



Travis County Commissioners Court Agenda Request

Meeting Date: November 27, 2012

Prepared By: Paul Scoggins **Phone #:** 854-7619

Division Director/Manager: Anna Bowlin, Division Director of Development Services and Long Range Planning

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, December 18, 2012 to receive comments regarding a request to authorize the filing of an instrument to vacate two five foot wide public utility easements located along the common lot line of Lots 1471 and 1472 of Apache Shores, Section Three Amended – Precinct Three.

BACKGROUND/SUMMARY OF REQUEST:

TNR staff has received a request to vacate two five foot wide public utility easements (PUEs) located along the common lot line of Lots 1471 and 1472 of Apache Shores Section Three Amended. The PUEs are dedicated per plat note. The subject lots front on Indian Creek Trail, a street maintained by Travis County.

The utility companies operating in the area have stated they have no objection to vacating the subject easements. Staff foresees no opposition to this request.

STAFF RECOMMENDATIONS:

The request has been reviewed by TNR staff and staff finds the vacation requests meets all Travis County standards. As such, TNR staff recommends setting the public hearing.

ISSUES AND OPPORTUNITIES:

According to the request letter the property owners request the vacation of the easement for the purpose of building a home centered over the subject lots' common lot line. Vacating the subject easements will allow the property owner to move forward with their plans without encroaching on said easement.

FISCAL IMPACT AND SOURCE OF FUNDING:

None.

ATTACHMENTS/EXHIBITS:

Order of Vacation
Field Notes
Request Letter
Utility Statements
Maps

REQUIRED AUTHORIZATIONS:

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

CC:

Stacey Scheffel	Program Manager	TNR Permits	854-7565

SM:AB:ps

1101 - Development Services - Apache Shores, Section Three Amended

ORDER OF VACATION

STATE OF TEXAS §

COUNTY OF TRAVIS §

WHEREAS, the property owners request the vacation of two five foot wide public utility easements located along the common lot line of Lots 1471 and 1472 of Apache Shores, Section Three Amended as recorded in Volume 50, Page 81 of the Travis County Plat Records;

WHEREAS, all utility companies known to be operating in the area have indicated they have no need for the easements requested to be vacated as described in the attached field notes and sketch;

WHEREAS, the Travis County Transportation and Natural Resources Department recommends the vacation of the easements as described in the attached field notes and sketch;

WHEREAS, the required public notice was posted and the Travis County Commissioners Court held a public hearing on December 18, 2012 to consider the proposed action; and

NOW, THEREFORE, by unanimous vote, the Commissioners Court of Travis County, Texas, orders that the two five foot wide public utility easements located along the common lot line of Lots 1471 and 1472 of Apache Shores, Section Three Amended, 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

EXHIBIT "A"

BEING 3,648 SQUARE FEET OF LAND, BEING A PORTION OF LOTS 1471 AND 1472, APACHE SHORES SECTION THREE AMENDED, A SUBDIVISION RECORDED IN VOLUME 50, PAGE 81, PLAT RECORDS, TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THE 5 FOOT PUBLIC UTILITY EASEMENT RUNNING ALONG BOTH SIDES OF THE COMMON LINE OF SAID LOTS, SAME BEING THAT CERTAIN ROGER GALPIN TRACTS RECORDED IN DOCUMENT NUMBERS 2008205534 AND 2009148223, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, SAID 3,648 SQUARE FEET OF LAND TO BE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a point in the common line of said Lots 1471 and 1472, for a point in the northerly line hereof, from which a Mag nail found at the common northerly corner of said Lots 1471 and 1472 bears, North 55 degrees 21 minutes 21 seconds West, 6.87 feet;

THENCE North 63 degrees 48 minutes 00 seconds East, through said Lot 1471, 5.73 feet to a point, for the northeast corner hereof;

THENCE South 55 degrees 21 minutes 21 seconds East, continuing through said Lot 1471, 362.07 feet to a point, for the southeast corner hereof;

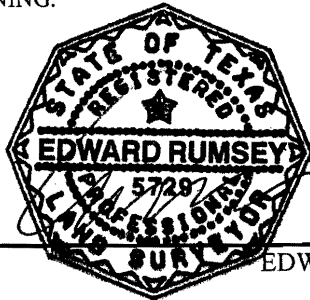
THENCE South 35 degrees 17 minutes 00 seconds West, continuing through said Lot 1471, 5.00 feet to a point in the common line of said Lots 1471 and 1472, for a point in the southerly line hereof, from which an iron rod found at the common southerly corner of said Lots 1471 and 1472 bears, South 55 degrees 21 minutes 21 seconds East, 10.00 feet;

THENCE through said Lot 1472, the following calls,

1. South 35 degrees 17 minutes 00 seconds West, 0.91 feet to a point at the beginning of a curve to the left having a radius of 258.64 feet,
2. along aid curve to the left whose chord bears, South 35 degrees 49 minutes 52 seconds West, 4.09 feet to a point, for the southwest corner hereof;

THENCE North 55 degrees 21 minutes 21 seconds West, continuing through said Lot 1472, 367.49 feet to a point, for the northwest corner hereof;

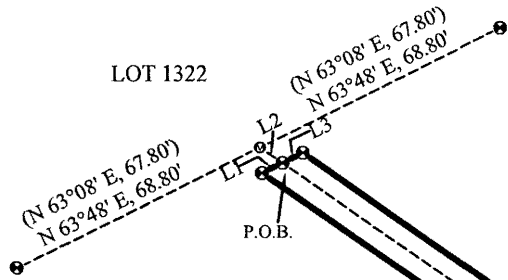
THENCE North 63 degrees 48 minutes 00 seconds East, continuing through said Lot 1472, 5.73 feet to the POINT OF BEGINNING.



