



ITEM 10

Travis County Commissioners Court Agenda Request

Meeting Date: November 13, 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

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

AGENDA LANGUAGE: Consider and take appropriate action on a request to authorize the filing of an instrument to release the non-disturbance easements located over and across several sections of The Overlook Estates, Phase 1 subdivision – Precinct Three.

BACKGROUND/SUMMARY OF REQUEST:

TNR staff has received a request to release the non-disturbance easements located over and across several sections of The Overlook Estates, Phase 1 subdivision. The easements to be vacated are schematically shown on the plat. The property owners of the subdivision will then re-dedicated the non-disturbance easements in its new configuration by separate instrument. The streets of this subdivision are not maintained by Travis County.

Professional engineer Ric Thompson has stated that:

"4) Much of the current non-disturbance easement is lumped into single large areas where portions do not receive significant run-off (in this person's Opinion) from proposed development. And in other areas, the width of the buffer dedicated is excessive for the amount of potential development drainage to that location.

5) The proposed plan removes extra "thickness" to the dedicated non-disturbance easements (area still remains down slope to receive run-off from the same area) and then, in compensation, adds area to lots that currently have no area dedicated.

6) The new areas dedicated will receive run-off before it is concentrated in the streets and routed to points of even further concentration prior to release to the native drainage features thus providing, in this person's opinion, improved treatment of the run-off."

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 the request.

ISSUES AND OPPORTUNITIES:

According to the request letter, the proposed replacement easement meets or exceeds what would have been allowed under Barton Creek Watershed Ordinance regulations. This re-configuration should give property owners more room on the affected lots for future improvements and the installation of on-site sewage facilities without encroaching on the subject easements.

The City of Austin's environmental staff has been involved in this process and consents to this re-configuration of the subject easements. Staff has also received several inquiries from the public, but no one showed any opposition.

FISCAL IMPACT AND SOURCE OF FUNDING:

N/A.

ATTACHMENTS/EXHIBITS:

- Release Order
- Request Letter
- Engineer's Letter
- CoA's Consent E-mail
- Re-Dedication of Non-Disturbance
- Sketch
- 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
Teresa Calkins	Senior Engineer	Development Services	854-7569

CC:

Stacey Scheffel	Program Manager	TNR Permits	854-7565

SM:AB:ps

1101 - Development Services - Overlook Estates, Phase 1

RELEASE OF NON-DISTURBANCE EASEMENT

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

WHEREAS, a Non-Disturbance Easement was dedicated by the plat The Overlook Estates Phase I (the "Subdivision") as recorded in Plat Book 86, Page 152d, 153a, 153b and 153c, Plat Records of Travis County, Texas; and

WHEREAS, the Non-Disturbance Easement purpose is to preserve the watershed and to recharge the aquifer as provided by §13-3-307, Code of the City of Austin as amended; and

WHEREAS, the current Non-Disturbance Easement area is located across a number of lots in the Subdivision in a manner which does not maximize its intended purpose to receive sheet flow runoff to the non-disturbance buffer zone areas for pollutant removal in the vegetative buffer areas; and

WHEREAS, the owners of all lots in the Subdivision desire to dedicate a replacement non-disturbance easement to the City of Austin and Travis County, Texas across lots in the Subdivision to more effectively implement the purpose for which the non-disturbance easement was dedicated by plat as evidenced by their application to the Commissioner's Court and the tender of a replacement non-disturbance easement;

NOW, THEREFORE, the Travis County Commissioner's Court does hereby release the non-disturbance easement recorded by the plat of The Overlook Estates Phase I, as recorded in Plat Book 86, Page 152d, 153a, 153b and 153c, Plat Records of Travis County, Texas.

TRAVIS COUNTY, TEXAS, a political subdivision of the State of Texas

By: _____
Samuel T. Biscoe, County Judge

Date: _____

LAW OFFICE OF TERRENCE L. IRION

1250 S. Capital of Texas Highway
3 Cielo Center, Suite 601
Austin, Texas 78746

COPY

Terrence L. Irion

Attorney at Law

(512) 347-9977

(512) 306-8903-FAX

tirion@tirionlaw.com

August 9, 2012

VIA EMAIL: teresa.calkins@co.travis.tx.us

Ms. Teresa Calkins
Travis County TNR
411 W. 13th Street
Austin, Texas 78701

VIA EMAIL: chuck.lesniak@austintexas.gov

Mr. Chuck Lesniak
Environmental Officer
City of Austin
505 Barton Springs Road
Austin, Texas 78704

Re: The Overlook Estates Phase I / Non-Disturbance Easement

Dear Teresa and Chuck:

I represent all owners of record of lots in The Overlook Estates Phase I. Reference is made to my letter to Teresa Calkins dated February 2, 2011 requesting vacation of the Non-Disturbance Easement dedicated by the plat of The Overlook Estates Phase I, recorded in Plat Book 86, Page 152d, 153a, 153b and 153c, Plat Records of Travis County, Texas.

As you will recall, Ms. Calkins advised that Travis County would not object to the relocation of these drainage easements by amending plat or vacation of the easement and dedication of a new replacement easement by separate instrument, provided the City of Austin Watershed Protection Department did not object.

After several meetings with City Attorney Mitzi Cotton and Chuck Lesniak Environmental Officer of Watershed Protection, it was determined that the City of Austin would approve a vacation of the existing plat dedicated easement and rededication of a new replacement easement by separate instrument.

Attached please find the vacation of Non-Disturbance Easement document (attached as Exhibit A) and the Non-Disturbance Easement (attached as Exhibit B) for execution and recording by separate new instrument.

My understanding is that under Title 30, easements dedicated by plat in the ETJ for which requests to release or vacate are made are handled by Travis County (854-9383) accompanied by the following:

1. Transmittal letter explaining history of the easement and reason for vacation (See, December 2, 2011 letter to Teresa Calkins, copy attached as Exhibit C);


2. A completed application form (submitted in conjunction with the proposed conversion to a private street, including a copy of the plat, the application checklist, the TCAD addresses and lot identification sheets, attached as Exhibit D. None of the utility service providers who signed off on that application would need to sign off on the proposed easement vacation which does not affect any utility service provider.

City of Austin sign off is evidenced by email from Chuck Lesniak to Project Engineer, Ric Thompson dated May 10, 2012, copy attached as Exhibit E, together with a sealed Engineer's Report stating the proposed replacement easement meets or exceeds what would have been allowed under Barton Creek Watershed Ordinance regulations (See, Thompson Engineering sealed report dated May 31, 2012, copy attached as Exhibit F.);

3. Non-refundable check in the amount of \$435 enclosed.
4. A copy of the plat document creating the Non-Disturbance Easement (copy attached as Exhibit G);
5. Recorded copy of Warranty Deed showing all current property owners requesting the vacation of the Non-Disturbance Easement and the rededication by separate instrument (copy attached as Exhibit H); and
6. Statement of Support for Vacation of Non-Disturbance Easement by all owners in the Subdivision. (copy attached as Exhibit I)

Accordingly the owners of all lots The Overlook Estates Phase I respectfully request vacation of the Non-Disturbance Easement and acceptance of the dedication of a replacement easement as provided herein.

