are in favor of the assessment, the Court must order the improvements and assessments. County staff has completed a survey of the repairs necessary to bring the roadways up to acceptable standards and estimated the cost to be \$210,000. The work would be completed by the Travis County Road and Bridge Division over a five-year period. The construction work will be completed by the TNR's Road and Bridge Division over a five-year period after the roads are accepted. Accepting the roads prior to completing repairs is necessary but accepting them well in advance of repair work may result in the Road and Bridge crews being dispatched to make repairs piecemeal as complaints are received. TNR proposes to minimize this risk by prioritizing the repairs and informing the property owners of the schedule for those repairs. The property owners will be assessed during the same five-year period. This project will supply the improvements necessary to bring the specified roadways up to minimum county standards.

ISSUES AND OPPORTUNITIES:

This is the first time that TNR will be applying the assessment provisions of Chapter 253 of the Transportation Code to fund a substandard road project. Chapter 253 includes procedural and substantive requirements for imposing the assessment:

1. To trigger the provisions of Chapter 253 of the Transportation Code, the Court would need to make a determination that the improvements are necessary for the

public health, safety, or welfare of the county's residents and decide when and where a public hearing will be held (Transp. Code §§ 253.003 and 253.004);

2. The notice must be published at least twice in a newspaper of general circulation in the county (Transp. Code § 253.004);

3. The Court must hold a public hearing on or after the 31st day after the first notice is published (Transp. Code § 253.005);

4. No later than the 10th day after the Court holds a public hearing, the Court must send a ballot by certified mail to each record owner of property to be assessed (Transp. Code § 253.006); and

5. No later than the 30th day after the date of the public hearing, the County Clerk must tally the returned ballots and declare the results to the Commissioners Court (Transp. Code § 253.007).

Since the Court decided to make a determination that improvements to Quiet Pond Court and portions of Rick Whinery Drive and Emmett Parkway are necessary for the health, safety, and welfare of the residents of the county this public hearing is to receive public comments. The next step is to mail the ballots to the affected property owners on August 17, 2012. After that the County Clerk will tally the ballots and declare the results to the Court during its September 13th meeting. If the majority of the returned ballots are in favor of the improvements and assessments, then the Court will approve an order to impose the assessments.

TNR has consulted with the Tax Office, the Auditor's Office, and the County Attorney's office regarding these requirements. Attached is a draft of an informational letter that TNR recommends that the Court send to each of the affected property owners to explain the proposed improvements and assessments and the Chapter 253 election process. TNR recommends that this letter be sent to all affected property owners along with the notice of the public hearing.

FISCAL IMPACT AND SOURCE OF FUNDING:

There are 66 parcels in the Wells Branch Phase W-2A subdivision. The estimated cost of the repairs is \$210,000. The property owners in the subdivision have proposed paying 25% of the expenses of the project, for a total of \$52,500, to be assessed equally per lot on a yearly basis for five years. Eight of the parcels are owned by the Wells Branch Municipal Utility District (the "MUD"). K. B. Homes (the successor-in-interest to the developer that developed the lots along these substandard roads) has agreed in principle to contribute \$7540 towards the non-MUD property owners' share of the cost of the project in exchange for the county releasing K.B. Homes of all claims relating to the roads. The \$7540 amounts to a reduction of \$130.00 for each non-MUD-owned lot.

Total Assessment	\$210,000.00
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25% Homeowner Participation	\$52,499.70
Difference(County's Participation)	\$157,500.30
Assessment per lot (\$52,499.7/66)	\$795.45
Wells Branch MUD Assessment (8x\$795.45)	\$6,363.60
Assessment per MUD lot per year (\$795.45 /5)	\$159.09
KB Homes Contribution (\$130 per non-MUD-owned lot)	\$7,540.00
Responsibility of Remaining Homeowners (\$52,499.70-\$6,363.60-\$7,540)	\$38,596.10
Assessed Value Per Homeowner (\$38,596.10/58)	\$665.45
Homeowners Cost Per Year(\$665.45/5)	\$133.09

If a majority of the returned ballots are in favor of the assessments, the funding for the construction of improvements to the substandard roads in the Wells Branch Phase W-2A subdivision will be paid for using \$157,500.30 of TNR substandard roads bond funds, \$7540 contributed by K.B. Homes, \$6363.60 contributed by Wells Branch MUD and \$38,596.10 by the individual homeowners in the subdivision. The project is scheduled to be completed over a five-year period. By giving the homeowners the credit of the KB Homes contribution the total assessed value per homeowner is \$665.45 or \$133.09 per year for the next five years. TNR recommends that a bill be issued annually in August with payment due in September for the next five years.