DATE 10-22-2012

EDWARD C. RUMSEY, TX. RPLS #5729
ALL STAR LAND SURVEYING
9020 ANDERSON MILL ROAD
AUSTIN, TEXAS 78729
JOB # A1003212
TCAD PROP ID# 147073/147074
AUSTIN GRID-Z-32
PAGE 1 OF 2

3,648 SQUARE FOOT PARTIAL RELEASE OF PUBLIC UTILITY EASEMENT

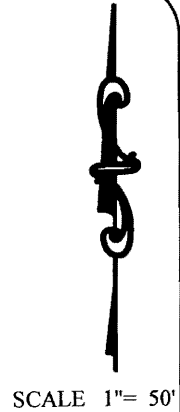


LINE TABLE

L1	- N 63°48'00" E, 5.73'
L2	- N 55°21'21" W, 6.87' ; (N 54°36' W)
L3	- N 63°48'00" E, 5.73'
L4	- S 35°17'00" W, 5.00' ; (S 35°24' W)
L5	- S 55°21'21" E, 10.00' ; (N 54°36' W)
L6	- S 35°17'00" W, 0.91' ; (S 35°24' W, 1.04')

CURVE TABLE

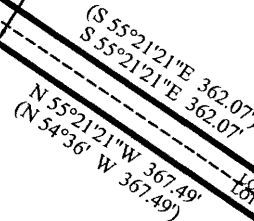
C1	- RADIUS = (258.64')
	- ARC = 4.09'
CH	- S 35°49'52" W, 4.09'



**3,648
SQUARE
FEET
OUT OF
LOTS 1471 & 1472**

5' PUE
(VOL. 50, PG. 81,
VOL. 3822, PG. 1757)

LOT 1471



LOT 1472

5' PUE
(VOL. 50, PG. 81,
VOL. 3822, PG. 1757)



LEGAL DESCRIPTION:
 BEING 3,648 SQUARE FEET OF LAND,
 BEING A PORTION OF LOTS 1471 AND
 1472, APACHE SHORES SECTION
 THREE AMENDED, A SUBDIVISION
 RECORDED IN VOLUME 50, PAGE 81,
 PLAT RECORDS, TRAVIS COUNTY,
 TEXAS, AND BEING A PORTION OF THE
 5 FOOT PUBLIC UTILITY EASEMENT
 RUNNING ALONG BOTH SIDES OF THE
 COMMON LINE OF SAID LOTS, SAME
 BEING THAT CERTAIN ROGER GALPIN
 TRACTS RECORDED IN DOCUMENT
 NUMBERS 2008205534 AND 2009148223,
 OFFICIAL PUBLIC RECORDS, TRAVIS
 COUNTY, TEXAS, SAID 3,648 SQUARE
 FEET OF LAND TO BE MORE
 PARTICULARLY DESCRIBED BY
 METES AND BOUNDS IN EXHIBIT "A",
 ATTACHED HERETO AND MADE A
 PART HEREOF.

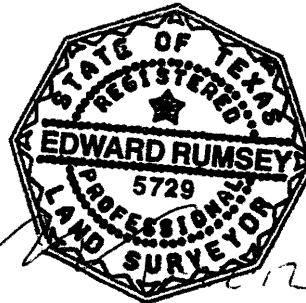
SURVEY DATE	OCTOBER 22, 2012	
TITLE CO.	-	
G.F. NO.	-	
JOB NO.	A1003212	
FILED BY	EDWARD RUMSEY	10/18/2012
CALC. BY	EDWARD RUMSEY	10/18/2012
DRAWN BY	ROGER CARDONA	10/18/2012
RPLS CHECK	EDWARD RUMSEY	10/22/2012



9020 ANDERSON MILL RD
 AUSTIN, TEXAS 78729
 (512) 249-8149 PHONE
 (512) 331-5217 FAX
 WWW.ALLSTARLANDSURVEYING.COM

LEGEND

- CALCULATED POINT
- MAG NAIL FOUND
- PUBLIC UTILITY ESMT
- RECORD INFORMATION
- POINT OF BEGINNING



Roger A. Galpin
James R. Sharp
5318 Acorn Ct.
League City, TX 77573-3183
(281)332-2709

Transportation and Natural Resources
411 W. 13th St.
Austin, TX. 78701

Subject: Evacuation of Easement between Lots 1471 and 1472 Indian Creek Rd, Apache Shores,
Section 3, Austin, TX 78734

Attn: Right of Way Maps

RECEIVED

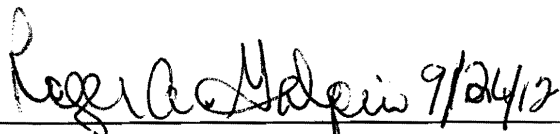
SEP 28 2012

TRAVIS COUNTY - TNR
PERMITS DEPARTMENT

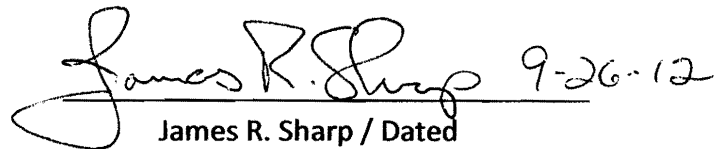
We request evacuation of the easement between these two lots for purpose of building a home centered over existing utility easement that runs between the two lots.

