



Item C4

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 four five foot wide drainage easements located along the common lot lines of Lot 12 with Lots 13 and 17, Block 56 of Austin Lake Hills, Section Two – Precinct Three.

BACKGROUND/SUMMARY OF REQUEST:

TNR staff has received a request to vacate four five foot wide drainage easements located along the common lot lines of Lot 12 with Lots 13 and 17, Block 56 of Austin Lake Hills, Section Two. The easements are dedicated per plat note more specifically stated as a public utility easement and drainage easement. Lots 12 and 13 front on Winchester Road with Lot 17 fronting on Caracas Drive, two streets maintained by Travis County.

Professional engineer Steve Wenzel has stated that:

"Based on the fact that the up-gradient lots are fully developed with houses, any new homes and the associated lot grading will be cognizant of existing flow patterns and direct stormwater safely across the lots and into the ROW. We offer these justifications to support our request that there is no need for TNR to use these drainage easements and further, I don't believe granting this request will result in any adverse drainage conditions to these lots or the neighboring lots."

After review of the submitted request and recommendation, staff has no objections to this vacation request. 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 setting the public hearing.

ISSUES AND OPPORTUNITIES:

According to the property owner, the future plan for Lot 12 is to construct a home along with its septic system. However, to accommodate the current setback requirements for a septic system as it pertains to a drainage easement, the subject easements will need to be vacated. The owners of Lots 13 and 17 are aware of the request and have no objection.

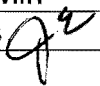
FISCAL IMPACT AND SOURCE OF FUNDING:

None.

ATTACHMENTS/EXHIBITS:

- Order of Vacation
- Field Notes and Sketch
- Request/Engineer's Letter
- Sketches and pictures
- Maps

REQUIRED AUTHORIZATIONS:

Cynthia McDonald	Financial Manager	TNR	854-4239
Steve Manilla	County Executive	TNR	854-9429
Anna Bowlin	Division Director	TNR	854-7561
John Ellis 	Engineer	TNR	854-9805

CC:

Stacey Scheffel	Program Manager	TNR Permits	854-7565

SM:AB:ps
1101 - Development Services - Austin Lake Hills, Section Two

ORDER OF VACATION

STATE OF TEXAS §

COUNTY OF TRAVIS §

WHEREAS, the property owner requests the vacation of four five foot wide drainage easements located along the common lot lines of Lot 12 with Lots 13 and 17, Block 56 of Austin Lake Hills, Section Two as recorded at Volume 13, Page 29 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, Travis County staff has stated that there are no objections 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 September 4, 2012 to consider the proposed action; and

NOW, THEREFORE, by unanimous vote, the Commissioners Court of Travis County, Texas, orders that the four five foot wide drainage easements located along the common lot lines of Lot 12 with Lots 13 and 17, Block 56 of Austin Lake Hills, Section Two, as shown on the attached sketch and described in the attached field notes, are hereby vacated.

ORDERED THIS THE _____ DAY OF _____ 2012.

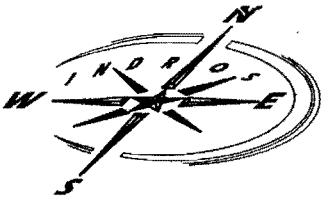
SAMUEL T. BISCOE, COUNTY JUDGE

COMMISSIONER RON DAVIS
PRECINCT ONE

COMMISSIONER SARAH ECKHARDT
PRECINCT TWO

COMMISSIONER KAREN HUBER
PRECINCT THREE

COMMISSIONER MARGARET GOMEZ
PRECINCT FOUR



**LEGAL DESCRIPTION
RELEASE OF 10' DRAINAGE EASEMENTS**

BEING A TRACT OR PARCEL OF LAND CONTAINING 0.0488 ACRE (2125 SQ. FT.) OUT OF LOT 12, LOT 13, AND LOT 17, BLOCK 56, AUSTIN LAKE HILLS SECTION TWO, A RECORDED SUBDIVISION IN TRAVIS COUNTY, TEXAS, RECORDED IN VOLUME 13, PAGE 29, T.C.P.R., SAID 0.0488 ACRE BEING CERTAIN 10' DRAINAGE EASEMENTS DEDICATED BY SAID RECORDED PLAT, SAID 0.0488 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: ALL BEARINGS SHOWN HEREIN ARE BASED UPON THE RECORDED PLAT OF SAID AUSTIN LAKE HILLS SECTION TWO:

BEGINNING AT A POINT IN THE SOUTHERLY RIGHT-OF-WAY LINE OF WINCHESTER ROAD (50' R.O.W.), SAME BEING THE NORTHERLY LINE OF SAID LOT 13, BLOCK 56, SAID POINT BEING THE MOST EASTERLY CORNER OF AN EXISTING 10' DRAINAGE EASEMENT, FOR THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT, FROM WHICH A FOUND CAPPED 1/2" IRON ROD FOR THE COMMON NORTH CORNER OF SAID LOT 12 AND LOT 13 BEARS NORTH 60°06'00" WEST, A DISTANCE OF 5.00';

THENCE LEAVING SAID RIGHT-OF-WAY LINE WITH THE FOLLOWING THREE (3) COURSES AND DISTANCES:

