

# **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

**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 43 and 44 of Cardinal Hills Estates Unit 14 – 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 43 and 44 of Cardinal Hills Estates Unit 14. The PUEs are dedicated per plat note. The subject lots front on RR 620, a highway maintained by the State of Texas.

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

## **STAFF RECOMMENDATIONS:**

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

## **ISSUES AND OPPORTUNITIES:**

According to the request letter the property owner constructed a building directly over the subject easements. Vacating the subject easements will allow the property owner to clear up some title and encroachment issues.

# FISCAL IMPACT AND SOURCE OF FUNDING:

None.

## **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 43 and 44 of Cardinal Hills Estates Unit 14 as recorded in Volume 53, Page 36 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 43 and 44 of Cardinal Hills Estates Unit 14, 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

# HOLT CARSON, INC.

PROFESSIONAL LAND SURVEYORS 1904 FORTVIEW ROAD AUSTIN, TEXAS 78704 TELEPHONE: (512) 442-0990 October 10, 2012

FIELD NOTE DESCRIPTION FOR THE RELEASE OF A PORTION OF THOSE 5 FOOT WIDE PUBLIC UTILITY EASEMENTS DEDICATED PER PLAT WHICH LIE ON EACH SIDE OF THE COMMON LOT LINE OF LOTS 43 AND 44, CARDINAL HILLS UNIT 14, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 53 PAGE 36 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAID LOTS HAVING BEEN CONVEYED TO PRESTIGE INVESTMENTS LLC. BY DEED RECORDED IN DOCUMENT NO. 2002024289 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING for reference at a ½ inch iron rod found in the west line of Lot 79, Cardinal Hills Unit 14, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 53 Page 36 of the Plat Records of Travis County, Texas, and being at the east common corner of Lots 44 and 45 of said Cardinal Hills Unit 14, and from which a ½ inch iron rod found in the east right-of-way line of R.M. Highway 620 at the west common corner of said Lots 44 and 45 bears N 83 deg. 44' 48" W 299.98 ft.;

THENCE with the common line of said Lots 44 and 79, S 07 deg. 24' 00" W 100.11 ft. to a calculated point at the east common corner of Lots 43 and 44 of said Cardinal Hills Unit 14; and from which a ½ inch iron rod found at the west common corner of Lots 79 and 80 of said Cardinal Hills Unit 14 bears S 07 deg. 24' 00" W 39.79 ft.;

THENCE with the common line of said Lots 43 and 44, N 83 deg. 42' 36" W 5.00 ft. to a point in the west line of a 5 foot wide public utility easement dedicated per plat of said Cardinal Hills Unit 14 at the PLACE OF BEGINNING of the herein described area for release;

THENCE with the west line of said 5 foot wide public utility easement on a course 5 feet from and parallel to the common line of said Lots 43 and 79, S 07 deg. 24' 00" W 5.00 ft. to a point in the south line of a second 5 foot wide public utility easement dedicated per plat of said Cardinal Hills Unit 14, and being at the southeast corner of this area for release;

THENCE crossing the interior of said Lot 43 with the south line of said second 5 foot wide public utility easement, on a course 5 feet from and parallel to the common line of said Lots 43 and 44,

N 83 deg. 42' 36" W 281.59 ft. to a calculated point n the east right-of-way line of R.M. Highway 620 at the southwest corner of this area for release;

page 2 of 2 partial release of public utility easements

THENCE with the east right-of-way line of R. M. Highway 620, 10.05 ft. along the arc of a curve to the left, having a radius of 2941.79 ft, and chord bearing N 00 deg. 23' 58" E 10.05 ft., to a calculated point at the intersection of the north line of a third 5 foot wide public utility dedicated per plat of said Cardinal Hills Unit 14, and being at the northwest corner of this area for release;

THENCE crossing the interior of said Lot 44 with the north line of said third 5 foot wide easement, on a course 5 ft. from and parallel to the common line of said Lots 43 and 44, S 83 deg. 42' 36" E 282.81 ft. to a point in the west line of the 5 foot wide public utility easement first described herein, and being at the northeast corner of this area of release;