ATTACHMENTS/EXHIBITS:

- Project Location Map
- Property Owners Petition
- Transportation Code Chapter 253
- Draft Letter to Homeowners

REQUIRED AUTHORIZATIONS:

Cynthia McDonald	Financial Manager	TNR	854-4239
Steve Manilla	County Executive	TNR	854-9429

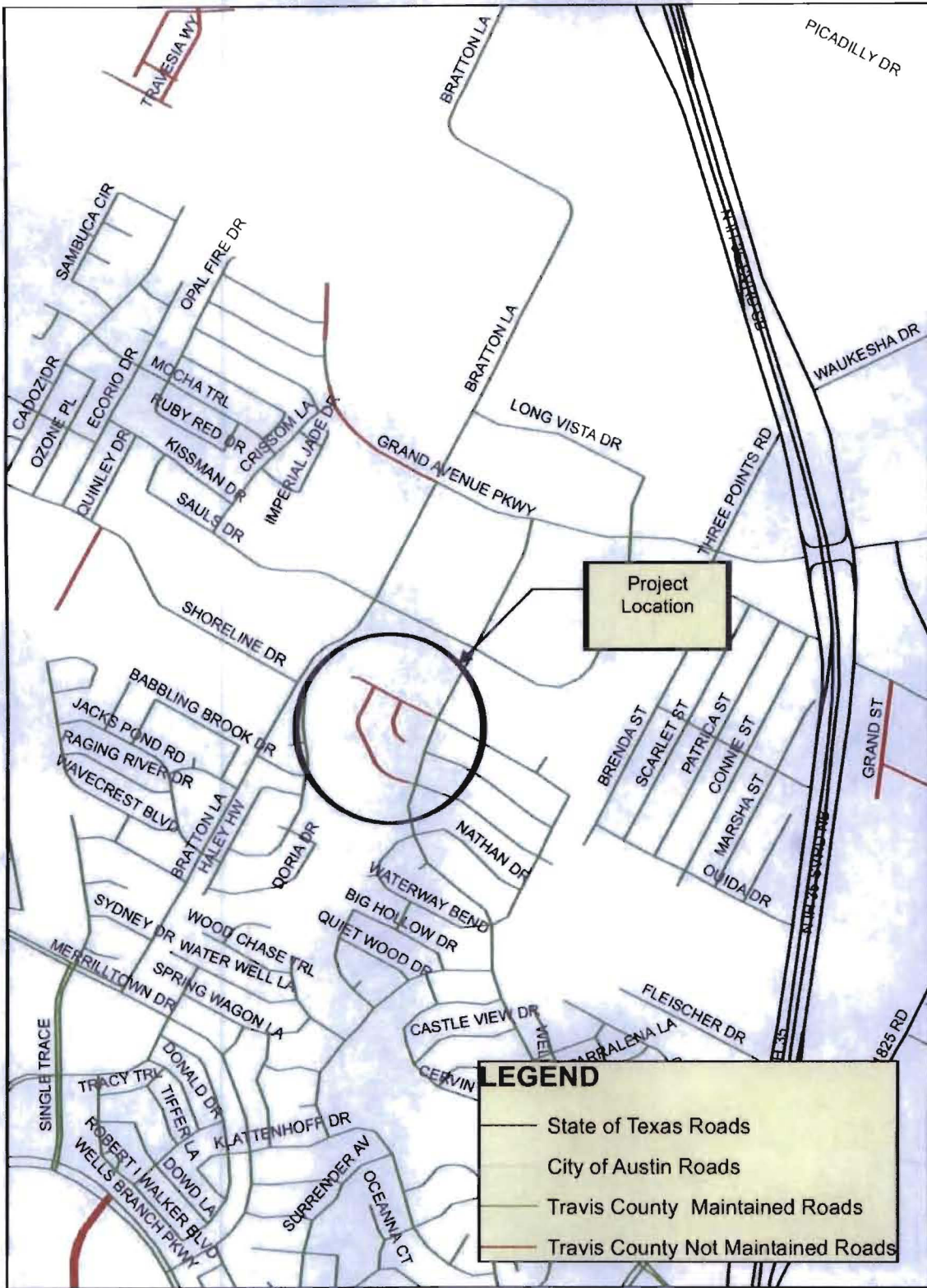
CC:

