

**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

AB

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

Sponsoring Court Member: Commissioner Huber, Precinct Three

AGENDA LANGUAGE: Approve setting a public hearing on Tuesday, September 4, 2012 to receive comments regarding a request to authorize the filing of an instrument to vacate the two 7.5 foot wide public utility easements located along the rear and west side lot line Lot 5, Block E of The Hills of Lost Creek, Section Two – Precinct Three.

BACKGROUND/SUMMARY OF REQUEST:

TNR staff has received a request to vacate two 7.5 foot wide public utility easements (PUEs) located along the rear and west side lot line of Lot 5, Block E of The Hills of Lost Creek, Section Two. The PUEs are schematically shown on the face of the plat. The subject lot fronts on Quaker Ridge 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 requests meets all Travis County standards. As such, TNR staff recommends setting the public hearing.

ISSUES AND OPPORTUNITIES:

According to the request letter the property owner is in the process of selling. There is a house, pool, and various other improvements existing on the lot. Some of these improvements are currently encroaching on the subject easements. Vacating the subject easements will remedy the encroachments and allow the property owner to move forward with the sale.

FISCAL IMPACT AND SOURCE OF FUNDING:

None.

ATTACHMENTS/EXHIBITS:

Order of Vacation
Field Notes
Request Letter
Utility Statements
Maps

REQUIRED AUTHORIZATIONS:

Cynthia McDonald	Financial Manager	TNR	854-4239
Steve Manilla	County Executive	TNR	854-9429
Anna Bowlin	Division Director	TNR	854-7561

CC:

Stacey Scheffel	Program Manager	TNR Permits	854-7565

SM:AB:ps

1101 - Development Services - The Hills of Lost Creek, Section Two

ORDER OF VACATION

STATE OF TEXAS §

COUNTY OF TRAVIS §

WHEREAS, the property owner requests the vacation of two 7.5 foot wide public utility easements located along the rear and west lot lines of Lot 5, Block E of The Hills of Lost Creek, Section Two as recorded in Volume 76, Page 263 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 September 4, 2012 to consider the proposed action; and

NOW, THEREFORE, by unanimous vote, the Commissioners Court of Travis County, Texas, orders that the two 7.5 foot wide public utility easements located along the rear and west side lot lines of Lot 5, Block E of The Hills of Lost Creek, Section Two, 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

RELEASE OF PUBLIC UTILITY EASEMENT

DESCRIPTION OF 1275 SQUARE FEET, MORE OR LESS, OF LAND AREA, BEING A PORTION OF LOT 5, BLOCK "E", THE HILLS OF LOST CREEK SECTION TWO, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 76, PAGE 263, PLAT RECORDS, TRAVIS COUNTY, TEXAS, SAID LOT 5, HAVING BEEN CONVEYED TO ROBERT R. DURKEE, III AND JILL V. DURKEE BY DEED DATED SEPTEMBER 8, 1989 AND RECORDED IN VOLUME 11020, PAGE 1294, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID 1280 SQUARE FEET OF LAND AREA BEING THE ENTIRE 7.5 FOOT WIDE PUBLIC UTILITY EASEMENT LYING ALONG THE SOUTH LINE AND A PORTION OF THE WEST LINE OF SAID LOT 5, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½" iron rod found in the north line of Lot 9, Block "E", The Hills of Lost Creek Section Eight, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 76, Page 263, Plat Records, Travis County, Texas, for the southeast corner of the aforementioned Lot 5, same being the southwest corner of Lot 4, Block "E", of The Hills of Lost Creek Section Two, and being the southeast corner of the herein described release tract;

THENCE leaving the PLACE OF BEGINNING and the aforementioned Lot 4, with the common line of Lot 5 and Lots 9 and 8 of the aforementioned The Hills of Lost Creek Section Eight, N 84°27'15"W 122.33 feet to a calculated point for the southwest corner of Lot 5, same being the northwest corner of said Lot 8, also being the east corner of Lot 7 of The Hills of Lost Creek Section Eight, and being the southwest corner of the herein described release tract, pass along this course, a ½" iron rod found for the northerly common corner of Lots 9 and 8;

