



## Travis County Commissioners Court Agenda Request

**Meeting Date:** September 4, 2012

**Prepared By:** Paul Scoggins **Phone #:** 854-7564

**Division Director/Manager:** Anna Bowlin, Division Director of Development Services

A handwritten signature in black ink, appearing to read "Steven M. Manilla".

**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 Order to Reject the Dedication of the public streets - Sandia Loop, Loasa Cove, Point O' Woods, and Caribou Trail, all originally dedicated by the plat of The Foothills of Barton Creek, a Subdivision in Precinct Three.

### **BACKGROUND/SUMMARY OF REQUEST:**

On May 8, 2012 Travis County's Commissioners Court held a hearing for a request to change the subject streets from public to private. During this hearing the attorney for the Travis County Municipal Utility District #4 (MUD #4) requested that an easement be dedicated along Caribou Trail to the District before action be taken on the item. The homeowners association (HOA) agreed and dedicated the requested easement. The dedication was recorded at Document #2012131725 and a copy is included as part of the back-up.

### **STAFF RECOMMENDATIONS:**

The request has been reviewed by TNR staff and staff finds the request meets Section 82.206(c) of the Travis County Standards for Construction of Streets and Drainage in Subdivisions. As such, TNR staff recommends that the Commissioners Court approve an Order which will clear up the question of if the streets are public or private.

### **ISSUES AND OPPORTUNITIES:**

This subdivision has had a gated community for several years. They just want to make sure that their subdivision meets all of Travis County's requirements. With this action they will, in fact, be a private street subdivision.

Also, the MUD serving the area requested an easement be dedicated to them for their utilities. The HOA agreed and the dedicated easement was recorded at Document #2012131725. The MUD agrees with moving forward with the request.

**FISCAL IMPACT AND SOURCE OF FUNDING:**

None.

**ATTACHMENTS/EXHIBITS:**

MUD easement dedication  
Original agenda request including:  
Order  
Letter from R.D. Burton  
Consent of Board of Directors  
    Foothills at Barton Creek POA  
Map of Plat  
Statements of Utility Companies,  
School, Emergency Services, City of Austin  
and Maryanne and Daniel Jones  
Map of public notice signs and Affidavit

**REQUIRED AUTHORIZATIONS:**

Cynthia McDonald	Financial Manager	TNR	854-4239
Steve Manilla	County Executive	TNR	854-9429
Anna Bowlin	Division Director Dev. Svs	TNR	854-7561
Christopher Gilmore	Assistant Co. Atty.	County Attorney	854-9415

**CC:**


**SM:AB:dv**

**1101 - Development Services - Foothills of Barton Creek**

**1105 - Subdivision - Foothills of Barton Creek**

**1105 - Subdivision - Estates Above Lost Creek**

401 Congress Avenue 512.370.2800 OFFICE  
Suite 2100 512.370.2850 FAX  
Austin, Texas 78701 winstead.com

direct dial: 512.370.2869  
email: rburton@abaustin.com

April 26, 2011

**RECEIVED**

APR 26 2011.

**TNR**

**VIA HAND DELIVERY**

Ms. Darla Vasterling,  
Travis County Transportation & Natural  
Resources Department  
411 West 13th Street , 8<sup>th</sup> Floor  
Executive Office Building  
Austin, Texas 78701

Re: Application and Request by The Foothills at Barton Creek Property Owners Sub-Association, Inc., for Abandonment and Discontinuance of Public Right-of-Way Easements Within The Foothills at Barton Creek, a Subdivision of Record in Travis County, Texas according to the Map or Plat of Record in Book 85, Pages 74D-75C, Inclusive, Plat Records of Travis County, Texas (the "**Foothills**")

Dear Ms. Vasterling:

This law firm represents The Foothills at Barton Creek Property Owners Sub-Association, Inc. (the "**Association**"). Please consider this letter and the enclosures herewith as the Application and Request by the Association to abandon and discontinue the public right-of-way easements and to convert the publicly dedicated right-of-way to private streets within the Foothills Subdivision.

Please note that I will be the contact person for this Request and Application and my daytime phone number is set forth on the letterhead above. Please contact me directly for any additional information in connection with this Request and Application.

Pursuant to the list of requirements established by Travis County for this type of Request and Application, I am enclosing the following documents regarding the Association:

1. Certificate of Incorporation.
2. Bylaws.
3. Recorded copy of the Master Declaration of Covenants, Conditions and Restrictions, as amended.

- 4. Recorded copy of the Development Area Declaration of Covenants, Conditions and Restrictions for The Foothills at Barton Creek.
- 5. Recorded copy of the Deed Without Warranty.
- 6. Letters from the utility companies and emergency services providers stating they have no objection to streets in the Foothills converting to private.

Please be advised that I have met with Chris Gilmore, Travis County Attorney, regarding the requirement that that the restrictions be amended to evidence approval by the Association of adding maintenance of the streets to the Association's common property and providing for the conversion from public to private streets. The Development Area Declaration, which was recorded on October 18, 1993, (Item 4 above) specifically provides that the Association will maintain the streets. In addition, the streets were conveyed to the Association by deed recorded on February 11, 1997 (Item 5 above). As a result of the fact that both documents already authorize the Association to maintain the streets, Mr. Gilmore agreed that an amendment to the documents would not be required as a condition to conversion of the roads.

I am submitting a copy of this Request and Application to the City of Austin to request a letter from the City concurring with this Request and Application. I will notify you as soon as I receive that consent letter and will submit it to you.

We look forward to working with you to satisfy all of the County's requirements in connection with this Request and Application and to its approval.

Please confirm receipt of this Request and Application and advise on the foregoing matters at your earliest convenience. Thank you.

