



Item 13

Travis County Commissioners Court Agenda Request

Meeting Date: December 18, 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: Consider and take appropriate action on 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 request meets all Travis County standards. As such, TNR staff recommends the request.

ISSUES AND OPPORTUNITIES:

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

FISCAL IMPACT AND SOURCE OF FUNDING:

N/A.

3,648 SQUARE FOOT PARTIAL RELEASE OF PUBLIC UTILITY EASEMENT



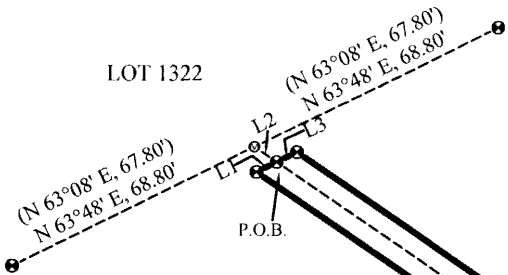
SCALE 1" = 50'

CURVE TABLE

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

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')



**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)

INDIAN CREEK ROAD
(50' R.O.W.)

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.

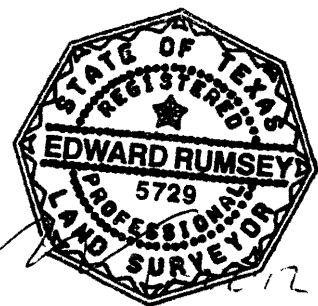
SURVEY DATE	OCTOBER 22, 2012	
TITLE CO.	-	
G.F. NO.	-	
JOB NO.	A1003212	
FIELD BY	EDWARD RUMSEY	10/18/2012
CALC. BY	EDWARD RUMSEY	10/18/2012
DRAWN BY	ROGER CARDONA	10/18/2012
RPLS CHECK	EDWARD RUMSEY	10/22/2012



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

LEGEND

- ⊙ — CALCULATED POINT
- ⊙ — MAG NAIL FOUND
- PUE — PUBLIC UTILITY ESMT
- () — RECORD INFORMATION
- P.O.B. — POINT OF BEGINNING



Edward Rumsey

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

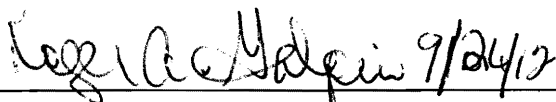
SEP 28 2012

TRAVIS COUNTY - TNR
PERMITS DEPARTMENT

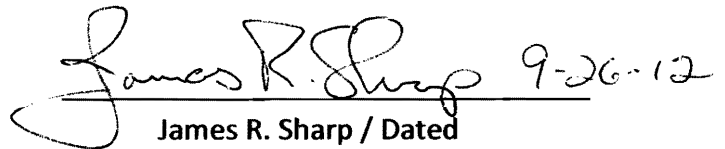
We request evacuation of the easement between these two lots for purpose of building a home centered over existing utility easement that runs between the two lots.

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

[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 9th day of AUGUST, 2012



[Signature]
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

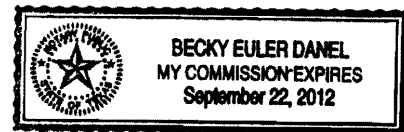
Sr. Designer
Title

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

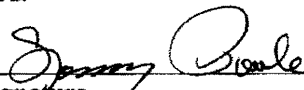
411 West 13th Street
Executive Office Building
PO Box 1748
Austin, Texas 78767
(512) 854-9383
FAX (512) 854-4649

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.


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: jsharp1955@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
A plat drawing with the easement highlighted must accompany #1471 & #1472
this application.

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



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 November 26, 2012, on the westerly side of Indian Creek Trail along the common lot line of Lots 1471 and 1472 of Apache Shores Section Three Amended at a point as near as practical to the area being vacated, and was also posted at the Travis County Courthouse.

CERTIFIED THIS THE 27 DAY OF November, 2012.