Enclosed are surveys of the two lots, floor plan of a house we plan to build, and affidavits from all affected utilities (AT&T, Time Warner Cable, Austin Energy, and Travis County Water Control and Improvement District #17) agreeing to evacuate their claim to the easement.

Signed,

 9/24/12

Roger A. Galpin / Dated

 9-26-12

James R. Sharp / Dated



SOUTHWESTERN BELL TELEPHONE COMPANY

RELEASE OF EASEMENT

THIS RELEASE OF EASEMENT, entered into by *SOUTHWESTERN BELL TELEPHONE COMPANY, a Missouri corporation, GRANTOR, AND Roger A. Galpin, GRANTEE*, wherein GRANTOR in consideration of One Dollar (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged, does by these presents ABANDON, RELEASE, RELINQUISH AND DISCLAIM to GRANTEE, as is, all or a specific portion of certain easements for telecommunication purposes hereinafter described that affects land owned by GRANTEE situated in *Travis County, Texas*, and described as follows:

Lot 1471, Apache Shores, Section Three (3) (Amended), Deed of record in Document 2009148223, Property Records of Travis County, Texas

Said land of GRANTEE being subject to:

Easements recorded in Volume 50, Page 81, Plat Records of Travis County, Texas,

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

All of the 5 foot PUE along the southwest property line of said Lot 1471, described above,

TO HAVE AND TO HOLD same, together with all rights and appurtenances to the same belonging, unto GRANTEE, their heirs, successors and assigns forever.

IN WITNESS WHEREOF, GRANTOR has caused this Release of Easement to be executed by its duly authorized officers this 9th day of AUGUST, 2012

SOUTHWESTERN BELL TELEPHONE COMPANY

R. Reed

Name : RICHARD LAINE REED

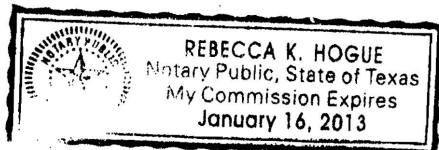
Title: MANAGER ENGINEERING DESIGN

THE STATE OF TEXAS
COUNTY OF TRAVIS

BEFORE ME, the undersigned authority, on this day personally appeared RICK REED, known to me to be the person whose name is subscribed to the foregoing instrument as Manager, Engineering-Design of Southwestern Bell Telephone Company, a Missouri corporation, and acknowledged to me that he/she executed the same for purposes and considerations therein expressed in the capacity stated, and as the act and deed of said corporation.

Given under my hand and seal of office this the 9th day of AUGUST, 2012

Rebecca K. Hogue
Notary Public in and for the State of TEXAS
My Commission Expires Jan 16, 2013





SOUTHWESTERN BELL TELEPHONE COMPANY

RELEASE OF EASEMENT

THIS RELEASE OF EASEMENT, entered into by *SOUTHWESTERN BELL TELEPHONE COMPANY, a Missouri corporation, GRANTOR, AND Roger A. Galpin and James Robert Sharp, GRANTEE(S)*, wherein GRANTOR in consideration of One Dollar (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged, does by these presents ABANDON, RELEASE, RELINQUISH AND DISCLAIM to GRANTEE(S), as is, all or a specific portion of certain easements for telecommunication purposes hereinafter described that affects land owned by GRANTEE(S) situated in *Travis County, Texas*, and described as follows:

Lot 1472, Apache Shores, Section Three (3) (Amended), Deed of record in Document 2008202534, Property Records of Travis County, Texas

Said land of GRANTEE(S) being subject to:

Easements recorded in Volume 50, Page 81, Plat Records of Travis County, Texas,

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

All of the 5 foot PUE along the northeast property line of said Lot 1472, described above,

TO HAVE AND TO HOLD same, together with all rights and appurtenances to the same belonging, unto GRANTEE(S), their heirs, successors and assigns forever.

IN WITNESS WHEREOF, GRANTOR has caused this Release of Easement to be executed by its duly authorized officers this 17th day of AUGUST, 2012

SOUTHWESTERN BELL TELEPHONE COMPANY

[Signature]

Name : RICHARD LAINE REED

Title: MANAGER ENGINEERING DESIGN

THE STATE OF TEXAS
COUNTY OF TRAVIS

BEFORE ME, the undersigned authority, on this day personally appeared RICK REED, known to me to be the person whose name is subscribed to the foregoing instrument as Manager, Engineering-Design of Southwestern Bell Telephone Company, a Missouri corporation, and acknowledged to me that he/she executed the same for purposes and considerations therein expressed in the capacity stated, and as the act and deed of said corporation.