Sincerely,

WINSTEAD PC

By:  \_\_\_\_\_  
Robert D. Burton, Shareholder

/sas  
Enclosures  
cc: Chris Gilmore (via email)

THE FOOTHILLS AT BARTON CREEK PROPERTY OWNERS SUB-ASSOCIATION, INC.  
UNANIMOUS WRITTEN CONSENT OF THE BOARD OF DIRECTORS

The undersigned, being all the Directors of THE FOOTHILLS AT BARTON CREEK PROPERTY OWNERS SUB-ASSOCIATION, INC., a Texas non-profit corporation (the "Association"), do hereby consent to the adoption of the following resolution:

APPROVAL OF CONVERSION OF STREETS FROM PUBLIC TO PRIVATE

WHEREAS, the plat for The Foothills at Barton Creek recorded under Book 85, Pages 74D through 75C, Official Public Records of Travis County, Texas, incorrectly dedicated the roads within The Foothills at Barton Creek (the "FH Streets") to the public;

WHEREAS, Section 3.04(a)(1) and (2) of the Development Area Declaration of Covenants, Conditions and Restriction for The Foothills at Barton Creek recorded under Volume 12044, Page 0096, Official Public Records of Travis County, Texas (the "Declaration") expressly provides that it is the duty of the Association to own, control, maintain, and repair the FH Streets;

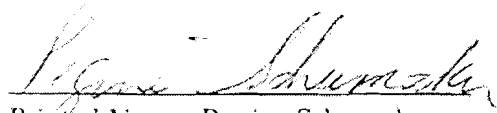
WHEREAS, pursuant to that certain Deed Without Warranty recorded under Volume 12869, Page 0923, Official Public Records of Travis County, Texas (the "Deed"), the FH Streets have been previously conveyed to the Association; and

WHEREAS, the Board of Directors of the Association believes that it is in the best interest of the Association and its Members, to consent to the conversion of the FH Streets from public to private.

NOW, THEREFORE, IT IS RESOLVED, that the Board of Directors of the Association, on behalf of the Association and its Members, and in accordance with Sections 3.04(a)(1) and (2) of the Declaration, hereby consent to the conversion of the FH Streets from public to private; and

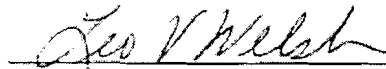
RESOLVED FURTHER, that Caroline Douglas <sup>as</sup> Property Manager of the Association, is hereby authorized and directed, for and on behalf of the Association, to execute, acknowledge, and deliver any documents necessary or required to convert the FH Streets from public to private.

IN WITNESS WHEREOF, the undersigned have executed this consent as of and effective the 8 day of March, 2012.



