



Travis County Commissioners Court Agenda Request

Meeting Date: March 19, 2013

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 Daugherty, Precinct Three

AGENDA LANGUAGE: Approve setting a public hearing on Tuesday, April 9, 2013 to receive comments regarding a request to authorize the filing of an instrument to vacate a 25 foot wide drainage easement located over and across Lots 2 thru 6, Block A of The Estates at Commanders Point – Precinct Three.

BACKGROUND/SUMMARY OF REQUEST:

TNR staff has received a request to authorize the filing of an instrument to vacate a 25' wide drainage easement (DE) located over and across Lots 2 thru 6, Block A of The Estates at Commanders Point. The easement is schematically shown on the resubdivided lot of Lot 6A and are dedicated by plat note on the original plat. The subject lots front on an ingress/egress easement, an easement which is not maintained by Travis County.

Professional engineer Alex Clark has stated and sealed that:

"The aforementioned drainage easement was designed for a specific construction plan, The Estates at Commanders Point (Travis County Development Permit #08-1916; City of Austin Case #C8J-2009-0136.0B). We have taken over the project from the previous engineer and are in the process of obtaining a permit under the same application with the City and the County. This site requires a differently shaped drainage easement of 0.205-acres, which we are offering for recordation in exchange for the release of the existing drainage easement. The vacating of the current drainage easement and the proposed drainage easement that will replace it will not cause any adverse affects to any of the surrounding property."

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 setting the public hearing.

ISSUES AND OPPORTUNITIES:

According to the request letter new plans are being submitted for the subject lots, which include the drainage easement being re-configured. With the vacating and re-dedicating the drainage easement will allow the property owner to move forward with the plans without potentially encroaching on said easement.

FISCAL IMPACT AND SOURCE OF FUNDING:

None.

ATTACHMENTS/EXHIBITS:

- Order of Vacation
- Field Notes
- Request/Engineer's Letter
- Proposed easement
- 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
Don Grigsby <i>DG</i>	Engineer	Development Services	854-7560

SM:AB:ps

1101 - Development Services Long Range Planning - The Estates at Commanders Point

ORDER OF VACATION

STATE OF TEXAS §

COUNTY OF TRAVIS §

WHEREAS, the property owners request the vacation of a 25 foot wide drainage easement located over and across Lots 2 thru 6, Block A of The Estates at Commanders Point as recorded in Document No. 201100111 of the Real Property Records of Travis County, Texas;

WHEREAS, an independent professional engineer has submitted a letter recommending the vacation of the subject easement;

WHEREAS, the property owners will re-dedicate the drainage easement in a new location;

WHEREAS, Travis County staff has stated that with a new easement being dedicated in a new location there are no objections to the vacation of the drainage easement as described in the attached field notes and sketch;

WHEREAS, the Travis County Transportation and Natural Resources Department recommends the vacation of the subject drainage easement 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 April 9, 2013 to consider the proposed action; and

NOW, THEREFORE, by unanimous vote, the Commissioners Court of Travis County, Texas, orders that the 25 foot wide drainage easement located over and across Lots 2 thru 6, Block A of The Estates at Commanders Point, as shown on the attached sketch and described in the attached field notes and sketch, is hereby vacated.

ORDERED THIS THE _____ DAY OF _____ 2013.

SAMUEL T. BISCOE, COUNTY JUDGE

COMMISSIONER RON DAVIS
PRECINCT ONE

COMMISSIONER SARAH ECKHARDT
PRECINCT TWO

COMMISSIONER GERALD DAUGHERTY
PRECINCT THREE

COMMISSIONER MARGARET GOMEZ
PRECINCT FOUR

**VACATION OF DRAINAGE EASEMENT
15,013 SQ. FT., 0.345 ACRE
THE ESTATES OF COMMANDERS POINT**

BEING 15,013 SQUARE FEET, 0.345 ACRE OF LAND LOCATED IN THE WILLIAM P. MOORE SURVEY NO. 530 AND THE C.B.Y. TOWNSEND SURVEY NO. 192 IN TRAVIS COUNTY, TEXAS AND BEING A PORTION OF LOTS 2, 3, 4, 5 AND 6, BLOCK A, OF THE ESTATES AT COMMANDERS POINT A SUBDIVISION OF RECORD IN DOCUMENT NO. 201100111 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 15,013 SQUARE FEET, 0.345 ACRE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a ½-inch iron rod at the northwest corner of Lot 1, Block A of said subdivision, same being on the westerly line of said Lot 2;

