



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

Department Head: Steven M. Manille, 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 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 request meets all Travis County standards. As such, TNR staff recommends the request.

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:

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 - Cardinal Hills Estates Unit 14

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. BIS | SCOE, 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.

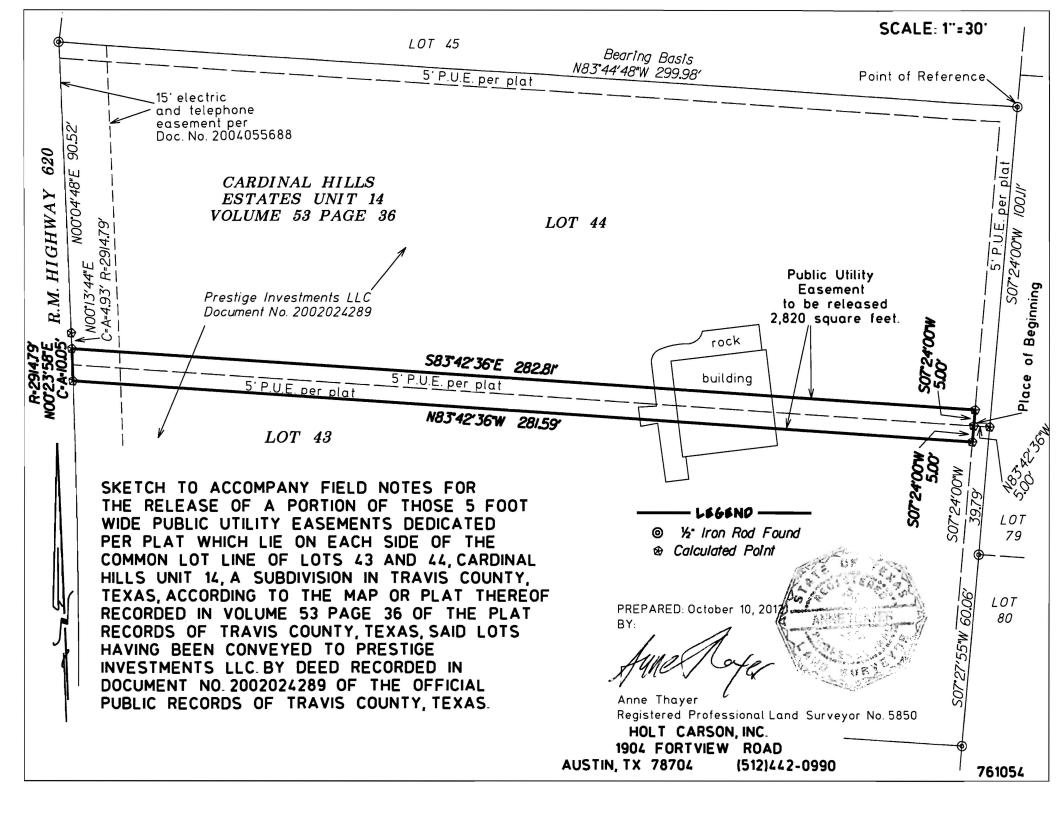
PREPARED: October 10, 2012

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 13th 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

Oct 17 12 11:43a

Prossner and Associates

512-918-2431

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TRANSPORTATION AND NATURAL RESOURCES

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

411 Wost 13th Street Executive Office Building PO Box 1748 Austin, Teens 1876? (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 2209 RR 620 North which is the common lot line between Lots 43 and 44 of the Cardinal Hills Estates Unit 14 Subdivision 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 prempt reply is requested.