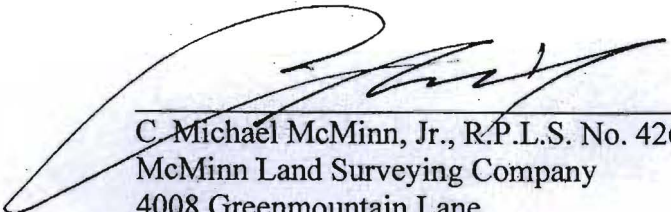
THENCE leaving Lot 8, with the common line of Lot 5 and said Lot 7 and Lot 6 of The Hills of Lost Creek Section Two, N 22°06'00"W 55.23 feet to a point at the intersection of the common line of Lots 5 and 6, and the north line of the 7.5 foot wide public utility easement along the south line of Lot 6, for the west corner of the herein described tract of land, pass along this course, the easterly common corner of Lots 7 and 6;

THENCE leaving Lot 6 and entering Lot 5, with the line of the 7.5 foot wide public utility easement, N 73°00'00"E 7.53 feet to a point for an exterior corner of the 7.5 foot wide public utility easement, same being the north corner of the herein described release tract;

THENCE with the line of the 7.5 foot wide public utility easement, same being a line lying 7.5 from and parallel to the west and south lines of Lot 5, the following two (2) courses:

1. S 22°06'00"E 50.05 feet to an interior corner of the 7.5' wide public utility easement, same being an interior corner of the herein described release tract; and
2. S 84°27'15"E 113.23 feet to a point at the intersection of the common line of Lots 4 and 5 and the north line of the 7.5 foot wide public utility easement for an exterior corner of the herein described release tract;

THENCE with the common line of Lots 4 and 5, S 25°48'30"E 8.78 feet to the PLACE OF BEGINNING. There are contained within these metes and bounds, 1275 square feet, more or less, of land area as prepared from record information and measurements made on the ground on June 19, 2012, by McMinn Land Surveying Company of Austin, Texas.


C. Michael McMinn, Jr., R.P.L.S. No. 4267
McMinn Land Surveying Company
4008 Greenmountain Lane
Austin, Texas 78759
(512) 343-1970



DATE : June 19, 2012
SUBDIVISION : The Hills of Lost Creek Section Two
COUNTY : Travis, Texas
J.O. No. : 060612-ER
PND0606