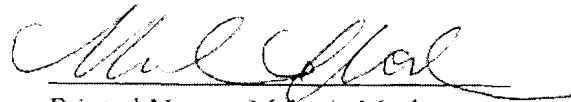
Printed Name: Regine Schumaker

Title: Director



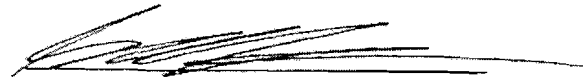
Printed Name: Leo V. Welsh

Title: Director



Printed Name: Melanie Mosher

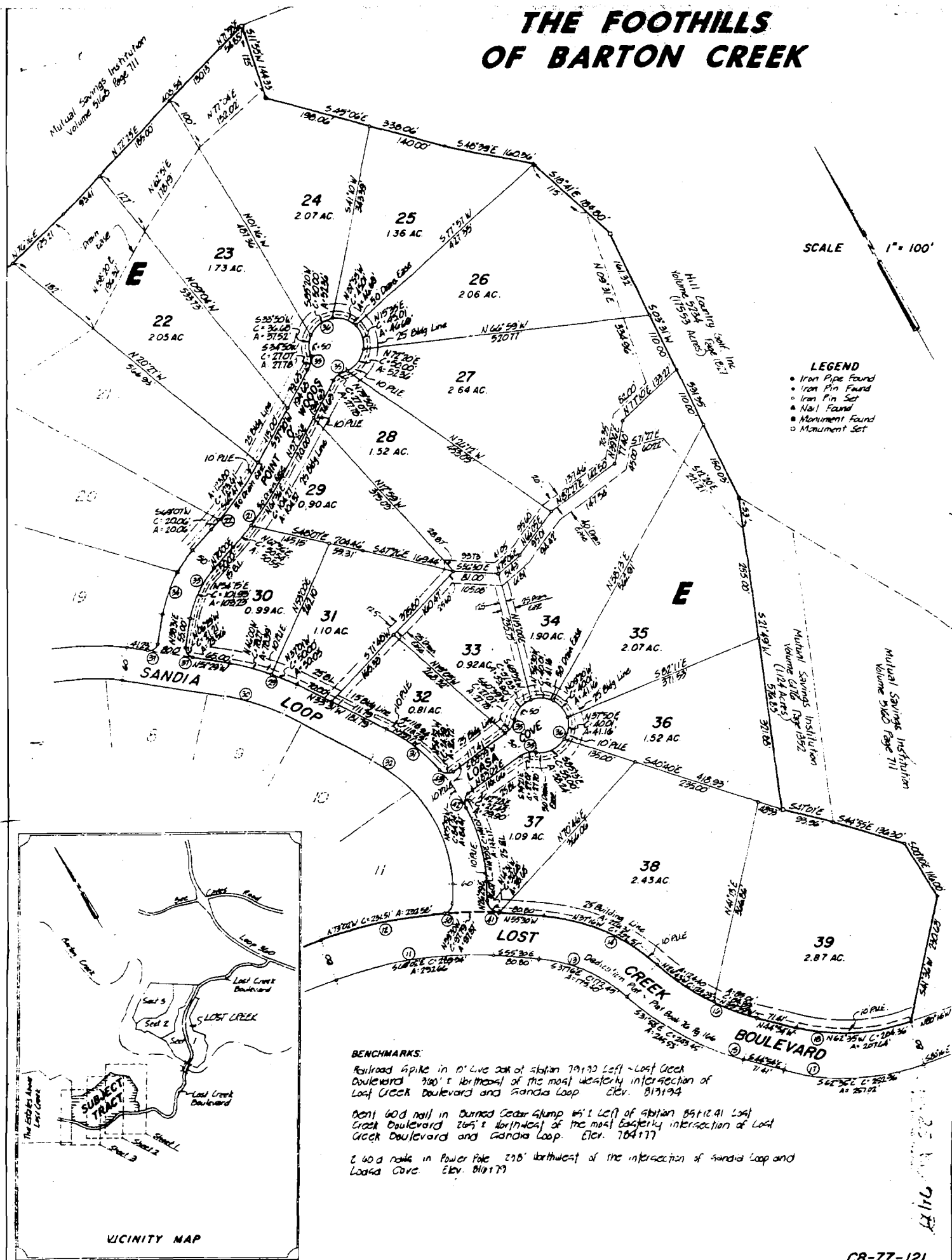
Title: Director



Printed Name: Gary Anderson

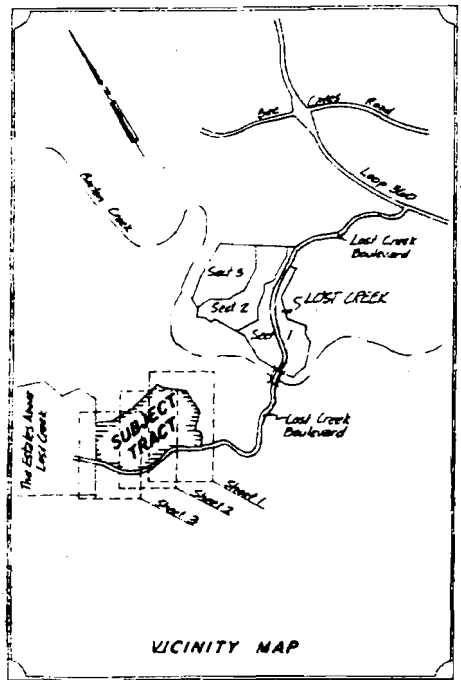
Title: Director

# THE FOOTHILLS OF BARTON CREEK



SCALE 1" = 100'

- LEGEND**
- Iron Pipe Found
  - Iron Pin Found
  - Iron Pin Set
  - Nail Found
  - Monument Found
  - Monument Set



**BENCHMARKS:**

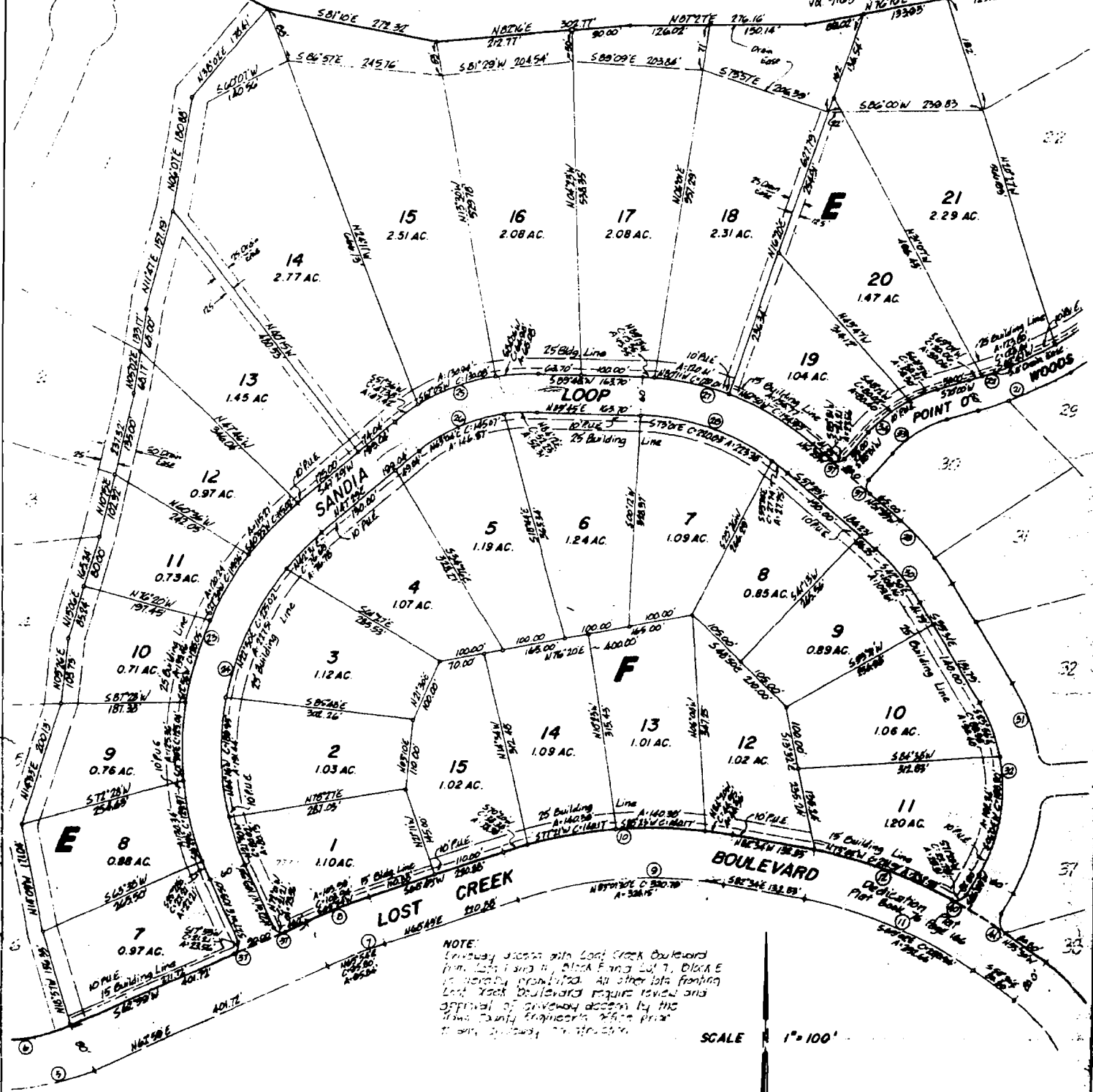
Railroad Spike in 10' Live Oak at station 79130 Lost - Lost Creek Boulevard 390' S Northwest of the most westerly intersection of Lost Creek Boulevard and Sandia Loop Elev. 8191.94

2nd 40d nail in Burned Cedar stump 61' S Left of station 85112.41 Lost Creek Boulevard 265' S Northwest of the most easterly intersection of Lost Creek Boulevard and Sandia Loop Elev. 7841.77

2 40d nails in Power Pole 278' Northwest of the intersection of Sandia Loop and Lost Creek Blvd Elev. 8191.77

# THE FOOTHILLS OF BARTON CREEK

Mutual Savings Institution  
Vol 9103 pg 711  
N 76°10'E 244.65'



NOTE:  
 Driveway access with Lost Creek Boulevard  
 from Lots 1 and 2, Block F and Lot 7, Block E  
 is hereby prohibited. All other lots fronting  
 Lost Creek Boulevard require review and  
 approval of driveway access by the  
 Travis County Engineer's Office prior  
 to any driveway construction.