STATEMENT

| <u> </u> | We do not have need for an easement on the propert document. | y as described in the accompanying |
|----------|---|---|
| | We do have a need for an easement on the property document. A description of the required easement is | Signature Rule |
| | | Solution Printed Name |
| | | Mgr. PIRES Title Austin Energy |
| | _ | Utility Company or District October 26, 2012 |
| | · | Dote |

Please return this completed form to:

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

CONFIDENTIALITY NOTICE: The information contained in this e-mail, including any attachments, is confidential and may be legally privileged: it is intended only for the use of the intended recipient or recipients. If the reader of this message is not the intended recipient, you are notified that any dissemination, distribution, or use of this information is strictly prohibited. If you have received this communication in error, please contact us immediately at the telephone number or e-mail address set forth above and destroy all copies of the original message.



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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

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.

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

Please return this completed form to:



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 _____ day of ______ day of ______ day of _______

SOUTHWESTERN BELL TELEPHONE COMPANY Name: KICHARD LAINE KEED Title: MANAGER ENGINEERING THE STATE OF TEXAS COUNTY OF TRAVIS BEFORE ME, the undersigned authority, on this day personally

, known to me to be the person whose name is appeared RICK REED 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 60 to 12.

REBECCA K. HOGUE lotary Public, State of Texas My Commission Expires January 16, 2013

Notaxy Public in and for the State of TEXAS My Commission Expires



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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| 1 | O A T B A A A A A A A A A A A A A A A A A |
|--------|--|
| | 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 LAWINE SCHUMPERT Printed Name St. Designer Title Time Warner Cable-Central TX Utility Company or District October 19, 2012 Date |
| Please | return this completed form to: |
| TODOC. | The state of the s |
| | |

Oct 17 12 12:17p

Prossner and Associates

512-918-2431

p.6



TRANSPORTATION AND NATURAL RESOURCES

STEVEN M. MANILLA, P.E. COUNTY EXECUTIVE

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Please return this completed form to:

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

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Oct 17 12 11:51a



TRANSPORTATION AND NATURAL RESOURCES

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

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| , | STATEME | <u>NT</u> |
|----------|--|--|
| <u>/</u> | We do not have need for an easement on the prodocument. | perty as described in the accompanying |
| | We do have a need for an easement on the proj document. A description of the required easemen | |
| | | Signature Lea Granshaw |
| | | Printed Name |
| | DIAL 1-800-DIG-TESS, AT | Designer |
| | LEAST 48 HOURS PRIOR TO | Title |
| | ANY EXCAVATION, TO HAVE | Texas gas service |
| | GAS LINES LOCATED. | Utility Company or District |
| | | 10-31-12 |
| | | Date |
| Please | return this completed form to: | |