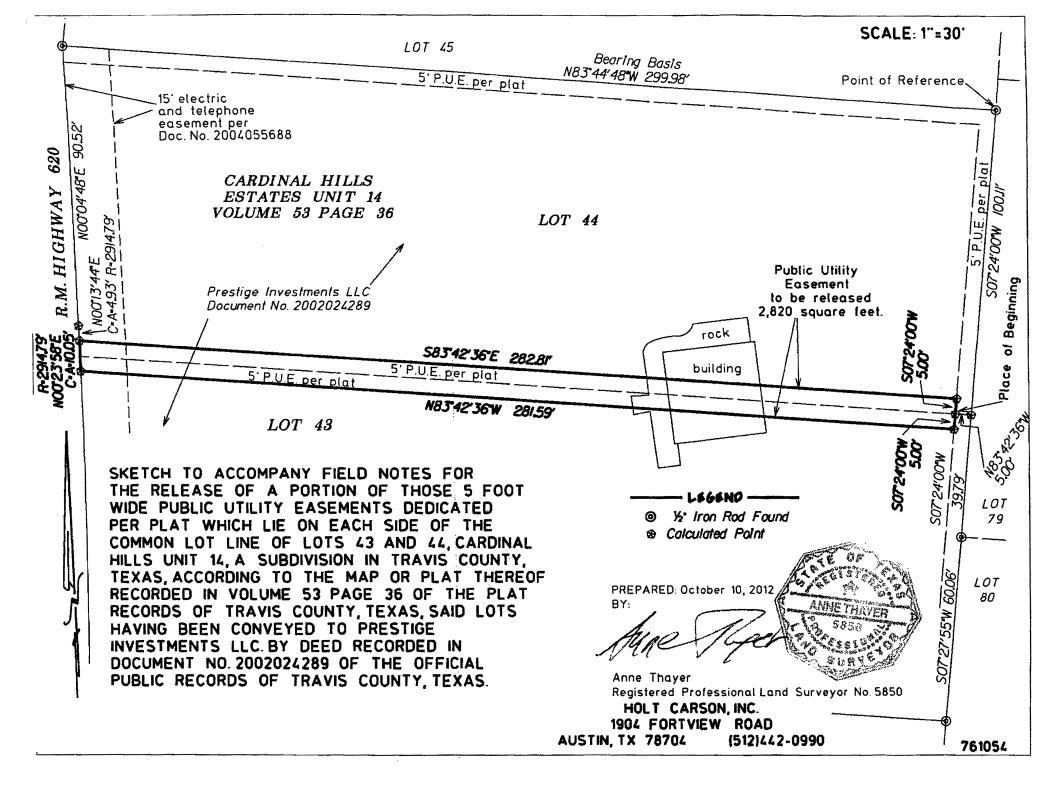
THENCE with the west line of said 5 foot wide public utility easement first described herein, S 07 deg. 24' 00" W 5.00 ft. to the Place of Beginning, containing 2,820 square feet of land.

PREPARED: October 10, 2012 BY:

Anne Thayer Registered Professional Land Surveyor No. 5850

see sketch 761054





**Consulting Engineers** 

2601 Chitina Court Cedar Park, Texas 78613 (512) 918-3343

# RECEIVED

October 9, 2012

Travis County TNR 411 West 13<sup>th</sup> Street P.O. Box 1748 Austin, Texas 78767

# OCT 1 1 2012 TRAVIS COUNTY - TNR PERMITS DEPARTMENT

Re: Request for a PUE release for Prestige Centre - 2209 RR 620 North

Sirs,

This correspondence is being sent as a request for the release of two (2) parallel 5 foot PUE's located along the common property line between Lots 43 and 44, Cardinal Hills Estates Unit 14. The site is located at 2209 RR 620 North and is fully developed. During development a building was erected without the benefit of survey staking and it resulted in the structure being placed directly over the existing PUE's as shown on the attached sketch. The structure is currently being served water by WC&ID No. 17 and electric service is from Austin Energy. Wastewater is on site septic and gas is on site propane. To our knowledge there are no other utilities with the exception of telephone/cable which we assume is on the existing overhead electric service poles.

We would appreciate your consideration of this request such that the Owner can clear up some Title issues. Should you require any additional information, please contact our office.

Sincerely.