THENCE, with the common line of said Lot 1 and Lot 2, S14°06'16"E, 38.00 feet to a calculated point for the **POINT OF BEGINNING** of the herein described tract;

THENCE, leaving said common line and crossing said Lots 2, 3, 4, 5 and 6 the following eight (8) courses and distances:

1. N85°04'45"E, 51.75 feet to a calculated point;
2. S76°53'39"E, 56.22 feet to a calculated point;
3. S51°57'45"E, 89.03 feet to a calculated point;
4. S40°58'17"E, 112.99 feet to a calculated point;
5. S17°57'45"E, 57.44 feet to a calculated point;
6. S36°07'25"E, 57.58 feet to a calculated point;
7. S77°00'35"E, 37.32 feet to a calculated point;
8. S49°01'17"E, 154.16 feet to a calculated point on the southeasterly line of said Lot 6, same being the northwesterly line of Lot 1, First Resub of Lot A, Silent Ridge, a subdivision of record in Book 90, Page 117 of the Plat Records of Travis County, Texas;

THENCE, with the common line of said Lot 6 and said Lot 1 of Silent Ridge S58°57'36"W, 26.28 feet to a calculated point from which an iron rod at an angle point in said common line bears S58°57'36"W, 198.93 feet;

THENCE, once again crossing said Lots 2 thru 6, the following nine (9) courses and distances:

1. N49°01'17"W, 139.82 feet to a calculated point;
2. N77°00'35"W, 40.41 feet to a calculated point;
3. N36°07'25"W, 70.89 feet to a calculated point;
4. N17°57'45"W, 56.35 feet to a calculated point;
5. N40°58'17"W, 105.49 feet to a calculated point;
6. N51°57'45"W, 81.10 feet to a calculated point;

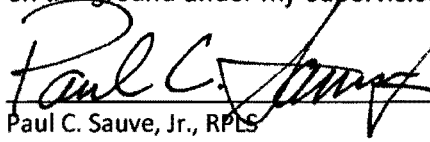
7. N76°53'39"W, 46.73 feet to a calculated point;

8. S85°04'45"W, 43.74 feet to a calculated point on the common line of said Lot 1 and 2;

THENCE, with said common lot line, N14°06'16"W, 25.32 feet to the POINT OF BEGINNING and containing 15,013 square feet, 0.345 of one acre of land, more or less.

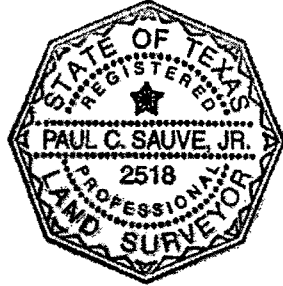
SURVEYOR'S STATEMENT

I hereby state that the included field note description was prepared from an actual survey made on the ground under my supervision and is true and correct, to the best of knowledge and belief.