TRANSPORTATION AND NATURAL RESOURCES

Steven M. Mantilia, 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

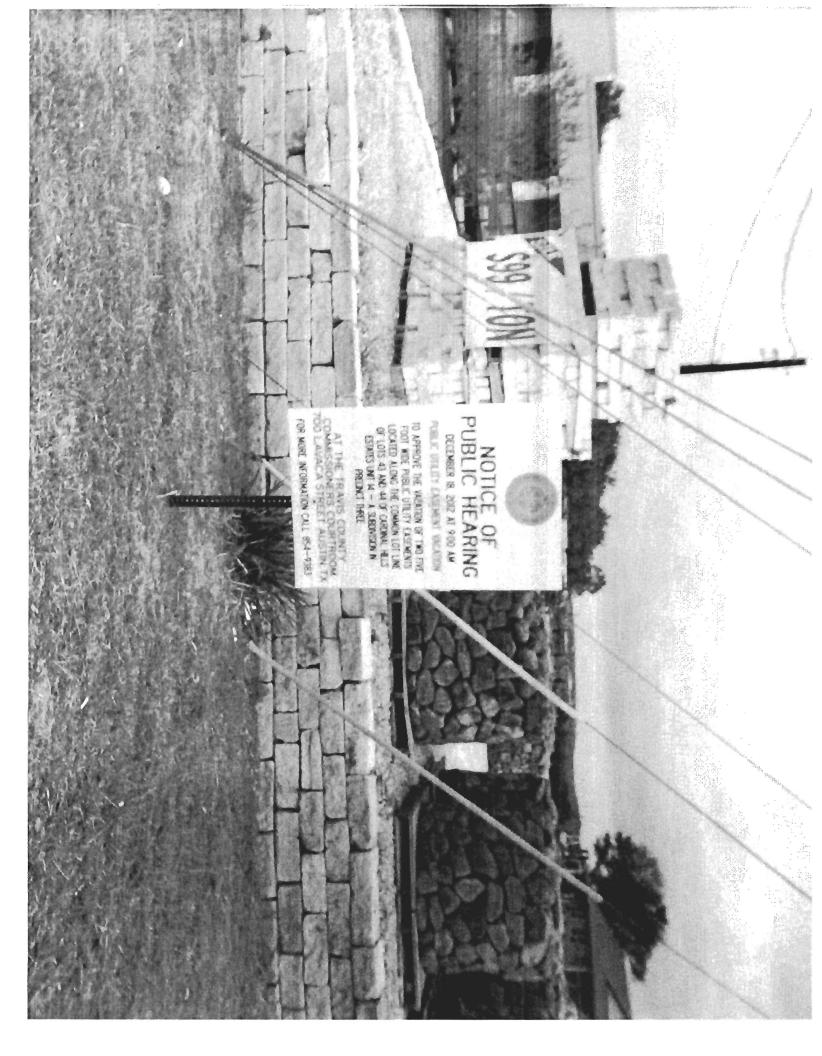
November 26 2012, on the easterly side of RM 620 along the common lot line of Lots 43 and 44 of Cardinal Hills Estates Unit 14 at a point as near as practical to the area being vacated, and was also posted at the Travis County Courthouse.

CERTIFIED THIS THE 27 DAY OF November , 2012.

