



Travis County Commissioners Court Agenda Request

Meeting Date: August 14, 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: Consider and take appropriate action on a request to authorize the filing of an instrument to vacate two five foot wide public utility easements located along the common lot line of Lots 639 and 640 of Apache Shores, Section Two – Precinct Three.

BACKGROUND/SUMMARY OF REQUEST:

TNR staff has received a request to vacate two five foot wide public utility easements (PUEs) located along the common lot lines of Lots 639 and 640 of Apache Shores, Section Two. The PUEs are dedicated by plat note. The subject lots front on Hunters Pass, 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 house, which will cross the common lot line of the subject lots. 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 - Apache Shores, Section Two

ORDER OF VACATION

STATE OF TEXAS §

COUNTY OF TRAVIS §

WHEREAS, the property owner requests the vacation of two five foot wide public utility easements located along the common lot line of Lots 639 and 640 of Apache Shores, Section 2 as recorded in Book 48, Page 58 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 August 14, 2012 to consider the proposed action; and

NOW, THEREFORE, by unanimous vote, the Commissioners Court of Travis County, Texas, orders that the two five foot wide public utility easements located along the common lot line of Lots 639 and 640 of Apache Shores, Section 2, 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

EASEMENT RELEASE

FIELD NOTES

1,443 SQ FT OR 0.0331 ACRE OF LAND, BEING OUT OF LOT 639, APACHE SHORES, SECTION 2, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO TO THE MAP OR PLAT RECORDED IN BOOK 48, PAGE 58, PLAT RECORDS, TRAVIS COUNTY, TEXAS, AND BEING A 5 FOOT WIDE PUBLIC UTILITY EASEMENT, FOR WHICH A MORE PARTICULAR DESCRIPTION BY METES AND BOUNDS IS AS FOLLOWS AND A SKETCH OF THIS EASEMENT TO BE RELEASED IS ATTACHED HERETO AND MADE A PART HEREOF.

BEGINNING at a 3/8" iron rod found in the NW line of Hunters Pass, a public street, same being at the SE corner of Lot 639, Apache Shores Section 2, a subdivision in Travis County, Texas according to the map or plat thereof recorded in Book 48, Page 58, Plat Records, Travis County, Texas, also being the NE corner of Lot 640, for the SE corner of the herein described tract;

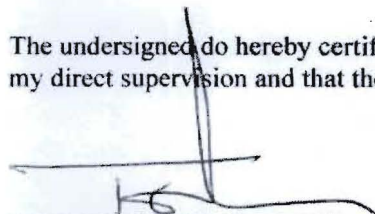
THENCE N54°21'44"W along the SW line of said Lot 639, same being the NE line of Lot 640 for a distance of 289.05 feet to a point, being the SW corner of Lot 639, also being the NW corner of Lot 640, further being in the SE line of Lot 1125, Apache Shores Section 3, Amended, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Book 50, Page 81, Plat Records, Travis County, Texas, for the SW corner of the herein described tract;

THENCE N45°16'10"E along the NW line of Lot 639, same being the SE line of the aforementioned Lot 1125 for a distance of 5.07 feet to a point, for the NW corner hereof, from which point a 1/2" iron rod found at the NW corner of Lot 639 bears N45°16'10"E, at a distance of 55.22 feet;

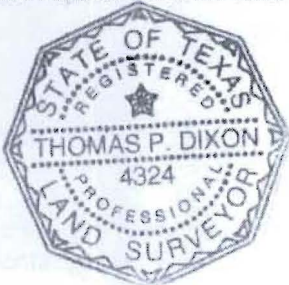
THENCE S54°21'44"E, crossing through said Lot 639 for a distance of 288.21 feet to a point in the SE line of Lot 639, same being the NW line of said Hunters Pass, for the NE corner of the herein described tract, from which point, a 1/2" iron rod found at the NE corner of Lot 639 bears N35°44'40"E at a distance of 54.95 feet;

THENCE S35°44'40"W along the SE line of Lot 639 for a distance of 5.00 feet to the **POINT OF BEGINNING**, containing 1,443 square feet or 0.0331 acre of land, more or less.

The undersigned do hereby certify that the field notes hereon were prepared from an actual on-the-ground survey under my direct supervision and that they are true and correct to the best of my knowledge.