Sincerely,



Terrence L. Irion

TLI:lm

Enclosures

Cc: Keith Schoenfelt
Michele Turnquist
Ric Thompson
Mitzi Cotton

LAW OFFICE OF TERRENCE L. IRION

1250 S. Capital of Texas Highway
3 Cielo Center, Suite 601
Austin, Texas 78746

Terrence L. Irion
Attorney at Law
(512) 347-9977
(512) 306-8903-FAX
tirion@tirionlaw.com

December 2, 2011

VIA EMAIL: teresa.calkins@co.travis.tx.us

Ms. Teresa Calkins
Travis County TNR
411 W. 13th Street
Austin, Texas 78701

Re: The Overlook Estates Phase I

Dear Teresa:

As you know the procedure for requesting an easement release that is dedicated by plat of property in the ETJ of a city in Travis County is to be handled by the Travis County TNR office.

The Overlook Estates Phase I, Subdivision has a non-disturbance easement dedicated by the plat. The purpose of this non-disturbance easement is to "preserve the watershed and recharge the aquifer". The easement allows construction within it as long as it is restored to the prior condition and allows construction fencing, utility and irrigation lines in the non-disturbance area subject to the restoration requirements of the easement.

The owner of all the lots in the subdivision has requested permission from your OSSF engineering division to locate OSSF irrigation lines in the non-disturbance easement area. While I understand the County Sanitary Engineer has no problem with this proposal, the City Environmental Department is taking the position that the OSSF irrigation lines represent neither a "utility", nor "irrigation lines" contemplated by the permissible construction language expressed in the non-disturbance easement.

Rather than argue with the City over their interpretation of what is or is not permitted construction in the non-disturbance easement, owner is requesting a vacation of a portion of the non-disturbance area described in Exhibit A to this letter and a dedication of an equal area of non-disturbance easement by separate instrument.

Please find enclosed with this letter, the application for easement release together with a graphic description of the area of non-disturbance easement to be released and the area of replacement non-disturbance easement proposed as a condition for release of the existing non-disturbance easement areas.

The portion of the easement areas to be released will not be removed in their entirety, but narrowed

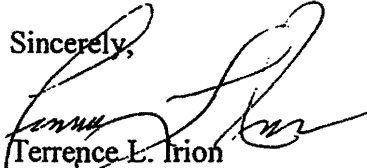
Ms. Calkins
December 23, 2011
Page 2

so as to accommodate OSSF irrigation lines outside of the easement area on the lots encumbered by the easement, but will remain of sufficient width to function as vegetative filter strips. In addition to the replacement of like acreage non-disturbance easement areas on the plat by separate instrument, bioswales have been and will be added along the roadway. This subdivision was approved in 1986 with the apparent intent of employing storm sewers along with curb and gutter despite the Barton Creek Ordinance water quality strategy which emphasized the use of overland flow filtration. Accordingly, the use of the bioswales will further implement the intended design strategy of the Barton Creek Ordinance and help facilitate the functionality of the non-disturbance easements.

Please review this request and proposed replacement easement area. Once approved by your office, field notes will be prepared for both Exhibit A and Exhibit B.

Thank you for your cooperation in this matter.

Sincerely,



Terrence L. Irion

TLI:lm

Enclosures

Cc: Keith Schoenfelt
Michele Turnquist
Ric Thompson



THOMPSON LAND ENGINEERING, LLC

Land Planning, Site Design, Subdivision Engineering

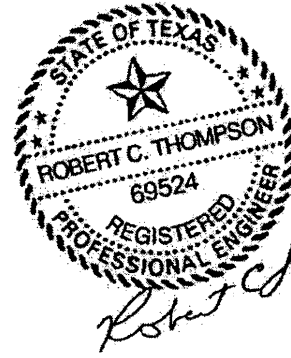
**Subject: Overlook Estates Non-Disturbance Easement
Endorsement of Revisions**

May 31, 2012

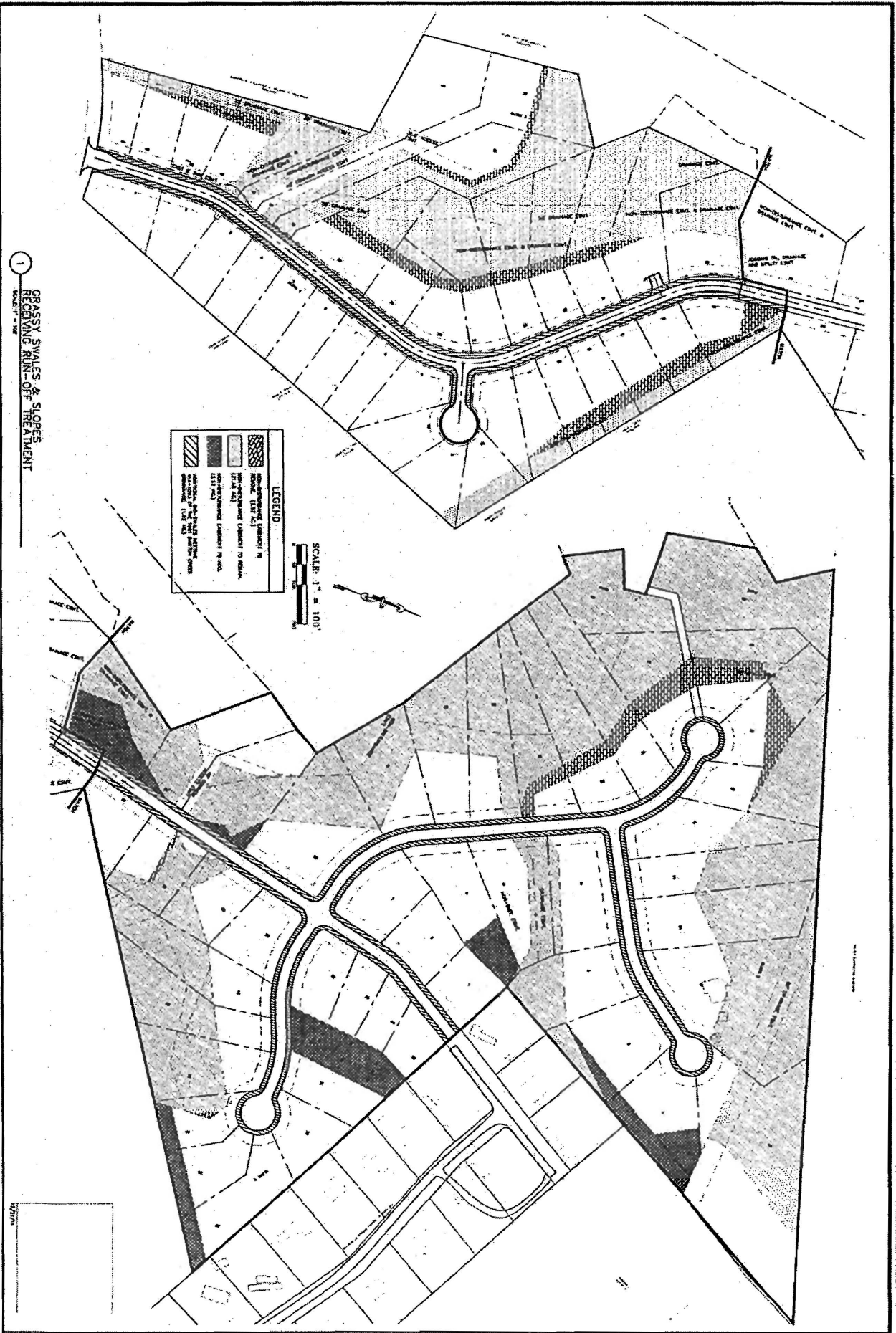
Thompson Land
Engineering, LLC
(F-10220)