SCALE 1" = 100'

**HEALTH DEPARTMENT RESTRICTIONS**

1. These restrictions are enforceable by the Austin-Travis County Health Department and/or the lot owners or developer.
2. No structure in this subdivision shall be occupied until connected to a potable water supply permitted by the Texas Department of Health.
3. No structure in this subdivision shall be occupied until connected to a public sewer system or to an on-site sewage disposal system which has been approved by the Austin-Travis County Health Department.
4. This subdivision has been approved for on-site sewage disposal by the Austin-Travis County Health Department.
5. Sewage Disposal Systems shall be constructed in accordance with regulations of the Austin-Travis County Health Department and plans and locations of all systems shall be approved by the Austin-Travis County Health Department prior to any construction on the lot.

HEALTH OFFICER - Tommy Green, P.E.

11-1-84  
 DATE

Vol 85 Page 75A  
 M. W. WARDEN, TRAVIS COUNTY ENGINEER

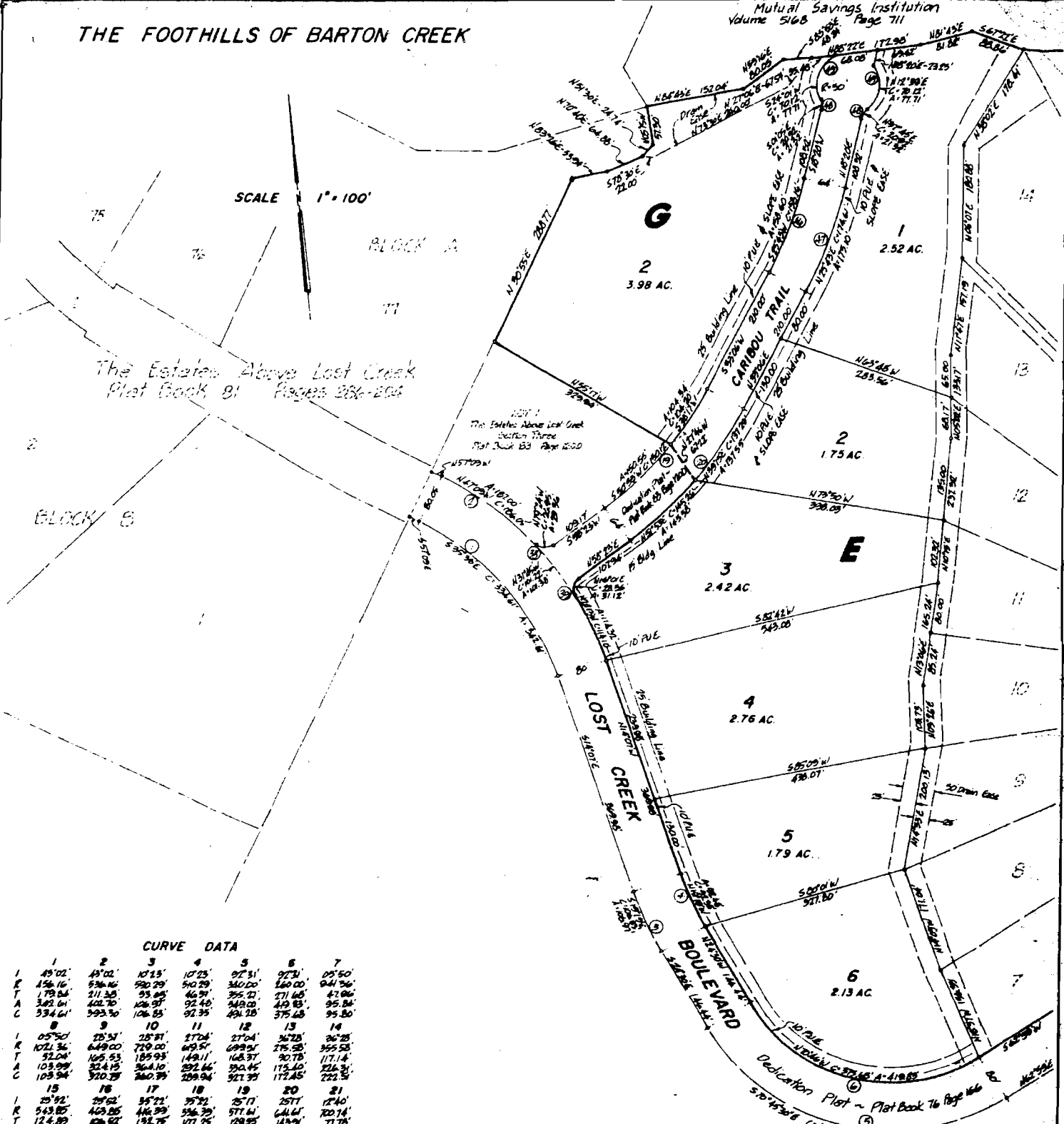


# THE FOOTHILLS OF BARTON CREEK

Mutual Savings Institution  
Volume 5168 Page 711

SCALE 1" = 100'