Kurt M. Prossner, P.E. President

cc: Mr. Paul Milsap

file:prestige/easement release letter.doc

Oot 17 12 11:43a

Prossner and Associates

p.6

p.1



#### TRANSPORTATION AND NATURAL RESOURCES

STEVEN M. MANJULA, P.B., COUNTY EXECUTIVE

Please return this completed form to:

411 Wost 13th Street Executive Office Building PO Box 1748 Austin, Texts 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 <u>2209 RR 620 North</u> which is the <u>common lot line between Lots 43 and 44 of the Cardinal Hills Estates Unit 14</u> <u>Subdivision</u> 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

- X We do not have need for an easement on the property as described in the accompanying document.
  - We do have a need for an easement on the property as described in the accompanying document. A description of the required easement is attached,

Signature Somey Poole

Printed Name

Mgr. PIRES Title

Austin Energy

Utility Company or District October 26, 2012

Date

Prosener and Associates, Inc. 13377 Pond Springs Road, Suite 104 Austin, Texas 78729 512-918-2431 fax or pandai@swbeil.net email

### Prossner and Associates, Inc.

 From:
 "Engler, Tommie" <tommie.engler@peci.com>

 To:
 <pandai@swbell.net>

 Sent:
 Tuesday, October 23, 2012 8:09 AM

 Attach:
 Cardinal Hill - Req Release.pdf

 Subject:
 Release of Easement

 We found these on a random fax.
 We have no facilities in this area. Electric utilities

 would be Austin Energy.

*Tommie J. Engler* Legal Administrator Pedernales Electric Cooperative, Inc. P. O. Box 1 Johnson City, Texas 78636 (830) 868-4941 office (830) 868-5018 fax

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## TRANSPORTATION AND NATURAL RESOURCES

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#### **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.

Please return this completed form to:

Signature

Travis County WCID #17 3812 Eck Lane Austin, TX 78734

Title 1 RAUIS Utility Company or District 10.23

Date 10 18/2012

Printed Name

Prossner and Associates, Inc. 13377 Pond Springs Road, Suite 104 Austin, Texas 78729 512-918-2431 fax or pandai@swbell.net email



## SOUTHWESTERN BELL TELEPHONE COMPANY

#### **RELEASE OF EASEMENT**

THIS RELEASE OF EASEMENT, entered into by SOUTHWESTERN BELL TELEPHONE COMPANY, a Missouri corporation, GRANTOR, AND Prestige Investments, LLC, 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:

Lots 43 and 44, Cardinal Hills Estates, Unit 14, Deed of record in Document 2002024289, Property Records of Travis County, Texas

Said land of GRANTEE being subject to:

Easements recorded in Volume 53, Page 36, 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 either side of the common property lines of said Lots 43 and 44, 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 2012, day of \_\_\_\_\_\_\_, 2012, \_\_\_\_\_\_

SOUTHWESTERN BELL TELEPHONE COMPANY Name : KICHARD LAINE KEED Title: MANAGER ENCINERCING

THE STATE OF TEXAS

BEFORE ME, the undersigned authority, on this day personally

REBECCA K. HOGUE Notary Public, State of Texas

My Commission Expires January 16, 2013

appeared <u>RICE REED</u>, 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 22 day of <u>OUTSGER</u>, 2012

titca ~ ~ Me Notary Public in and for the State of TEXAS My Commission Expires 2013



#### TRANSPORTATION AND NATURAL RESOURCES

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

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

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#### **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.

Printed Name Title 0 me II nor Utility Company or District UCTOBE 012 Date

Please return this completed form to:

Prossner and Associates, Inc. 13377 Pond Springs Road, Suite 104 Austin, Texas 78729 512-918-2431 fax or pandai@swbell.net email



### TRANSPORTATION AND NATURAL RESOURCES

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nature 1**6**55E Printed Name TILITY Title Delivery NCOR Electra Utility Company or District Date

Please return this completed form to:

Prossner and Associates, Inc. 13377 Pond Springs Road, Suite 104 Austin, Texas 78770 512-918-2431 fax or nandai@swbell.net email • • • •

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#### TRANSPORTATION AND NATURAL RESOURCES