Given under my hand and seal of office this the 17th day of AUGUST, 2012

[Signature]
Notary Public in and for the State of TEXAS
My Commission Expires Jan 16, 2013





12012 N. Mopac Expressway
512/485-6417 (Laurie Schumpert)

Austin, TX 78758
512/485-1485 (Fax)

EASEMENT RELEASE STATEMENT FOR VACATION OF PROPERTY

A request for release of the P.U.E. easement(s) has been made on the property legally described as:

Subdivision or Section: APACHE SHORES SECTION 3 AMENDED

Lot and Block Numbers: LOTS 1471 AND 1472

Street Address: INDIAN CREEK RD, AUSTIN, TX 78734

Property Owner: JAMES R. SHARP AND ROGER A. GALPIN

STATEMENT

X Time Warner Cable **does not** have a need for an easement on the property as described in the accompanying document.

 Time Warner Cable **does** have a need for an easement on the property as described in the accompanying document.

Time Warner Cable

Laurie Schumpert
Signature

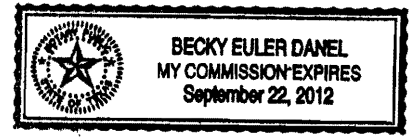
Sr. Designer
Title

State of Texas
County of Travis

This instrument was acknowledged before me on July 31, 2012 by

Laurie Schumpert

Becky Euler Danel
Notary Public





TRANSPORTATION AND NATURAL RESOURCES

STEVEN M. MANILLA, P.E., COUNTY EXECUTIVE

411 West 13th Street
Executive Office Building
PO Box 1748
Austin, Texas 78767
(512) 854-9383
FAX (512) 854-4649

EASEMENT REQUIREMENT STATEMENT FOR VACATION OF PROPERTY

An application is being made to Travis County for the vacation of property at N/A (address) and/or Lots 1471 & 1472 Apache Shores Section 3, Amended, Vol 50, Pg. 81 (legal description) and as described on the enclosed drawing or document. An action of the Commissioners' Court of Travis County is pending your return of this statement. Your prompt reply is requested.

STATEMENT

We do not have need for an easement on the property as described in the accompanying document.

We do have a need for an easement on the property as described in the accompanying document. A description of the required easement is attached.

Sonny Poole
Signature
Sonny Poole
Printed Name
Mgr., PIRES
Title
Austin Energy
Utility Company or District
August 2, 2012
Date

Please return this completed form to:

James R. Sharp
Name
5318 Acorn Ct.
Address
League City, TX 77573
City/State/Zip

Email: jrsharp1955@comcast.net



TRAVIS COUNTY WATER CONTROL
AND IMPROVEMENT DISTRICT 17

3812 Eck Lane • Austin, Texas 78734
• Phone (512) 266-1111 • Fax (512) 266-2790

UTILITY EASEMENT RELEASE APPLICATION

Date: 7-26-2012

A release of the following utility easement(s) is hereby requested.
(\$30.00 fee is required)

Property Address: APACH SHORES INDIAN CREEK RD.

Legal Description: LOT NUMBER 1471 AND 1472
VOLUME 50 PAGE 81 FIVE FOOT PUB. EASE. BETWEEN
[REDACTED] #1471 & #1472

Applicant Name: JAMES R. SHARP, ROGER A. GALPIN

Address: 5318 ACORN CT.
LEAGUE CITY, TX 77573

Reason for Request: SINGLE FAMILY RESIDENCE

Water District 17 DOES NOT have a need for an easement on the property as described in the accompanying document. The easement(s) is (are) hereby released.

Water District 17 DOES have a need for an easement on the property as described in the accompanying document. A description of the required easement is attached.