Susan Spataro	David Ungerman	Dana Debeauvoir	Gail Fisher
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Michael Winn	Loretta Farb	Tom Nuckols	Julie Joe
Steve Sun	Donna Williams-Jones	Lee Turner	

: :
3101 - Public Works/CIP -

WELLS BRANCH PHASE W2-A



CODE 3165

RECEIVED

AUG 12 2010

TNR

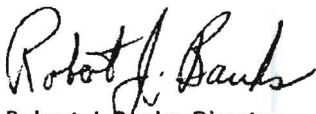
August 10, 2010

Scott Lambert, P.E.
Traffic Section, Road and Bridge Division
Travis County, Austin Texas 78767
Dear Mr. Lambert

Attached are signatures of 31 residents of the 56 households in plat W-2A that has never been accepted into the Travis County road system because the developer never completed the paperwork some 20 years ago.

All of the residents that I found at home signed the petition so there is no doubt that the residents feel that this change is well past due.

I thank you for directing me through this process and I look forward to bringing it to a successful and just conclusion.



Robert J. Bauhs, Director
Wells Branch MUD Board



Wells Branch Municipal Utility District

Bob Bauhs
Director

Office: 3000 Shoreline Drive • Austin, Texas 78728
(512) 363-7182 • Fax 251-0890
Email: bbauhs@wellsbranchmud.com

**PETITION TO THE TRAVIS COUNTY COMMISSIONERS COURT
FOR THE INCLUSION OF _____
IN THE TRAVIS COUNTY
UNACCEPTED SUBSTANDARD ROAD PROGRAM**

STATE OF TEXAS

COUNTY OF TRAVIS

TO THE COMMISSIONERS COURT OF TRAVIS COUNTY:

WE, THE UNDERSIGNED PROPERTY OWNERS, who own the majority of the linear feet of the property abutting the right-of-way of Wells Port, an existing road or street, which has been dedicated to the public by (U-20) plat, (____) separate dedicatory instrument, or (____) other legal means (the "Road"), dated _____, 20____, hereby petition the Commissioners Court for the inclusion of the Road in the Travis County Unaccepted Substandard Road Program. If the road has been dedicated by other legal means, please set forth the facts of such dedication (use additional pages, if necessary):

- This plat is south of Wells Port & consists of
EMMET PWAY, Quiet Road Court, & Rickhamery Dr.
- This plat was approved by the City of Austin, but never got
to the County. We have been paying county taxes for 20+ years.

It is understood and agreed that:

- (1) the Travis County Unaccepted Substandard Road Program is not a road construction program, but is instead a program to improve existing unaccepted substandard roads to Travis County standards for acceptance for maintenance.
- (2) the Owners of property along the Road will be required to dedicate any and all additional right-of-way and easements needed to accommodate the Road improvements at no cost to the County and free and clear of any and all liens, conditions, or restrictions.
- (3) the Owners must sign all easement and/or right-of-way dedication documents and return the documents to Travis County Transportation and Natural Resources ("TNR") within ninety days of receiving the documents from TNR or the Road will be withdrawn from consideration for the then current year's Program.
- (4) the Road must connect to an existing road or highway maintained by a public entity.
- (5) no person or entity may own or control (financially or legally) 35% or more of the linear feet of roadway frontage.
- (6) the number of developed lots must exceed 25% of the total lots within subdivision.

