



ITEM 8

Travis County Commissioners Court Agenda Request

Meeting Date: November 6, 2012

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

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

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 instrument to vacate the two five foot wide public utility easements located along the common lot line Lots 453 and 454 of Apache Shores, First Installment – 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 453 and 454 of Apache Shores, First Installment. The PUEs are dedicated per plat note. The subject lots front on Geronimo 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 request meets all Travis County standards. As such, TNR staff recommends the request.

ISSUES AND OPPORTUNITIES:

According to the request letter the property owners plan to build their residence on the two lots. Vacating the subject easements will allow the property owners to cross the common lot line with their proposed improvements without encroaching on said easements.

FISCAL IMPACT AND SOURCE OF FUNDING:

N/A.

ATTACHMENTS/EXHIBITS:

- Order of Vacation
- Field Notes and Sketch
- Request Letter
- Utility Sign-offs
- 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

CC:

Stacey Scheffel	Program Manager	TNR Permits	854-7565

SM:AB:ps

1101 - Development Services - Apache Shores, First Installment

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 453 and 454 of Apache Shores, First Installment as recorded in Volume 43, Page 49 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 November 6, 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 453 and 454 of Apache Shores, First Installment, 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

**CRICHTON AND ASSOCIATES
LAND SURVEYORS
6448 HIGHWAY 290 EAST
SUITE B-105 AUSTIN, TEXAS 78727
PH. (512) 244-3395**

**EXHIBIT "A"
PARTIALS FOOT PUBLIC
UTILITY EASEMENT RELEASE**

FIELD NOTES

FIELD NOTES FOR A 799 SQ. FT. TRACT TO BE VACATED FROM A PORTION OF A FIVE FOOT UTILITY EASEMENT LOCATED ON THE NORTH PROPERTY LINE OF LOT 454, APACHE SHORES, FIRST INSTALLMENT A SUBDIVISION RECORDED IN VOL. 43 PG. 49, OF TRAVIS COUNTY, TEXAS.

COMMENCING at a point in the East R.O.W. line of Geronimo Trail at the Northwest corner of Lot 454 and the Southwest corner of the said Lot 453 of the said Apache Shores Subdivision, at the, for the **POINT OF COMMENCING** of this tract.

THENCE, N 88° 27' 00" E, along the common line of the said lot 453 and 454, a distance of 10.00 feet to a point in the said common line, at the Northwest corner of this tract for the **POINT OF BEGINNING** of this tract.

THENCE N 88° 27' 00" E with the common line of said Lots 454 and 453 a distance of 165.40 feet to a point for the Northeast corner of this tract.

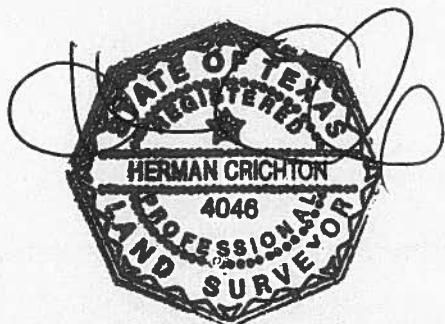
THENCE S 10° 45' 00" W through the said interior 5.00 feet West and parallel to the east line of lot 454, a distance of 5.12 feet to a point for the Southeast corner of this tract.

THENCE S 88° 27' 00" W, through the interior 5.00 feet South of and parallel to the North line of the said 454, a distance of 159.20 feet to a point for the Southwest corner of this tract.

THENCE through the interior of Lot 454, 10 feet East of and parallel the East right of way of Geronimo Trail along a curve to the left whose elements are R = 1086.65, A= 5.00 feet, whose chord bears N 01° 28' 51" W, 5.00 feet to **POINT OF BEGINNING**, and containing 799 Sq. Ft. of land, more or less.