1. SOUTH 29°54'00" WEST WITH THE EASTERLY LINE OF SAID 10' DRAINAGE EASEMENT, SAID LINE BEING 5' EAST OF AND PARALLEL TO THE COMMON DIVIDING LINE OF SAID LOTS 12 AND 13, A DISTANCE OF 120.00' TO A POINT IN THE SOUTHERLY LINE OF SAID LOT 13, SAME BEING THE NORTHERLY LINE OF LOT 16, BLOCK 56;
2. NORTH 60°06'00" WEST, WITH THE COMMON DIVIDING LINE OF SAID LOTS 13 AND 16, A DISTANCE OF 5.00' TO A FOUND 60D NAIL FOR THE NORTH CORNER OF LOT 16, THE EAST CORNER OF SAID LOT 17, THE SOUTH CORNER OF LOT 12, AND THE WEST CORNER OF LOT 13;
3. SOUTH 29°54'00" WEST, WITH THE COMMON DIVIDING LINE OF LOTS 16 AND 17, A DISTANCE OF 5.00' TO A POINT, FOR THE MOST SOUTHERLY SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE NORTH 60°06'00" WEST INTO SAID LOT 17, ALONG A LINE 5' SOUTH OF AND PARALLEL TO THE COMMON DIVIDING LINE OF LOTS 17 AND 12, AND BEING THE SOUTHERLY LINE OF AN EXISTING 10' DRAINAGE EASEMENT, A DISTANCE OF 100.00' TO A POINT, FOR THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

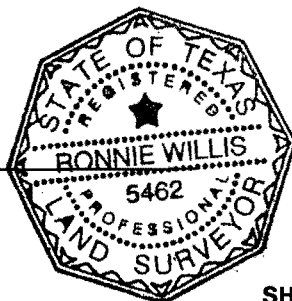
THENCE NORTH 29°54'00" EAST AT 5.00' PASSING THE COMMON DIVIDING LINE OF LOT 17 AND LOT 12, CONTINUING INTO LOT 12, A TOTAL DISTANCE OF 10.00' TO A POINT, FOR THE MOST WESTERLY NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE INTO AND ACROSS LOT 12, THE FOLLOWING TWO (2) COURSES AND DISTANCES:

1. SOUTH 60°06'00" EAST WITH THE NORTHERLY LINE OF SAID 10' DRAINAGE EASEMENT, SAID LINE BEING 5' NORTH OF AND PARALLEL TO THE COMMON DIVIDING LINE OF SAID LOTS 17 AND 12, A DISTANCE OF 100.00' TO A POINT IN THE WEST LINE OF AFORESAID 10' DRAINAGE EASEMENT;
2. NORTH 29°54'00" EAST WITH THE WESTERLY LINE OF SAID 10' DRAINAGE EASEMENT, SAID LINE BEING 5' WEST OF AND PARALLEL TO THE COMMON DIVIDING LINE OF SAID LOTS 12 AND 13, A DISTANCE OF 120.00' TO A POINT IN THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID WINCHESTER ROAD, SAME BEING THE NORTHERLY LINE OF SAID LOT 12, FOR THE MOST NORTHERLY NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE SOUTH 60°06'00" EAST ALONG SAID RIGHT-OF-WAY, AT 5.00' PASSING THE COMMON NORTH CORNER OF LOTS 12 AND 13, FOR A TOTAL DISTANCE OF 10.00' TO THE PLACE OF BEGINNING AND CONTAINING 0.0488 ACRE (2125 SQ. FT.) OF LAND.

RONNIE WILLIS, RPLS NO. 5462
JUNE 14, 2012
JOB # 25609

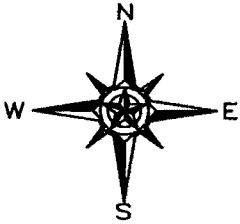


RECEIVED

JUL 18 2012

TRAVIS COUNTY - TNR
PERMITS DEPARTMENT

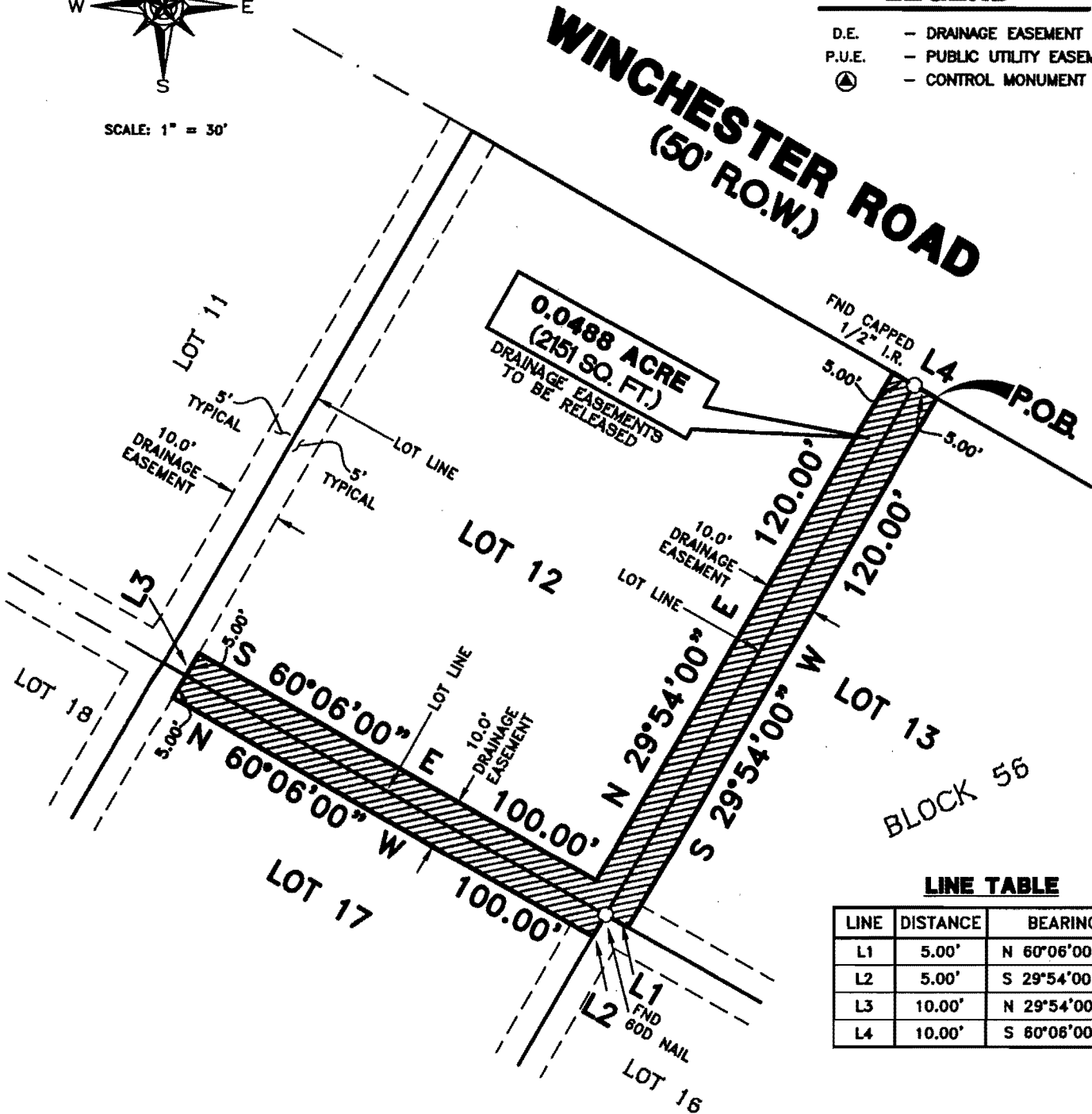
EXHIBIT FOR RELEASE OF 0.0488 ACRE (2151 SQ. FT.) BEING 10' DRAINAGE EASEMENTS OUT OF AND A PART OF LOT 12, LOT 13, AND LOT 17, BLOCK 56, OF AUSTIN LAKE HILLS SECTION TWO, RECORDED IN VOLUME 13, PAGE 29, T.C.P.R.