TO WHOM IT MAY CONCERN:

It is my opinion that the release and dedication of the non-disturbance easement in the Overlook Phase I, as shown on the exhibit prepared by Thompson Land Engineering and sealed on April 19, 2012, is an equal or likely betterment of the non-disturbance easement currently dedicated. The following is offered in support.



- 1) In accordance with 41A-105.5 (c)(2) of Ordinance 810430-C (the 1981 Barton Creek Ordinance) the Overlook Estates Phase I subdivision was apparently approved under the cluster housing provisions.
- 2) In the 1981 Barton Creek Ordinance, with the approval of Cluster Housing, a buffer was to be provided "... to receive runoff from the development for purposes of overland drainage."
- 3) The known benefit to a buffer is pollutant removal from stormwater that is passed through a vegetated area (vegetated filter strip or vegetated swale). But these facilities become less effective as the depth in the swale or across the strip becomes greater (less of the water actually passes through the vegetation but rather over it).
- 4) Much of the current non-disturbance easement is lumped into single large areas where portions do not receive significant run-off (in this person's opinion) from proposed development. And in other areas, the width of the buffer dedicated is excessive for the amount of potential development draining to that location.
- 5) The proposed plan removes extra "thickness" to the dedicated non-disturbance easements (area still remains down slope to receive run-off from the same area) and then, in compensation, adds area to lots that currently have no area dedicated.
- 6) The new areas dedicated will receive run-off before it is concentrated in the streets and routed to points of even further concentration prior to release to the native drainage features thus providing, in this person's opinion, improved treatment of the run-off.
- 7) With the width of the right-of-way platted, the roadway was to be designed using curbs and storm sewers. The plan proposed also notes the use of vegetated swales (with limited use of storm sewers) along the roads and, where practical, not capturing the run-off at all. This approach better complies with the stated purpose in 41A-109.1 of the 1981 Barton Creek Ordinance.

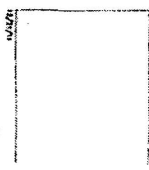


1
 GRASSY SWALES & SLOPES
 RECEIVING RUN-OFF TREATMENT

LEGEND

	Vegetated Swales
	Vegetated Slopes
	Grass
	Asphalt
	Concrete

SCALE: 1" = 100'



DATE	1/10/08
SCALE	1" = 1'

ADDITIONAL OVERLAND FLOW TREATMENT PROVIDED
 OVERLOOK ESTATES PH. 1
 Lonestar Trail at Circle Drive, Austin, TX 78734
 VEGETATED SWALE: PHASE 1

THOMPSON LAND ENGINEERING, LLC
 Land Planning, Site Design, Subdivision Engineering
 P.O. Box 166042, Austin, Texas 78716 (512) 358-0200
 www.tleng.net email: tleng@tleng.net

Paul Scoggins

From: Anna Bowlin
Sent: Wednesday, October 10, 2012 1:20 PM
To: Paul Scoggins
Cc: Teresa Calkins
Subject: FW: Overlook Non-Disturbance Easement

Paul,
Can you get an agenda request in process?

Thanks.

From: Cotton, Mitzi [<mailto:Mitzi.Cotton@austintexas.gov>]
Sent: Wednesday, October 10, 2012 1:03 PM
To: Terry Irion; Lesniak, Charles
Cc: Anna Bowlin; Christopher Gilmore
Subject: RE: Overlook Non-Disturbance Easement

This confirms that the City consents to the release of the non-disturbance easement and acceptance of the new non-disturbance easement to the County in the locations discussed with the applicant and on a form acceptable to the City.

Mitzi Cotton
Assistant City Attorney
City of Austin
Phone: (512) 974-2179
Fax: (512) 974-6490
mitzi.cotton@austintexas.gov

From: Terry Irion [<mailto:tirion@tirionlaw.com>]
Sent: Wednesday, October 10, 2012 11:24 AM
To: Cotton, Mitzi; Lesniak, Charles
Cc: Anna Bowlin; Christopher Gilmore (Christopher.Gilmore@co.travis.tx.us)
Subject: Overlook Non-Disturbance Easement

Mitzi,

I understand Chuck has approved the revised location of the new non-disturbance easement. Please confirm you or Chuck are acknowledging the City's consent to the Release of Non-disturbance easement and acceptance of the new non-disturbance easement to the County on a form acceptable to the County. We would like to see this done by tomorrow so that we can get an item posted on next week's Commissioner's Court Agenda.

Thank you,

Terry Irion

Terrence L. Irion
LAW OFFICE OF TERENCE L. IRION
1250 S. Capital of Texas Highway

3 Cielo Center, Suite 601
Austin, Texas 78746
(512) 347-9977
(512) 306-8903-fax
tirion@tirionlaw.com

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NON-DISTURBANCE EASEMENT

THE STATE OF TEXAS

§

KNOW ALL BY THESE PRESENTS:

COUNTY OF TRAVIS

§

§

The undersigned Owners of the below described lots in THE OVERLOOK ESTATES PHASE I, a subdivision of Travis County, Texas, according to the map or plat thereof in Book 86, Page 152d, 153a, 153b and 153c, Plat Records of Travis County, Texas ("Grantor"), 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 CITY OF AUSTIN, TEXAS, the receipt and sufficiency of which is acknowledged and confessed and for which no lien, or encumbrance, express or implied, is retained, has this day GRANTED and CONVEYED and by these presents do GRANT and CONVEY unto the CITY OF AUSTIN, a municipal corporation, situated in the Counties of Travis, Hays, and Williamson, State of Texas, and TRAVIS COUNTY, TEXAS, a political subdivision of the State of Texas, a Non-Disturbance Easement for the purpose of preserving the watershed and to recharge the aquifer as more fully described in the notes of The Overlook Estates Subdivision plat, upon and across a portion of the following described lots:

Lots 11, 12, 14, 15, 17, 18, 19, 20, 21, 22, 24, 25, 26, 27, 28, 29, 32, 33, 34 and 35 Block 1; Lots 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, Block, 2 as shown on the plat of The Overlook Estates Phase 1, recorded in Volume 86, Pages 153-153c, Plat Records of Travis County, Texas; said easement area being more fully described by metes and bounds in Exhibit A attached hereto and incorporated herein by reference.