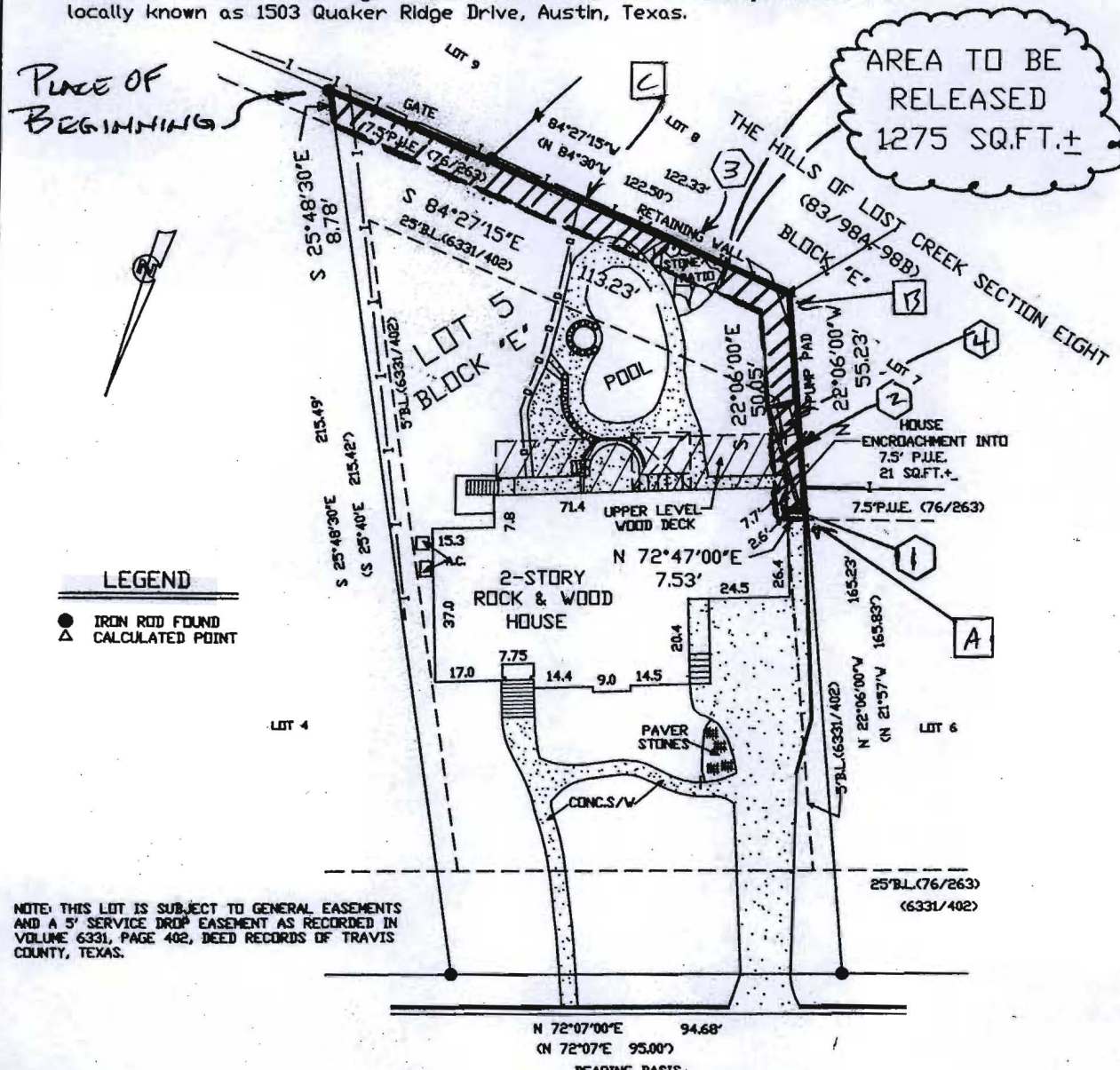
RELEASE OF PUBLIC UTILITY EASEMENT

TCAD Parcel ID NO. 01-1125-11-02

SKETCH TO ACCOMPANY FIELD NOTES

OWNERS: ROBERT R. DURKEE, III AND JILL V. DURKEE

LEGAL DESCRIPTION: LOT 5, BLOCK 'E', THE HILLS OF LOST CREEK SECTION TWO, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 76, Page 263, Plat Records, Travis County, Texas, also locally known as 1503 Quaker Ridge Drive, Austin, Texas.



McMinn
 Land Surveying Company
 4008 GREENMOUNTAIN LANE
 AUSTIN, TEXAS 78759
 (512) 343-1970
 FAX (512) 243-6439

G.F. 1212992-BOK
 DATE June 19, 2012
 SCALE 1" = 40'
 FB/PG 33/37| 305/14
 J.O.# 060612-ER

NOTE: THIS SURVEY WAS MADE ON THE GROUND WITH THE BENEFIT OF THAT TITLE COMMITMENT ISSUED JUNE 11, 2012, EFFECTIVE JUNE 1, 2012, UNDER G.F. NO. 1212995-BOK BY NATIONAL INVESTORS TITLE INSURANCE COMPANY.