SCALE: 1" = 30'

LEGEND

- D.E. - DRAINAGE EASEMENT
- P.U.E. - PUBLIC UTILITY EASEMENT
- ⊙ - CONTROL MONUMENT



LINE TABLE

LINE	DISTANCE	BEARING
L1	5.00'	N 60°06'00" W
L2	5.00'	S 29°54'00" W
L3	10.00'	N 29°54'00" E
L4	10.00'	S 60°06'00" E



Windrose Land Services Austin
 4120 Commercial Center Dr.
 Suite 300
 Austin, Texas 78744
 TEL (512) 326-2100 FAX (512) 326-2770
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Ronnie Willis 6/14/12

RONNIE WILLIS
 TEXAS R.P.L.S. NO. 5462

DATE

DRAWN BY: CP
 DATE: 06/14/12

JOB NO. 25609
 SHEET 1 OF 2

STEVE WENZEL, P.E.

April 9, 2011

Travis County Transportation & Natural Resources
PO Box 1748
Austin, TX 78767

RECEIVED
APR 17 2012
TRAVIS COUNTY - TNR
PERMITS DEPARTMENT

RE: **Drainage Easement Vacation for Lot 11, 12, 13, &17, Blk 56, Austin Lake Hills, Section 2**

To Whom It May Concern:

On behalf of the owner, I request Travis County to vacate the 5' drainage easements (DE) that were dedicated by plat along on the side and rear lot lines of Lots 12, 13, &17, Blk 56, Sec 2 in Austin Lake Hills, Section 2 subdivision. Attached is a copy of the DE and PUE dedication note from the plat as well as a copy of the subject lots.

A preliminary study determined that the lots are unable to accommodate an on-site sewage facility (OSSF) and a house on the lots without vacating the easements. In particular, the current OSSF setback of 25 feet from a drainfield to a DE which was not in affect at the time of platting. The lots are also hampered by the fact that they are about ¼ AC lots, which are sub-standard sizes by today's minimum lot sizing.

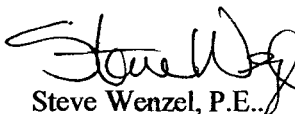
The 5 feet DE on these lots can be vacated for the following:

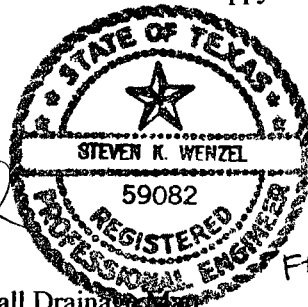
1. The attached drainage map and calculations show that there is no concentrated flow onto these lots. Therefore, no drainage facilities will be required to convey flow through the lots. All flow entering the lots is sheet flow per COA rational method with a L is less than 200 ft. A site inspection confirmed this condition and that there were no visible drainage channels on or near these lots. Most of the neighborhood is sheet flow through yards and this drainage scenario seems to work for all.
2. The 5 foot DE dedicated on each side of these lots does not meet the TNR's minimum widths for storm sewer pipes or open channels. Therefore, no drainage facilities could be installed without acquiring additional DE's from lot owners.
3. Travis County approved the plat and did not require any additional DE's near or through the subject lots.

Based on the fact that the up-gradient lots are fully developed with houses, any new homes and the associated lot grading will be cognizant of existing flow patterns and direct stormwater safely across the lots and into the ROW. We offer these justifications to support our request that there is no need for TNR to use these drainage easements and further, I don't believe granting this request will result in any adverse drainage conditions to these lots or the neighboring lots.

Before spending the money for the surveyor's easement descriptions, we would like to know if TNR agrees that the DE's can be vacated. I will be happy to discuss this in more detail if you need. Feel free to call me 288-7207.