TO HAVE AND TO HOLD the same perpetually to the CITY OF AUSTIN and TRAVIS COUNTY, TEXAS and their successors and assigns.

GRANTOR, whether one or more, does hereby covenant and agree to WARRANT AND FOREVER DEFEND title to the Easement area herein granted to the Grantee and its successors and assigns against every person lawfully claiming or to claim the same or any part thereof subject to the matters set forth herein.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed on this ____ day of _____, 2012.

GRANTOR:

OVERLOOK ESTATES JOINT VENTURE
BY: CORUM DEVELOPMENT, INC.
A Texas corporation, Joint Venturer

By: _____

Keith Schoenfelt
Keith Schoenfelt, President

BY: DP OVERLOOK, LLC,
A Texas limited liability company, Joint Venturer

By: *David Pikoff*
David Pikoff, Manager

BY: TEXAS 7917, LLC,
A Texas limited liability company, Joint Venturer

By: *Steve Turnquist*
Steve Turnquist, Manager

CORPORATE ACKNOWLEDGEMENTS

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

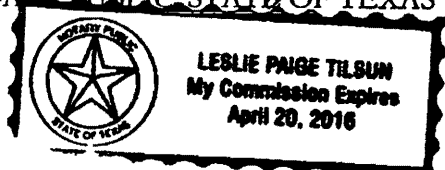
THIS INSTRUMENT was acknowledged before me on this _____ day of _____, 2012, by Keith Schoenfelt, President of Corum Development, Inc.

NOTARY PUBLIC, STATE OF TEXAS

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

THIS INSTRUMENT was acknowledged before me on this 9th day of July, 2012, by David Pikoff, Manager of DP OVERLOOK, LLC.

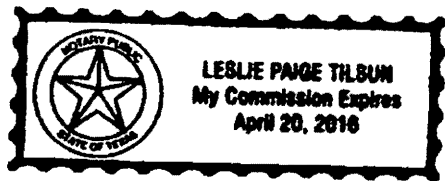
Leslie Paige Tilsun
NOTARY PUBLIC, STATE OF TEXAS



THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

THIS INSTRUMENT was acknowledged before me on this 9th day of July, 2012, by Steve Turnquist, Manager of Texas 7917, L.L.C.

Leslie Paige Tilsun
NOTARY PUBLIC, STATE OF TEXAS

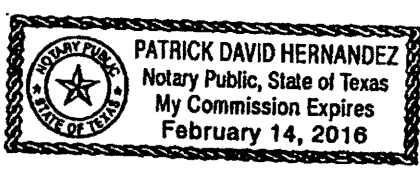


GRANTORS:
OWNER OF LOT 35, BLOCK 2; LOT 11,
BLOCK 1
PREFERRED ASSET MANAGEMENT, LLC

By: Michael Craig
Printed Name: Michael Craig
Its: Authorized Agent
Date: 06-27-2012

THE STATE OF TEXAS §
§
COUNTY OF TRAVIS §

THIS INSTRUMENT was acknowledged before me on this 27 day of June, 2012, by Michael Craig, Owner of Lot 35, Block 2; Lot 11, Block 1, THE OVERLOOK ESTATES PHASE I, a subdivision of Travis County, Texas



[Signature]
NOTARY PUBLIC, STATE OF TEXAS
OWNER OF LOT 12, BLOCK 1

Gareth Edward Maguire
Date: _____

THE STATE OF TEXAS §
§
COUNTY OF TRAVIS §

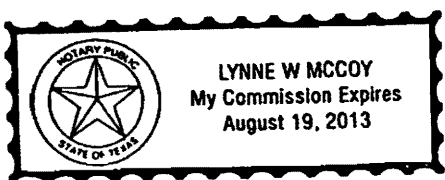
THIS INSTRUMENT was acknowledged before me on this 01 day of July, 2012, by Gareth Edward Maguire, Owner of Lot 12, Block 1, THE OVERLOOK ESTATES PHASE I, a subdivision of Travis County, Texas.

[Signature]
NOTARY PUBLIC, STATE OF TEXAS

OWNER OF LOT 19, BLOCK 1
CORIAS HOMES, INC.
By: Keith Schoenfelt
Keith Schoenfelt, its President
Date: _____

THE STATE OF TEXAS §
§
COUNTY OF TRAVIS §

THIS INSTRUMENT was acknowledged before me on this 01 day of July, 2012, by Keith Schoenfelt, President of Corias Homes, Inc., Owner of Lot 19, Block 1, THE OVERLOOK ESTATES PHASE I, a subdivision of Travis County, Texas.



[Signature]
NOTARY PUBLIC, STATE OF TEXAS

GRANTORS:
OWNER OF LOT 35, BLOCK 2; LOT 11,
BLOCK 1
PREFERRED ASSET MANAGEMENT, LLC

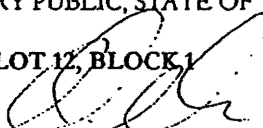
By: _____
Printed Name: _____
Its: Authorized Agent
Date: _____

THE STATE OF TEXAS §
§
COUNTY OF TRAVIS §

THIS INSTRUMENT was acknowledged before me on this ____ day of _____, 2012, by _____, Owner of Lot 35, Block 2; Lot 11, Block 1, THE OVERLOOK ESTATES PHASE I, a subdivision of Travis County, Texas.

NOTARY PUBLIC, STATE OF TEXAS

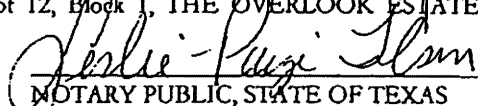
OWNER OF LOT 12, BLOCK 1



Gareth Edward Maguire
Date: JULY 9 2012

THE STATE OF TEXAS §
§
COUNTY OF TRAVIS §

THIS INSTRUMENT was acknowledged before me on this 9th day of July, 2012, by Gareth Edward Maguire, Owner of Lot 12, Block 1, THE OVERLOOK ESTATES PHASE I, a subdivision of Travis County, Texas.



NOTARY PUBLIC, STATE OF TEXAS



OWNER OF LOT 19, BLOCK 1
CORIAS HOMES, INC.

By: _____
Keith Schoenfelt, its President
Date: _____

THE STATE OF TEXAS §
§
COUNTY OF TRAVIS §

THIS INSTRUMENT was acknowledged before me on this ____ day of _____, 2012, by Keith Schoenfelt, President of Corias Homes, Inc., Owner of Lot 19, Block 1, THE OVERLOOK ESTATES PHASE I, a subdivision of Travis County, Texas.

NOTARY PUBLIC, STATE OF TEXAS

OWNER OF LOT 34, BLOCK 2
JKD BUILDERS, LLC

By: _____
Its: _____
Date: _____

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

THIS INSTRUMENT was acknowledged before me on this ____ day of _____, 2012, by _____, _____ of JKD BUILDERS, LLC, Owner of Lot 34, Block 2, THE OVERLOOK ESTATES PHASE I, a subdivision of Travis County, Texas.