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

cc: Garcia (sign shop)

M:\PERMITS\Vacate\12PUE\10-IndianCreekRd\SignRequest-IndianCreekTr.doc



**NOTICE OF
PUBLIC HEARING**

DECEMBER 18, 2002 AT 9:00 AM
PUBLIC UTILITY EASEMENT VACATION
TO APPROVE THE VACATION OF TWO FIVE
FOOT WIDE PUBLIC UTILITY EASEMENTS
LOCATED ON THE COMMON LOT LINE
OF LOTS 1471 AND 1472 OF APACHE SQUARE
SECTION THREE, RANGEO - A SUBDIVISION
IN PRECINCT THREE

A HEARING WILL BE HELD AT THE TRAVIS
COUNTY COMMISSIONERS COURTROOM
700 LAVACA STREET, AUSTIN, TX
FOR MORE INFORMATION CALL 854-9883



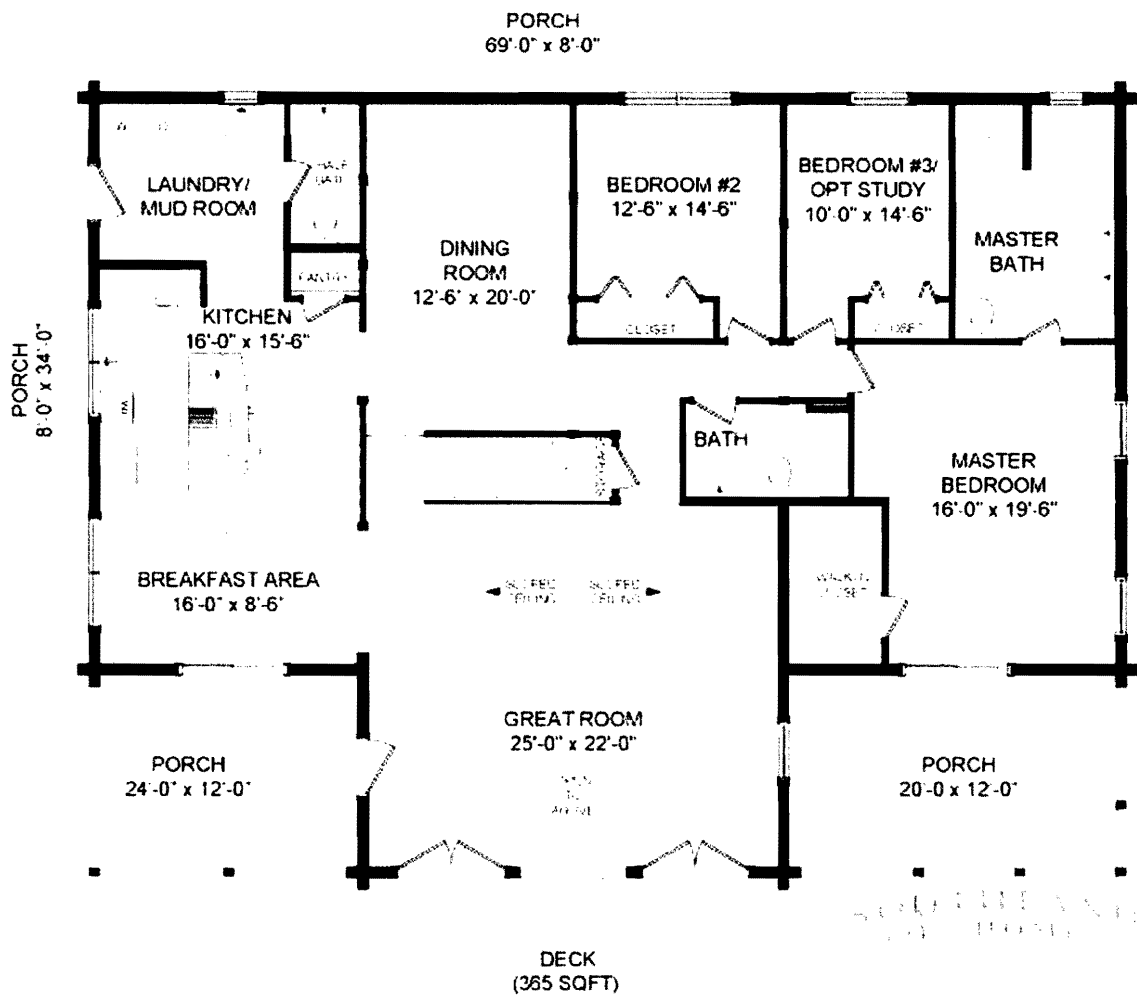
NOTICE OF PUBLIC HEARING

**DECEMBER 18, 2012 AT 9:00 AM
PUBLIC UTILITY EASEMENT VACATION**

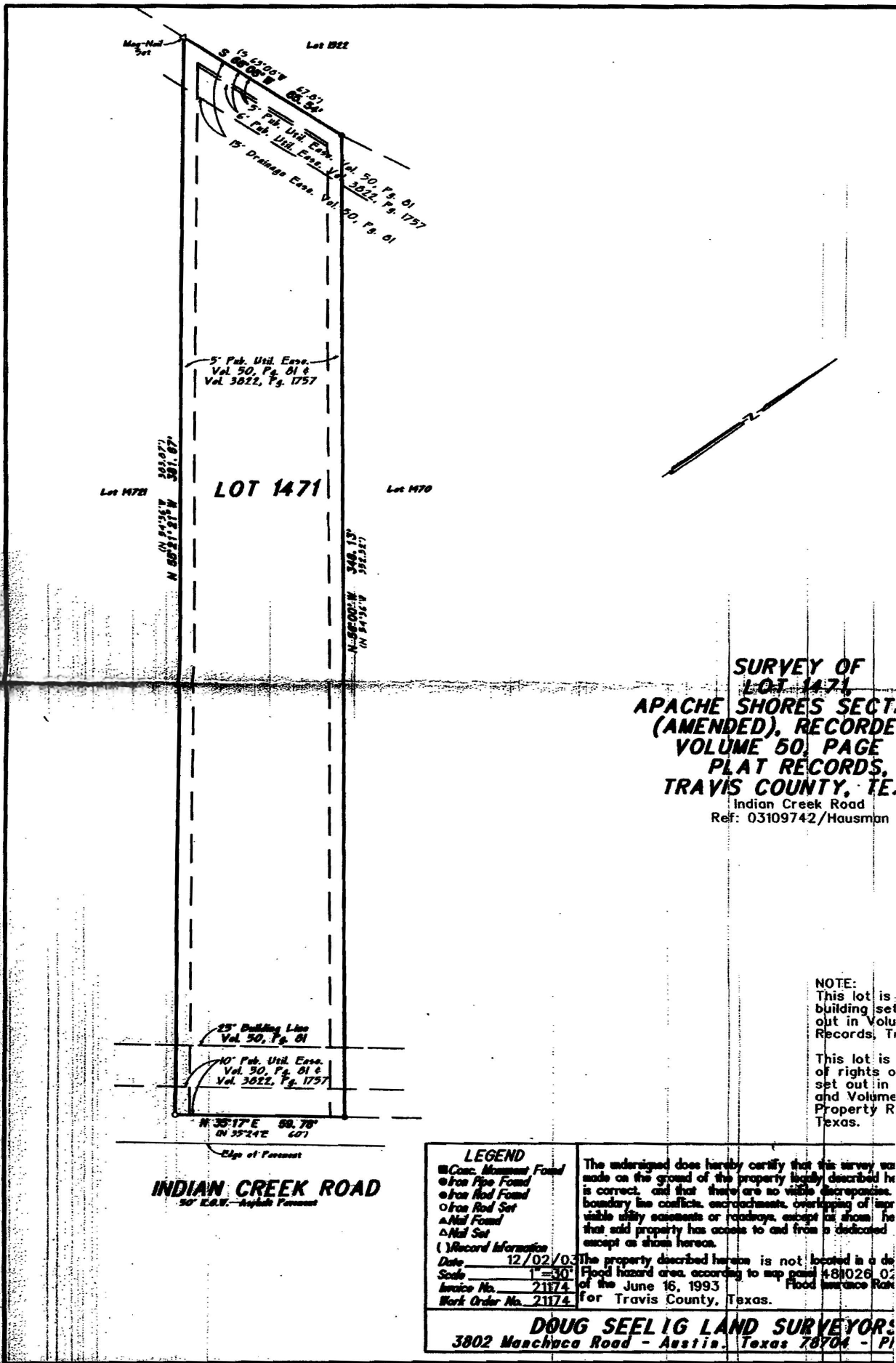
**TO APPROVE THE VACATION OF TWO FIVE
FOOT WIDE PUBLIC UTILITY EASEMENTS
LOCATED ALONG THE COMMON LOT LINE
OF LOTS 1471 AND 1472 OF APACHE SHORES
SECTION THREE AMENDED — A SUBDIVISION
IN PRECINCT THREE**