- (7) dead-end streets shall terminate in a cul-de-sac with a minimum ROW radius of 40 feet or a hammerhead turnaround.
- (8) any and all significant private improvements must be removed from the existing or proposed right-of-way to the satisfaction of the Executive Manager of Travis County TNR at the sole cost and expense of the owner of the private improvement and at no expense to the County.
- (9) the Owners may cost participate in the improvement of the Road by direct payment to the County, by road assessments as set forth in Section 82.402 of the Travis County Policies and Procedures Manual, or otherwise by agreement of the Commissioners Court.
- (10) the Owners must obtain a statement from all of the utility service providers with utility lines in the existing or proposed right-of-way indicating that the utility service provider shall relocate utilities located within the public right-of-way at their expense, if relocation of the utility is required to construct the Road improvements.
- (11) the Road will be prioritized within the Program on the basis of:
 - (1) the percent of cost voluntarily borne by the property owners;
 - (2) the number of eligibility criteria met;
 - (3) the cost per resident;
 - (4) whether the Road links the publicly maintained roadway system;
 - (5) when the petition was received.

If applicable, the Owners propose to cost participate by (0) direct payment to the County, (0) by road assessments as set forth in Section 82.402 of the Travis County Policies and Procedures Manual, or () otherwise by agreement of the Commissioners Court.

SUBMITTED TO THE COMMISSIONERS COURT BY THE BELOW NAMED OWNERS OF LAND ABUTTING THE ROAD AND EXECUTED ON THE DATES INDICATED BELOW WITH AN ADDITIONAL NOTATION INDICATING IF THE ROADWAY PROVIDES THE SOLE MEANS OF ACCESS TO THEIR RESIDENCE.

<u>Robert Brubbs</u> (Print Name)	<u>Robert Brubbs</u> (Signature)	<u>8/6/10</u> (Date)	<u>[Redacted]</u>
<u>Ed Peterson</u> (Print Name)	<u>[Signature]</u> (Signature)	<u>8/7/10</u> (Date)	<u>[Redacted]</u>
<u>Donald Selheim</u> (Print Name)	<u>Donald Selheim</u> (Signature)	<u>8/7/10</u> (Date)	<u>[Redacted]</u>

Amy Hornby Uribe (Print Name)	Amy G Uribe (Signature)	8/7/2010 (Date)	[Redacted]
Tom Hoelzer (Print Name)	Tom Hoelzer (Signature)	8/7/2010 (Date)	[Redacted]
Ron Chapman (Print Name)	Ron Chapman (Signature)	8/7/10 (Date)	[Redacted]
Ahmed Agyebrand (Print Name)	Ahmed Agyebrand (Signature)	8/7/10 (Date)	[Redacted]
Paula M. Bilsten (Print Name)	Paula M. Bilsten (Signature)	8-7-10 (Date)	[Redacted]
Michael Ames (Print Name)	Michael Ames (Signature)	8-7-10 (Date)	[Redacted]
Tim Richardson (Print Name)	Tim Richardson (Signature)	8-7-10 (Date)	[Redacted]
Matt Homag (Print Name)	Matt Homag (Signature)	8/7/10 (Date)	[Redacted]
Mark VITE (Print Name)	Mark VITE (Signature)	8/7/10 (Date)	[Redacted]
Patrice Hochstetler (Print Name)	Patrice Hochstetler (Signature)	8/7/10 (Date)	[Redacted]
Brendan Beron (Print Name)	Brendan Beron (Signature)	8/7/10 (Date)	[Redacted]
ZVEZDANA STODARIC (Print Name)	Zvezdana Stodarcic (Signature)	8/7/10 (Date)	[Redacted]
Wendell Gainsley (Print Name)	Wendell Gainsley (Signature)	8-7-10 (Date)	[Redacted]
Gregory Sawruk (Print Name)	Gregory Sawruk (Signature)	8-7-10 (Date)	[Redacted]
Howard Hageman (Print Name)	Howard Hageman (Signature)	8-7-10 (Date)	[Redacted]
Boss Noble (Print Name)	Boss Noble (Signature)	8-7-10 (Date)	[Redacted]