Witness my hand and seal August 17, 2012

Herman Crichton, R.P.L.S. 4046
12_244



SKETCH TO ACCOMPANY FIELD NOTES FOR A 799 SQ. FT. TRACT BEING A PORTION OF A 5' PUBLIC UTILITY EASEMENT ON LOT 454, APACHE SHORES, FIRST INSTALLMENT, A SUBDIVISION RECORDED IN PLAT BOOK 43 PAGE 29 OF TRAVIS COUNTY, TEXAS.

GRAPHIC SCALE



LOT 452

LOT 453

LOT 454

LOT 453

N88°27'00"E
10.00

P.O.C.

R=1086.00
L=5.00
N01°28'51"W
5.00

P.O.B.

N88°27'00"E
S88°27'00"W

799 SQ. FT. TO BE VACATED

165.40

159.20

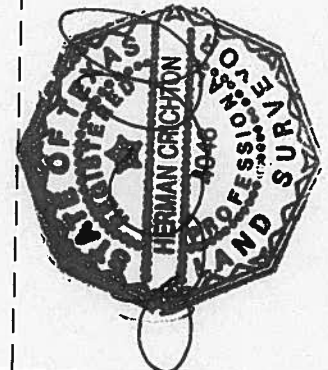
5' UTILITY ESMT. (PLAT)

S10°45'00"W
5.12

LAKE APACHE

10' UTIL. ESMT. (PLAT)

EXISTING 5' PUBLIC
UTILITY EASEMENT



CRICHTON
AND ASSOCIATES INC.
LAND SURVEYORS

6448 East Highway 290
Suite B105
Austin, Texas 78723
PHONE: (512) 244-3395
FAX: (512) 244-9508

JOB NUMBER: 12_244
DATE: AUG. 17, 2012

GERONIMO TRAIL

**CRICHTON AND ASSOCIATES
LAND SURVEYORS
6448 HIGHWAY 290 EAST
SUITE B-105 AUSTIN, TEXAS 78727
PH. (512) 244-3395**

**EXHIBIT "A"
PARTIAL 5 FOOT PUBLIC
UTILITY EASEMENT RELEASE**

FIELD NOTES

FIELD NOTES FOR A 805 SQ. FT. TRACT TO BE VACATED FROM A PORTION OF A FIVE FOOT UTILITY EASEMENT LOCATED ON THE SOUTH PROPERTY LINE OF LOT 453, APACHE SHORES, FIRST INSTALLMENT A SUBDIVISION RECORDED IN VOL. 43 PG. 49, OF TRAVIS COUNTY, TEXAS.

COMMENCING at a point in the East R.O.W. line of Geronimo Trail at the Northwest corner of Lot 454 and the Southwest corner of the said Lot 45 of the said Apache Shores Subdivision, at the, for the **POINT OF COMMENCING** of this tract.

THENCE, N 88° 27' 00" E, along the common line of the said lot 453 and 454, a distance of 10.00 feet to a point for the Southwest corner of this tract for the **POINT OF BEGINNING** of this tract.

THENCE through the interior of Lot 453, 10 feet East and parallel the East right of way of Geronimo Trail along a curve to the left whose elements are R= 1086.00 feet, A= 5.00 feet, whose chord bears N 01° 36' 09" W, 5.00 feet to the Northwest corner of this tract.

THENCE N 88° 27' 00" E, with a line 5.00 feet North and parallel to the South line of the said 453, a distance of 162.14 feet to a point for the Northeast corner of this tract.

THENCE S 22° 09' 00" W through the said interior 5.00 feet West and parallel to the east line of lot 453, a distance of 5.46 feet to a point in the said common line of Lots 453 and 454, for the Southeast Corner of this tract.