SIGNATURE: Quine García

NAME (PRINT): Jaime García

TITLE: TWR/R&B Supervisor



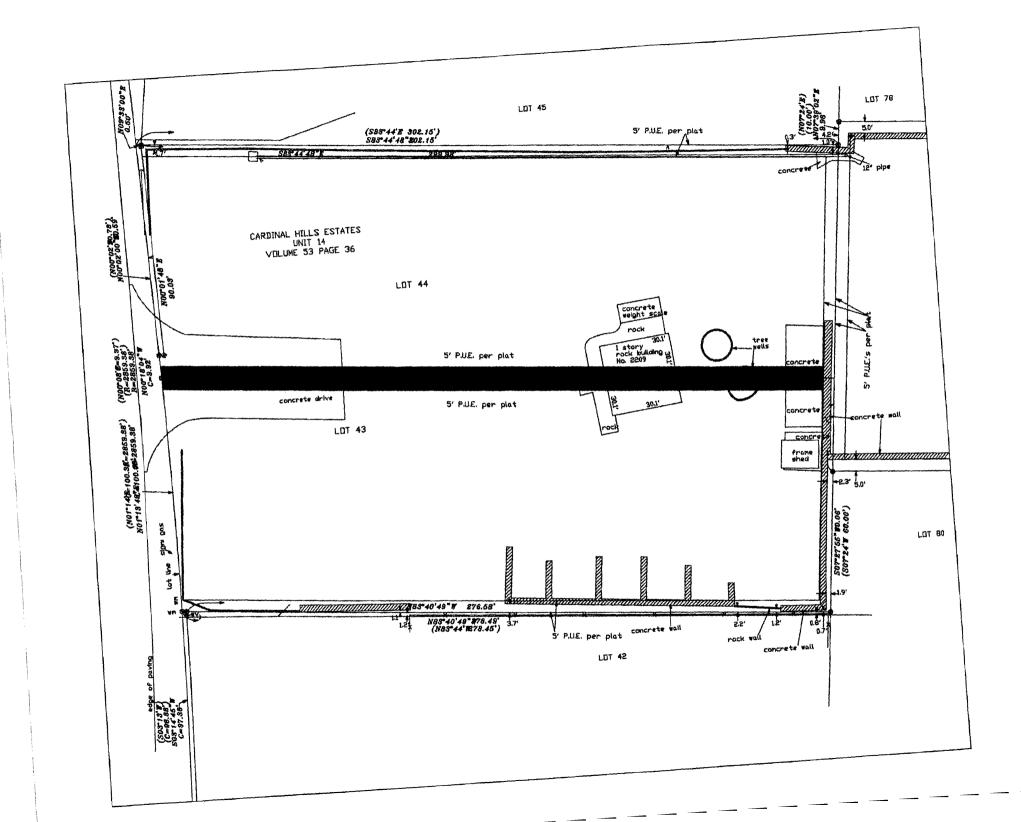


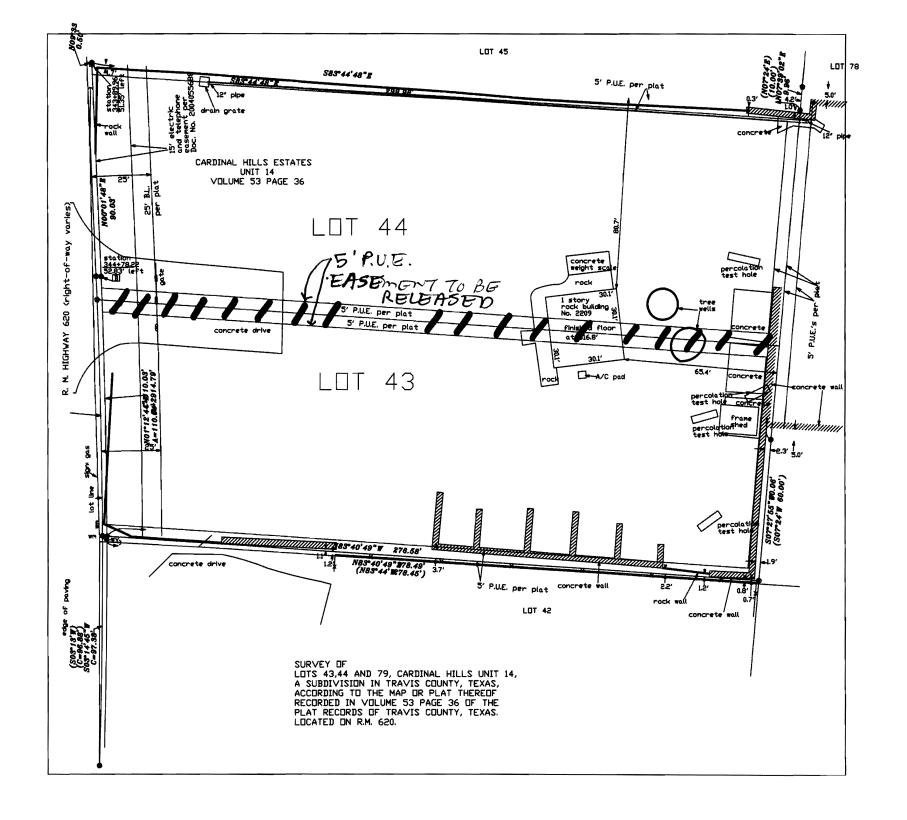
DECEMBER 18, 2012 AT 9:00 AM PUBLIC UTILITY EASEMENT VACATION

TO APPROVE THE VACATION OF TWO FIVE FOOT WIDE PUBLIC UTILITY EASEMENTS LOCATED ALONG THE COMMON LOT LINE OF LOTS 43 AND 44 OF CARDINAL HILLS ESTATES UNIT 14 — A SUBDIVISION IN PRECINCT THREE