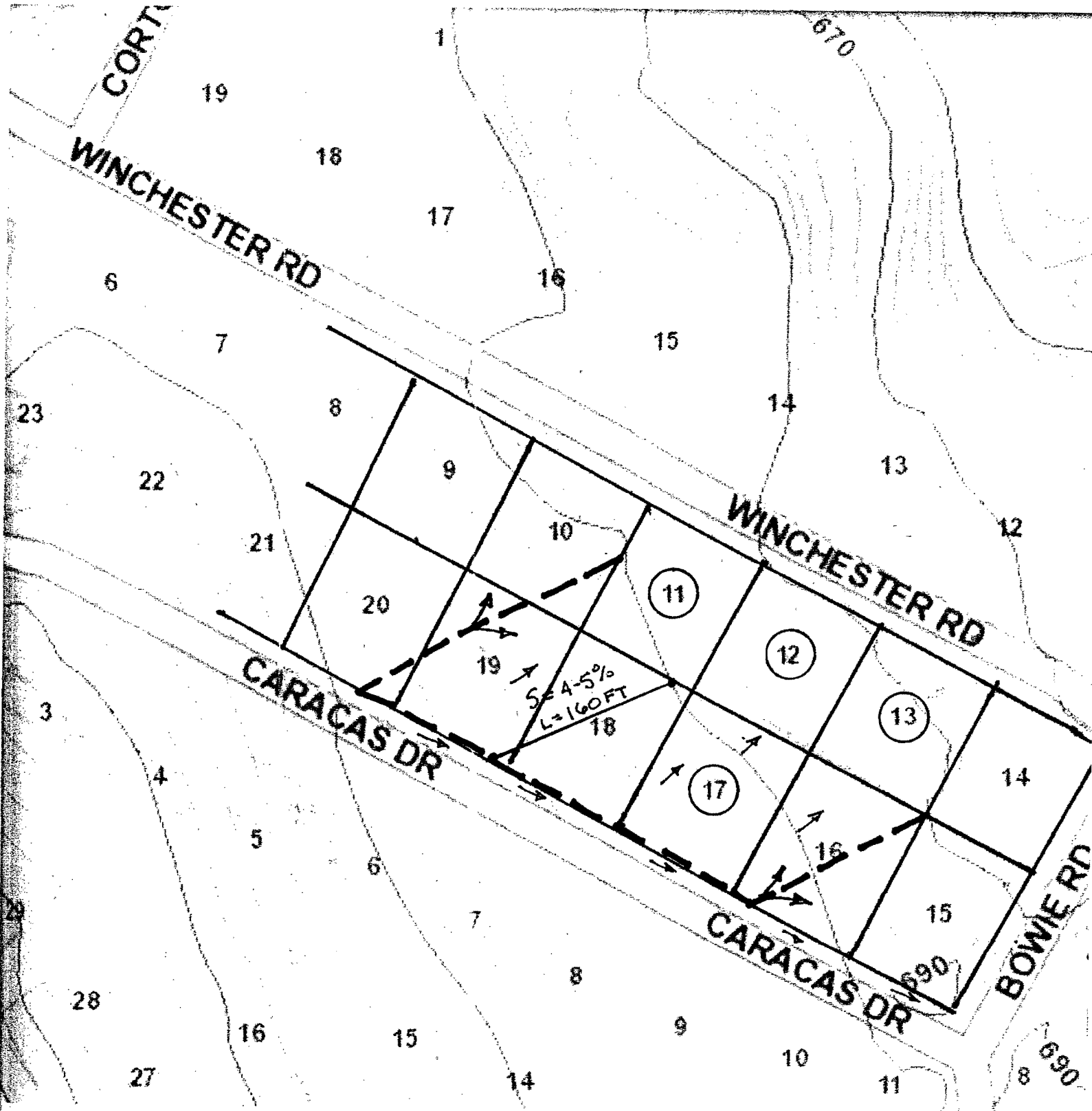
Sincerely,


Steve Wenzel, P.E.



F#-12529

Enclosures Overall Drainage Map
Subdivision PLAT & DE note



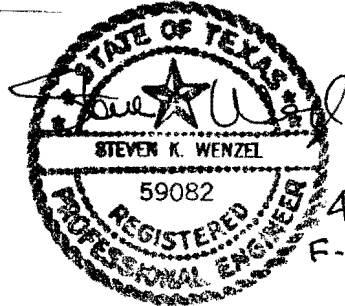
L = 160 ft, MAX DISTANCE ENTERING
 A SUBJECT LOT, PER RATIONAL METHOD
 & FIELD OBSERVATION, RUNOFF IS SHEET FLOW

1"=100'