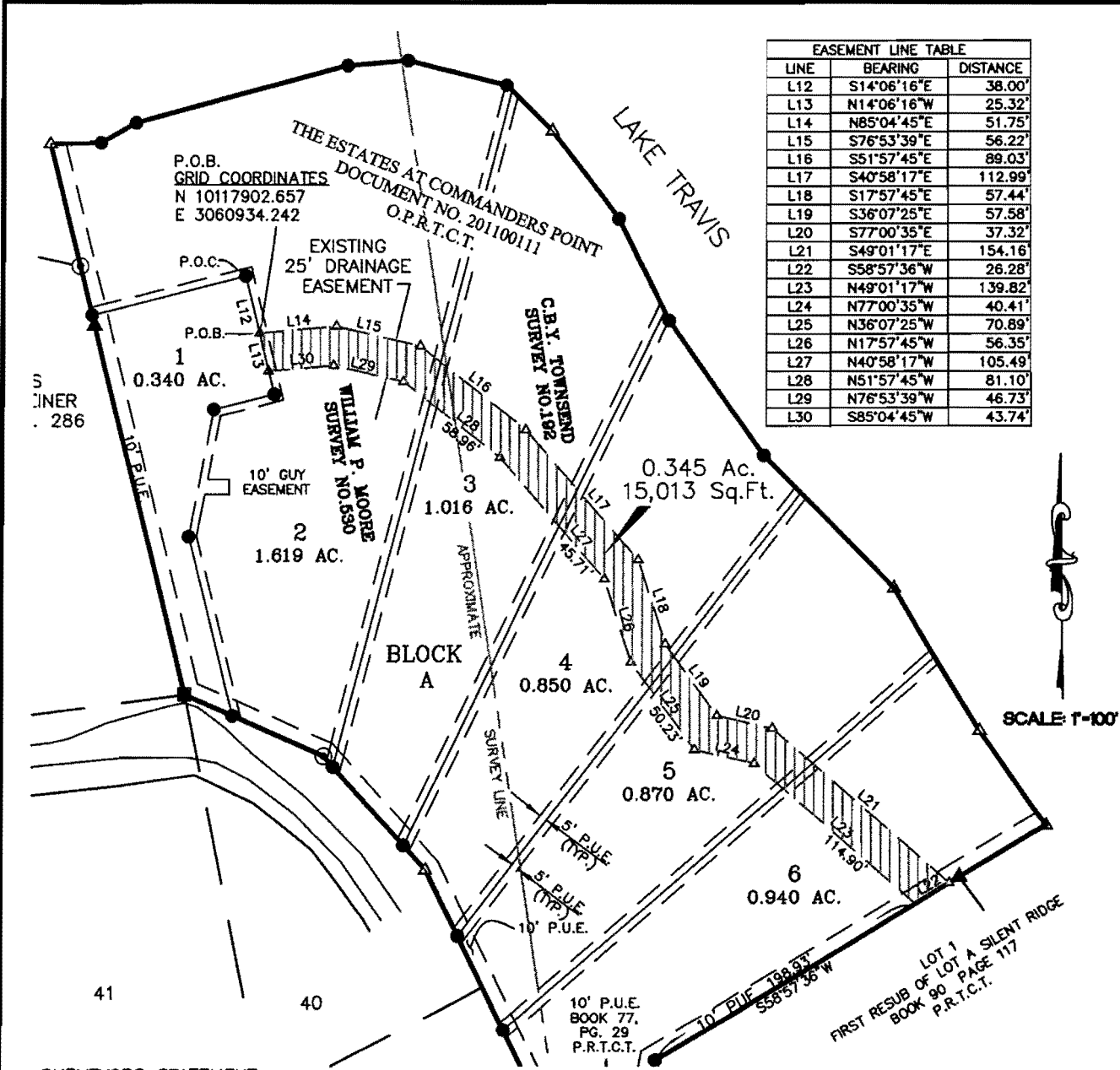


Paul C. Sauve, Jr., RPLS
Managing Partner,
Austin Spatial Technologies, LLC

January 4, 2013

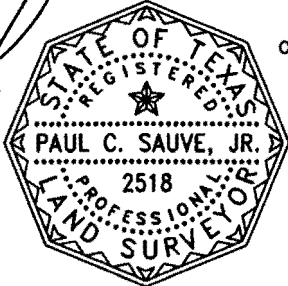


EASEMENT LINE TABLE		
LINE	BEARING	DISTANCE
L12	S14°06'16"E	38.00'
L13	N14°06'16"W	25.32'
L14	N85°04'45"E	51.75'
L15	S76°53'39"E	56.22'
L16	S51°57'45"E	89.03'
L17	S40°58'17"E	112.99'
L18	S17°57'45"E	57.44'
L19	S36°07'25"E	57.58'
L20	S77°00'35"E	37.32'
L21	S49°01'17"E	154.16'
L22	S58°57'36"W	26.28'
L23	N49°01'17"W	139.82'
L24	N77°00'35"W	40.41'
L25	N36°07'25"W	70.89'
L26	N17°57'45"W	56.35'
L27	N40°58'17"W	105.49'
L28	N51°57'45"W	81.10'
L29	N76°53'39"W	46.73'
L30	S85°04'45"W	43.74'



SURVEYORS STATEMENT
 I HEREBY STATE THAT THE BOUNDARY DATA SHOWN
 HEREON IS THE RESULT OF AN ACTUAL SURVEY
 PERFORMED ON THE GROUND UNDER MY
 SUPERVISION IN OCTOBER 2012. BEARINGS ARE
 BASED ON THE TEXAS COORDINATE SYSTEM,
 NAD83, CENTRAL ZONE 4203.