NOTARY PUBLIC, STATE OF TEXAS

OWNER OF LOT 36, Block 2
PILLAR CUSTOM HOMES, INC.

By: _____
Printed Name: _____
Its: _____
Date: _____

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

THIS INSTRUMENT was acknowledged before me on this 19 day of June 2012, 2012, by Leslie Paige Tilsun, Christian Mendez of PILLAR CUSTOM HOMES, INC., Owner of Lot 36, Block 2, THE OVERLOOK ESTATES PHASE I, a subdivision of Travis County, Texas.

Leslie Paige Tilsun
NOTARY PUBLIC, STATE OF TEXAS



OWNER OF LOT 39, Block 2

Christian Mendez
CHRISTIAN M. MENDEZ
Date: 6-19-12

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

THIS INSTRUMENT was acknowledged before me on this 19 day of June, 2012, by Christian M. Mendez, Owner of Lot 39, Block 2, THE OVERLOOK ESTATES PHASE I, a subdivision of Travis County, Texas.



Leslie Paige Tilsun
NOTARY PUBLIC, STATE OF TEXAS

OWNER OF LOT 34, BLOCK 2
JKD BUILDERS, LLC

By: [Signature]
Its: JKD BUILDERS, LLC
Date: 6/26/12

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

THIS INSTRUMENT was acknowledged before me on this 26 day of June, 2012, by Leslie Page Wilson Kelly Dunc of JKD BUILDERS, LLC, Owner of Lot 34, Block 2, THE OVERLOOK ESTATES PHASE I, a subdivision of Travis County, Texas.

[Signature]
NOTARY PUBLIC, STATE OF TEXAS



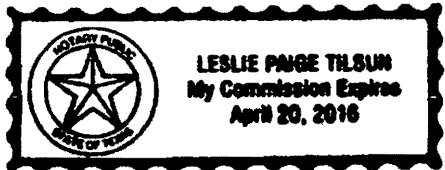
OWNER OF LOT 36, Block 2
PILLAR CUSTOM HOMES, INC.

By: [Signature]
Printed Name: Michael Cohen
Its: Pillar Custom Homes
Date: 7/9/12

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

THIS INSTRUMENT was acknowledged before me on this 9th day of July 2012, 2012, by Leslie Page Wilson Michael Cohen of PILLAR CUSTOM HOMES, INC., Owner of Lot 36, Block 2, THE OVERLOOK ESTATES PHASE I, a subdivision of Travis County, Texas.

[Signature]
NOTARY PUBLIC, STATE OF TEXAS



OWNER OF LOT 39, Block 2

CHRISTIAN M. MENDEZ
Date: _____

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

THIS INSTRUMENT was acknowledged before me on this ____ day of _____, 2012, by Christian M. Mendez, Owner of Lot 39, Block 2, THE OVERLOOK ESTATES PHASE I, a subdivision of Travis County, Texas.

NOTARY PUBLIC, STATE OF TEXAS

OWNER OF LOT 40, Block 2

[Handwritten Signature]

STEPHEN M. ROBERT

Date: *7/9/12*

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

THIS INSTRUMENT was acknowledged before me on this 9th day of July, 2012, by Stephen M. Robert, Owner of Lot 40, Block 2, THE OVERLOOK ESTATES PHASE I, a subdivision of Travis County, Texas.

[Handwritten Signature]
NOTARY PUBLIC, STATE OF TEXAS



LIENHOLDER CONSENT TO
GRANT OF NON-DISTURBANCE EASEMENT

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

Agreement

In consideration of \$10, and other good and valuable consideration, the receipt of which is acknowledged, the Lienholder agrees as follows:

1. Independent Bank, a TEXAS bank, "Lienholder" consents to the grant of Non-Disturbance Easement running with the Property, described as Lots LOT 10 Block 1, Overlook Estates Phase I, a plat of record in Travis County Texas, Plat Book 86, Page 152d, 153a, 153b and 153c, Plat Records of Travis County, Texas, which is executed contemporaneously herewith.

2. Lienholder subordinates all of its liens on this Property to the rights and interests of the City of Austin, its successors and assigns, and any foreclosure of its liens will not extinguish City's rights and interests in the Non-Disturbance Easement or the Property.

3. Lienholder affirms that the undersigned has the authority to bind the Lienholder, and that all corporate acts necessary to bind the Lienholder have been taken.

Executed on July 25th, 2012.

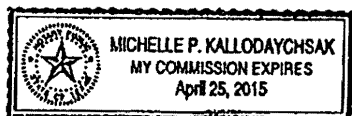
By: [Signature]
Name: Denny W. Buchanan
Title: President - LW

ACKNOWLEDGMENT

STATE OF TEXAS §
 §
COUNTY OF Travis §

Before me, a Notary Public, on this day personally appeared Denny Buchanan, President of Independent Bank, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 25 day of July, 2012.



[Signature]
Notary Public, State of Texas

**LIENHOLDER CONSENT TO
GRANT OF NON-DISTURBANCE EASEMENT**

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

Agreement

In consideration of \$10, and other good and valuable consideration, the receipt of which is acknowledged, the Lienholder agrees as follows:

1. Lone Star Bank, a Texas state bank, "Lienholder" consents to the grant of Non-Disturbance Easement running with the Property, described as Lots(Block1) 1,3,4,7,8,9,13 thru 18 inclusive, 20 thru 35 inclusive, and Block II Lots1 thru 36 inclusive,37,38, and 41 thru 45 inclusive. Overlook Estates Phase I, a plat of record in Travis County Texas, Plat Book 86, Page 152d, 153a, 153b and 153c, Plat Records of Travis County, Texas, which is executed contemporaneously herewith.

2. Lienholder subordinates all of its liens on this Property to the rights and interests of the City of Austin, its successors and assigns, and any foreclosure of its liens will not extinguish City's rights and interests in the Non-Disturbance Easement or the Property.

3. Lienholder affirms that the undersigned has the authority to bind the Lienholder, and that all corporate acts necessary to bind the Lienholder have been taken.

Executed on 1 August, 2012.

Lone Star Bank, a Texas state bank

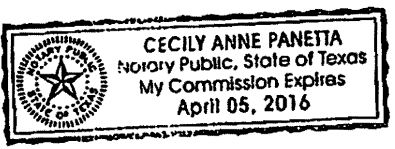
By: [Signature]
Name: Douglas W Kuenster
Title: EVP

ACKNOWLEDGMENT

STATE OF TEXAS §
 §
COUNTY OF Willowson §

EVP. Before me, a Notary Public, on this day personally appeared Douglas Kuenster of Lone Star Bank, a Texas state bank known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 1 day of August, 2012.



[Signature]
Notary Public, State of Texas

**LIENHOLDER CONSENT TO
GRANT OF NON-DISTURBANCE EASEMENT**

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

Agreement

In consideration of \$10, and other good and valuable consideration, the receipt of which is acknowledged, the Lienholder agrees as follows:

1. Lone Star Bank, a Texas state bank, "Lienholder" consents to the grant of Non-Disturbance Easement running with the Property, described as Lots(Block I) 1,3,4,7,8,9,13 thru 18 inclusive, 20 thru 35 inclusive, and Block II Lots 1 thru 36 inclusive, 37,38, and 41 thru 45 inclusive. Overlook Estates Phase I, a plat of record in Travis County Texas, Plat Book 86, Page 152d, 153a, 153b and 153c, Plat Records of Travis County, Texas, which is executed contemporaneously herewith.