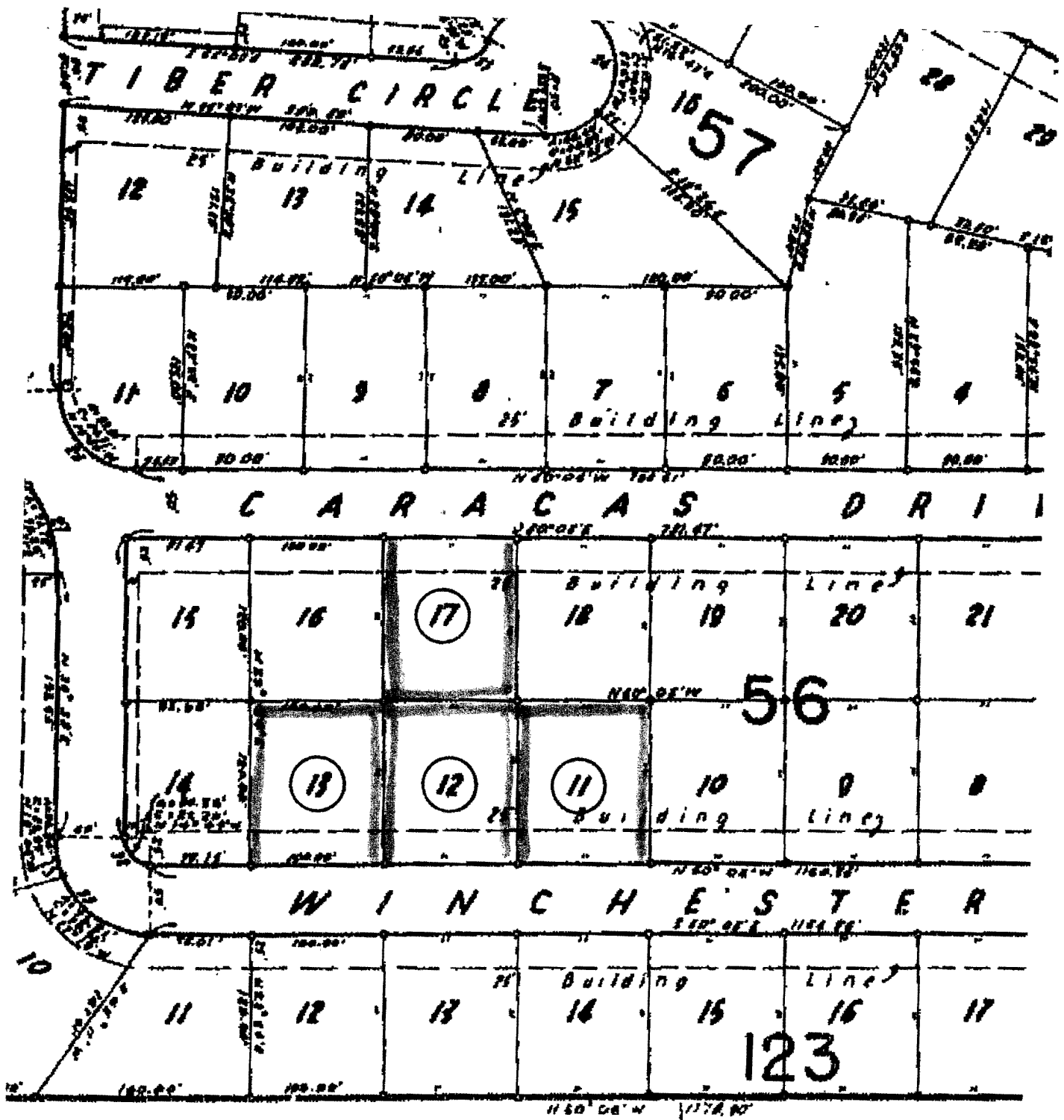
DRAINAGE ANALYSIS

Drainage Easement Vacation
 for

Lot 11, 12, 13, & 17, Blk 56, Austin Lake Hills, Sec 2



4.11.12
 F-12529



GERTRUDE KLEIN, ETAL.
 Vol. 225 Pg. 384

MRS. M. J. H.
 Vol. 510

Drainage Easement Vacation
 for
 Lot 11, 12, 13, & 17, Blk 56, Austin Lake Hills, Sec 2

Commissioner's Court of Travis County, Texas, and the Commissioner's Court of Tarrant County, Texas, assumes no obligation to build the streets, roads, and other public thoroughfares shown on this plat or of constructing any bridges or culverts in connection therewith.

THE STATE OF TEXAS I
COUNTY OF TRAVIS I

I, Emilie Linberg, County Clerk of Travis County, Texas, do hereby certify that on the 29 day of May, A.D. 1961, the Commissioner's Court of Travis County, Texas, passed an order authorizing the record of this plat and that said order has been duly entered in the minutes of said Court in Book 3, Page 345.



WITNESS MY HAND AND SEAL OF OFFICE, this the 29 day of May, A.D. 1961

By J. Cleer
Deputy

Emilie Linberg
Emilie Linberg, Clerk, County Court,
Travis County, Texas

NOTE: Each house in this Subdivision shall be connected to a septic tank meeting the approval of the State Health Department or to a public utility sanitary sewage system. Each house in this Subdivision connected to a septic tank must be approved by the City of Austin and/or Travis County Health Departments.

IN ADDITION to the easements shown hereon, an easement of five feet (5') along the side lines of all lots and five feet (5') off the rear of all lots is hereby dedicated for public utilities and drainage.

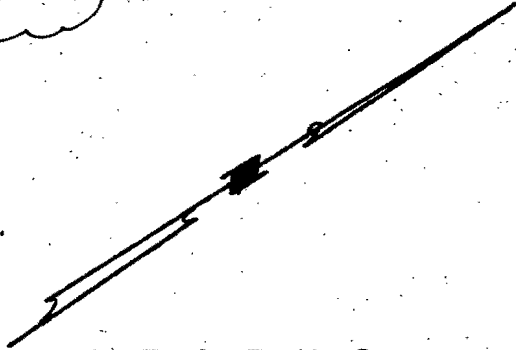
SURVEYED BY: The
MARVIN TURNER
Engineers, Inc.

DATE: 26 MAY, 1961

J. H. Cunningham
Registered Professional Engineer



DRAINAGE
ESMT.
DEDICATION



LEGEND

- Iron Pin Set
- Iron Pin Found

SCALE: 1" = 100'

A K E H I L L S
O N T W O

1809-7
13/29

Travis County Transportation and Natural Resources
Mr. Paul Scoggins
West 13th St., Ste 411
Austin, TX

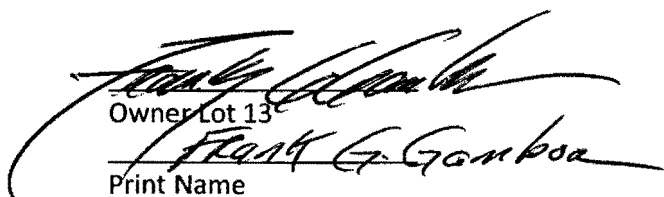
PO Box 1748
Austin TX 78767

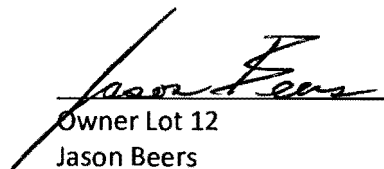
RE: Drainage Easement Vacation Request Lot 13 Notification

Mr. Scoggins,

As the Owner of Lot 13 Block 56, Sec. 2 in the Austin Lake Hills Section 2 subdivision, I have been informed by Jason Beers, Owner of Lot 12, regarding his request for a vacation of the easement so that Mr. Beers may build his home and septic system on Lot 12.