<u>BARRY STREUSAND</u> (Print Name)	<u>[Signature]</u> (Signature)	<u>8/7/2010</u> (Date)	[Redacted]
<u>PATRICIA CARDENAS</u> (Print Name)	<u>[Signature]</u> (Signature)	<u>8/7/2010</u> (Date)	[Redacted]
<u>SIVARAM MANDA</u> (Print Name)	<u>[Signature]</u> (Signature)	<u>8/7/2010</u> (Date)	[Redacted]
<u>BARBARA ROMERO</u> (Print Name)	<u>[Signature]</u> (Signature)	<u>8/7/2010</u> (Date)	[Redacted]
<u>GISELA B. CHIGUIN</u> (Print Name)	<u>[Signature]</u> (Signature)	<u>8/9/2010</u> (Date)	[Redacted]
<u>ALEX BERKSAN</u> (Print Name)	<u>[Signature]</u> (Signature)	<u>8/9/2010</u> (Date)	[Redacted]
<u>MIRIAM GARATE</u> (Print Name)	<u>[Signature]</u> (Signature)	<u>8/8/2010</u> (Date)	[Redacted]
<u>MICKEY BENTLEY</u> (Print Name)	<u>[Signature]</u> (Signature)	<u>8/8/2010</u> (Date)	[Redacted]
<u>DAVID MAYNARD</u> (Print Name)	<u>[Signature]</u> (Signature)	<u>8/5/2010</u> (Date)	[Redacted]
<u>CHESTER WULER</u> (Print Name)	<u>[Signature]</u> (Signature)	<u>8/08/2010</u> (Date)	[Redacted]
<u>ROBERT CORONADO</u> (Print Name)	<u>[Signature]</u> (Signature)	<u>8/8/2010</u> (Date)	[Redacted]
<u>DOROTHY M FRASCH</u> (Print Name)	<u>[Signature]</u> (Signature)	<u>8-8-10</u> (Date)	[Redacted]
_____ (Print Name)	_____ (Signature)	_____ (Date)	
_____ (Print Name)	_____ (Signature)	_____ (Date)	
_____ (Print Name)	_____ (Signature)	_____ (Date)	
_____ (Print Name)	_____ (Signature)	_____ (Date)	

8/4/2010

mail (1696x2200)



City of Austin

Founded by Congress, Republic of Texas, 1839
Department of Public Works and Transportation, P.O. Box 1088, Austin, Texas 78767-8838
One Texas Center, 505 Barton Springs Road Telephone 512/499-7180
Construction Inspection Division

January 11, 1995

Hallmark Residential Development
2727 North Loop West, Ste. 290
Houston, Texas 77098

JAN 23 1995

RE: FINAL ACCEPTANCE
Project Name: Wells Branch Phase W-2A
Subdivision File Number: CB-84-134.02.1A Job I.E. Number: C-91-681

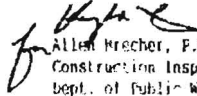
Gentlemen:

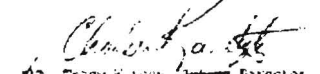
Effective January 11, 1995 street, drainage, water and wastewater construction requirements in the above subdivision have been fulfilled in accordance with current construction documents approved by the Department of Planning and Development. Since this subdivision is outside the limits of the City of Austin, the City cannot assume responsibility for maintenance of the public facilities listed on Attachment #1, but will inform the County concerned. The water and wastewater improvements will not be owned, operated, nor maintained by the City of Austin. The contractors have warranted their workmanship and materials against defects for one (1) year from this date. The Consulting Engineer representing you has indicated concurrence with the City's acceptance on Attachment #2.

The Environmental and Conservation Services Department (ECS&S) has entered into a separate agreement Attachment #3, insuring the completion of the restoration. Upon acceptance of the permanent erosion and sedimentation controls ECS&S will issue a Final Inspection Release/Certificate of Compliance releasing the remaining fiscal.

We are further releasing fiscal requirements for paving, drainage, water and wastewater. Should you have any questions, please contact the Construction Inspection Division Office at 499-7088.

Sincerely,


Allen Krecher, P.E., Division Engineer
Construction Inspection Division
Dept. of Public Works & Transportation

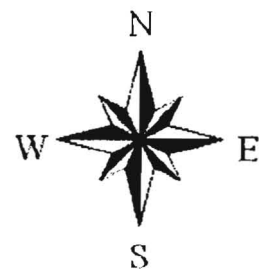

Tracy Watson, Director
Planning Services Division
Dept. of Planning & Development