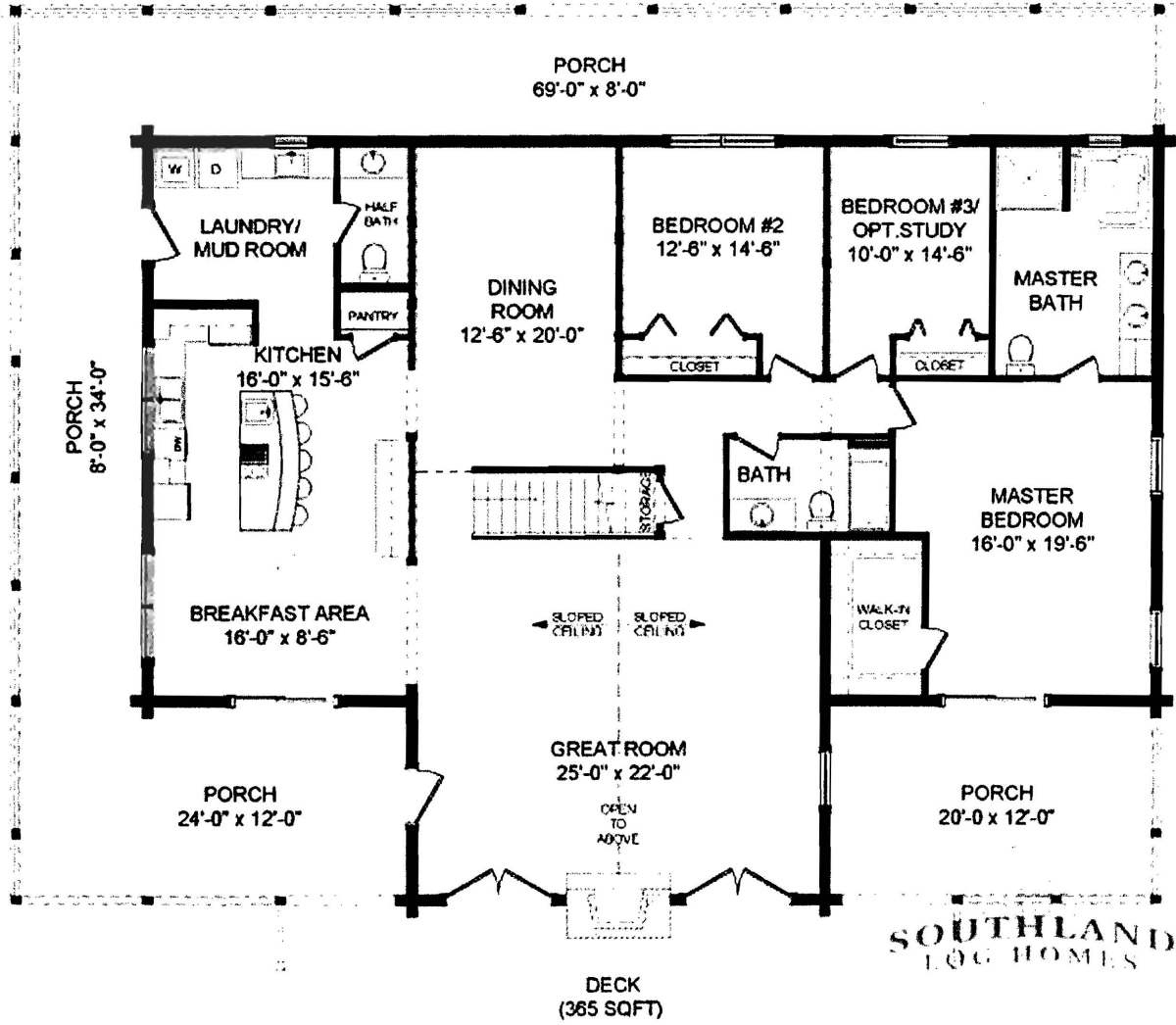
Henry Marley 7.31.12
Signature Date
Reviewer: HENRY W MARLEY

Deborah S. Gemes
Signature Date
Printed Name
General Manager
Title

Please return this completed form to:

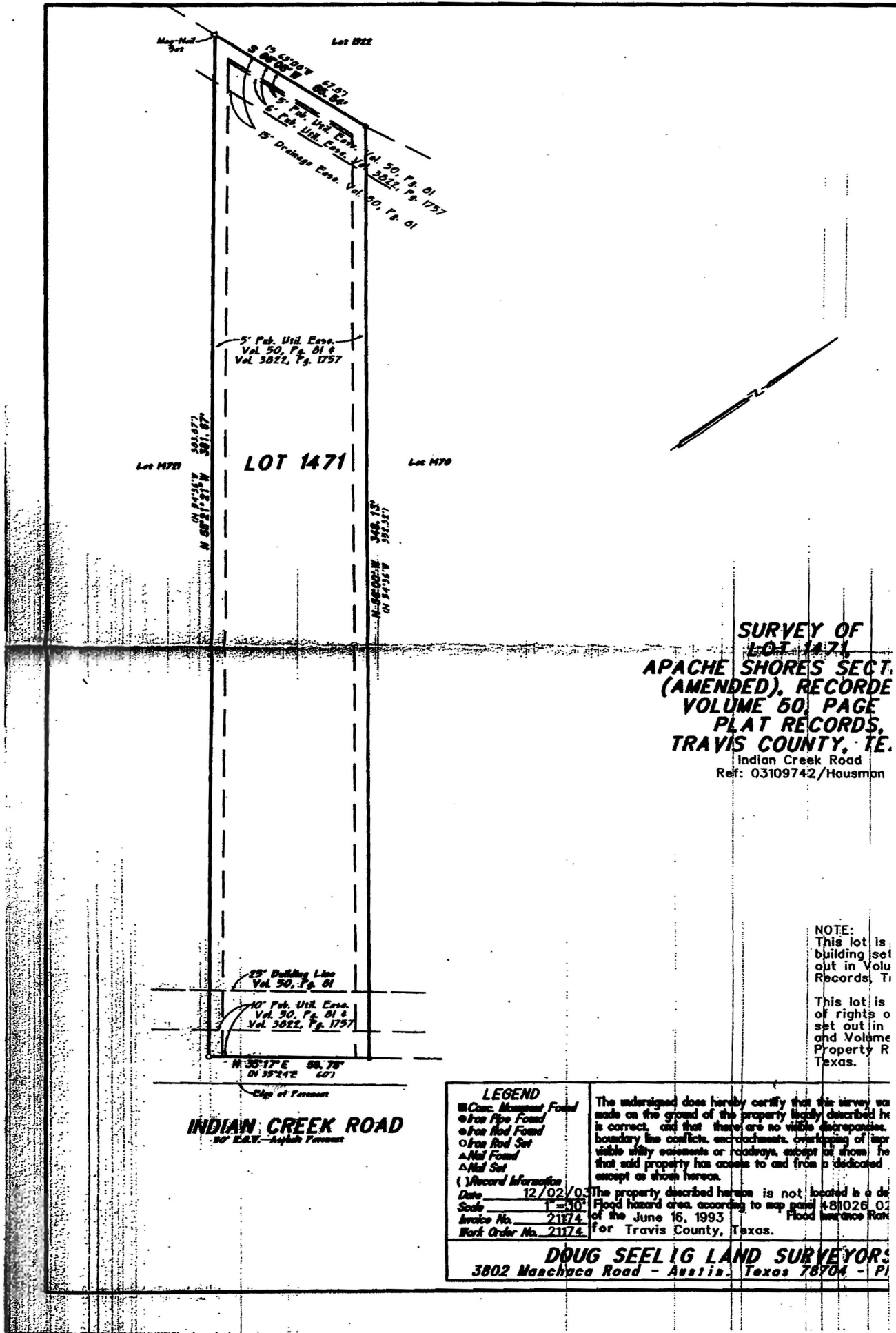
Phone: 281-332-2709
Fax: 281-332-2709
Email: JRSHARP1955@COMCAST.NET