**A HEARING WILL BE HELD AT THE TRAVIS
COUNTY COMMISSIONERS COURTROOM
700 LAVACA STREET AUSTIN, TX**

FOR MORE INFORMATION CALL 854-9383



4007 WILSON
214-350-1100

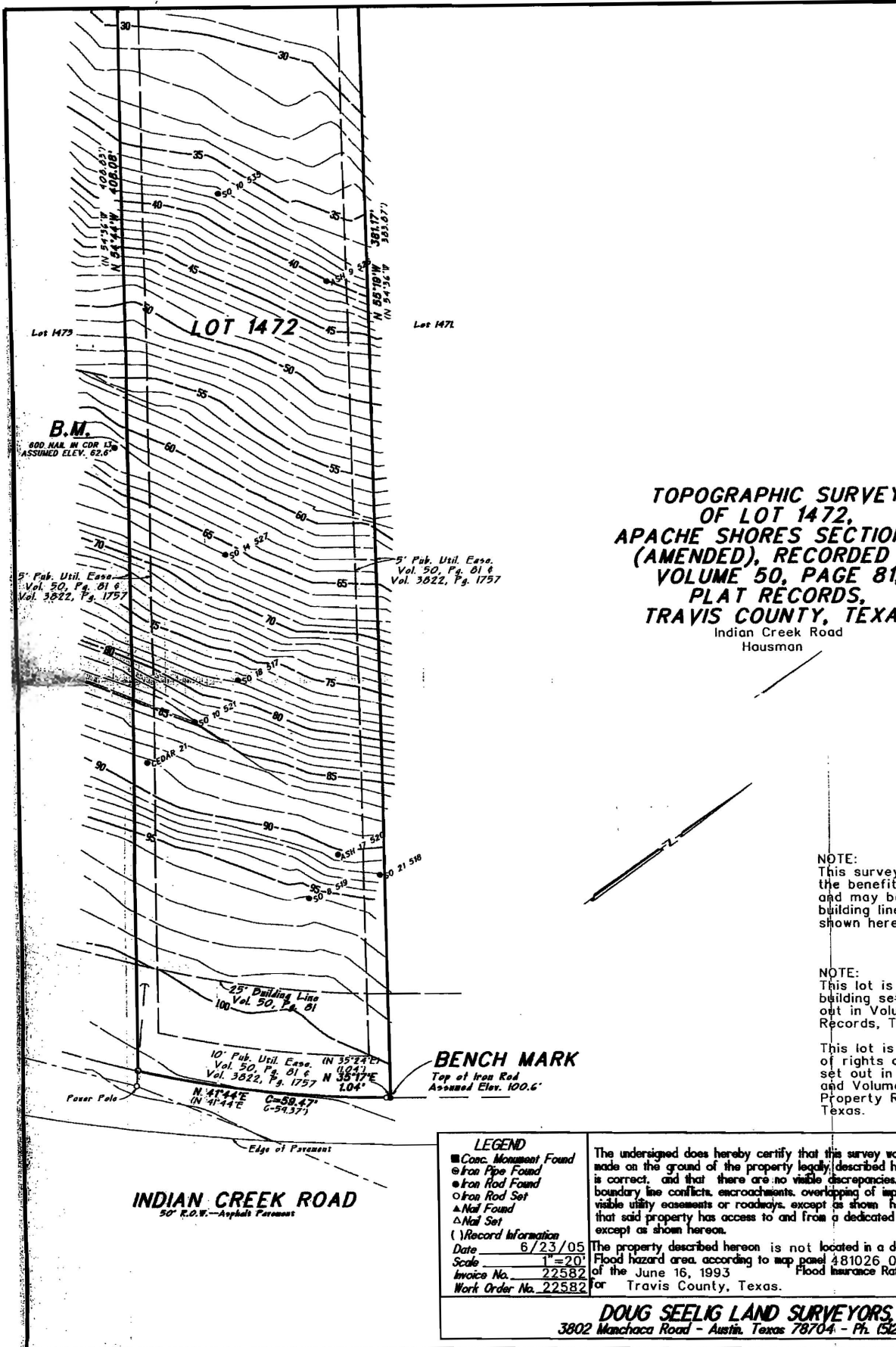