The Estates Above Lost Creek  
Plot Book 81 Pages 206-209



### CURVE DATA

	1	2	3	4	5	6	7
I	49'02"	44'02"	107'25"	107'25"	97'51"	97'51"	05'50"
R	156.16'	936.46'	920.29'	510.29'	340.00'	260.00'	944.36'
T	179.84'	211.35'	93.65'	46.91'	395.71'	271.65'	47.96'
A	362.61'	462.70'	106.93'	92.40'	548.00'	419.83'	95.84'
C	334.61'	993.30'	106.85'	92.35'	491.25'	375.68'	95.80'
I	05'50"	25'51"	25'51"	27'04"	27'04"	26'28"	26'28"
R	1021.36'	649.00'	729.00'	699.57'	699.57'	275.55'	365.52'
T	32.04'	105.93'	185.93'	149.11'	168.37'	30.78'	117.14'
A	103.89'	32.45'	36.410'	292.64'	320.45'	175.10'	326.31'
C	103.94'	320.28'	260.39'	299.94'	321.39'	172.45'	222.23'
I	15'	18'	17'	19'	20'	21'	21'
R	25'52"	28'52"	35'22"	37'22"	37'22"	37'22"	12'40"
T	543.85'	425.85'	446.39'	536.28'	571.09'	641.61'	722.74'
A	124.89'	106.92'	132.76'	107.25'	129.95'	143.91'	71.78'
C	245.55'	209.41'	297.08'	207.14'	294.89'	293.13'	154.82'
I	243.45'	207.64'	292.96'	204.36'	292.85'	280.84'	154.60'
I	22'	23'	24'	25'	26'	27'	28'
R	12'40"	16'30"	17'30"	17'30"	17'30"	35'46"	36'46"
T	650.74'	602.88'	442.88'	390.00'	270.00'	431.16'	371.16'
A	72.78'	362.40'	926.77'	187.56'	104.36'	191.68'	130.58'
C	148.86'	628.88'	675.86'	243.44'	199.15'	291.75'	251.75'
I	148.57'	628.78'	675.19'	243.26'	198.68'	286.19'	246.37'
I	29'	30'	31'	32'	33'	34'	35'
R	17'58"	17'58"	60'00"	60'00"	37'29"	37'29"	45'20"
T	409.54'	349.54'	331.00'	272.00'	83.26'	237.86'	35.83'
A	64.34'	55.31'	132.59'	135.88'	57.89'	57.89'	14.55'
C	120.48'	109.61'	345.63'	283.74'	123.23'	134.70'	27.78'
I	127.30'	109.16'	330.00'	270.00'	101.93'	129.04'	27.07'
I	36'	37'	38'	39'	40'	41'	42'
R	27'00"	27'00"	65'27"	65'27"	65'27"	65'27"	65'27"
T	5000'	15.00'	20.05'	21.05'	14.11'	21.40'	21.40'
A	5000'	15.00'	18.20'	19.19'	14.11'	21.45'	18.40'
C	295.02'	25.56'	29.56'	31.12'	25.31'	35.65'	29.80'
I	43'	44'	45'	46'	47'	48'	49'
R	87'59"	87'59"	28'00"	14'46"	14'46"	35'50"	35'50"
T	18.25'	530.00'	570.00'	475.39'	678.39'	31.46'	50.80'
A	16.41'	78.16'	58.26'	79.74'	83.06'	11.09'	48.48'
C	26.72'	143.99'	117.51'	150.60'	175.10'	21.92'	77.71'
I	24.99'	142.85'	116.85'	150.16'	174.64'	20.82'	76.12'

NOTE:  
Buildings, fences, landscaping or other obstructions will not be permitted within the Drainage Easements as shown hereon. Abutting property shall not be permitted to drain directly into said easements except as approved by County Engineer.

WATER SERVICE NOTE:  
The following lots require individual water service pressure reducing valves to be installed on the lot owners side of the water meter by the owner.  
Block E, Lot 1, 2, 3  
Block G, Lot 2

Vol. 85 Page 75B  
Plat 85-75B

# THE FOOTHILLS OF BARTON CREEK

STATE OF TEXAS )  
COUNTY OF TRAVIS )

KNOW ALL MEN BY THESE PRESENTS :

THAT WEST AUSTIN CORPORATION, A TEXAS CORPORATION HAVING ITS HOME OFFICE IN THE CITY OF HOUSTON, HARRIS COUNTY, TEXAS, OWNER OF A PORTION OF THE JOHN L. BRAY SURVEY NO. 72 IN TRAVIS COUNTY, TEXAS, AS CONVEYED TO IT BY DEED RECORDED IN VOLUME 8502, PAGE 7 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, ACTING HEREIN BY AND THROUGH ITS PRESIDENT, W. THAD GILLIAM, DOES HEREBY SUBDIVIDE A 92.215 ACRE PORTION OF THE SAID TRACT, BEING ENTIRELY OUT OF THE JOHN L. BRAY SURVEY NO. 72, ACCORDING TO THE PLAT AS SHOWN HEREON TO BE KNOWN AS THE FOOTHILLS OF BARTON CREEK AND DOES HEREBY DEDICATE TO THE PUBLIC THE USE OF THE STRULETS AND EASEMENTS AS SHOWN HEREON. SAID TRACT IS SUBJECT TO ANY EASEMENTS OR RESTRICTIONS HERETOFORE GRANTED.

WITNESS THE HAND OF W. THAD GILLIAM, PRESIDENT OF WEST AUSTIN CORPORATION, THIS THE 27 DAY OF November, 1984, A.D.

W. Thad Gilliam  
W. THAD GILLIAM, President  
West Austin Corporation  
6720 Ganda Point Suite 100  
Houston, Texas 77074

STATE OF TEXAS )  
COUNTY OF TRAVIS )

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE 27 DAY OF November, 1984, A.D. BY W. THAD GILLIAM, PRESIDENT OF WEST AUSTIN CORPORATION, A TEXAS CORPORATION, ON BEHALF OF SAID CORPORATION.

James B. Dunagan  
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS  
My Commission expires: 2/28/1985

APPROVED FOR ACCEPTANCE THIS THE 27 DAY OF Nov., 1984, A.D.

James B. Dunagan  
DIRECTOR - OFFICE OF LAND DEVELOPMENT SERVICES

ACCEPTED AND AUTHORIZED FOR RECORD BY THE CITY PLANNING COMMISSION, CITY OF AUSTIN, TEXAS, THIS THE 27 DAY OF Nov., 1984, A.D.

CHAIRMAN Silbert M. Manning SECRETARY John H. Bell

STATE OF TEXAS )  
COUNTY OF TRAVIS )

I, DORIS SHROPSHIRE, CLERK OF TRAVIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT ON THE 27 DAY OF Nov., 1984, 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 IN BOOK 25, PAGE 4164.

WITNESS MY HAND AND SEAL OF THE COUNTY COURT OF SAID COUNTY THIS THE 27 DAY OF Nov., 1984, A.D.

DORIS SHROPSHIRE, CLERK COUNTY COURT, TRAVIS COUNTY, TEXAS

BY: DEPUTY E. J. ...