Paul C. Sauve, Jr.
 PAUL C. SAUVE, JR., BPLS# 2518
 DATE: DECEMBER 26, 2012



LEGEND

- 1/2-INCH IRON ROD FOUND
- △ CALCULATED POINT
- O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS TRAVIS COUNTY, TEXAS
- P.R.T.C.T. PLAT RECORDS TRAVIS COUNTY, TEXAS
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT

REFERENCES
 TCAD PARCEL # 0154530440 THRU 0154530444
 Austin Grid Map A-33

EXHIBIT 'A'

Sketch to Accompany Property Description
 15,013 SQ. FT., 0.345 AC. PORTION OF
 LOT 2 THRU 6, BLOCK A, THE ESTATES AT COMMANDERS POINT
 DOCUMENT NO. 201100111
 OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TX

AST
 AUSTIN SPATIAL TECHNOLOGIES, LLC
 LAND SURVEYORS - GEOMATIC SPECIALISTS
 www.austinapotal.com P.O. 612-975-0780

DATE: 11/24/2012
 SCALE: 1"=100'
 CHECKED BY: PC
 DRAFTED BY: PCS
 DESIGNED BY:

January 4, 2013

Travis County Commissioners' Court
c/o Paul Scoggins
Travis County TNR
700 Lavaca Street
Austin, Texas 78701

RE: Vacation of Drainage Easement at 14419 Agarita Road #E, #D, #C, #B, and #A
A Portion of Lots 2, 3, 4, 5, and 6, Block A of The Estates at Commanders Point
Travis County Development Permit #08-1916
Longaro & Clarke, L.P. Project #369-02-83

Dear Paul:

We respectfully request the vacation of a 0.345-acre drainage easement, being a portion of Lots 2, 3, 4, 5, and 6, Block A of The Estates at Commanders Point, a final plat recorded in the Official Public Records of Travis County, Texas as Document No. 201100111.

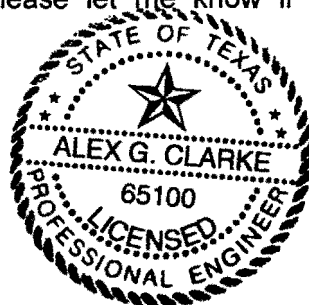
The aforementioned drainage easement was designed for a specific construction plan, The Estates at Commanders Point (Travis County Development Permit #08-1916; City of Austin Case #C8J-2009-0136.0B). We have taken over the project from the previous engineer and are in the process of obtaining a permit under the same application with the City and the County. This site requires a differently shaped drainage easement of 0.205-acres, which we are offering for recordation in exchange for the release of the existing drainage easement. The vacating of the current drainage easement and the proposed drainage easement that will replace it will not cause any adverse affects to any of the surrounding property.

Included with this letter for your review are the survey documents for the release of the 0.345-acre drainage easement, a copy of the plat (The Estates at Commanders Point) on which the easement was granted, the survey documents for the new easement, and a draft of the dedication for the new drainage easement (signed version to be provided prior to the Commissioners' Court date). Please let me know if you have any questions or require additional information.

Very Truly Yours,
LONGARO & CLARKE, L.P.



Alex G. Clarke, P.E.
Vice President



cc: Shay Rathbun, The Estate of Fred Purcell
Cosmo Palmieri, Agarita Ventures

G:\369-02\DOC\Drainage Easement Release Request-County.doc

DRAINAGE EASEMENT

STATE OF TEXAS §

COUNTY OF TRAVIS §

That we, Kelly Gray, Fred Purcell, and Agarita Ventures, (GRANTOR), being the owners of Lots 2, 3, 4, 5, and 6, Block A of The Estates at Commanders Point, as recorded at Document #201100111 of the Plat Records of Travis County, Texas and conveyed to us by deed of record in Document #200502471 and Document #2006098070 of the Official Public Records of Travis County, Texas, do hereby grant and convey, to the Public (GRANTEE), the use of a portion of said land, out of the aforementioned tract of land, for drainage easement purposes in, under, upon, and across the following described property, to-wit:

Those certain tracts of land situated in Travis County and being more particularly described by metes and bounds in Exhibit A, which is attached hereto and made a part hereof.