AT THE TRAVIS COUNTY COMMISSIONERS COURTROOM 700 LAVACA STREET AUSTIN, TX

FOR MORE INFORMATION CALL 854-9383







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 <u>Jim Bettridge</u>, <u>R.S.</u> (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

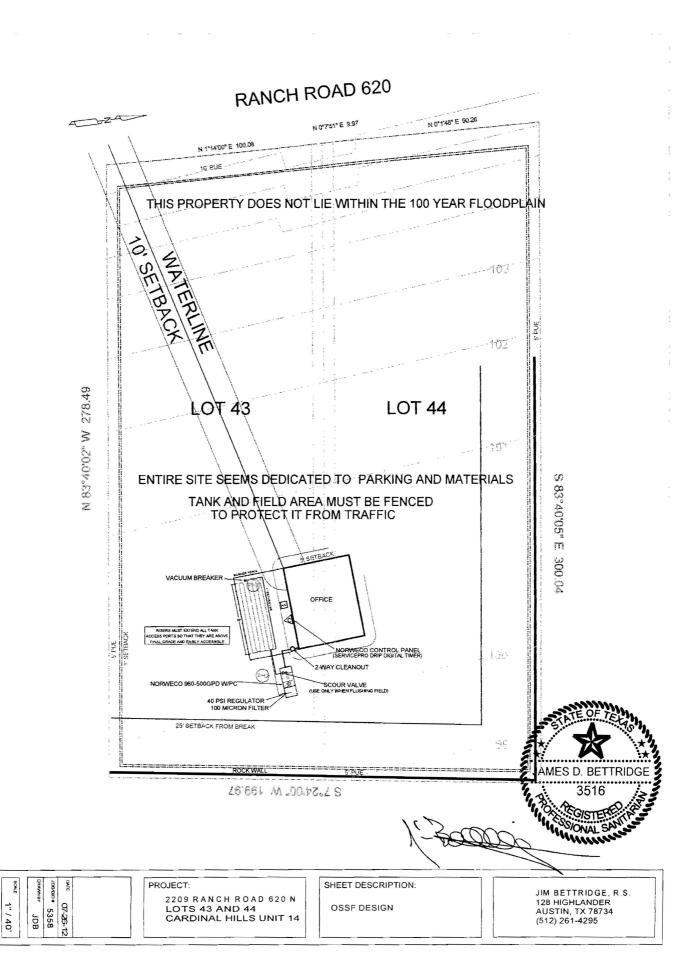
- 1. See the letter of review accompanying this Permit for special requirements.
- 2. Construct per designer's plan and the letter of review. If for any reason construction cannot proceed exactly as specified, STOP CONSTRUCTION, contact the On-Site Wastewater Program at (512)854-9383 and have the designer 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