Thomas P. Dixon R.P.L.S. 4324

5/23/12
Date



REFERENCES
Travis County Appraisal District
Map No. 1-4558

Sketch to Accompany Field Notes

PUBLIC UTILITY EASEMENT RELEASE

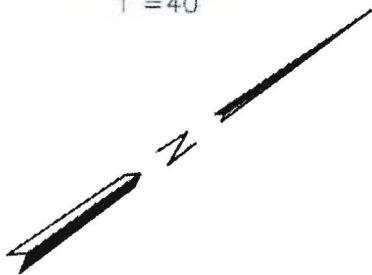
EXHIBIT " — " — "

OWNER:
FRANCIS A. CHRISTINA AND
JULIE S. CHRISTINA
ADDRESS:
14516 HUNTERS PASS

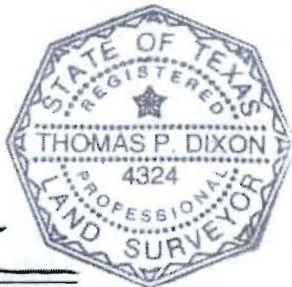
LEGAL DESCRIPTION:
BEING 1,443 SQUARE FEET, OR 0.0331 ACRE OF
LAND, AND BEING OUT OF LOT 639, APACHE
SHORES SECTION 2, A SUBDIVISION IN TRAVIS
COUNTY, TEXAS, ACCORDING TO THE MAP OR
PLAT RECORDED IN BOOK 48, PAGE 58, PLAT
RECORDS, TRAVIS COUNTY, TEXAS, AND BEING
A 5 FOOT WIDE PUBLIC UTILITY EASEMENT.

LEGEND
FOUND 1/2" IRON ROD FIR
POINT OF BEGINNING POB
(RECORD)

SCALE
1" = 40'