PLAT PREPARED FROM RECORD INFORMATION AND MEASUREMENTS MADE ON THE GROUND ON JUNE 19, 2012, AND IS CORRECT TO THE BEST OF MY KNOWLEDGE.

G. MICHAEL McMINN, JR., R.P.L.S. NO. 4267

THIS SURVEY PLAT IS VALID ONLY IF IT BEARS THE ORIGINAL SIGNATURE IN GREEN INK AND THE IMPRESSION SEAL OF THE ABOVE SURVEYOR.

Copyright 2012 McMinn Land Surveying Company



McMinn Land Surveying Company

4008 Greenmountain Lane

Austin, Texas 78759

Phone: 512-343-1970 Fax: 512-243-6439

mike@mcmminnsurveying.com

July 11, 2012

TRAVIS COUNTY
TRANSPORTATION AND NATURAL RESOURCES
411 West 13th Street
Executive Office Building
PO Box 1748
Austin, Texas 78767-1748

(512) 854-7619

(512) 854-4649 fax

ATTN: Paul Scoggins

RE: Request for vacation of a Public Utility Easement on the property located at 1503 Quaker Ridge Drive, Austin, Texas.

I represent Robert Durkee in his request for a vacation of a platted Public Utility Easement on his property. Mr. Durkee has a sale pending on the subject property which is subject to his addressing the issues discusses herein.

The property is legally described as Lot 5, Block "E", THE HILLS OF LOST CREEK SECTION TWO, as recorded in Volume 76, Page 263, Plat Records of Travis County Texas. TCAD Parcel ID 01-1125-11-02

The subject property is located in the ETJ of the City of Austin.

There are four primary areas of concern on the subject property numbered 1-4 on the included pdf of a survey of the property.

1. The area identified as "1" represents an encroachment of a house addition into the 7.5' Public Utility Easement at the southwest corner of the house.
2. The area identified as "2" represents and encroachment of a lower level sidewalk and a upper level wood deck into the 7.5' Public Utility Easement
3. The area identified as "3" represents a retaining wall constructed along the west and south line of the subject property. At the point marked "A", the wall is approximately 6-7 feet tall. At the point marked "B", the wall is approximately 10 feet tall. At the point marked "C", the wall is approximately 2 feet tall. The subject property is on the high side of the wall and the neighbors are on the low side of the wall.

1503 Quaker Ridge Drive
Release of Easement
July 11, 2012
Page 2 of 2

4. The area identified as "4" represents an area that is basically at original grade at approximately 6-7 feet below the top of the retaining wall. This area contains the pool pump pad and pump.

We are requesting that the 7.5' Public Utility Easement on the subject property (hatch marked in green) be vacated. It is my understanding that the utility providers in the subject subdivision include: Lost Creek MUD, Time Warner Cable, Texas Gas Service, Austin Energy and AT&T. Included with this submittal, please find a Statement from each of said utility providers stating that they do not have a need for the subject easement

We hereby submit this as our request for Vacation of the Public Utility Easement. If you have any questions or have any issues with granting the requested vacation, Please contact me (512-343-1970) or Robert Durkee (512-306-0020) so that we may discuss address any issues.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. McMinn, Jr.', written in a cursive style.

C. Michael McMinn, Jr., R.P.L.S., L.S.L.S.
President



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 1503 AVALON ZIONE DRIVE, AUSTIN, TEXAS (address) and/or Lot 5 Block "E" The Hills of Lost Creek Section Two (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.

Israel Avila
Signature
Israel Avila
Printed Name
DESIGN ENGINEER
Title
AT&T
Utility Company or District
19 JULY 2012
Date

Please return this completed form to:

McMinn Land Surveying Company
4008 Greenmountain Lane
Austin, TX 78759

Name

Address

City/State/Zip



SOUTHWESTERN BELL TELEPHONE COMPANY

RELEASE OF EASEMENT

THIS RELEASE OF EASEMENT, entered into by *SOUTHWESTERN BELL TELEPHONE COMPANY*, a Missouri corporation, GRANTOR, AND Robert R. Durkee, III and wife, Jill V. Durkee, 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 5, Block E, The Hills of Lost Creek, Section Two, Deed of record in Document 7198131, Book 11020, Page 1294, Property Records of Travis County, Texas

Said land of GRANTEE(S) being subject to:

Easements recorded in Volume 76, Page 263, Plat Records of Travis County, Texas,

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

All of the 7.5 foot PUE along the south property line and the southerly portion of the west property line of said Lot 5, Block E, 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 19 day of JULY, 2012.