JAMES R. SHARP
Name
5318 ACORN CT
Address
LEAGUE CITY, TX 77573
City/State/Zip



SOUTHLAND
LOG HOMES

11250 Highway 101, Suite 100, San Diego, CA 92126 | America's Favorite Log Home

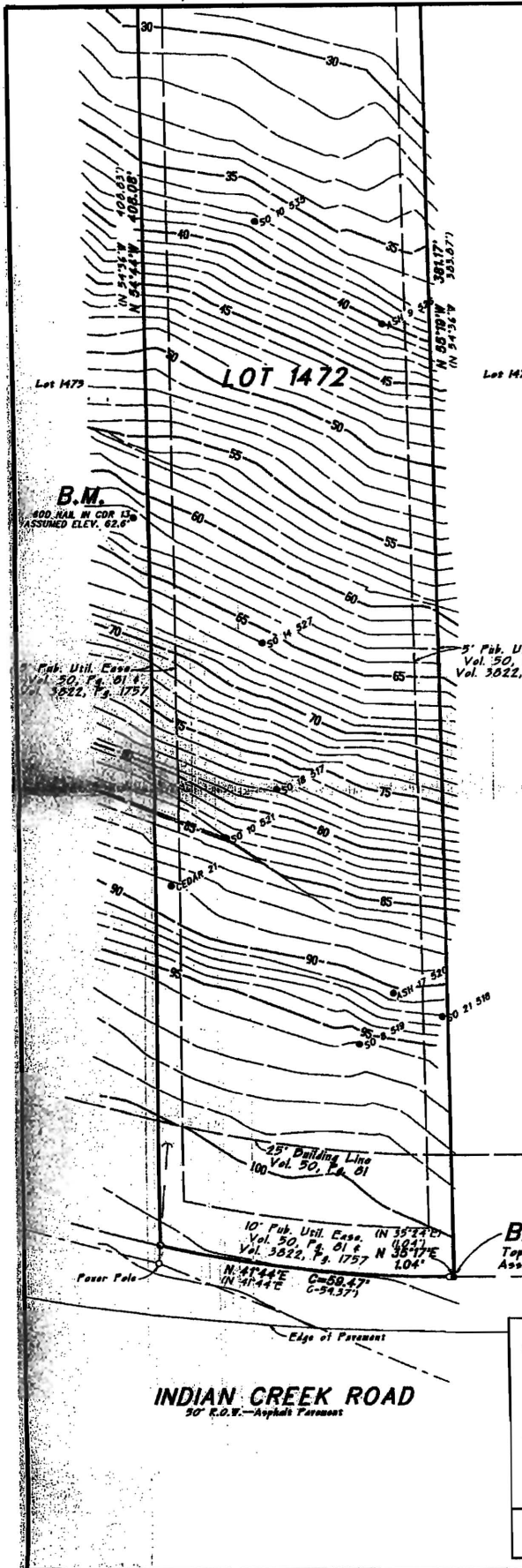


**SURVEY OF
LOT 1471
APACHE SHORES SECT.
(AMENDED), RECORDED
VOLUME 50, PAGE
PLAT RECORDS,
TRAVIS COUNTY, TEX.**
Indian Creek Road
Ref: 03109742/Hausman

NOTE:
This lot is building set out in Volume Records, T
This lot is of rights or set out in and Volume Property R Texas.