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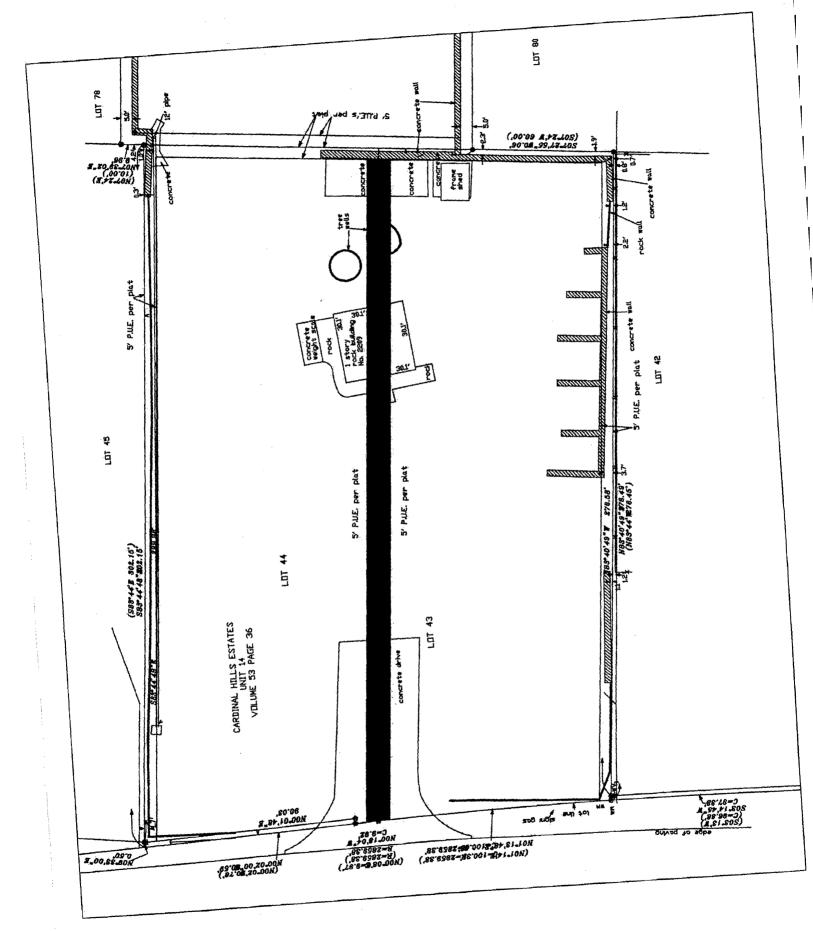
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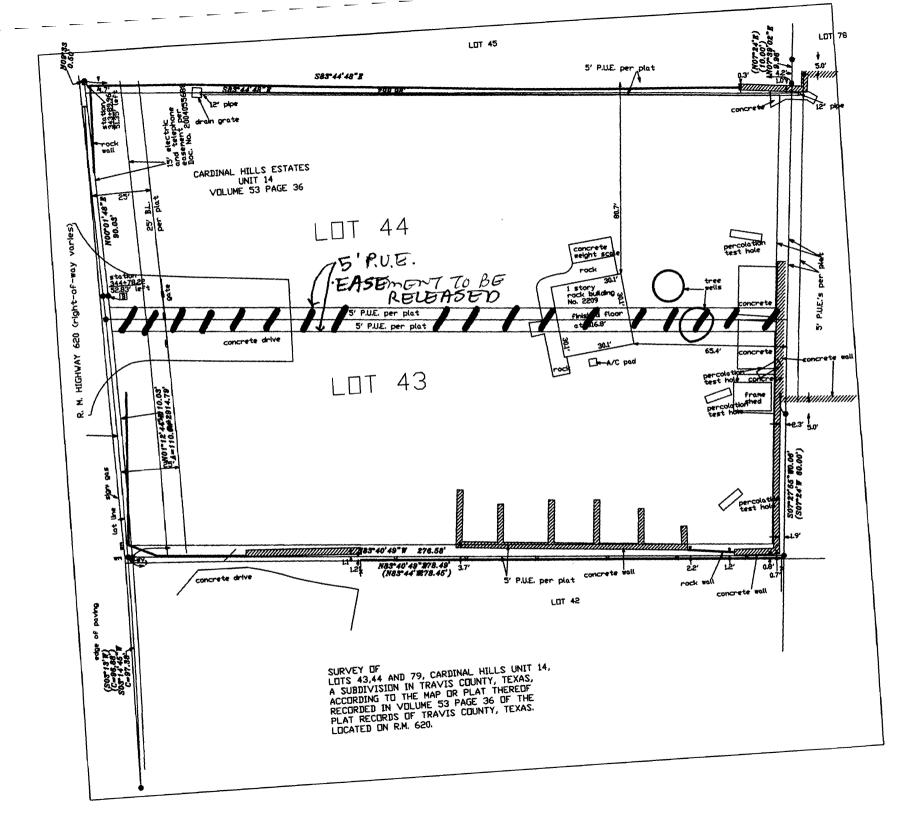
DIAL 1-800-DIG-TESS, AT LEAST 48 HOURS PRIOR TO ANY EXCAVATION, TO HAVE GAS LINES LOCATED.