SOUTHWESTERN BELL TELEPHONE COMPANY

Israel Avila

Name : Israel Avila

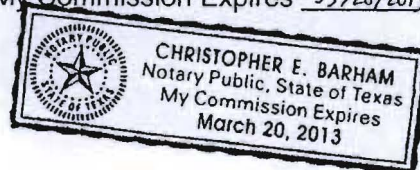
Title: DESIGN ENGINEER

THE STATE OF TEXAS
COUNTY OF TRAVIS

BEFORE ME, the undersigned authority, on this day personally appeared ISRAEL AVILA, 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 JULY, 2012.

Christopher E. Barham
Notary Public in and for the State of TEXAS
My Commission Expires 3/20/2013





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 1503 QUAKER PIONE DRIVE, AUSTIN, TEXAS (address) and/or LOT 5 Block 'E' The Hills of Lost Creek Section TWO (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.

Tom Clark
Signature
Tom Clark
Printed Name
General Manager
Title
Lost Creek M.V.D
Utility Company or District
7/2/12
Date

Please return this completed form to:

McMinn Land Surveying Company
4008 Greenmountain Lane
Austin, TX 78759

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 1503 QUAKER BIRCH DRIVE, AUSTIN, TEXAS (address) and/or LOT 5 Block "E" The Hills of Lost Creek Section Two (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 27, 2012

Date

Please return this completed form to:

McMinn Land Surveying Company
4008 Greenmountain Lane
Austin, TX 78759

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 1503 QUAKER RIDGE DRIVE, AUSTIN, TEXAS (address) and/or LOT 5 Block "E" The Hills of Lost Creek Section TWO (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.

Signature
Chris Landgraf, PE
Printed Name
Engineer III
Title
Texas Gas Service
Utility Company or District
6/28/2012
Date

Please return this completed form to:

McMinn Land Surveying Company
4008 Greenmountain Lane
Austin, TX 78759

Name

Address

City/State/Zip



TRANSPORTATION AND NATURAL RESOURCES
STEVEN M. MANILLA, PE, COUNTY EXECUTIVE

411 West 13th Street
Executive Office Building, 11th Floor
P.O. Box 1748
Austin, Texas 78767
(512) 473-9383
FAX (512) 473-9436

Case # 582M, MD-23

EASEMENT REQUIREMENT STATEMENT FOR VACATION OF PROPERTY

An application is being made to Travis County for the vacation of property at 1503 Quaker Ridge Drive, Austin, Texas (address) and/or Lot 5, Blk E, The Hills of Lost Creek Section 2 legal description and as described on the enclosed drawing or document. An action of the Commissioner's Court of Travis County is pending your return of this statement; your prompt reply is requested.

STATEMENT

We (Austin Energy) do not have need for an easement on the property described above and on the accompanying document.

We (Austin Energy) do have a need for an easement on the property described above and on the accompanying document.