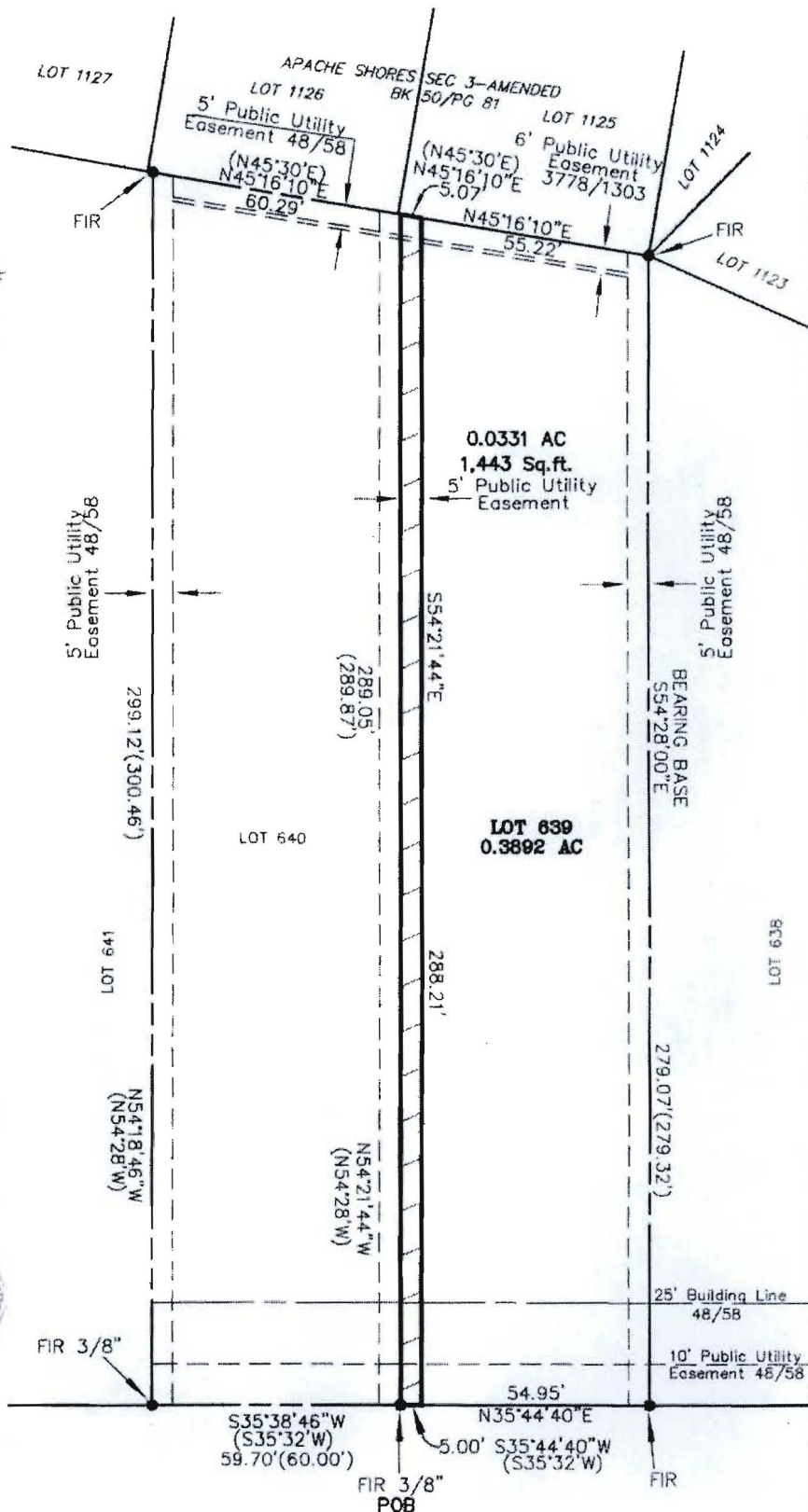


The undersigned surveyor hereby certifies
that this sketch, and the accompanying
field notes were made from an actual and
accurate survey made by me or under
my direct supervision.



Thomas P. Dixon R.P.L.S. 4324

Waterloo Surveyors, Inc.
P.O. Box 160176
Austin, Texas 78716-0176
Ph. (512) 481-9602
J13198ER1



Hunters Pass

EASEMENT RELEASE

FIELD NOTES

1,447 SQ FT OR 0.0332 ACRE OF LAND, BEING OUT OF LOT 640, APACHE SHORES, SECTION 2, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO TO THE MAP OR PLAT RECORDED IN BOOK 48, PAGE 58, PLAT RECORDS, TRAVIS COUNTY, TEXAS, AND BEING A 5 FOOT WIDE PUBLIC UTILITY EASEMENT, FOR WHICH A MORE PARTICULAR DESCRIPTION BY METES AND BOUNDS IS AS FOLLOWS AND A SKETCH OF THIS EASEMENT TO BE RELEASED IS ATTACHED HERETO AND MADE A PART HEREOF.

BEGINNING at a 3/8" iron rod found in the NW line of Hunters Pass, a public street, same being at the NE corner of Lot 640, Apache Shores Section 2, a subdivision in Travis County, Texas according to the map or plat thereof recorded in Book 48, Page 58, Plat Records, Travis County, Texas, also being the SE corner of Lot 639, for the NE corner of the herein described tract;

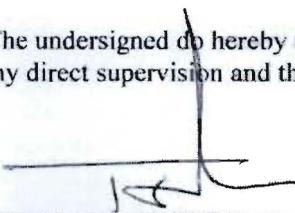
THENCE S35°38'46"W along the SE line of said Lot 640, same being the NW line of Hunters Pass for a distance of 5.00 feet to a point, for the SE corner hereof, from which point a 3/8" iron rod found at the SE corner of Lot 640, same being the NE corner of Lot 641, bears S35°38'46"W at a distance of 54.70 feet;

THENCE N54°21'44"W, crossing through said Lot 640, for a distance of 289.89 feet to a point in the NW line of said Lot 640, same being in the SE line of Lot 1126, Apache Shores Section 3, Amended, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Book 50, Page 81, Plat Records, Travis County, Texas, for the SW corner hereof, from which point, a 1/2" iron rod found at the SW corner of Lot 640 bears S45°16'10"E at a distance of 55.22 feet;

THENCE N45°16'10"E, along the NW line of said Lot 640 for a distance of 5.07 feet to a point, being the NW corner of Lot 640, also being the SW corner of Lot 639, for the NW corner of the herein described tract;

THENCE S54°21'44"E along the NE line of Lot 640 for a distance of 289.05 feet to the **POINT OF BEGINNING**, containing 1,447 square feet or 0.0332 acre of land, more or less.

The undersigned do hereby certify that the field notes hereon were prepared from an actual on-the-ground survey under my direct supervision and that they are true and correct to the best of my knowledge.