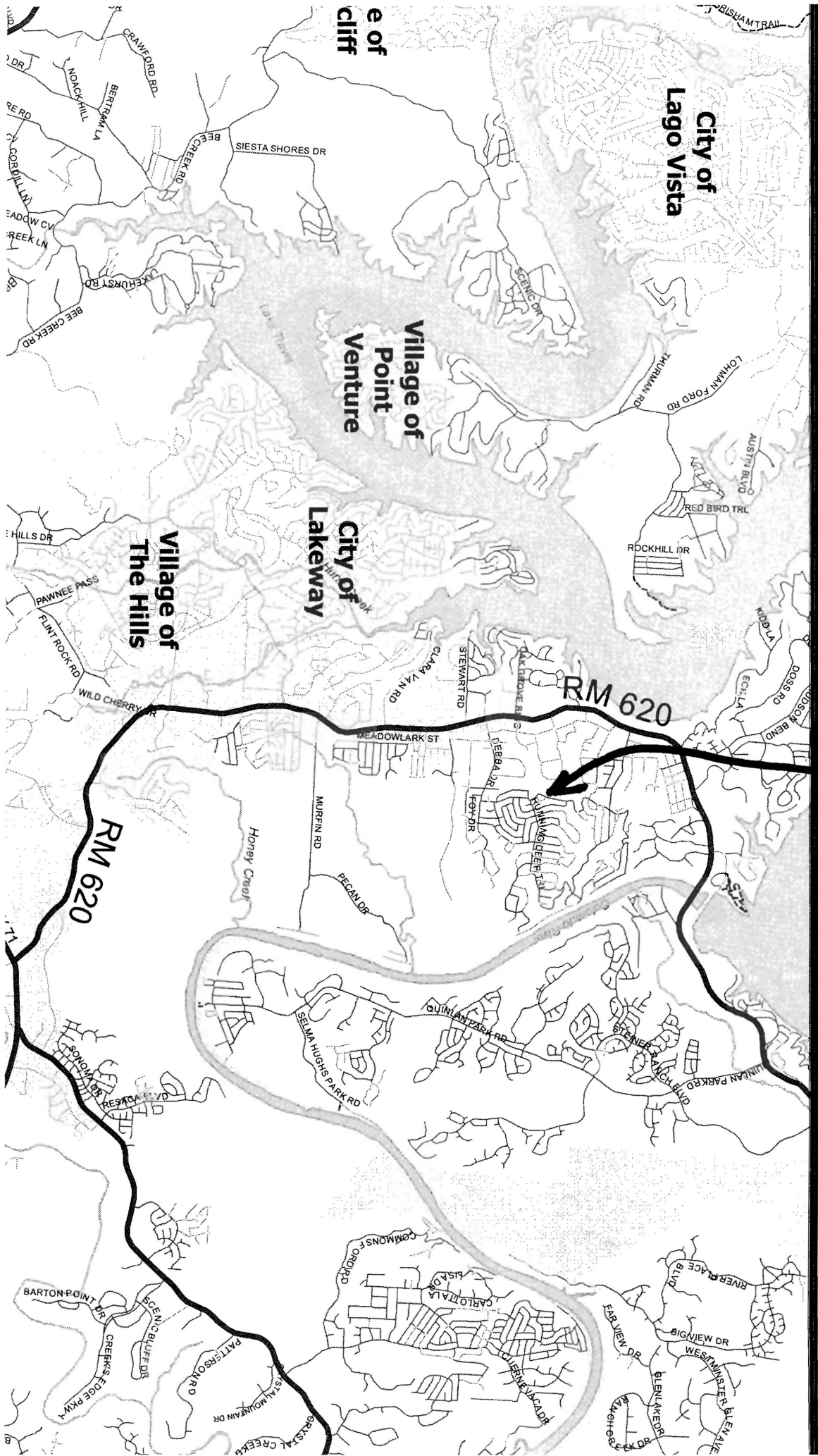
**SURVEY OF
LOT 1471
APACHE SHORES SECT.
(AMENDED), RECORDED
VOLUME 50, PAGE
PLAT RECORDS,
TRAVIS COUNTY, TEX.**
Indian Creek Road
Ref: 03109742/Hausman