2. Lienholder subordinates all of its liens on this Property to the rights and interests of the City of Austin, its successors and assigns, and any foreclosure of its liens will not extinguish City's rights and interests in the Non-Disturbance Easement or the Property.

3. Lienholder affirms that the undersigned has the authority to bind the Lienholder, and that all corporate acts necessary to bind the Lienholder have been taken.

Executed on 1 August, 2012.

Lone Star Bank, a Texas state bank

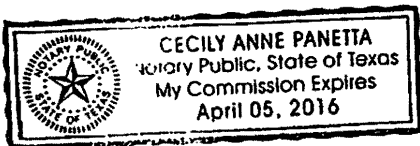
By: *[Signature]*
Name: Douglas W Kuenster
Title: EVP

ACKNOWLEDGMENT

STATE OF TEXAS §
 §
COUNTY OF Willowson §

Before me, a Notary Public, on this day personally appeared Douglas Kuenster *EVP* of Lone Star Bank, a Texas state bank known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 1 day of August, 2012.



[Signature]
Notary Public, State of Texas

**LIENHOLDER CONSENT TO
GRANT OF NON-DISTURBANCE EASEMENT**

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

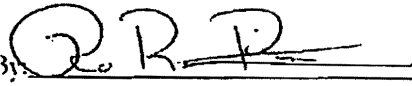
Agreement

In consideration of \$10, and other good and valuable consideration, the receipt of which is acknowledged, the Lienholder agrees as follows:

1. First-Lockhart National Bank, a National bank, "Lienholder" consents to the grant of Non-Disturbance Easement running with the Property, described as Lots 39, Overlook Estates Phase I, a plat of record in Travis County Texas, Plat Book 86, Page 152d, 153a, 153b and 153c, Plat Records of Travis County, Texas, which is executed contemporaneously herewith.
2. Lienholder subordinates all of its liens on this Property to the rights and interests of the City of Austin, its successors and assigns, and any foreclosure of its liens will not extinguish City's rights and interests in the Non-Disturbance Easement or the Property.
3. Lienholder affirms that the undersigned has the authority to bind the Lienholder, and that all corporate acts necessary to bind the Lienholder have been taken.

Executed on July 25, 2012.

FIRST-LOCKHART NATIONAL BANK

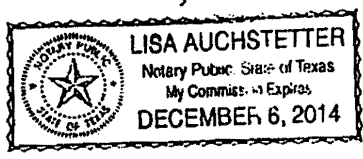
By: 
Name: Robert R. Priestley
Title: Senior Vice President

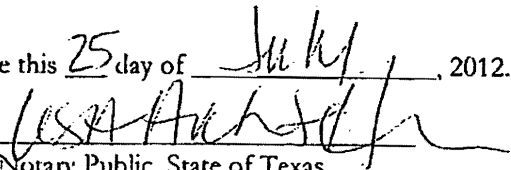
ACKNOWLEDGMENT

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

Before me, a Notary Public, on this day personally appeared Robert R. Priestley, _____ of First-Lockhart National Bank, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 25 day of July, 2012.




Notary Public, State of Texas

**LIENHOLDER CONSENT TO
GRANT OF NON-DISTURBANCE EASEMENT**

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

Agreement

In consideration of \$10, and other good and valuable consideration, the receipt of which is acknowledged, the Lienholder agrees as follows:

1. LONE STAR BANK a STATE SAVINGS bank, "Lienholder" consents to the grant of Non-Disturbance Easement running with the Property, described as Lots 34, BLOCK 2, Overlook Estates Phase I, a plat of record in Travis County Texas, Plat Book 86, Page 152d, 153a, 153b and 153c, Plat Records of Travis County, Texas, which is executed contemporaneously herewith.

2. Lienholder subordinates all of its liens on this Property to the rights and interests of the City of Austin, its successors and assigns, and any foreclosure of its liens will not extinguish City's rights and interests in the Non-Disturbance Easement or the Property.

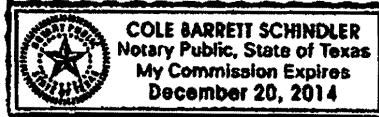
3. Lienholder affirms that the undersigned has the authority to bind the Lienholder, and that all corporate acts necessary to bind the Lienholder have been taken.

Executed on JULY 30, 2012.

By: [Signature]
Name: BRENT GIBBS
Title: SVP

ACKNOWLEDGMENT

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §



Before me, a Notary Public, on this day personally appeared BRENT GIBBS SVP of LONE STAR BANK, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 30 day of JULY, 2012.

[Signature]
Notary Public, State of Texas



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**

Two Public Notice of Release of the non-disturbance easements signs were posted on October 19, 2012, with one being on the northerly side of Circle Drive at its intersection with Lenape Trail at the entrance to The Overlook Estates, Phase 1 and the other just south of the intersection of Lenape Trail Thomaswood Lane at approximately the northeast corner of Lot 1, Block 2 of The Overlook Estates, Phase 1 at a point as near as practical to the area being vacated, and was also posted at the Travis County Courthouse.

CERTIFIED THIS THE 22 DAY OF October, 2012.

SIGNATURE: Jaime Garcia
NAME (PRINT): Jaime Garcia
TITLE: TNR/R&B Supervisor

cc: Garcia (sign shop)

M:\PERMITS\Vacate\12DE\Overlook-nondisturbance\SignRequest-Overlook.doc



NOTICE OF PUBLIC HEARING

NOVEMBER 13, 2012 AT 9:00 AM
NON-DISTURBANCE EASEMENT RELEASE
TO APPROVE THE RELEASE OF THE NON-
DISTURBANCE EASEMENTS LOCATED OVER
AND ACROSS SEVERAL AREAS OF THE
OVERLOOK ESTATES, PHASE I - A
SUBDIVISION IN PRECINCT THREE
AT THE TRAVIS COUNTY
COMMISSIONERS COURTROOM
700 LAVACA STREET AUSTIN, TEXAS
FOR MORE INFORMATION CALL 854-9383





NOTICE OF PUBLIC HEARING

**NOVEMBER 13, 2012 AT 9:00 AM
NON-DISTURBANCE EASEMENT RELEASE
TO APPROVE THE RELEASE OF THE NON-
DISTURBANCE EASEMENTS LOCATED OVER
AND ACROSS SEVERAL AREAS OF THE
OVERLOOK ESTATES, PHASE 1 - A
SUBDIVISION IN PRECINCT THREE
AT THE TRAVIS COUNTY
COMMISSIONERS COURTROOM
700 LAVACA STREET AUSTIN, TEXAS
FOR MORE INFORMATION CALL 854-9383**