Thomas P. Dixon R.P.L.S. 4324

5/23/12
Date



REFERENCES
Travis County Appraisal District
Map No. 1-4558

Sketch to Accompany Field Notes

PUBLIC UTILITY EASEMENT RELEASE

OWNER:
FRANCIS A. CHRISTINA AND
JULIE S. CHRISTINA
ADDRESS:
14518 HUNTERS PASS

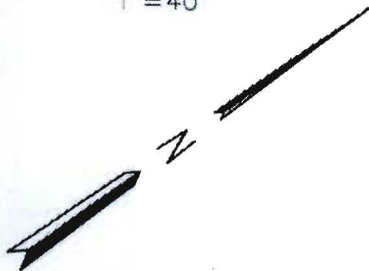
EXHIBIT " — " — "

LEGAL DESCRIPTION:

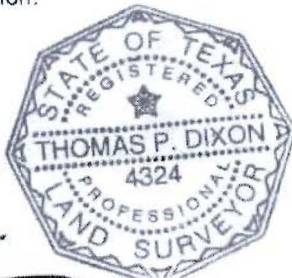
BEING 1,447 SQUARE FEET, OR 0.0332 ACRE OF LAND, AND BEING OUT OF LOT 640, APACHE SHORES SECTION 2, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT RECORDED IN BOOK 48, PAGE 58, PLAT RECORDS, TRAVIS COUNTY, TEXAS, AND BEING A 5 FOOT WIDE PUBLIC UTILITY EASEMENT.

LEGEND	
FOUND 1/2" IRON ROD	FIR
POINT OF BEGINNING (RECORD)	POB

SCALE
1" = 40'

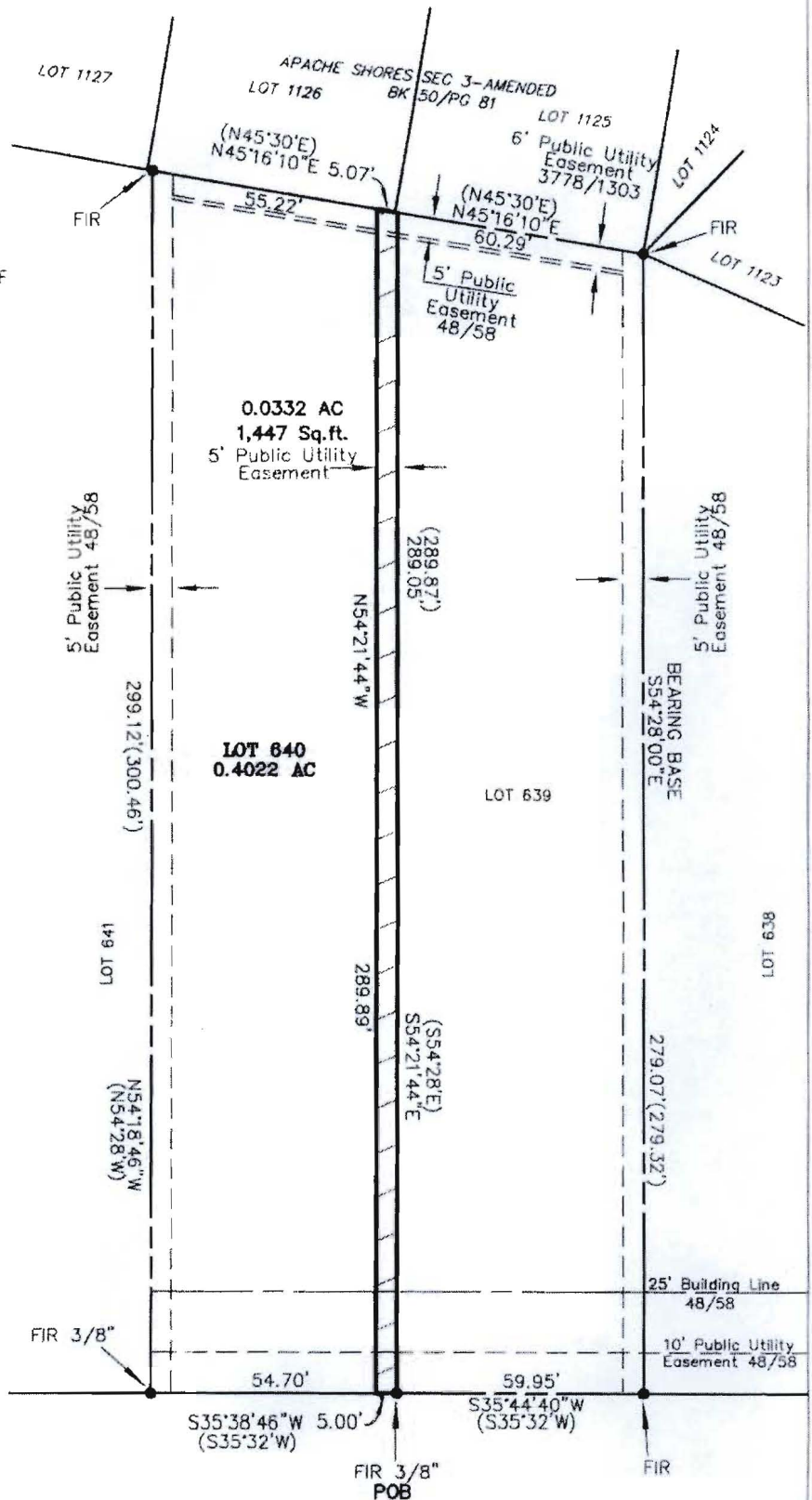


The undersigned surveyor hereby certifies that this sketch, and the accompanying field notes were made from an actual and accurate survey made by me or under my direct supervision.