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

INDIAN CREEK ROAD
50' E.S.V. Asphalt Pavement

<p>LEGEND ■ Conc. Monument Found ● Iron Pipe Found ○ Iron Rod Found ▲ Nail Found △ Nail Set () Record Information</p>	<p>The undersigned does hereby certify that this survey was made on the ground of the property legally described here is correct, and that there are no visible encroachments, boundary line conflicts, encroachments, overlapping of invisible utility easements or roadways, except in those that said property has access to and from a dedicated except as shown hereon.</p>
<p>Date <u>12/02/03</u> Scale <u>1"=30'</u> Invoice No. <u>21174</u> Work Order No. <u>21174</u></p>	<p>The property described hereon is not located in a designated Flood hazard area, according to map panel 481026-02 of the June 16, 1993 Flood Insurance Rate for Travis County, Texas.</p>
<p align="center">DOUG SEELIG LAND SURVEYOR 3802 Manchaca Road - Austin, Texas 78704 - PL</p>	





e of cliff

City of Lago Vista

Village of Point Venture

City of Lakeway

Village of The Hills

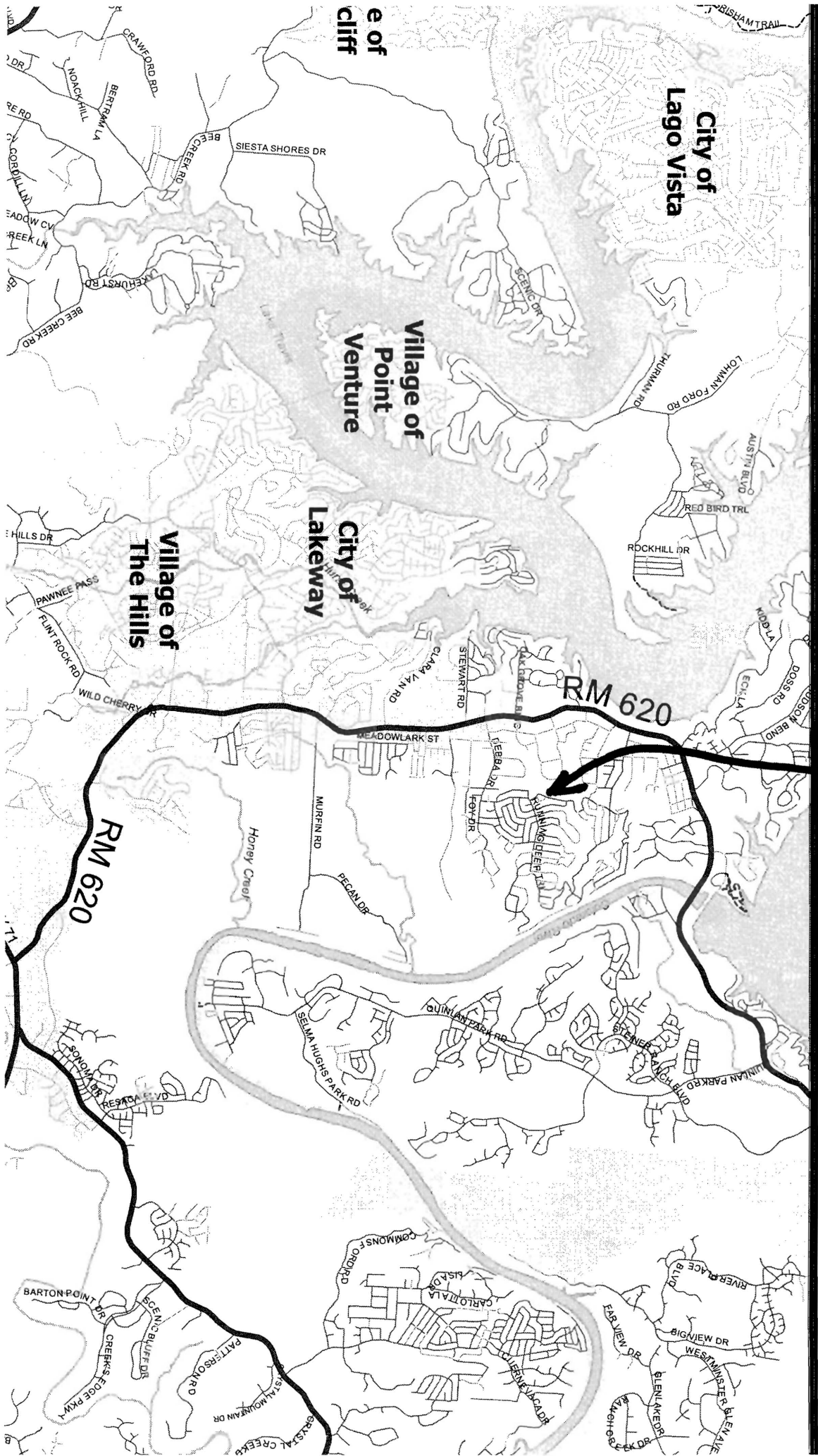
RM 620

RM 620

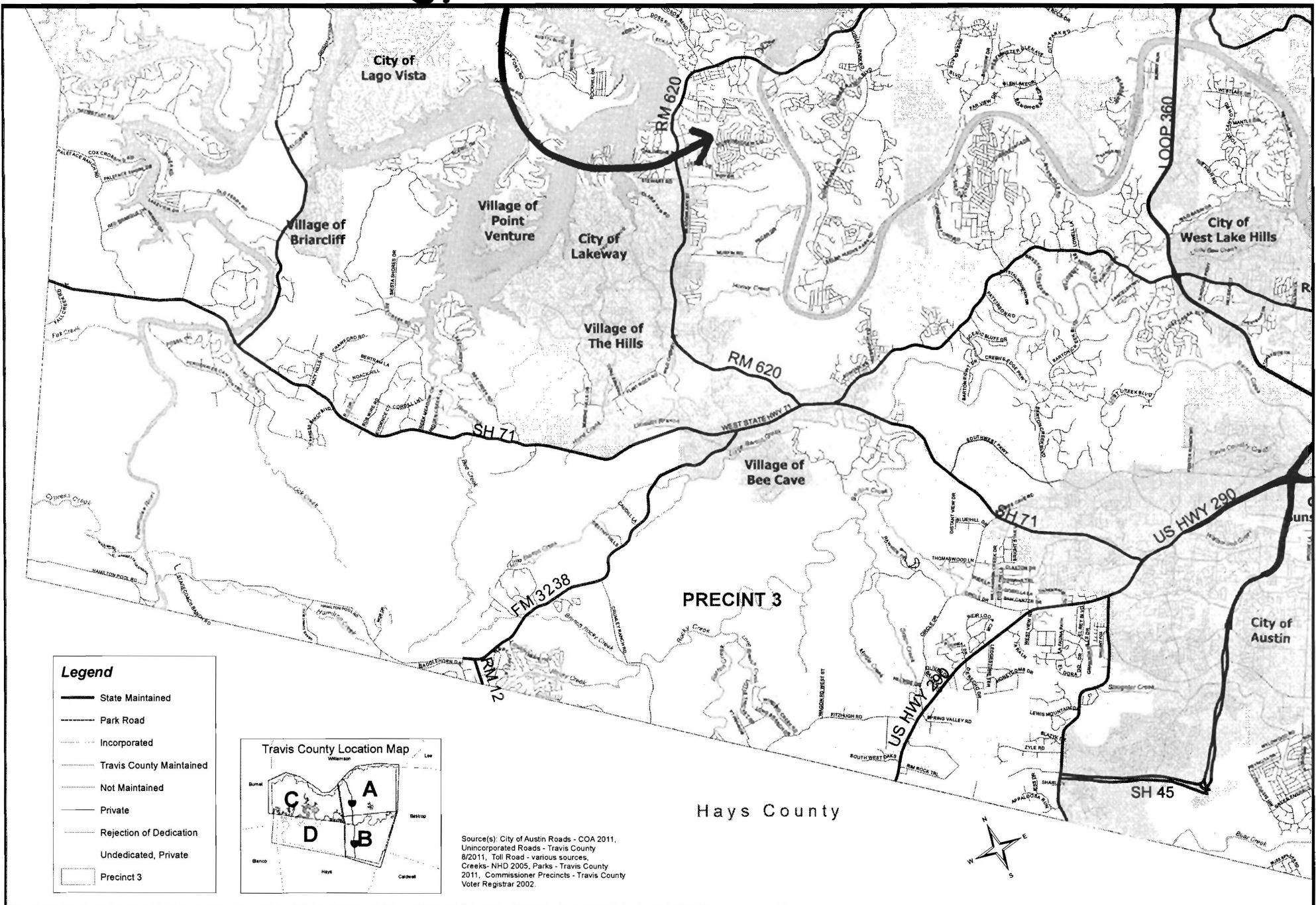
Site



Honey Creek



Site



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