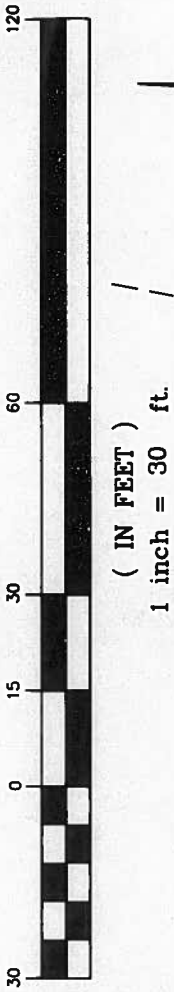
THENCE S 88° 27' 00" W, along the said common line, a distance of 159.94 feet to the **P OINT OF BEGINNING**, and containing 805 Sq. Ft. of land more or less

Witness my hand and seal August 17, 2012

Herman Crichton, R.P.L.S. 4046
12_244



GRAPHIC SCALE



SKETCH TO ACCOMPANY FIELD NOTES FOR A 805 SQ. FT. TRACT BEING A PORTION OF A 5' PUBLIC UTILITY EASMENT ON LOT 453, APACHE SHORES, FIRST INSTALLMENT, A SUBDIVISION RECORDED IN PLAT BOOK 43 PAGE 29 OF THE TRAVIS COUNTY, TEXAS PLAT RECORDS.

LOT 452

LOT 453

EXISTING 5' PUBLIC UTILITY EASEMENT

162.14

805 SQ. FT. TO BE VACATED

159.94

LOT 454

LOT 453

R=1086.00
L=5.00
N01°36'09"W
5.00

P.O.C.

N88°27'00"E
10.00

P.O.B.

10' UTIL. ESMT. (PLAT)

N88°27'00"E

S88°27'00"W

5' UTILITY ESMT. (PLAT)

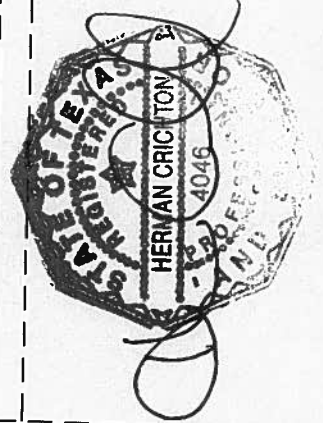
S22°09'00"W
5.46

LAKE APACHE

GERONIMO TRAIL

CRICHTON
AND ASSOCIATES INC.
LAND SURVEYORS

6448 East Highway 290
Suite B105
Austin, Texas 78723
PHONE: (512) 244-3395
FAX: (512) 244-9508



JOB NUMBER: 12_244
DATE: AUG. 17, 2012

August 22, 2012

Paul Scoggins
Travis County Transportation & Natural Resources

**RE: Public Utility Easement Release Request
for Lots 453 and 454, Apache Shores, First Installment**

Dear Mr. Scoggins:

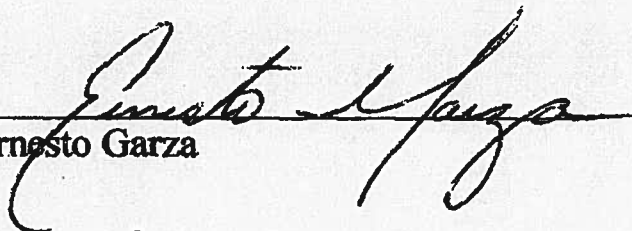
Dedicated by Plat (attached)

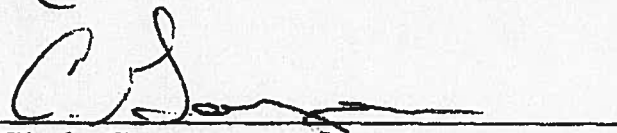
We are requesting the 5' PUE's along the common property lines^A of Lots 453 and 454, Apache Shores, First Installment to be released. The easements are further described in the attached sketch and metes and bounds.

We are requesting the PUE release in order to build one house on 2 lots that would be within the easement.

Should you have any further questions, please contact our Agent, Larry Hearold / Land Answers, Inc. at 512-416-6611.

Thank you,


Ernesto Garza


Cindy Garza

RECEIVED

SEP 12 2012

TRAVIS COUNTY - TNR
PERMITS DEPARTMENT



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: 8/20/12

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

Property Address: Geconimo Trl.

Legal Description: Lots 453 and 454, Apache

Spurs, First Installment

A plat drawing with the easement highlighted must accompany this application.