GRANTOR further covenants and agrees to:

1. use said property only in those ways consistent with the drainage easement herein granted and agrees to do nothing which would impair, damage, or destroy said drainage easement, and it is further understood and agreed that the covenants and agreements set forth above shall be considered covenants running with the land, fully binding upon GRANTOR and his/her successors and assigns;
2. no objects including but not limited to, buildings, fences, or landscaping shall be allowed in subject drainage easement except as approved by City of Austin and Travis County;
3. the subject drainage easement shall be maintained by the property owner or his/her assigns; and
4. the property owner or his/her assigns shall provide for access to the subject drainage easement as may be necessary and shall not prohibit access by City of Austin and Travis County for inspection or maintenance of said easement.

TO HAVE AND TO HOLD the above-described easement, together with all and singular the rights and appurtenances thereto in any way belonging, unto the said GRANTEE and assigns forever; and GRANTOR does hereby bind himself/herself, his/her heirs, executors, and administrators to WARRANT AND DEFEND FOREVER all and singular the said easement unto the said GRANTEE and its assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof.

EXECUTED THIS THE ____ DAY OF _____, 2013.

Kelly Gray

J. Kelly Gray

STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on _____
by _____.

Notary Public in and for the State of Texas

.....
Printed Name:

My commission expires:.....

[Remainder of page intentionally left blank]

Agarita Ventures

By: Riordian Properties, L.P.

By: F.P. Properties, Inc., its General
Partner

Shay Rathbun, President

STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on _____
by Shay Rathbun.

Notary Public in and for the State of Texas

Printed Name: _____

My commission expires: _____

[Remainder of page intentionally left blank]

Fred Purcell

By: The Estate of Fred Purcell

Shay Rathbun, Executor of the Estate

STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on _____
by Shay Rathbun.

Notary Public in and for the State of Texas

.....
Printed Name:

My commission expires:

EXHIBIT A

DRAINAGE EASEMENT 8,941 SQ. FT., 0.205 ACRE THE ESTATES AT COMMANDERS POINT

BEING 8,941 SQ. FT., 0.205 ACRE OF LAND LOCATED IN THE WILLIAM P. MOORE SURVEY NO. 530 AND THE C.B.Y. TOWNSEND SURVEY NO. 192 IN TRAVIS COUNTY, TEXAS AND BEING A PORTION OF LOTS 2, 3, 4, 5 AND 6, BLOCK A, OF THE ESTATES AT COMMANDERS POINT A SUBDIVISION OF RECORD IN DOCUMENT NO. 201100111 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 8,941 SQ. FT., 0.205 ACRE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a ½-inch iron rod at the northwest corner of Lot 1, Block A of said subdivision, same being on the westerly line of said Lot 2;

THENCE, with the common line of said Lot 1 and Lot 2, S14°06'16"E, 38.00 feet to a calculated point for the **POINT OF BEGINNING** of the herein described tract;

THENCE, leaving said common line and crossing said Lots 2, 3, 4, 5 and 6 the following eight (8) courses and distances:

1. N85°04'45"E, 51.75 feet to a calculated point;
2. S76°53'39"E, 56.22 feet to a calculated point;
3. S51°57'45"E, 89.03 feet to a calculated point;
4. S40°58'17"E, 112.99 feet to a calculated point;
5. S17°57'45"E, 37.93 feet to a calculated point;
6. S41°45'24"E, 20.78 feet to a calculated point;
7. S64°15'24"E, 30.13 feet to a calculated point;
8. S41°45'24"E, 206.92 feet to a calculated point on the southeasterly line of said Lot 6, same being the northwesterly line of Lot 1, First Resub of Lot A, Silent Ridge, a subdivision of record in Book 90, Page 117 of the Plat Records of Travis County, Texas;

THENCE, with the common line of said Lot 6 and said Lot 1 of Silent Ridge S58°57'36"W, 15.27 feet to a calculated point from which an iron rod at an angle point in said common line bears S58°57'36"W, 193.68 feet;

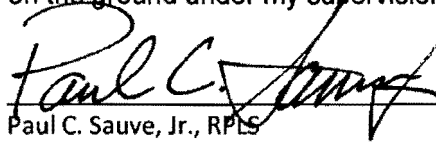
THENCE, once again crossing said Lots 2 thru 6, the following eight (8) courses and distances:

1. N41°45'24"W, 201.10 feet to a calculated point;
2. N64°15'24"W, 30.13 feet to a calculated point;
3. N41°45'24"W, 26.92 feet to a calculated point;
4. N17°57'45"W, 38.03 feet to a calculated point;
5. N40°58'17"W, 108.49 feet to a calculated point;
6. N51°57'45"W, 84.27 feet to a calculated point;
7. N76°53'39"W, 50.52 feet to a calculated point;

8. S85°04'45"W, 46.94 feet to a calculated point on the common line of said Lot 1 and 2
THENCE, with said common lot line, N14°06'16"W, 15.19 feet to the POINT OF BEGINNING and
containing 8,941 square feet, 0.205 of one acre of land, more or less.