Issue Date: July 30, 2012



1 OF 2

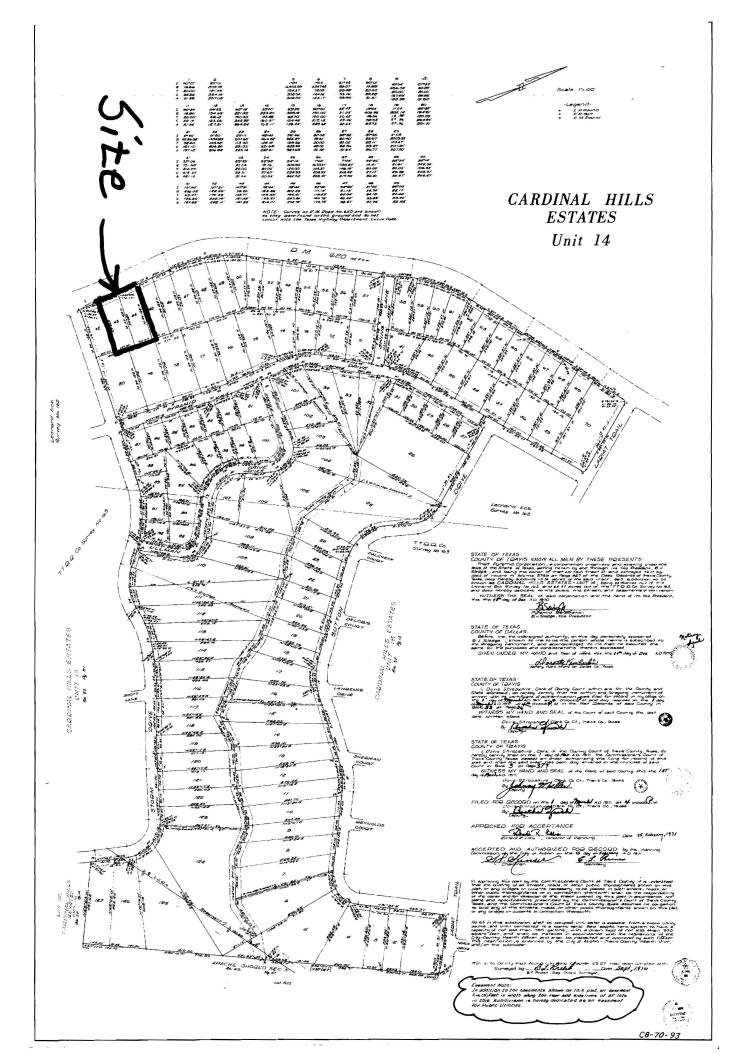
ONE 07-26-12
JOURNAL 5358
DOMMAN JDB
SCALE 1" / 20"

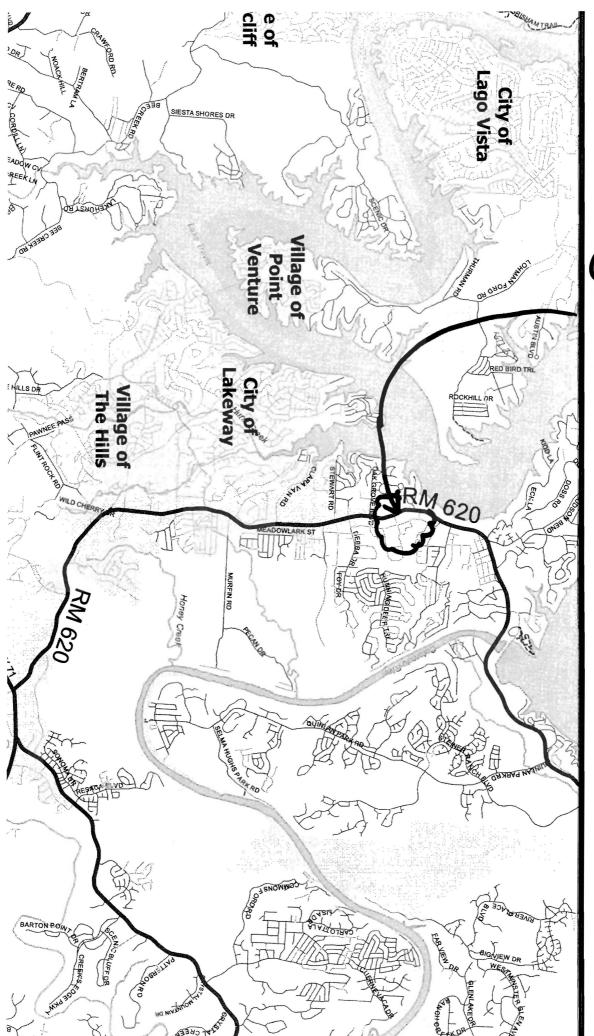
PROJECT:

2209 RANCH ROAD 620 N
LOTS 43 AND 44
CARDINAL HILLS UNIT 14

SHEET DESCRIPTION:
OSSF DESIGN

JIM BETTRIDGE, R.S 128 HIGHLANDER AUSTIN, TX 78734 (512) 261-4295





Site