Applicant Name: Larry Harold / LAND ANSWERS, INC.

Address: 3606 WINFIELD COVE AUSTIN, TX 78704

Reason for Request: Mr & Mrs Gerna currently own Lot 454 and will purchase Lot 453 to construct their home on both lots 453 and 454

X 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.

Signature: Henry W Marley Date: 8.21.12

Reviewer: HENRY W MARLEY

Signature: Deborah S Gernes

Signature Date

Printed Name: Deborah S. Gernes

General Manager

Title

Please return this completed form to:

LARRY HAROLD / LAND ANSWERS, INC.

Name: 3606 WINFIELD COVE

Address

AUSTIN, TX 78704

City/State/Zip

Phone: 512-416-6611

Fax: 512-416-6610

Email: landanswers@sbccoltda.net



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 _____
_____ Geronimo Trail _____ (address)
and/or Lots 453 & 454, Apache Shores, First Installment _____ (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.

Signature

Sonny Poole

Printed Name

Mgr., PIRES

Title

Austin Energy

Utility Company or District

August 22, 2012

Date

Please return this completed form to:

Larry Hearold/Land Answers

Name

3606 Winfield Cove

Address

Austin, TX 78704

City/State/Zip

Email: landanswers@sbcglobal.net



SOUTHWESTERN BELL TELEPHONE COMPANY

PARTIAL RELEASE OF EASEMENT

THIS RELEASE OF EASEMENT, entered into by *SOUTHWESTERN BELL TELEPHONE COMPANY*, a Missouri corporation, GRANTOR, AND *Ernesto Garza and Cynthia Garza*, 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:

Lots 453 and 454, of Apache Shores First Installment, Deed of record in Documents 2012108499 and 2006204994, Property Records of Travis County, Texas

Said land of GRANTEE(S) being subject to:

Easements recorded in Volume 43, Page 29, Plat Records of Travis County, Texas,

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

805 sq. ft. tract from a portion of a 5 ft. PUE along the south property line of Lot 453 and 799 sq. ft. tract from a portion of a 5 ft. PUE along the north property line of lot 454, 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 11th day of SEPTEMBER, 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 11th day of SEPTEMBER, 2012

[Signature]

Notary Public in and for the State of *TEXAS*
My Commission Expires *Jan, 16, 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

EASEMENT REQUIREMENT STATEMENT FOR VACATION OF PROPERTY

An application is being made to Travis County for the vacation of property at 3001 + 3003 Geronimo Trail (address) and/or Lots 453 + 454, Apache Street, First Installment (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.


 Signature
Chris Landgraf
 Printed Name
Engineer III
 Title
Texas Gas Service
 Utility Company or District
8/27/2012
 Date

Please return this completed form to:

Name

Address

City/State/Zip

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 FIRST INSTALLMENT

Lot and Block Numbers: LOTS 453 AND 454

Street Address: GERONIMO TRAIL, AUSTIN, TX 78734

Property Owner: ERNESTO AND CYNTHIA GARZA

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

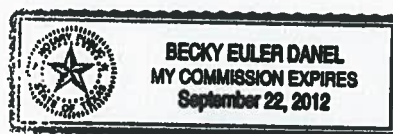
Sr. Designer
Title

State of Texas
County of Travis

This instrument was acknowledged before me on August 23, 2012 by

Laurie Schumpert

Becky Euler Danel
Notary Public



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

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

APPLICATION FOR VACATION OF EASEMENT

Please Print

Application is hereby made for the release of the following easement(s) as described below:

The easement is on property legally described as:

Subdivision: Apache Shores, First Installment Section: _____ Block: _____

Lot Numbers: 453 and 454

Address: Heronino Trl (NO ADDRESS) Austin Texas 78734
Number & Street City State Zip

As recorded in Volume 43, Page 29, of the Plat Records of Travis County, Texas

Provide common description of the easement requested for release, indicating the amount of the easement to be released:
(Example: Five foot P.U.E. & D.E. on either side of the common lot line between lots X and X).