STATE OF TEXAS )  
COUNTY OF TRAVIS )

I, DORIS SHROPSHIRE, CLERK OF THE COUNTY COURT, WITHIN AND FOR THE STATE AND COUNTY AFORESAID, DO HEREBY CERTIFY THAT THE WITHIN AND FOREGOING INSTRUMENT OF WRITING WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE 27 DAY OF Nov., 1984, A.D. AT 9:30 O'CLOCK A.M. AND DULY RECORDED ON THE 27 DAY OF Nov., 1984, A.D. AT 9:55 O'CLOCK P.M. IN THE PLAT RECORDS OF SAID COUNTY IN PLAT BOOK 25, PAGE 4164.

WITNESS MY HAND AND SEAL OF THE COUNTY COURT OF SAID COUNTY THE DATE LAST WRITTEN ABOVE.

DORIS SHROPSHIRE, CLERK COUNTY COURT, TRAVIS COUNTY, TEXAS

BY: DEPUTY K. Terrell

FILED FOR RECORD ON THE 27 DAY OF Nov., 1984, A.D.

DORIS SHROPSHIRE, CLERK COUNTY COURT, TRAVIS COUNTY, TEXAS

BY: DEPUTY K. Terrell

IN APPROVING THIS PLAT BY THE COMMISSIONERS COURT OF TRAVIS COUNTY, TEXAS, IT IS UNDERSTOOD THAT THE BUILDING OF ALL STREETS, ROADS OR OTHER PUBLIC THOROUGHFARES OR ANY BRIDGES OR CULVERTS NECESSARY TO BE PLACED ON SUCH ROADS, STREETS OR OTHER PUBLIC THOROUGHFARES SHALL BE THE RESPONSIBILITY OF THE OWNER AND/OR DEVELOPER OF THE TRACT OF LAND COVERED BY THIS PLAT AND IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS PRESCRIBED BY THE COMMISSIONERS COURT OF TRAVIS COUNTY, TEXAS, AND SAID COURT ASSUMES NO OBLIGATION TO BUILD ANY OF THE STREETS, ROADS OR OTHER PUBLIC THOROUGHFARES OR ANY BRIDGES OR CULVERTS IN CONNECTION THEREWITH.

THE ACCEPTANCE FOR MAINTAINING BY TRAVIS COUNTY, TEXAS, OF THE ROADS OR STREETS IN REAL-ESTATE SUBDIVISIONS DOES NOT OBLIGATE THE COUNTY TO INSTALL STREET MARKING SIGNS, AS THIS IS CONSIDERED TO BE A PART OF THE DEVELOPER'S CONSTRUCTION; BUT THAT ERRECTING SIGNS FOR TRAFFIC CONTROL SUCH AS FOR SPEED LIMITS AND STOP AND YIELD SIGNS, SHALL REMAIN THE RESPONSIBILITY OF THE COUNTY.

I, LARRY A. TURNER, AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING AND HEREBY CERTIFY THAT THIS PLAT COMPLIES WITH CHAPTER 193 OF THE AUSTIN CITY CODE; IS TRUE AND CORRECT; AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND.

LARRY A. TURNER-REGISTERED PUBLIC SURVEYOR NO. 3908  
W. HARVEY SMITH SURVEYOR, INC.  
1214 West 5th Street, Austin, Texas 78703

DANNY E. MARTIN-REGISTERED PROFESSIONAL ENGINEER NO. 44960  
ESPEY, HUSTON & ASSOCIATES, INC.  
P. O. BOX 519, AUSTIN, TEXAS 78767

FLOOD PLAIN NOTE:

The 100 Year Flood Plain is contained within the Drafted Easements as shown hereon.

Larry A. Turner  
October 27, 1984

Danny E. Martin  
Professional Engineer Seal

85 Plate 75C



**TRANSPORTATION AND NATURAL RESOURCES**

JOSEPH P. GIESELMAN, EXECUTIVE MANAGER

411 West 13th Street  
Executive Office Building, 11th Floor  
P.O. Box 1748  
Austin, Texas 78767  
(512) 854-9383  
FAX (512) 854-4697

**EASEMENT REQUIREMENT STATEMENT FOR CONVERTING PUBLIC STREETS  
TO PRIVATE STREETS**

Item #6

An application is being made to Travis County for the Conversion from Public Streets to Private Streets in THE FOOTHILLS AT BARTON CREEK PROPERTY OWNERS SUB ASSOCIATION, INC. subdivision 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 approve the change from Public Street Easements to Private Street Easements as described in the accompanying document.
- We do approve the change from Public Street Easements to Private Street Easements as described in the accompanying document. A map of the subject streets is attached.

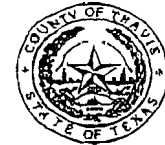
**SUBJECT TO:**  
Roadways reserved as a Public Utility Easement to cover AE's rights for existing lines.

Judy Fowler  
Signature  
Judy Fowler  
Printed Name  
Manager - Public Involvement/  
Real Estate Serv.  
Title  
Austin Energy  
Utility Company or District  
September 1, 2005  
Date

Please return this completed form to:

**The Foothills**

at Barton Creek Property Owners Sub-Association, Inc.  
c/o RealManage  
12335 Hymeadow Drive, Suite 300  
Austin, Texas 78750



**TRANSPORTATION AND NATURAL RESOURCES**

JOSEPH P. GIESELMAN, EXECUTIVE MANAGER

411 West 13th Street  
Executive Office Building, 11th Floor  
P.O. Box 1748  
Austin, Texas 78767  
(512) 854-9383  
FAX (512) 854-4697

**EASEMENT REQUIREMENT STATEMENT FOR CONVERTING PUBLIC STREETS  
TO PRIVATE STREETS**

Item #6

An application is being made to Travis County for the Conversion from Public Streets to Private Streets in THE FOOTHILLS & BAYVIEW CREEK TRACT OWNERS SUB-ASSOCIATION, INC. subdivision 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 approve the change from Public Street Easements to Private Street Easements as described in the accompanying document.
- We do approve the change from Public Street Easements to Private Street Easements as described in the accompanying document. A map of the subject streets is attached.

Subject to the public utility easement that will remain in place, as platted, and will not be affected by this change of ROW from public to private.

*W. S. Gessas*  
Signature

Printed Name  
W. S. GESSAS

Title  
Contract Design Eng. / AT&T

Utility Company or District  
1-3-11

Date

Please return this completed form to:



**TRANSPORTATION AND NATURAL RESOURCES**

JOSEPH P. GIESELMAN, EXECUTIVE MANAGER

411 West 13th Street  
Executive Office Building, 11th Floor  
P.O. Box 1748  
Austin, Texas 78767  
(512) 854-9383  
FAX (512) 854-4697

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TO PRIVATE STREETS**

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We do approve the change from Public Street Easements to Private Street Easements as described in the accompanying document. A map of the subject streets is attached.