Jimmy Poole
Signature

Jimmy Poole
Printed Name

Mgr. Public Development's Real Estate
Title

Austin Energy
Utility Company or District

6/26/2012
Date

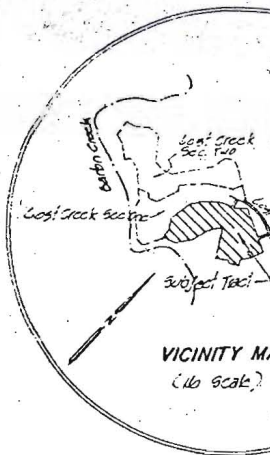
Please return to:

McMinn Land Surveying Company
Name

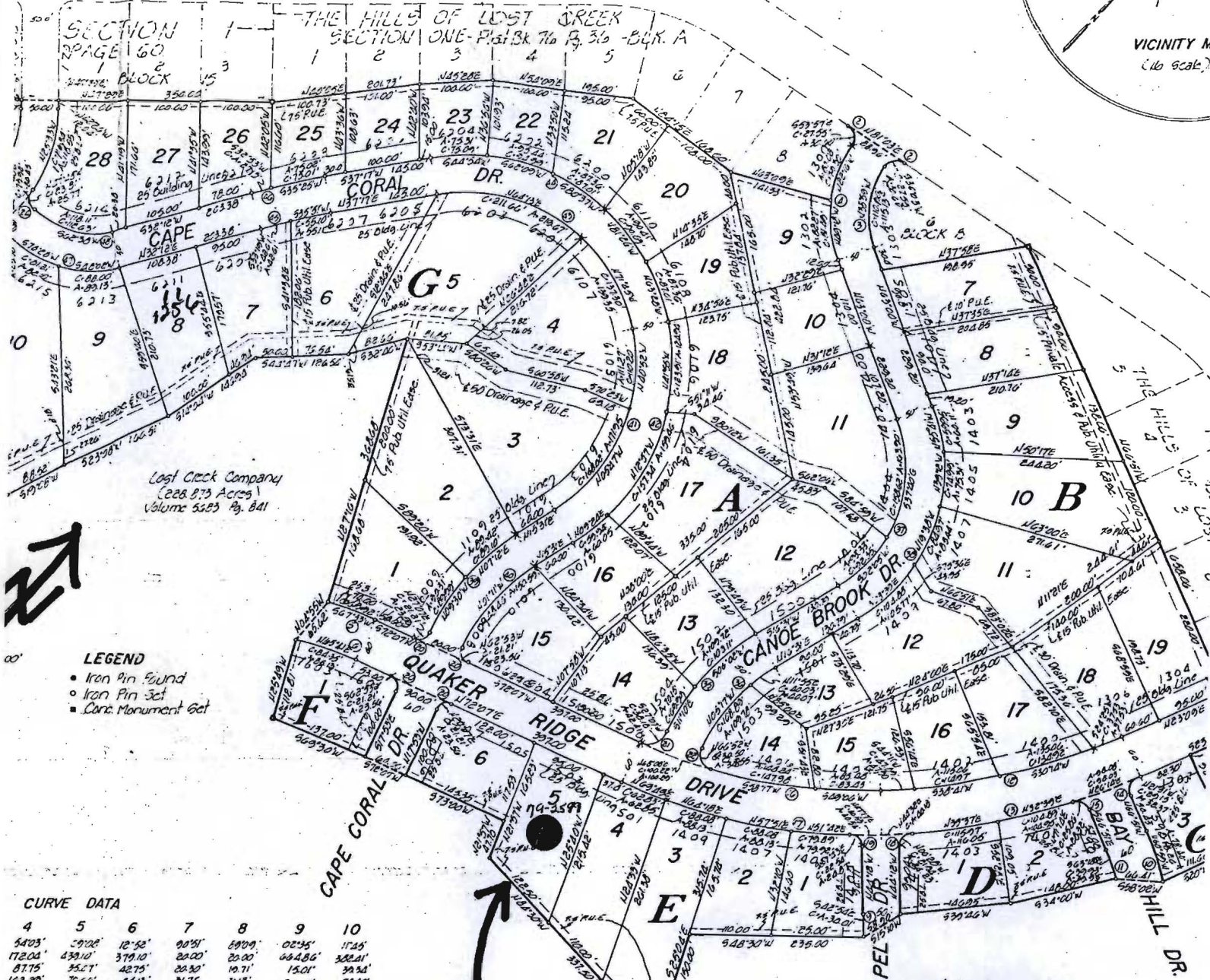
4008 Greenmountain Lane
Address

Austin, Texas 78759
City/State/Zip

OF LOST CREEK SECTION TWO



LOST CREEK BOULEVARD



Lost Creek Company
(228.873 Acres)
Volume 5683 Pg. 841

Lost Creek Company
(228.873 Acres)
Volume 5683 Pg. 841

- LEGEND**
- Iron Pin Found
 - Iron Pin Set
 - Conc. Monument Set

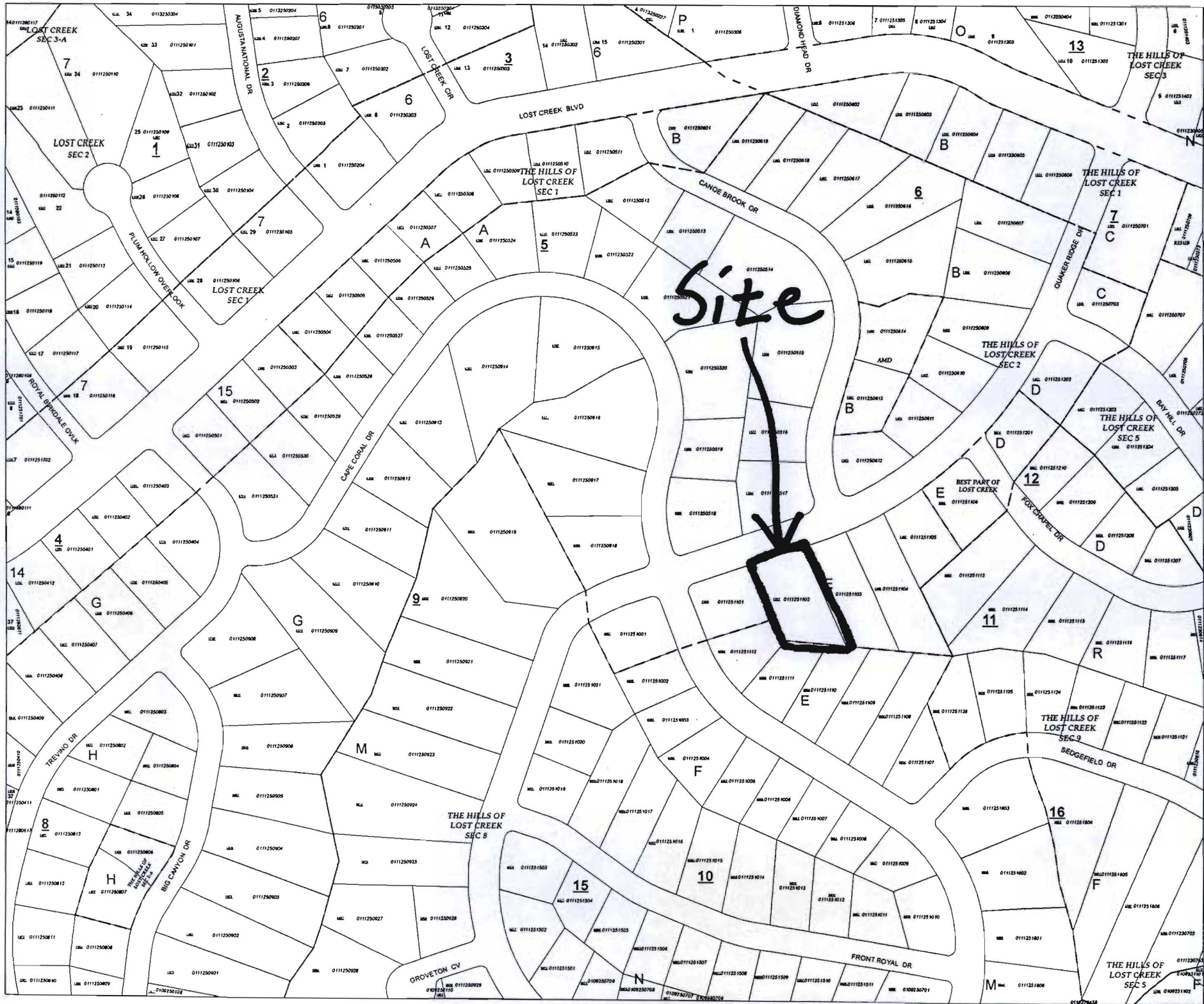
CURVE DATA

4	5	6	7	8	9	10
54.03'	59.02'	10.52'	90.51'	59.09'	02.45'	11.25'
172.04'	439.10'	379.10'	20.00'	664.86'	302.21'	302.21'
87.75'	35.67'	42.75'	28.30'	10.71'	15.01'	39.34'
102.29'	76.00'	63.13'	31.71'	31.2'	30.01'	78.40'
153.34'	699.8'	84.95'	28.09'	28.07'	30.01'	78.26'
14	15	16	17	18	19	20
90.00'	83.99'	26.99'	26.99'	87.68'	87.68'	90.00'
20.61'	19.36'	78.84'	78.84'	15.87'	16.37'	15.00'