Please provide a survey or plat of the area with the easement to be released highlighted.

Five foot P.U.E on both sides of the common lot line between lots 453 and 454

Reason for requesting release (Example: Single Family Residence, Accessory Building, etc)

To build a single family residence on both lots 453 and 454

Please note: If multiple owners are making this request, complete name, address, phone must be provided for all.

Property Owner's name(s): Ernesto & Cindy Garga

Mailing Address: P.O. Box 341993 Austin Texas 78734-0034
Number & Street City State Zip

Phone: (512) 785-7038 _____
Day Time Cell Fax

I authorize the following person/company to act in my behalf as my designated agent:

Name of agent/company: Land Answers, Inc. Larry Hearold
Name of Company Name of Contact

Mailing Address: 3606 Winfield Cove Austin TX 78704
Number & Street City State Zip

Phone: (512) 416-6611 _____
Day Time Cell Fax

The undersigned Owner/Applicant/Agent understands that the processing of the Easement Release Application will be handled in accordance with procedure for requesting release of easements established by Time Warner Cable. It is further understood that acceptance of this application does not obligate Time Warner Cable to release the subject easement

Larry Hearold
Signature of Applicant/Agent

8/23/12
Date



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**

A Public Notice of Vacation of two five foot wide public utility easements sign was posted on October 15, 2012, on the easterly side of Geronimo Trail along the common lot line of Lots 453 and 454 of Apache Shores, First Installment at a point as near as practical to the area being vacated, and was also posted at the Travis County Courthouse.

CERTIFIED THIS THE 17 DAY OF October, 2012.

SIGNATURE: Jaime Garcia

NAME (PRINT): Jaime Garcia

TITLE: TNR/R&B Supervisor

cc: Garcia (sign shop)

M:\PERMITS\Vacate\12PUE\07-GeronimoTrail\SignRequest-GeronimoTr.doc

NOTICE OF
PUBLIC HEARING

NOVEMBER 6, 2002 AT 9:00 AM

PUBLIC UTILITY EASEMENT VACATION
TO APPROVE THE VACATION OF TWO
FIVE FOOT WIDE PUBLIC UTILITY
EASEMENTS LOCATED ALONG THE
COMMON LOT LINE OF LOTS 453 AND
654 OF AVA/CH SHORES FIRST INSTALLMENT
- A SUBDIVISION IN PRECINCT THREE