INDIAN CREEK ROAD
30' E.W. - Asphalt Pavement

<p>LEGEND ■ Cass. Monument Found ● Iron Pipe Found ● Iron Rod Found ○ Iron Rod Set ▲ Nail Found △ Nail Set () Record Information Date <u>12/02/03</u> Scale <u>1"=30'</u> Invoice No. <u>21874</u> Work Order No. <u>21874</u></p>	<p>The undersigned does hereby certify that this survey was made on the ground of the property hereby described he is correct, and that there are no visible discrepancies, boundary line conflicts, encroachments, overlapping of legal visible utility easements or roadways, except as shown hereon, that said property has access to and from a dedicated except as shown hereon.</p> <p>The property described hereon is not located in a de Flood hazard area, according to map page 481026.02 of the June 16, 1993 Flood Insurance Rate for Travis County, Texas.</p>
<p align="center">DOUG SEELIG LAND SURVEYORS 3802 Manchaca Road - Austin, Texas 78704 - PL</p>	



**TOPOGRAPHIC SURVEY
OF LOT 1472,
APACHE SHORES SECTION
(AMENDED), RECORDED IN
VOLUME 50, PAGE 81,
PLAT RECORDS,
TRAVIS COUNTY, TEXAS**
Indian Creek Road
Housman

NOTE:
This survey w
the benefit of
and may be s
building lines
shown hereon.

NOTE:
This lot is set
building setback
out in Volume
Records, Trav

This lot is set
of rights of w
set out in Vol
and Volume 13
Property Recd
Texas.

BENCH MARK
Top of Iron Rod
Assumed Elev. 100.6'

INDIAN CREEK ROAD
50' R.O.W.—Asphalt Pavement

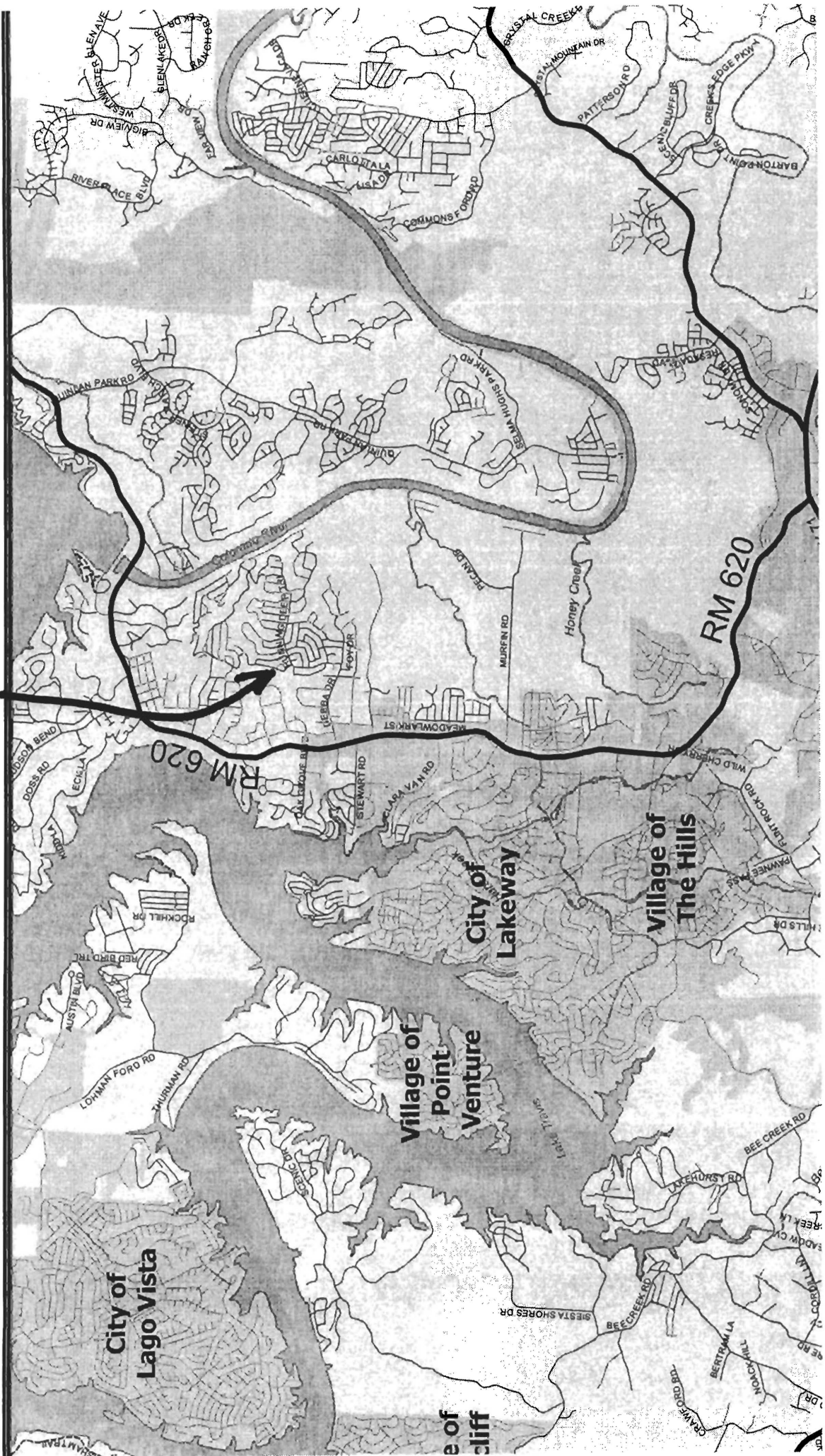
LEGEND	
■	Conc. Monument Found
⊙	Iron Pipe Found
●	Iron Rod Found
○	Iron Rod Set
△	Nail Found
▲	Nail Set
()	Record Information
Date	6/23/05
Scale	1" = 20'
Invoice No.	22582
Work Order No.	22582

The undersigned does hereby certify that this survey was this made on the ground of the property legally described herea is correct, and that there are no visible discrepancies, con boundary line conflicts, encroachments, overlapping of improv visible utility easements or roadways, except as shown hereo that said property has access to and from a dedicated roa except as shown hereon.