Laurie Schumpert  
Signature

Laurie Schumpert  
Printed Name

Designer  
Title

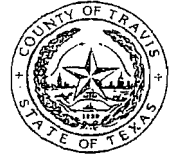
Time Warner Cable - Austin  
Utility Company or District

August 23, 2005  
Date

Please return this completed form to:

**The Foothills**

at Barton Creek Property Owners Sub-Association, Inc.  
c/o RealManage  
12335 Hymeadow Drive, Suite 300  
Austin, Texas 78750



**TRANSPORTATION AND NATURAL RESOURCES**

JOSEPH P. GIESELMAN, EXECUTIVE MANAGER

411 West 13th Street  
Executive Office Building, 11th Floor  
P.O. Box 1748  
Austin, Texas 78767  
(512) 854-9383  
FAX (512) 854-4697

**EASEMENT REQUIREMENT STATEMENT FOR CONVERTING PUBLIC STREETS  
TO PRIVATE STREETS**

Item #6

An application is being made to Travis County for the Conversion from Public Streets to Private Streets in THE FOOTHILLS AT BARTON CREEK PROPERTY OWNERS SUB ASSOCIATION, INC. subdivision 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 approve the change from Public Street Easements to Private Street Easements as described in the accompanying document.
- We do approve the change from Public Street Easements to Private Street Easements as described in the accompanying document. A map of the subject streets is attached.

*Chris Landgraf*  
Signature  
Chris Landgraf, PE  
Printed Name  
Engineer III  
Title  
Texas Gas Service  
Utility Company or District  
1/28/2011  
Date

Please return this completed form to:



**TRANSPORTATION AND NATURAL RESOURCES**

JOSEPH P. GIESELMAN, EXECUTIVE MANAGER

411 West 13th Street  
Executive Office Building, 11th Floor  
P.O. Box 1748  
Austin, Texas 78767  
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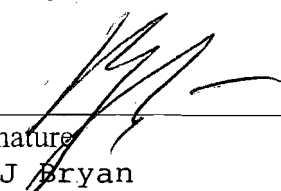
**EASEMENT REQUIREMENT STATEMENT FOR CONVERTING PUBLIC STREETS  
TO PRIVATE STREETS**

Item #6

An application is being made to Travis County for the Conversion from Public Streets to Private Streets in THE FOOTHILLS AT BARTON CREEK PROPERTY OWNERS SUB ASSOCIATION, INC. subdivision 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 approve the change from Public Street Easements to Private Street Easements as described in the accompanying document.
- We do approve the change from Public Street Easements to Private Street Easements as described in the accompanying document. A map of the subject streets is attached.

  
 \_\_\_\_\_  
 Signature  
 WJ Bryan  
 \_\_\_\_\_  
 Printed Name  
 President  
 \_\_\_\_\_  
 Title  
 \_\_\_\_\_  
 Travis County WCID No. 19  
 \_\_\_\_\_  
 Utility Company or District  
 \_\_\_\_\_  
 September 22, 2005  
 \_\_\_\_\_  
 Date

Please return this completed form to:

**The Foothills**

at Barton Creek Property Owners Sub-Association, Inc.  
c/o RealManage  
12335 Hymeadow Drive, Suite 300  
Austin, Texas 78750



**TRANSPORTATION AND NATURAL RESOURCES**

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**EASEMENT REQUIREMENT STATEMENT FOR CONVERTING PUBLIC STREETS  
TO PRIVATE STREETS**

Item #6

An application is being made to Travis County for the Conversion from Public Streets to Private Streets in THE FOOTHILLS AT BAYVIEW (SEE TRIPLEX OWNERS SUB ASSOCIATION, INC.) subdivision 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.

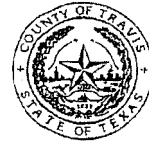
**STATEMENT**

- We do not approve the change from Public Street Easements to Private Street Easements as described in the accompanying document.
- We do approve the change from Public Street Easements to Private Street Easements as described in the accompanying document. A map of the subject streets is attached.

Curtis E. Shaw   
Signature  
 CURTIS E. SHAW   
Printed Name  
 DIR. OF CONSTRUCTION MGMT.   
Title  
 DUSTIN IND. SCHOOL DIST.   
Utility Company or District  
 6/20/2011   
Date

Please return this completed form to:





TRANSPORTATION AND NATURAL RESOURCES

JOSEPH P. GIESELMAN, EXECUTIVE MANAGER

411 West 13th Street
Executive Office Building, 11th Floor
P.O. Box 1748
Austin, Texas 78767
(512) 854-9383
FAX (512) 854-4697

EASEMENT REQUIREMENT STATEMENT FOR CONVERTING PUBLIC STREETS TO PRIVATE STREETS

Item #6

An application is being made to Travis County for the Conversion from Public Streets to Private Streets in THE FOOTHILLS AT BAYVIEW CREEK PROPERTY OWNERS SUB ASSOCIATION, INC. subdivision 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 approve the change from Public Street Easements to Private Street Easements as described in the accompanying document.

[X] We do approve the change from Public Street Easements to Private Street Easements as described in the accompanying document. A map of the subject streets is attached.

Signature [Handwritten Signature]
Printed Name Jeffrey J. Wittig
Title Asst. Fire Chief
Utility Company or District Travis County Emergency Services District #3
Date May 31, 2011

Please return this completed form to:



**TRANSPORTATION AND NATURAL RESOURCES**

JOSEPH P. GIESELMAN, EXECUTIVE MANAGER

411 West 13th Street  
Executive Office Building, 11th Floor  
P.O. Box 1748  
Austin, Texas 78767  
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FAX (512) 854-4697

**EASEMENT REQUIREMENT STATEMENT FOR  
CONVERSION FROM PUBLIC STREETS TO PRIVATE STREETS**  
(ETJ) Item #8

An application is being made to Travis County for the Rejection of Dedication of all of the streets in The Foothills of Barton Creek subdivision 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 approve the change from Public Street Easements to Private Street Easements as described in the accompanying document.
- We do approve the change from Public Street Easements to Private Street Easements as described in the accompanying document. A map of the subject streets is attached.