Thomas P. Dixon R.P.L.S. 4324

Waterloo Surveyors, Inc.
P.O. Box 160176
Austin, Texas 78716-0176
Ph. (512) 481-9602
J13198ER2



Hunters Pass

To: Paul Scoggins
Travis County

We are requesting the 5' PUE's along the property line common with Lots 639 & 640, Apache Shores, Section 2 be released. The easements are further described in the attachments.

We are requesting the release in order to build one house on 2 lots that would be within the easement.

Should you have any further questions, please contact Louie Hausman at 512-563-4447.

Thank You,



Francis A. Christina



Julie S. Christina

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 14516 + 14518 Hunters Pass (address) and/or Lot 639 + 640 Apache Shores Section 2 (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

[checked] 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.

Henry W. Marley
Reviewer

6-11-12
Date

Deborah S. Gernes
Signature
Deborah S. Gernes
Printed Name

General Manager
Title

Travis County WC+ID #17
Utility Company or District

6/11/12
Date

Please return this completed form to:

Randy Haysman
Name

14201 Debbie Dr
Address

Austin TX 78734
City/State/Zip

City/State/Zip

r.haysman1@austin.rr.com

512-563-4449 cell



SOUTHWESTERN BELL TELEPHONE COMPANY

RELEASE OF EASEMENT

THIS RELEASE OF EASEMENT, entered into by SOUTHWESTERN BELL TELEPHONE COMPANY, a Missouri corporation, GRANTOR, AND Francis A. Christina and Julie S. Christina, 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:

Lots 639 and 640, Apache Shores, Section 2, Deed of record in Document 2006000873, Property Records of Travis County, Texas

Said land of GRANTEE(S) being subject to:

Easements recorded in Volume 48, Page 58, Plat Records of Travis County, Texas,

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

All of the 5 foot PUE along either side of the common side property lines of said Lots 639 and 640, 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 its duly authorized officers this 19th day of JUNE, 2012

SOUTHWESTERN BELL TELEPHONE COMPANY

[Signature]

Name : RICHARD LAINE REED

Title: MANAGER, ENGINEERING DESIGN

THE STATE OF TEXAS
COUNTY OF TRAVIS

BEFORE ME, the undersigned authority, on this day personally appeared RICK REED, known to me to be the person whose name is 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.

Given under my hand and seal of office this the 19th day of JUNE, 2012

[Signature]
Notary Public in and for the State of TEXAS
My Commission Expires Jan. 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 14516 + 14518 Hunters Pass (address) and/or Lot 637 + 640 Apache Shores Section 2 (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.

Laurie Schumpert
Signature

Laurie Schumpert
Printed Name

Sr. Designer
Title

Time Warner Cable-Central TX
Utility Company or District

June 20, 2012
Date

Please return this completed form to:

Name

Address

City/State/Zip



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 14516 + 14518 Hunters Pass (address) and/or Lot 639 + 640 Apache Claves Section 2 (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

X 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.



Signature

Sonny Poole

Printed Name

Mgr., PIRES

Title

Austin Energy

Utility Company or District

June 14, 2012

Date

Please return this completed form to:

Randy Hausman

Name

15104 Cavilier Canyon

Address

Austin, TX 78734

City/State/Zip

512-563-4449

jhausman1@austin.rr.com

RECEIVED

JUL 26 2012

TNR



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 July 24, 2012, on the northerly side of Hunters Pass along the common lot line of Lots 639 and 640 of Apache Shores, Section Two at a point as near as practical to the area being vacated, and was also posted at the Travis County Courthouse.

CERTIFIED THIS THE 25 DAY OF July, 2012.