<u>JAC</u> Signature <u>Lea</u> <u>penshaw</u> Printed Name <u>Designen</u> Title <u>Texas</u> <u>geo</u> <u>Service</u> Utility Company or District <u>Jo-31-12</u> Date

Please return this completed form to:

Prossner and Associates, Inc. 13377 Pond Springs Road, Suite 104 Austin, Texas 78729 512-918-2431 fax or pandai@swbell.net email







#### TRAVIS COUNTY TRANSPORTATION AND NATURAL RESOURCES PERMIT TO CONSTRUCT AN ON-SITE SEWAGE FACILITY

### \*\*TO BE VALID, BOTH THIS PERMIT AND A COUNTY ISSUED DEVELOPMENT PERMIT MUST BE POSTED ON THE SITE\*\*

	RECEIPT NUMBER:	4312	
	PERMIT NUMBER:	2004-OS-0600	
	FILE BAR CODE NUMBER:	4989753	
SITE ADDRESS: 2209 Ranch Road 620 North		JURIS:	03
LEGAL DESCRIPTION: Lots 43 & 44, Cardinal Hills Unit 14		TRMT:	02
OWNER'S NAME: Prestige Investments, LLC		DISP:	09
PERMITTED FLOW: 32 gpd		WELL:	No
STRUCTURE TYPE: 900 square foot office		MAINT:	Yes

THIS PERMIT IS HEREBY ISSUED TO CONSTRUCT AN ON-SITE SEWAGE FACILITY ON THE ABOVE DESCRIBED PROPERTY IN ACCORDANCE WITH THE PLAN PREPARED BY Jim Bettridge, R.S. (registration #3516) WITH THE FOLLOWING COMPONENTS:

- 1. One Norweco Model 950 w/PC (500 gpd) aerobic treatment unit with built-in trash tank, 997 gallon pump tank, Sta-Rite Model 20DOM05121 pump, 100 micron filter
- 2. One drip irrigation drainfield with a total of 192 linear feet of Netafim Bioine drip tubing with 0.6 gph emitters spaced on 2' centers, total effective area of 384 sq. ft

#### STANDARD REQUIREMENTS

- 1. See the letter of review accompanying this Permit for special requirements.
- 2. Construct per designer's plan and the letter of review. If for any reason construction cannot proceed exactly as specified, STOP CONSTRUCTION, contact the On-Site Wastewater Program at (512)854-9383 and have the designer submit a revised plan for review and issuance of a new Permit. All appropriate fees must be submitted with the revised plan, and a 30-day review period may be required.
- 3. Be advised that under Texas Water Law, an owner of real property who changes the quantities and/or velocities of stormwater runoff onto downstream property may be strictly liable in damages for any damages caused by such changed stormwater runoff.
- 4. This property may be located within the habitat boundaries of the Golden-Cheeked Warbler, an endangered species. Issuance of this Permit to Construct an On-Site Sewage Facility does not assure compliance with the Endangered Species Act. For information, please call Travis County Transportation and Natural Resources Department, (512) 854-9383.
- 5. The issuance of this Permit is not verification that this tract of land has been subdivided in accordance with the laws and regulations governing subdivision of land. It is also not, therefore, a guarantee of future provision of other utility services to this tract of land.
- 6. A License to Operate this system will not be issued until a final inspection is passed. It is unlawful to use this onsite sewage facility until a License to Operate has been issued.
- 7. All installation work must be performed by a Texas Commission for Environmental Quality Registered Installer. If this system requires a maintenance contract, the maintenance company must meet the requirements as defined in 30 TAC, Chapter 285.
- 8. The use of explosives is not permitted for the construction of this on-site sewage facility.

This on-site sewage facility must meet all of the requirements of the Rules Of Travis County, Texas For On-Site Sewage Facilities.

THIS PERMIT TO CONSTRUCT SHALL EXPIRE TWELVE MONTHS FROM ISSUE DATE.

Digitally signed by Rodney Sherrill Date: 2012.07.30 07:35:28 CDT