LOST CREEK BLVD. IS NOT INCLUDED IN THE CONVERSION FROM PUBLIC TO PRIVATE STREETS.

George Zapalar  
Signature  
GEORGE ZAPALAR  
Printed Name  
DEVELOPMENT SERVICES MANAGER  
Title  
AUSTIN  
City of  
JUNE 21, 2011  
Date

Please return this completed form to:

\_\_\_\_\_  
Name  
\_\_\_\_\_  
Address  
\_\_\_\_\_  
City/State/Zip



**TRANSPORTATION AND NATURAL RESOURCES**

JOSEPH P. GIESELMAN, EXECUTIVE MANAGER

411 West 13th Street  
Executive Office Building, 11th Floor  
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Austin, Texas 78767  
(512) 854-9383  
FAX (512) 854-4697

**EASEMENT REQUIREMENT STATEMENT FOR CONVERTING PUBLIC STREETS  
TO PRIVATE STREETS**

Item #6

An application is being made to Travis County for the Conversion from Public Streets to Private Streets in THE FOOTHILLS AT BAYVIEW CREEK RESIDENTIAL OWNERS ASSOCIATION, INC. subdivision 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 approve the change from Public Street Easements to Private Street Easements as described in the accompanying document.
- We do approve the change from Public Street Easements to Private Street Easements as described in the accompanying document. A map of the subject streets is attached.

M. O. Jones

D. H. Jones  
Signature

Maryanne O. Jones  
3510 Caribow Trail  
(Lot 1, Estates Above Lost Creek  
Section 3)

Printed Name  
Daniel H. Jones  
Title 3510 Caribow Trail  
(Lot 1, Estates Above Lost Creek)  
Utility Company or District Section 3

\_\_\_\_\_  
Date

Please return this completed form to:

WATER AND WASTEWATER EASEMENT

THE STATE OF TEXAS            )  
   )     **KNOW ALL BY THESE PRESENTS:**  
 COUNTY OF TRAVIS            )

That **THE FOOTHILLS AT BARTON CREEK PROPERTY OWNERS SUB-ASSOCIATION, INC.**, a Texas non-profit corporation ("**Grantor**") whether one or more, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, to Grantor in hand paid by the **TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT #4 ("**Grantee**")**, the receipt and sufficiency of which is acknowledged and confessed and for which no lien, express or implied, is retained, does **GRANT, SELL, and CONVEY** to the Grantee, whose address is c/o **ARMBRUST & BROWN, PLLC**, 100 Congress Avenue, Suite 1300, Austin, Texas 78701, an easement for the construction, operation, maintenance, repair, replacement, upgrade, decommissioning, and removal of water and/or wastewater lines and associated appurtenances and making connections therewith in, upon, over, and across the following described land:

The right-of-way located on Caribou Trail, a street located in The Foothills at Barton Creek, a subdivision located in Travis County, Texas, according to the map or plat thereof recorded under Book 85, Pages 74D through 75C, Official Public Records of Travis County ("**Easement Tract**").

**TO HAVE AND TO HOLD** the same perpetually to Grantee and its successors and assigns together with the right and privilege at all times to enter the Easement Tract, or any part thereof, for the purpose of construction, operation, maintenance, repair, replacement, upgrade, decommissioning and removal of water and/or wastewater lines and associated appurtenances and making connections therewith provided, however, that Grantor reserves the right to enter upon and use the Easement Tract but in no event shall Grantor (i) use the Easement Tract in any manner that interferes in any material way or is inconsistent with the rights granted hereunder, or (ii) erect or permit to be erected a building, retaining wall, structure (other than a paved street together with appurtenant sidewalks, drainage facilities and related improvements), or irrigation systems on any portion of the Easement Tract, except that irrigation systems and utility facilities may be installed by Grantor in the Easement Tract so long as such irrigation systems cross (and not run parallel with) the underground public utility facilities contemplated above. Grantee shall be obligated to restore the surface of the easement at Grantee's sole cost and expense, including the restoration of paved street sidewalks, drainage facilities, or similar surface improvements located upon or adjacent to the Easement Tract which have been removed, relocated, altered, damaged, or destroyed as a result of Grantee's use of the Easement granted hereunder. If Grantor has installed any trees, bushes, or other landscaping other than groundcover within the Easement Tract, Grantee will only be obligated to restore or replace such landscaping with groundcover. Grantee otherwise shall not be obligated to restore or

replace irrigation systems or other improvements installed in violation of the provisions of this Easement.

Grantor covenants and agrees to WARRANT AND FOREVER DEFEND title to the Easement granted to the Grantee and its successors and assigns against every person lawfully claiming or to claim the same or any part thereof.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed on this 26<sup>th</sup> day of June, 2012.

GRANTOR:

THE FOOTHILLS AT BARTON CREEK PROPERTY OWNERS SUB-ASSOCIATION, INC., a Texas non-profit corporation

By: Elmer Dangerfield  
Elmer Dangerfield, President

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me this 26<sup>th</sup> day of June 2012, by Elmer Dangerfield, President of The Foothills at Barton Creek Property Owners Sub-Association, Inc., a Texas non-profit corporation, on behalf of said non-profit corporation.



(SEAL)

Sara F. Huff  
Notary Public Signature



FILED AND RECORDED  
OFFICIAL PUBLIC RECORDS

*Dana DeBeauvoir*

DANA DEBEAUVOIR, COUNTY CLERK  
TRAVIS COUNTY, TEXAS

August 09 2012 02:47 PM

FEE: \$ 24.00 2012131725

Precinct Three

Lot 1, Estates Above Lost Creek

The Foothills  
Of Barton Creek

Short Spring Branch

Short Spring Branch

Short Spring Branch

Short Spring Branch

Short Spring Branch

Short Spring Branch

LOST CREEK BLVD

CARIBOU TRL

SANDIA LP

LOASA CV

Amended Plat of Lot 36 and 37, Block E  
The Foothills of Barton Creek

Amended Plat of lot 36-A, Block E of the  
Amended Plat of Lot 36 and 37, Block E,  
The Foothills of Barton Creek and  
Lot 3, Block E, The Foothills of Barton Creek

DADIVA CT

ESCALA BR

DR