In addition, Mr. Beers also made me aware of the proposed site plan and I am aware of the reason for his request. The vacation request is attached.


Owner Lot 13
FRANK G. Gamba
Print Name


Owner Lot 12
Jason Beers

RECEIVED
JUL 18 2012
TRAVIS COUNTY - TNR
PERMITS DEPARTMENT

CODE: 1101

RECEIVED

JUL 17 2012

TNR

Travis County Transportation and Natural Resources
Mr. Paul Scoggins
West 13th St., Ste 411
Austin, TX

PO Box 1748
Austin, TX 78767

RE: Drainage Easement Vacation Request Lot 17 Notification

Mr. Scoggins,

As the Owner of Lot 17 Block 56, Sec. 2 in the Austin Lake Hills Section 2 subdivision, I have been informed by Jason Beers, Owner of Lot 12, regarding his request for a vacation of the easement so that Mr. Beers may build his home and septic system on Lot 12.

In addition, Mr. Beers also made me aware of the proposed site plan and I am aware of the reason for his request. The vacation request is attached.

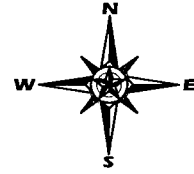
Amy Bellia
Owner Lot 17

Amy Bellia
Print Name

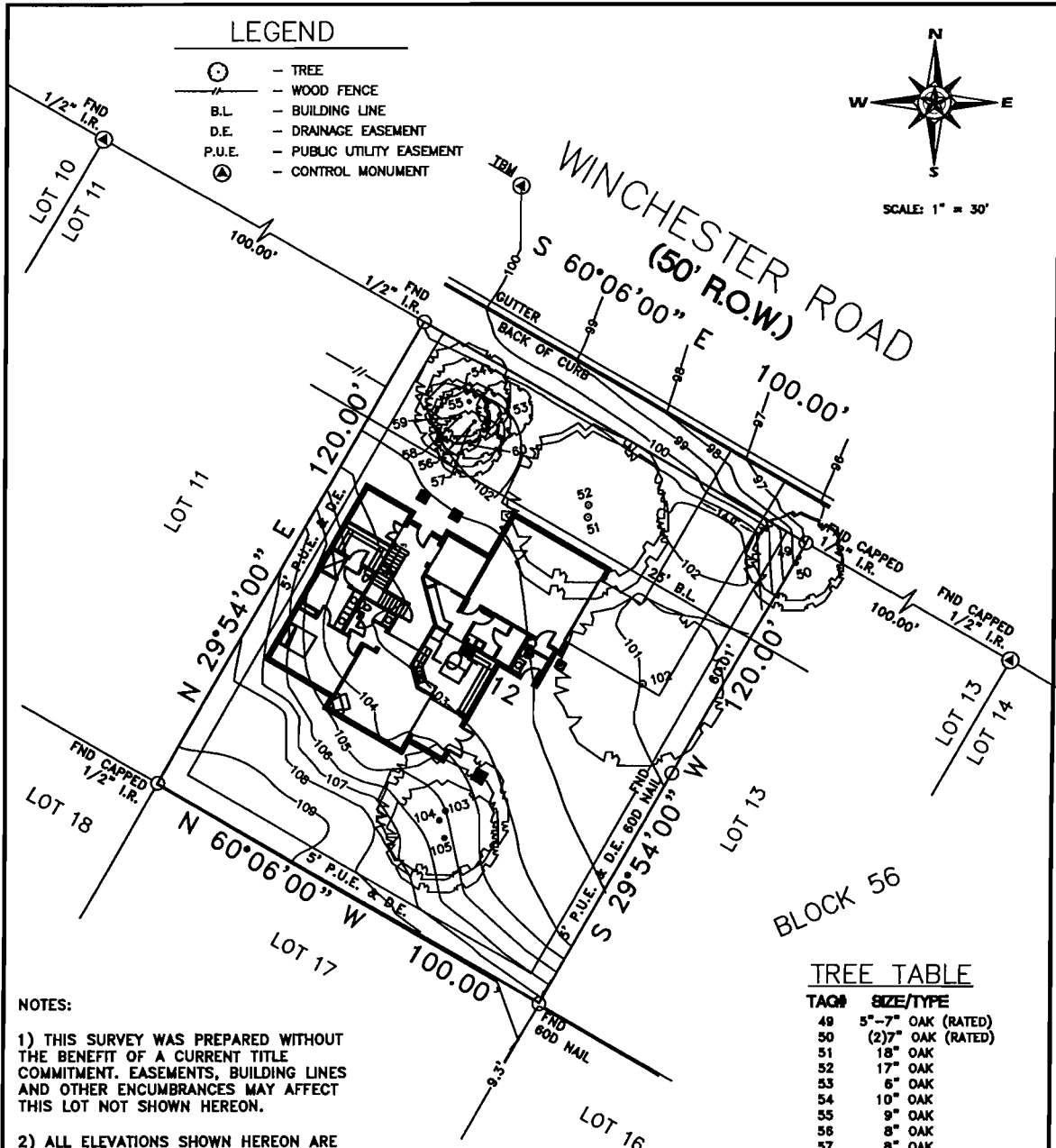
Jason Beers
Owner Lot 12
Jason Beers

LEGEND

- TREE
- WOOD FENCE
- BUILDING LINE
- DRAINAGE EASEMENT
- PUBLIC UTILITY EASEMENT
- CONTROL MONUMENT



SCALE: 1" = 30'



NOTES:

1) THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT. EASEMENTS, BUILDING LINES AND OTHER ENCUMBRANCES MAY AFFECT THIS LOT NOT SHOWN HEREON.

2) ALL ELEVATIONS SHOWN HEREON ARE BASED ON AN ASSUMED ELEVATION OF 100.00' AT A MAG NAIL SET IN ASPHALT. (SEE TBM)

3) SUBJECT TO ALL APPLICABLE CITY OF AUSTIN DEVELOPMENT CODES AND ORDINANCES.