AB:lm

- cc: Larry Mendez, Public Works
- Gilbert Alvarez, Public Works
- Bob Gonzalez, Planning
- George Postick, ECS&S
- Robby Hardin, P.E., Public Works
- Rick Hamilton, Public Works
- Ken Martinka, Public Works
- Vicki Scott, Finance Dept.
- Jerry L. Wallace, P.E. Elec. Util.
- Diane White, W/W, Consumer Service
- Sylvia Arriola, W/W Finance
- Stuart Hersh, Planning Dept.
- Commercial Indemnity
- Ann Burgrave, Solid Waste Serv.
- Alan Wood Jr., P.E., St. & Bridge
- David G. Gerard, P.E., PW
- Ted Naumann, P.E., WWS
- Jose Guerrero, P.E., Stormwater Mgt.
- Juanita Johnson, W/W Locators
- Adrian Struss, EMS
- Shelton & Associates, Inc.
- Round Key Construction, Inc.
- Jesse Allen, W/W, Field Services
- Joseph B. Green, AICP
- P. Armit, W/W Dispatch
- Rend & Blum



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STATE
INCORPORATED
TRAVIS MAINTAINED
NOT MAINTAINED
PRIVATE
REJECTION OF DEDICATION
UNDEDICATED, PRIVATE



**ORDER SETTING A PUBLIC HEARING ON PROPOSED
IMPROVEMENTS TO QUIET POND COURT AND PORTIONS OF
RICK WHINERY ROAD AND EMMETT PARKWAY**

WHEREAS, Travis County has adopted Chapter 84 of the Travis County Code to address substandard roads;

WHEREAS, Chapter 84 of the Travis County Code provides a mechanism under which owners of property abutting substandard roads may petition the Travis County Commissioners Court to make improvements to the substandard roads to bring them into compliance with County standards so that the roads can be accepted into the County road system;

WHEREAS, Chapter 84 of the Travis County Code provides that owners of property abutting substandard roads may offer to share the costs of required road improvements and that the property owners may share the costs by making direct payments to the County, road assessments set forth in Section 82.402 of the Travis County Code, or by agreement with the Travis County Commissioners Court;

WHEREAS, Section 82.402 of the Travis County Code and Chapter 253 of the Transportation Code authorizes the County to make improvements to substandard roads and to assess all or part of the costs of the improvements to the owners of property abutting the substandard roads;

WHEREAS, on January 17, 2012 the Travis County Commissioners Court received a copy of a petition pursuant to Chapter 84 of the Travis County Code from owners of property abutting Quiet Pond Court and portions of Rick Whinery Drive and Emmett Parkway in the Wells Branch Phase 2-A Subdivision (together, the "W-2A Substandard Roads") asking that these three roads be included in the County's Unaccepted Substandard Road Program so that the roads can be brought into compliance with County standards and accepted into the County road system;

WHEREAS, in their petition, the property owners have specified that they wish to share the costs of the improvements through road assessments as set forth in Section 82.402 of the Travis County Code;

WHEREAS, on January 17, 2012 County staff advised the Travis County Commissioners Court that:

- (1) the total length of the road improvements is estimated to be 4035.51 feet;
- (2) the total cost of the improvements is estimated to be \$210,000; and

- (3) the owners of property abutting the W-2A Substandard Roads have expressed willingness to pay 25% of the total costs of the improvements.

NOW, THEREFORE, BE IT RESOLVED that on June 12, 2012 the Travis County Commissioners Court:

- (1) finds that improvement of the W-2A Substandard Roads is necessary for the public health, safety, and welfare of the residents of the County; and
- (2) proposes to:
 - (a) improve the W-2A Substandard Roads so that they comply with the County's road standards;
 - (b) assess 25% of the total costs of the improvements pro rata against the owners of real property abutting the W-2A Substandard Roads; and
 - (c) to collect the assessment over a five-year period.

In accordance with Sections 253.004 and 253.005 of the Transportation Code, the Travis County Commissioners Court will hold a public hearing on Tuesday, August 14, 2012 at 9:00 a.m. in the Commissioners Courtroom in the Travis County Administration Building (first floor), 314 West 11th Street, Austin, Texas to receive public comments on the proposed improvements and assessments and cause notice of the public hearing to be published.

TRAVIS COUNTY COMMISSIONERS COURT

Samuel T. Biscoe, County Judge

Ron Davis
Commissioner, Precinct One

Sarah Eckhardt
Commissioner, Precinct Two

Karen Huber
Commissioner, Precinct Three

Margaret Gómez
Commissioner, Precinct Four