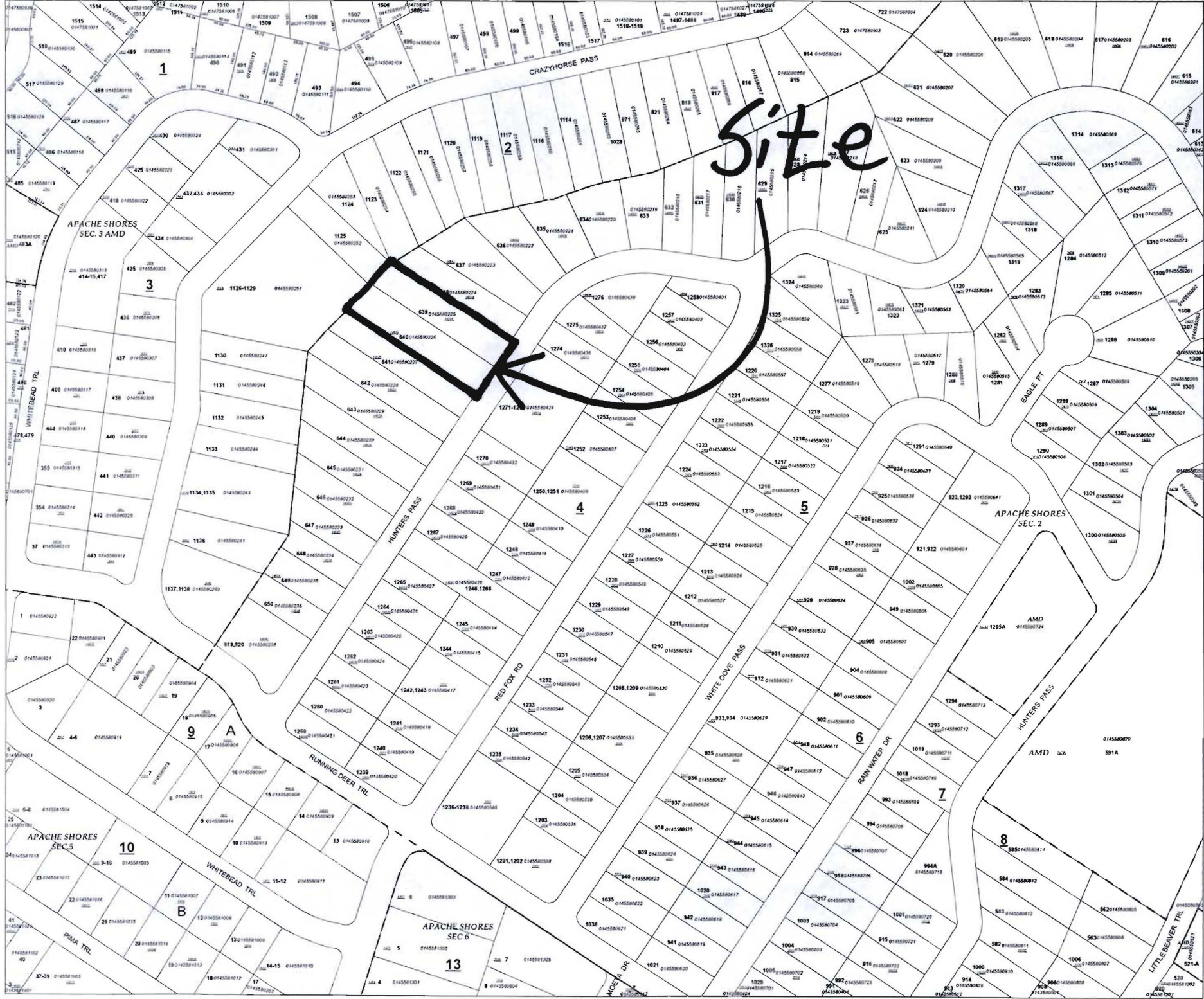
SIGNATURE: Jaime Garcia

NAME (PRINT): Jaime Garcia

TITLE: R&B Supervisor

cc: Garcia (sign shop)

M:\PERMITS\Vacate\12PUE\04-HuntersPass\SignRequest-HuntersPass.doc



Travis Central Appraisal District
 P.O. Box 149012
 Austin, Texas 78714
Internet Address: www.travisad.org
 Main Telephone Number (512) 934-9317
 Appraisal Information (512) 934-9318
 TDD (512) 936-3328

This tax 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 other data. The user assumes all responsibility for the accuracy and completeness of the 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