AT THE TRANS-COUNTY
COMMISSIONERS COURTROOM
700 LAMARCA STREET, AUSTIN, TEXAS
FOR MORE INFORMATION CALL 854-0383



NOTICE OF PUBLIC HEARING

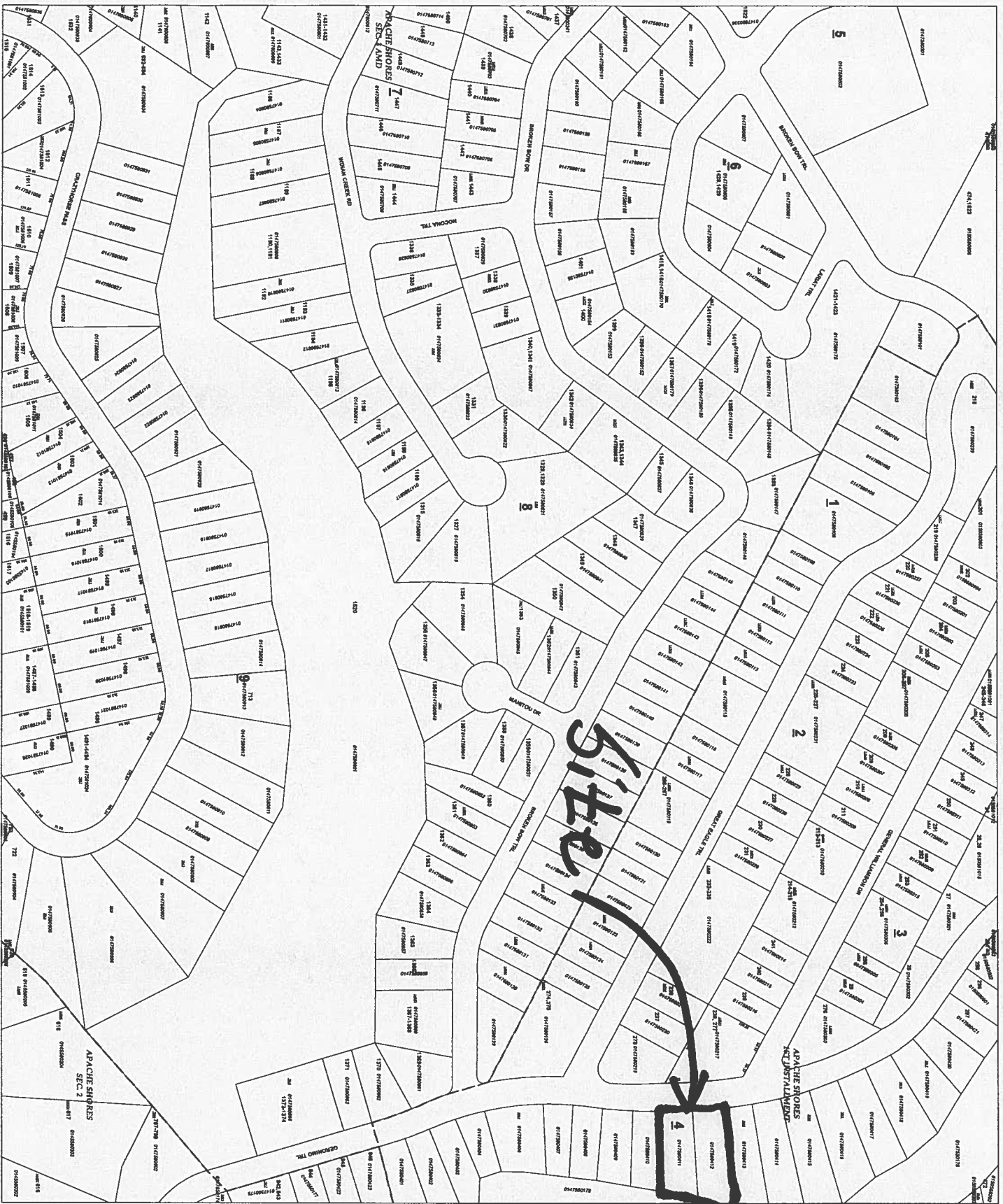
NOVEMBER 6, 2012 AT 9:00 AM

PUBLIC UTILITY EASEMENT VACATION

**TO APPROVE THE VACATION OF TWO
FIVE FOOT WIDE PUBLIC UTILITY
EASEMENTS LOCATED ALONG THE
COMMON LOT LINE OF LOTS 453 AND
454 OF APACHE SHORES, FIRST INSTALLMENT
— A SUBDIVISION IN PRECINCT THREE**

**AT THE TRAVIS COUNTY
COMMISSIONERS COURTROOM
700 LAVACA STREET AUSTIN, TEXAS**

FOR MORE INFORMATION CALL 854-9383



14758

Revision Date:
5/29/2012

0 100 Feet

NAD_1983_StatePlane_Texas_Central_FIPS_4203 Feet
Projection: Lambert_Conformal_Conic

This tax map was compiled solely for the use of TCAD. Areas depicted by these digital products are approximate, and are not necessarily accurate to mapping, surveying or engineering standards. Conclusions drawn from this information are the responsibility of the user. The TCAD makes no claims, promises or guarantees about the accuracy, completeness or adequacy of this information and expressly disclaims liability for any errors and omissions. The mapped data does not constitute a legal document.

Travis Central Appraisal District
8314 Cross Park Drive
Austin, Texas 78754
P.O. Box 149012
Austin, Texas 78714
Internet Address: www.traviscad.org
Main Telephone Number (512) 834-8317
Appraisal Information (512) 834-9318
TDD (512) 836-3328

Site