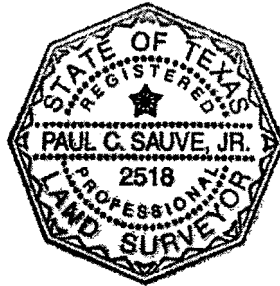
SURVEYOR'S STATEMENT

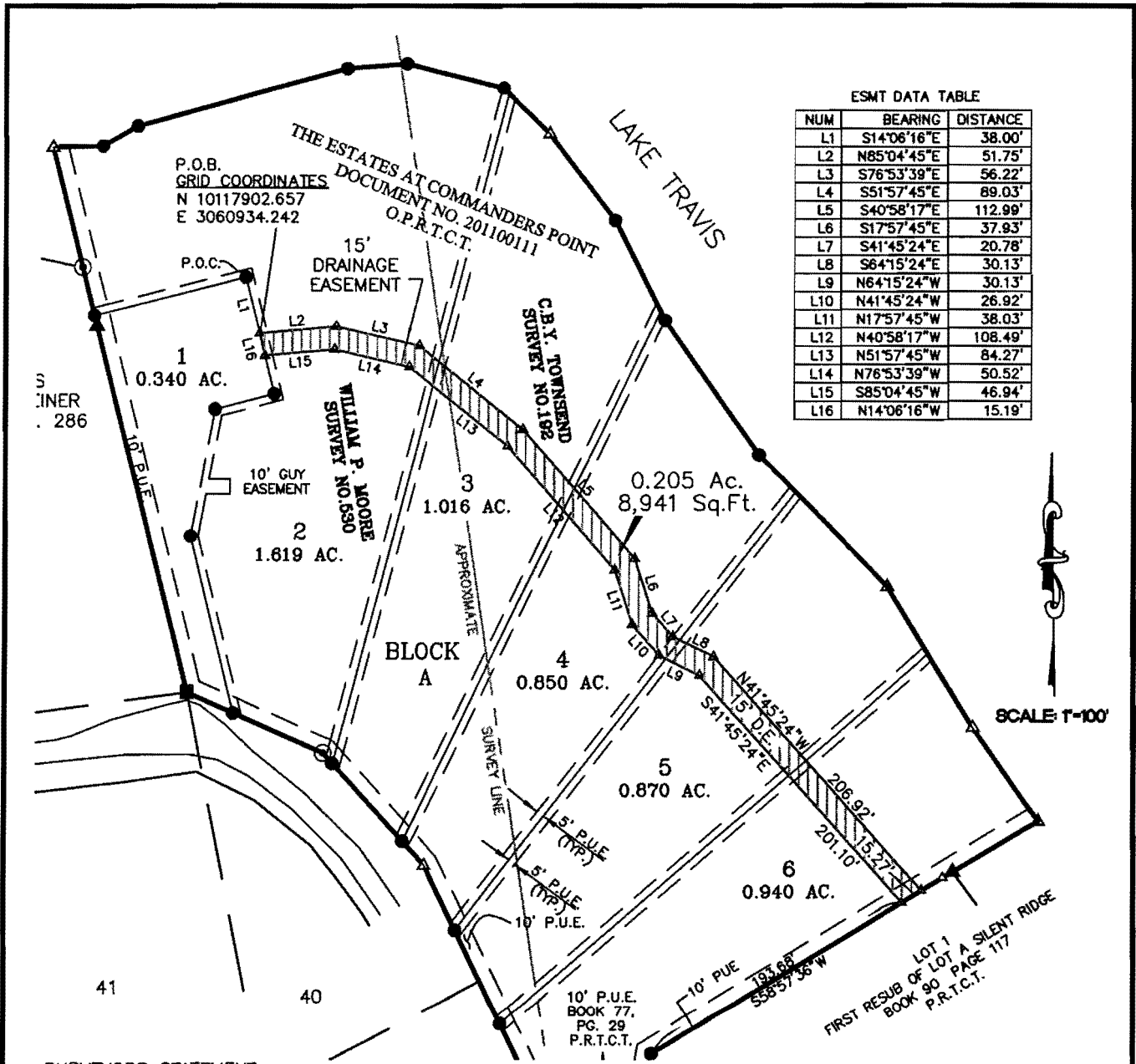
I hereby state that the included field note description was prepared from an actual survey made
on the ground under my supervision and is true and correct, to the best of knowledge and belief.