20.61'	17.38'	168.99'	183.01'	15.8'	15.64'	15.00'
32.31'	26.30'	332.01'	359.57'	21.83'	21.87'	23.66'
29.15'	25.83'	389.10'	359.42'	21.94'	22.64'	21.81'
24	25	26	27	28	29	30
78.16'	90.36'	90.36'	22.90'	22.90'	85.21'	35.93'
18.87'	15.15'	201.15'	520.20'	470.20'	15.00'	115.34'
153.5'	152.74'	203.87'	105.05'	94.95'	13.83'	37.01'
25.71'	239.01'	218.07'	207.31'	187.36'	22.34'	71.65'
23.81'	212.87'	28.95'	20.92'	186.75'	20.32'	70.25'
34	35	36	37	38	39	40
270.00'	34.04'	24.22'	79.71'	79.71'	33.22'	33.22'
20.00'	299.59'	299.59'	125.35'	235.35'	300.32'	258.32'
~	22.14'	77.26'	154.20'	195.80'	92.50'	77.50'
235.62'	179.87'	109.85'	257.23'	326.03'	179.73'	129.89'
177.18'	147.61'	237.08'	301.60'	177.20'	129.26'	129.26'
44	45	46	47	48	49	50
80.24'	27.05'	27.05'	60.52'	60.52'	32.26'	32.26'
293.58'	101.30'	101.30'	101.18'	111.18'	353.21'	403.21'
271.17'	48.83'	511'	63.32'	102.73'	117.27'	117.27'
~	~	~	118.11'	100.00'	222.22'	222.22'

STATE OF TEXAS
COUNTY OF TRAVIS:

I, Doris Shropshire, County Clerk of Travis County, Texas, do hereby certify that the day of 17th, 1978, A.D., the Commissioners Court of Travis County, Texas passed an order authorizing the filing for record of this plat and that said order has been duly entered in the minutes of said court Book 4 at Page 414.

Commissioners



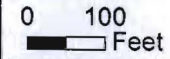
Travis Central Appraisal District
 P.O. Box 149012
 Austin, Texas 78714
 Internet Address: www.traviscad.org
 Main Telephone Number (512) 894-9317
 Appraisal Information (512) 894-9318
 TDD (512) 936-3328

This 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 engineering standards. Conclusions drawn from this information are the responsibility of the user. The TCAD makes no claims, promises or guarantees about the accuracy, completeness or adequacy of this 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

Italic = 100 scale map
 Thin = 100 scale map
 Bold = 400 scale map

11328	11025	11023
11326	11125	11123
11037	11027	
10923	10925	10903



Revision Date
 3/11/2010

11125

Site