TREE TABLE

TAQ#	SIZE/TYPE
49	5"-7" OAK (RATED)
50	(2)7" OAK (RATED)
51	18" OAK
52	17" OAK
53	6" OAK
54	10" OAK
55	9" OAK
56	8" OAK
57	8" OAK
58	6" OAK
59	8" OAK
60	7" OAK
102	(2)12" OAK (RATED)
103	14" OAK
104	13" OAK
105	12" OAK

ALL BEARINGS ARE BASED ON THE RECORDED PLAT UNLESS OTHERWISE NOTED. ALL EASEMENTS AND BUILDING LINES ARE BASED ON THE RECORDED PLAT, UNLESS OTHERWISE NOTED. SURVEYOR DID NOT ABSTRACT SUBJECT PROPERTY. THIS SURVEY HAS BEEN COMPILED IN ACCORDANCE WITH INFORMATION CONTAINED IN THE TITLE COMMITMENT REFERENCED IN GF NO. -

SURVEY OF
LOT 12, BLOCK 56, AUSTIN LAKE HILLS SECTION TWO,
ACCORDING TO THE MAP OR PLAT THEREOF,
RECORDED IN VOLUME 13, PAGE 29, OF THE PLAT
RECORDS OF TRAVIS COUNTY, TEXAS.

THIS TRACT IS LOCATED WITHIN FLOOD ZONE "X (UNSHADED)" ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NO. 481028 0430 H, REVISED SEPTEMBER 28, 2008. FLOOD ZONE DETERMINED BY GRAPHIC PLOTTING ONLY. WE DO NOT ASSUME RESPONSIBILITY FOR EXACT DETERMINATION.

CLIENT	JASON BEERS	LENDER CO.	-
ADDRESS	9305 WINCHESTER ROAD	TITLE CO.	-



Windrose Land Services Austin
4120 Commercial Center Dr.
Suite 300
Austin, Texas 78744

TEL (512) 326-2100 FAX (512) 326-2770

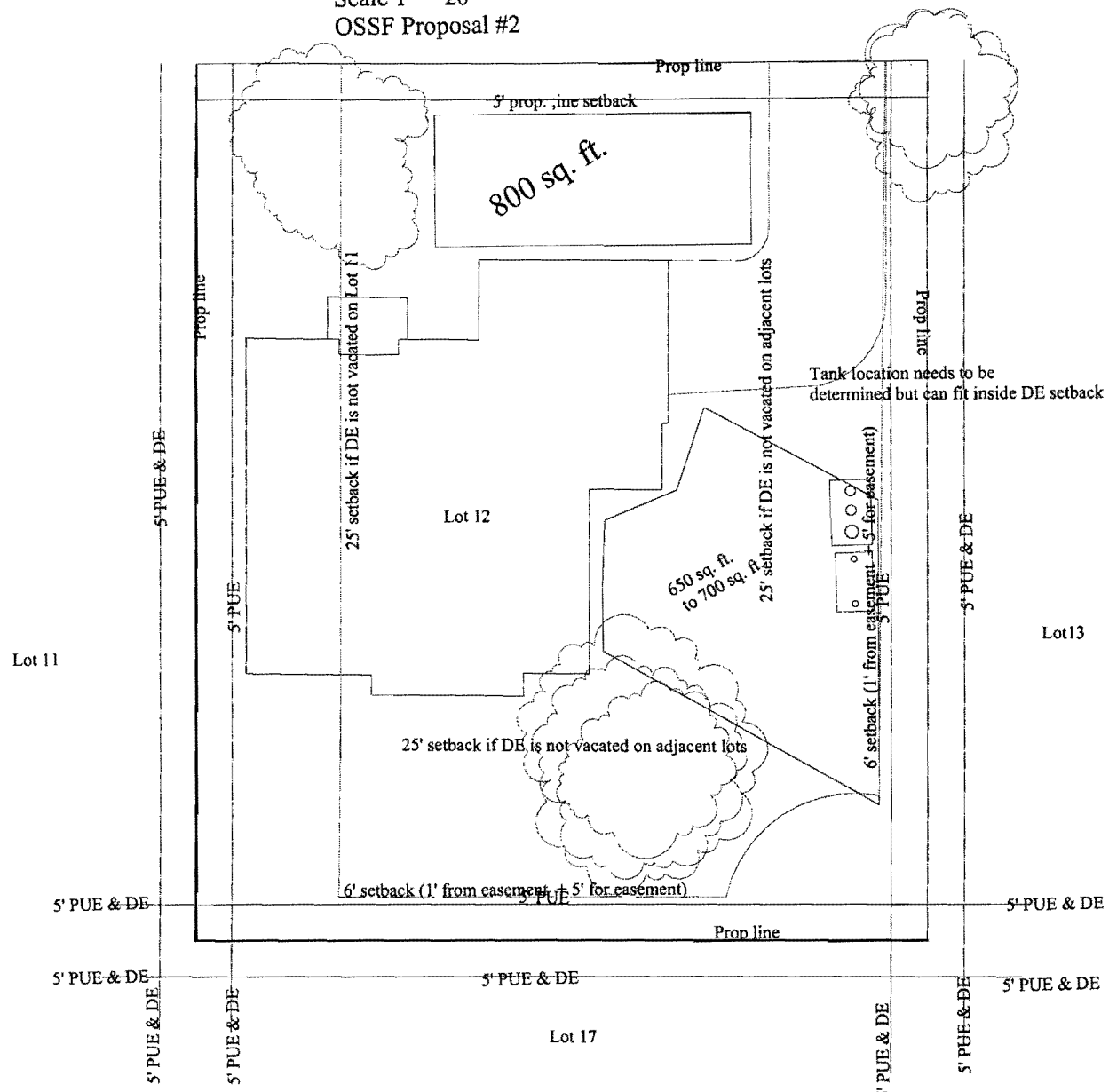
©COPYRIGHT 2012 WINDROSE LAND SERVICES AUSTIN, ALL RIGHTS RESERVED

I do hereby certify that this survey was this day made on the ground and that this plat correctly represents the property legally described hereon (or on attached sheet). That the facts found at the time of this survey show the improvements and that there are no encroachments apparent on the ground, except as shown.