**NOTICE OF
PUBLIC HEARING**
NOVEMBER 11, 2007 AT 7:00 AM
NON-COAST GUARDIAN EASEMENT RELEASE
TO APPROVE THE RELEASE OF THE NON-
COAST GUARDIAN EASEMENT TO THE STATE OF TEXAS
AND ADDRESS SEVERAL AREAS OF THE
COAST GUARDIAN EASEMENT PROJECT A
SUBDIVISION IN PRELIMINARY
AT THE TRAVIS COUNTY
COMMISSIONERS' OFFICE ROOM
700 LAVACA STREET, AUSTIN, TEXAS
FOR MORE INFORMATION CALL 855-8383



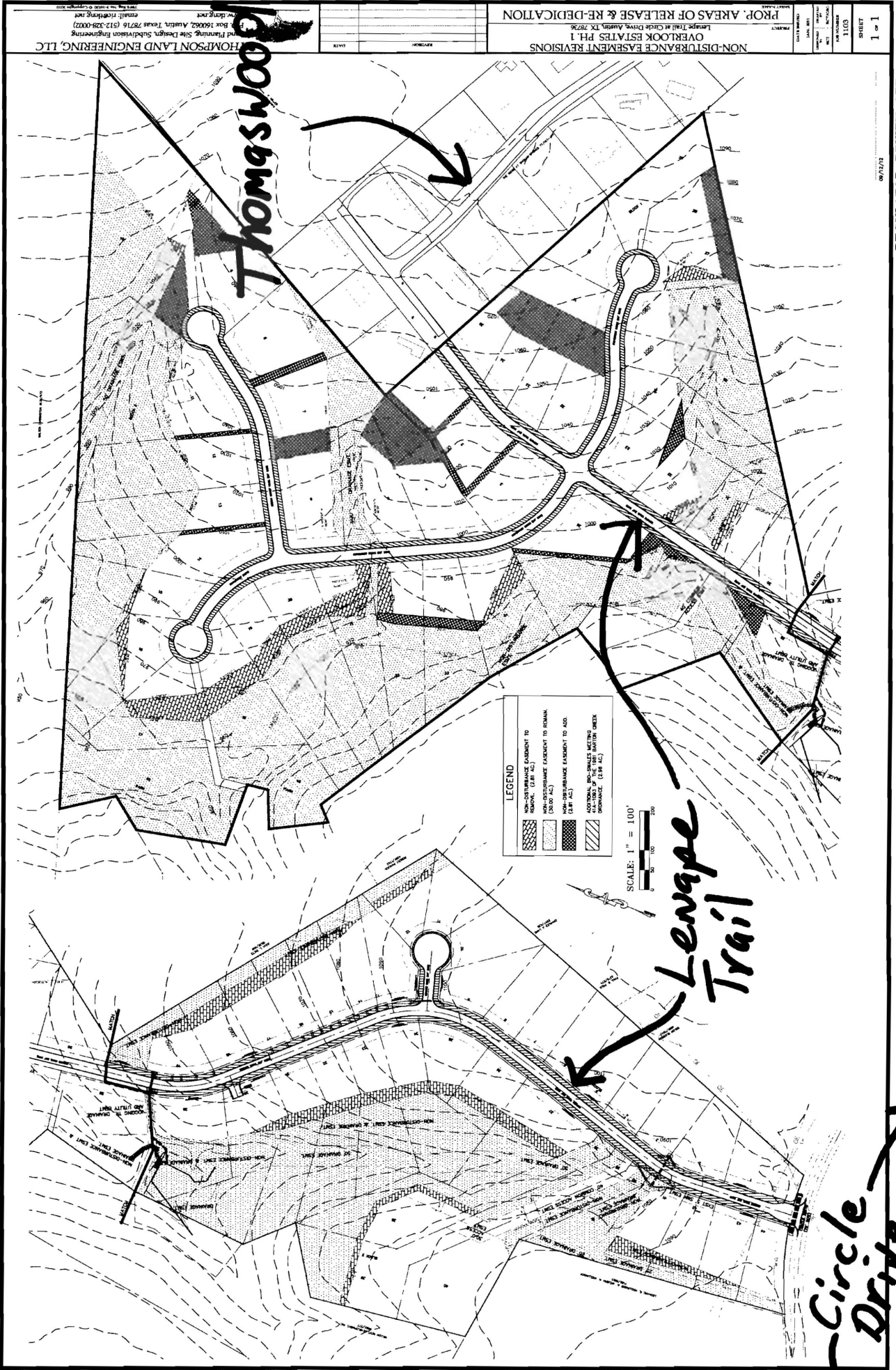
NOTICE OF PUBLIC HEARING

NOVEMBER 13, 2012 AT 9:00 AM

NON-DISTURBANCE EASEMENT RELEASE

TO APPROVE THE RELEASE OF THE NON-DISTURBANCE EASEMENTS LOCATED OVER AND ACROSS SEVERAL AREAS OF THE OVERLOOK ESTATES, PHASE 1 - A SUBDIVISION IN PRECINCT THREE