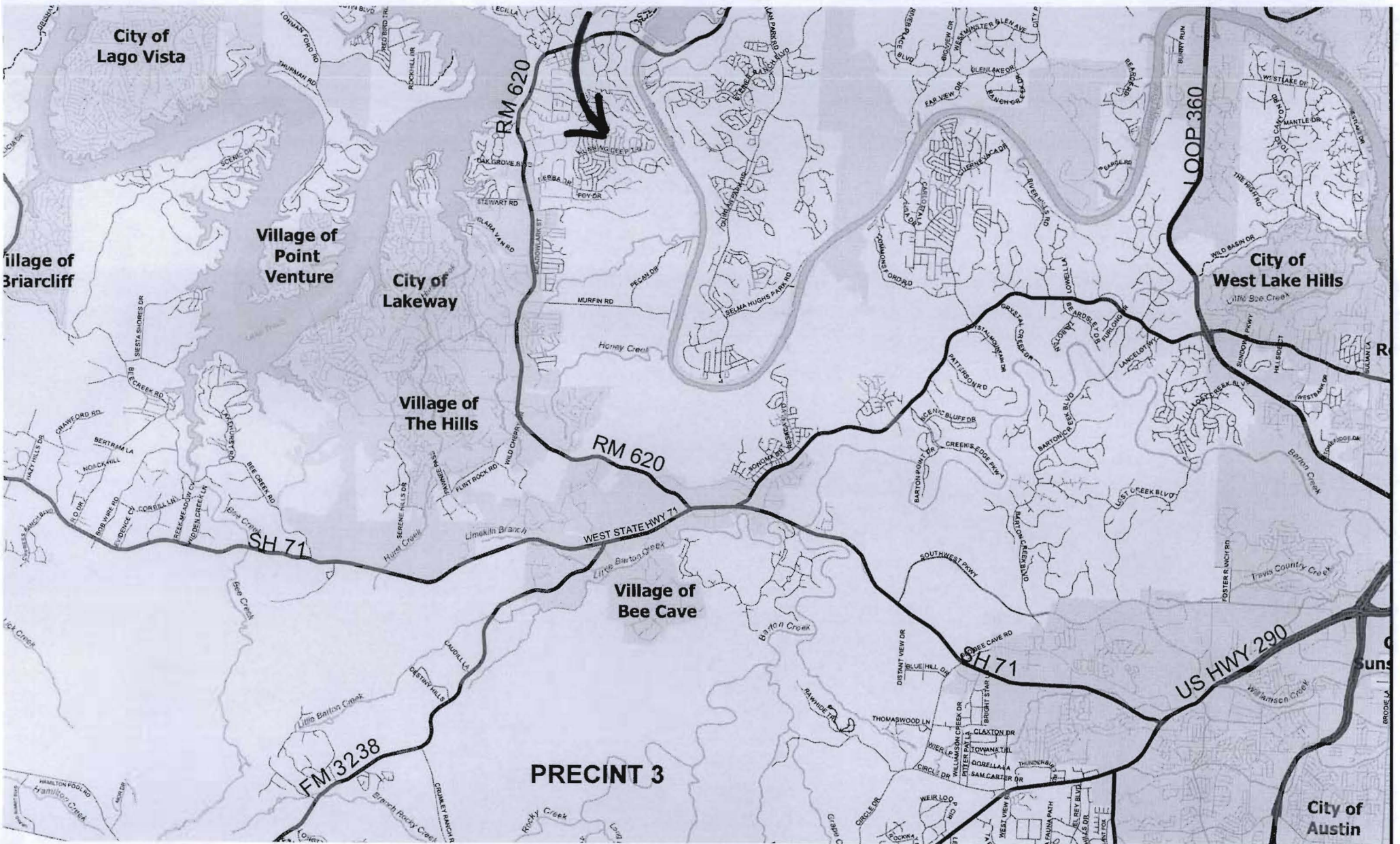
Scale:	= 100 scale map
Thin:	= 100 scale map
Bold:	= 400 scale map