Paul C. Sauve, Jr., RPLS
Managing Partner,
Austin Spatial Technologies, LLC

January 4, 2013



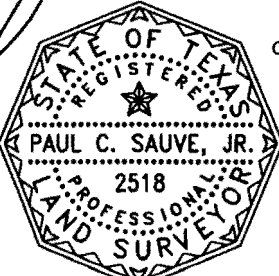


ESMT DATA TABLE

NUM	BEARING	DISTANCE
L1	S14°06'16"E	38.00'
L2	N85°04'45"E	51.75'
L3	S76°53'39"E	56.22'
L4	S51°57'45"E	89.03'
L5	S40°58'17"E	112.99'
L6	S17°57'45"E	37.93'
L7	S41°45'24"E	20.78'
L8	S64°15'24"E	30.13'
L9	N64°15'24"W	30.13'
L10	N41°45'24"W	26.92'
L11	N17°57'45"W	38.03'
L12	N40°58'17"W	108.49'
L13	N51°57'45"W	84.27'
L14	N76°53'39"W	50.52'
L15	S85°04'45"W	46.94'
L16	N14°06'16"W	15.19'

SURVEYORS STATEMENT
I HEREBY STATE THAT THE BOUNDARY DATA SHOWN HEREON IS THE RESULT OF AN ACTUAL SURVEY PERFORMED ON THE GROUND UNDER MY SUPERVISION IN OCTOBER 2012. BEARINGS ARE BASED ON THE TEXAS COORDINATE SYSTEM, NAD83, CENTRAL ZONE 4203.

Paul C. Sauve, Jr.
PAUL C. SAUVE, JR. B.P.L.S.# 2518
DATE: DECEMBER 26, 2012



LEGEND

- 1/2-INCH IRON ROD FOUND
- △ CALCULATED POINT
- O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS TRAVIS COUNTY, TEXAS
- P.R.T.C.T. PLAT RECORDS TRAVIS COUNTY, TEXAS
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT

REFERENCES
TCAD PARCEL # 0154530440 THRU 0154530444
Austin Grid Map A-33

EXHIBIT 'A'

Sketch to Accompany Property Description
8,941 SQ. FT., 0.205 AC. PORTION OF
LOT 2 THRU 6, BLOCK A, THE ESTATES AT COMMANDERS POINT
DOCUMENT NO. 201100111
OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TX

AUSTIN SPATIAL TECHNOLOGIES, LLC
LAND SURVEYORS - GEOMATIC SPECIALISTS
www.austinspatial.com TEL: 652-070-0700

DATE: 11/24/2012
SCALE: 1"=100'
CHECKED BY: PC
DRAFTED BY: PCS
DESIGNED BY:

LCRA RESERVES:
A 20 FOOT WIDE PASSAGE AND USE EASEMENT STRIP
ABUTTING THE HIGH WATER LINE OF LAKE TRAVIS;
THE RIGHT AND PRIVILEGE TO STORE AND IMPOUND
WATER ON OR INUNDATE WITH WATER;
PER VOL. 12978 PG. 31 R.P.R.T.C.T.