AT THE TRAVIS COUNTY
COMMISSIONERS COURTROOM
700 LAVACA STREET, AUSTIN, TEXAS
FOR MORE INFORMATION CALL 854-9383

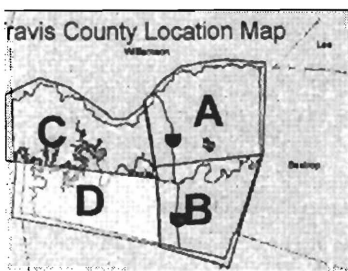
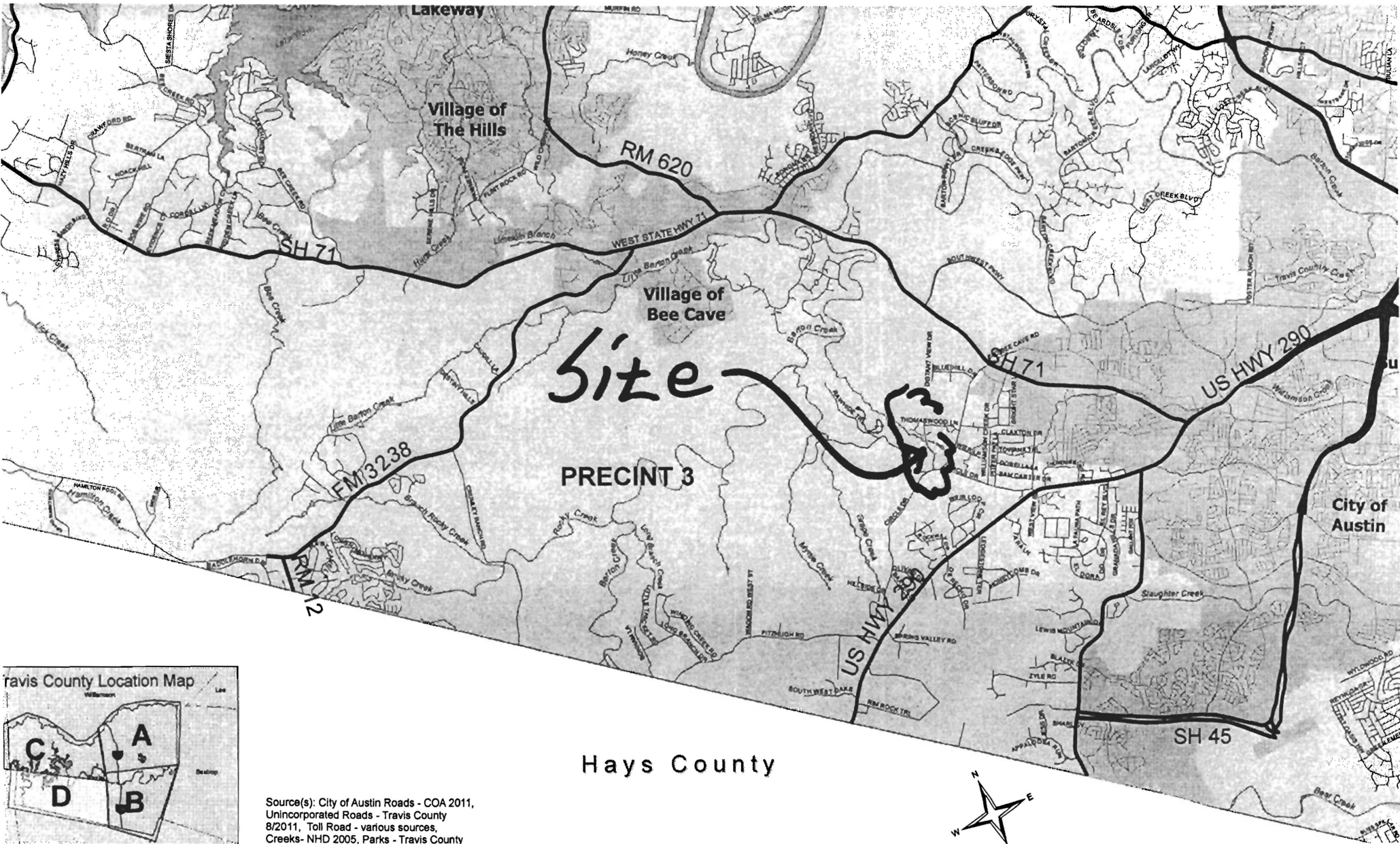


NON-DISTURBANCE EASEMENT REVISIONS
 OVERLOOK ESTATES PH. 1
 Lenape Trail at Circle Drive, Austin, TX 78734
 PROP. AREAS OF RELEASE & RE-DEDICATION

HOMPSON LAND ENGINEERING, L.L.C.
 Planning, Site Design, Subdivision Engineering
 Box 160692, Austin, Texas 78716 (512-328-0022)
 hlandengr.net
 email: rick@hlandengr.net

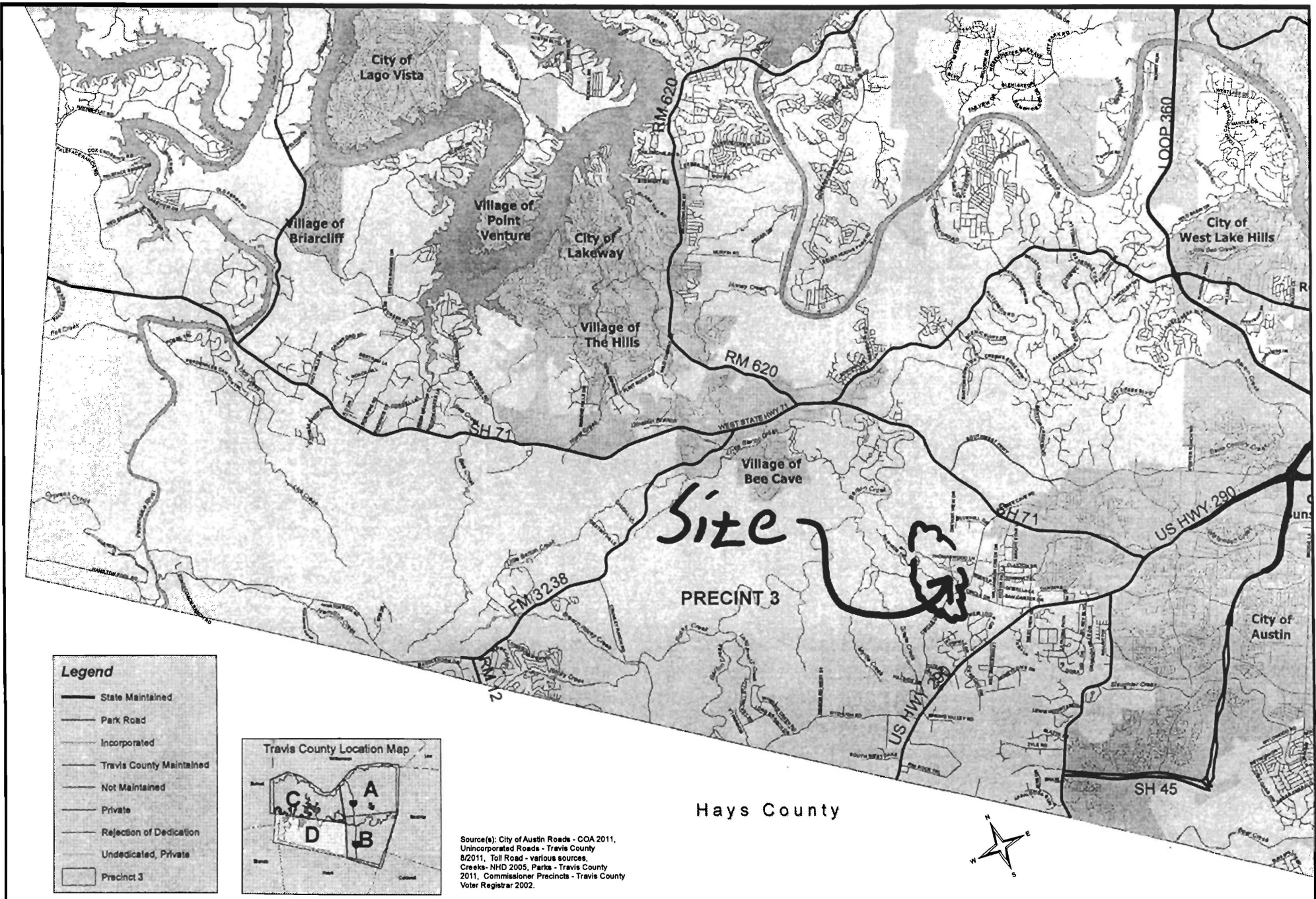
DATE: 09/27/12
 SHEET: 1103
 1 of 1

REGULATOR REVIEW SET



Source(s): City of Austin Roads - COA 2011,
 Unincorporated Roads - Travis County
 8/2011, Toll Road - various sources,
 Creeks - NHD 2005, Parks - Travis County

Hays County



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

Travis County Roadways, Map D



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