0 100 Feet

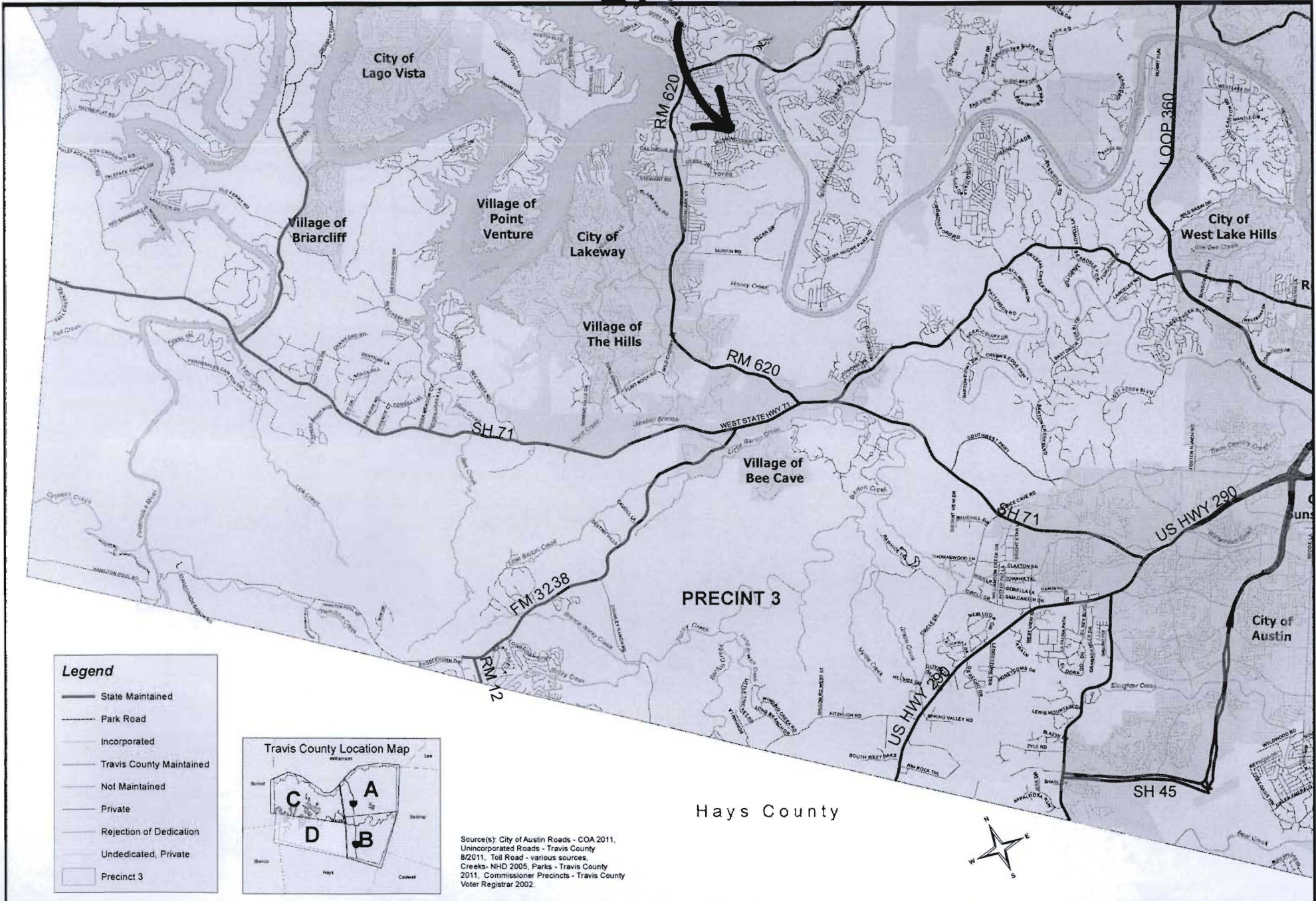
Revision Date
 3/29/2011

1 4558

Site



Site

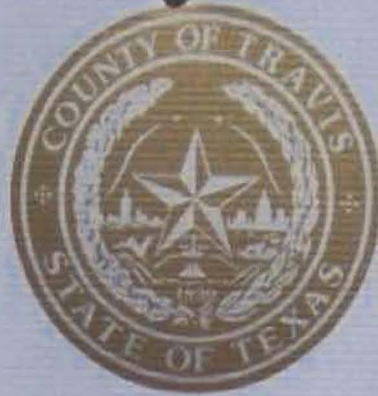


Map Disclaimer: The data is provided "as is" with no warranties of any kind.

Travis County Roadways, Map D

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



NOTICE OF PUBLIC HEARING

**AUGUST 14, 2012, AT 9:00 AM
PUBLIC UTILITY EASEMENT VACATION**

**TO APPROVE THE VACATION OF TWO FIVE
WIDE PUBLIC UTILITY EASEMENTS LOCATED
ALONG THE COMMON LOT LINE OF LOTS 639 AND
640 OF APACHE SHORES, SECTION TWO – A
SUBDIVISION IN PRECINCT THREE**

**AT THE TRAVIS COUNTY
COMMISSIONERS COURTROOM
700 LAVACA ST
(FIRST FLOOR), AUSTIN**

FOR MORE INFORMATION CALL: 854-9383