FIELD WORK	RW	03/16/12	DRAFTED BY	MT	03/20/12	CHECKED BY	RW	03/20/12
REVISION	-	-	-	-	-	MAPSCO PAGE	JOB NO.	-
REVISION	-	-	-	-	-	522 X	25609	-

9305 Winchester Road
 Scale 1" = 20'
 OSSF Proposal #2

Lot is 100' wide x 120' deep



Lot 11

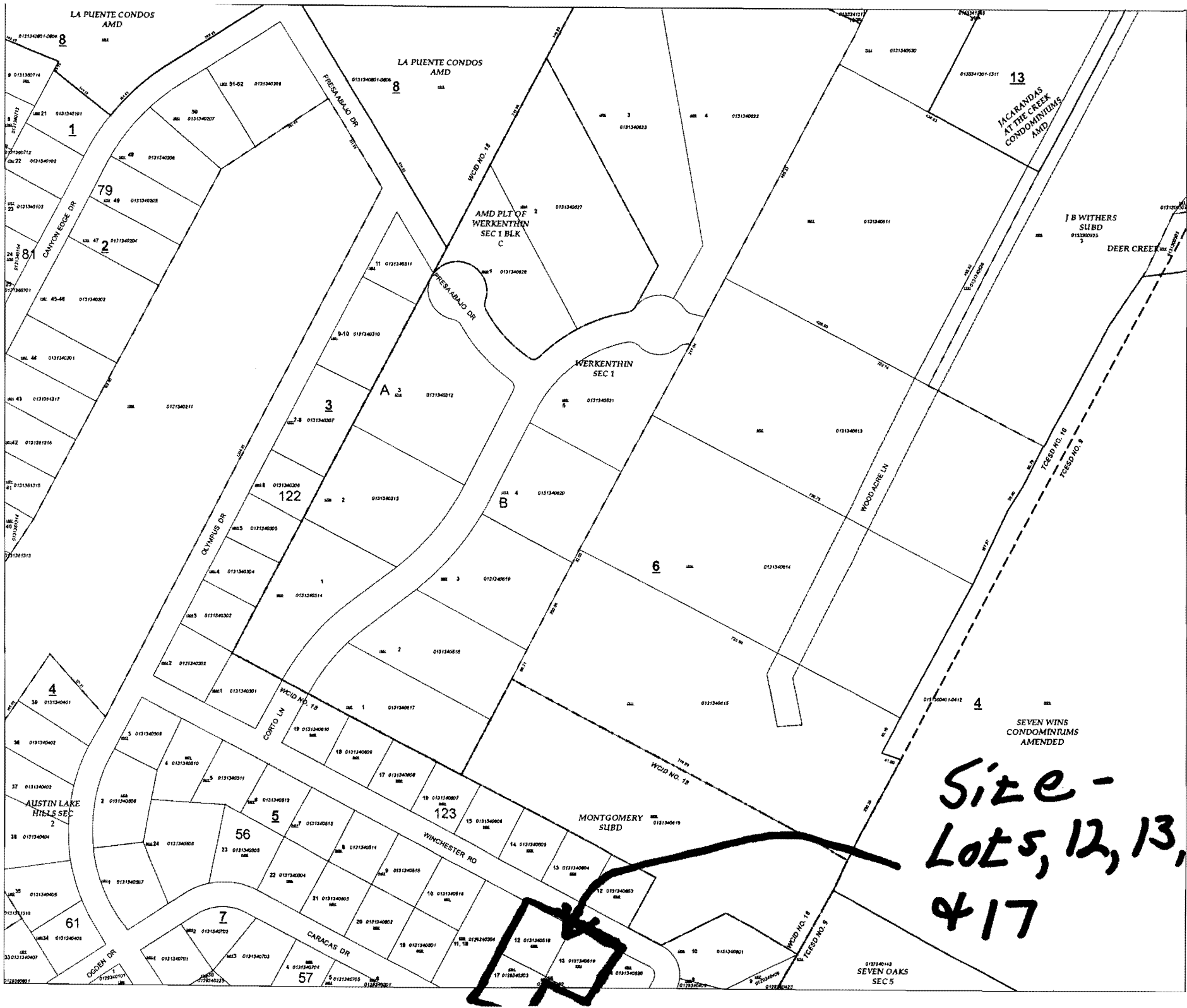
Lot 18

This plan shows available area if easements on this lot (Lot 12), Lot 13, Lot 16, and lot, 17 are vacated.

This area exceeds the bare minimum area required under the regulations for class III soil. by only 25%. System will have difficulty functioning over long term and cannot be guaranteed to function for any length of time. If Add-ons are made system can function better but may still overload hydraulically. Systems generally need a 0.05 to 0.1 application rate to function hydraulically. An application rate of 0.1 requires 2,400 sq. ft.

Lot 16

There is no appreciable benefit to vacate easemtns on lot 11 & lot 18. If oak tree cluster on corner of lot 12, is removed some additional area can be gained if the easements on Lot 11 are vacated.



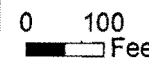
Travis Central Appraisal District
 P.O. Box 149012
 Austin, Texas 78714
 Internet Address: www.travisCAD.org
 Main Telephone Number (512) 834-9317
 Appraisal Information (512) 834-9318
 TDD (512) 836-3328

This tax map was compiled solely for the use of TCAD. Areas depicted by these digital products are approximate, 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

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

13336	13304	13300
13156	13154	13150
12808	12804	12800



Revision Date
 12/14/2009

1 3134

Size -
 Lots 5, 12, 13,
 & 17