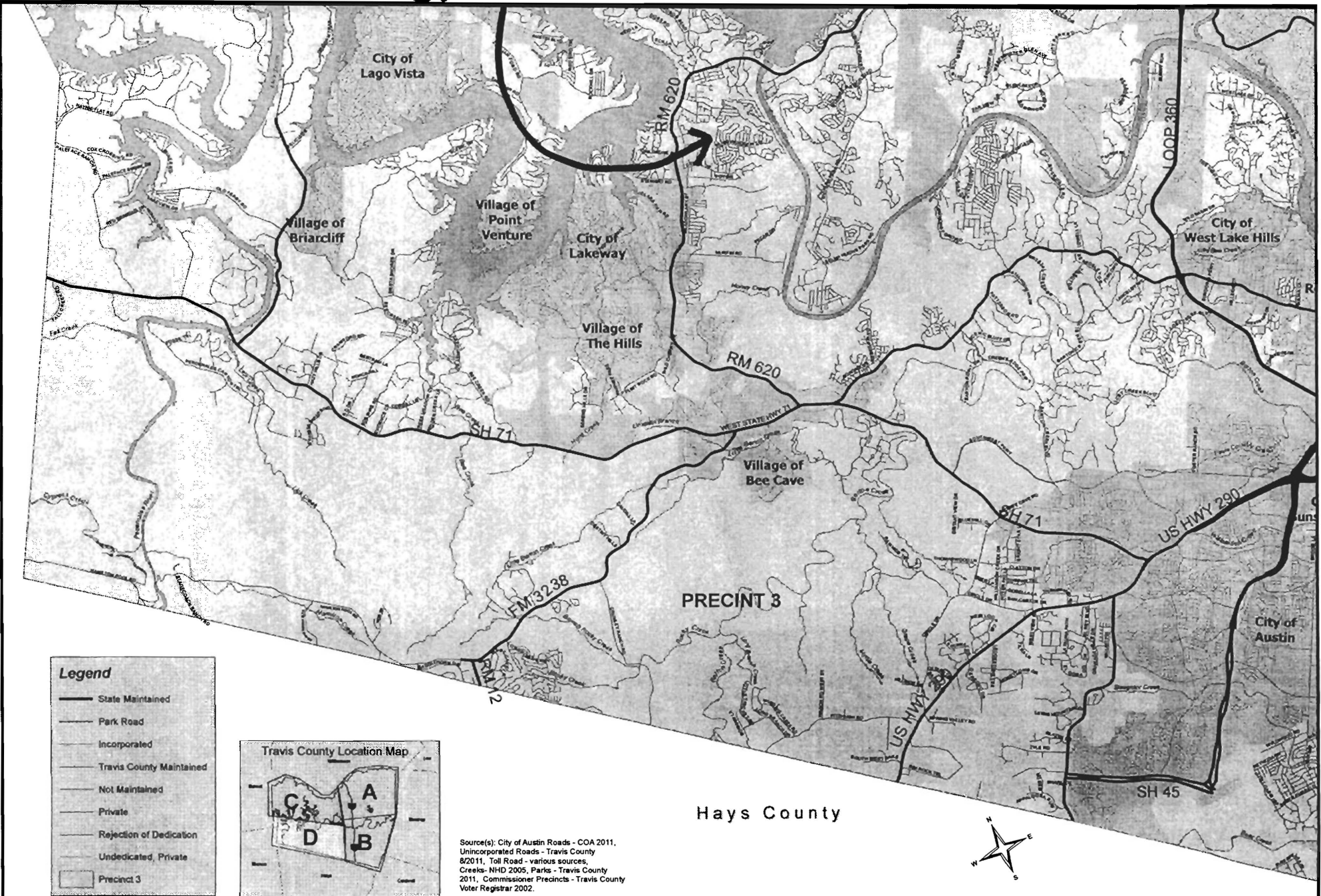
The property described hereon is not located in a design Flood hazard area, according to map page 481026 0285 of the June 16, 1993 Flood Insurance Rate Ma For Travis County, Texas.

DOUG SEELIG LAND SURVEYORS, P.C.
3802 Manchaca Road - Austin, Texas 78704 - Ph. (512) 44

Site

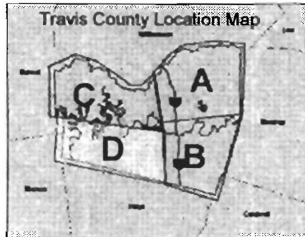


Site



Legend

- State Maintained
- Park Road
- Incorporated
- Travis County Maintained
- Not Maintained
- Private
- Rejection of Dedication
- Undedicated, Private
- Precinct 3



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: 8/9/2011