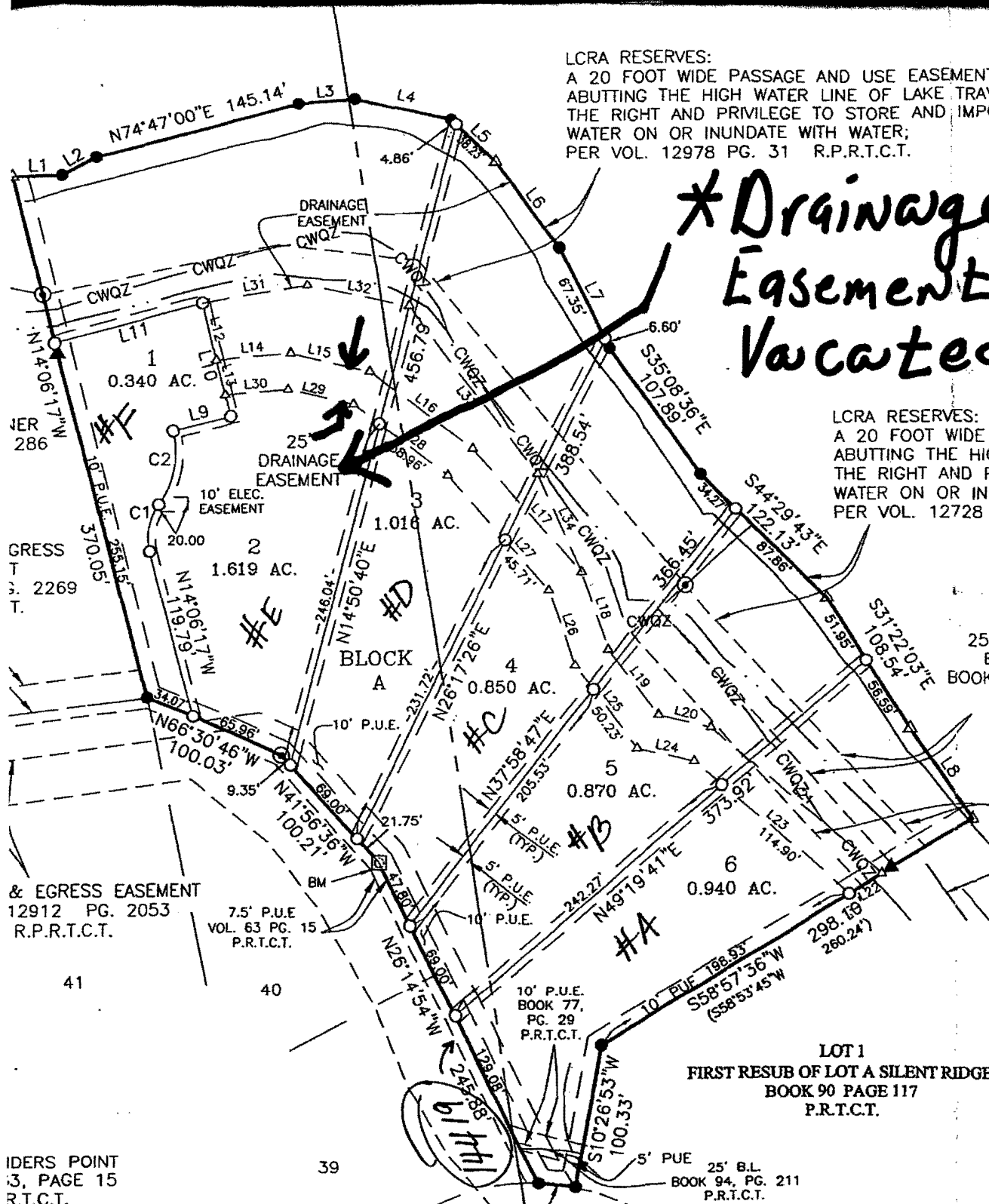
***Drainage
Easement to be
Vacated**

LCRA RESERVES:
A 20 FOOT WIDE PASSAGE AND USE EA
ABUTTING THE HIGH WATER LINE OF LAK
THE RIGHT AND PRIVILEGE TO STORE AN
WATER ON OR INUNDATE WITH WATER;
PER VOL. 12728 PG. 23 R.P.R.T.C.T.

25' DRAINAGE
EASEMENT
BOOK 94 PG. 211
P.R.T.C.T.

CRITICAL WATER
QUALITY ZONE
BOOK 94 PG. 211
P.R.T.C.T.

APPROX
THE 100



NER 286
114°06'17"W
10' P.U.E.
370.05'

GRESS
T 2269
T.

& EGRESS EASEMENT
12912 PG. 2053
R.P.R.T.C.T.

IDERS POINT
3, PAGE 15
R.T.C.T.

7.5' P.U.E
VOL. 63 PG. 15
P.R.T.C.T.

10' P.U.E.
BOOK 77,
PG. 29
P.R.T.C.T.

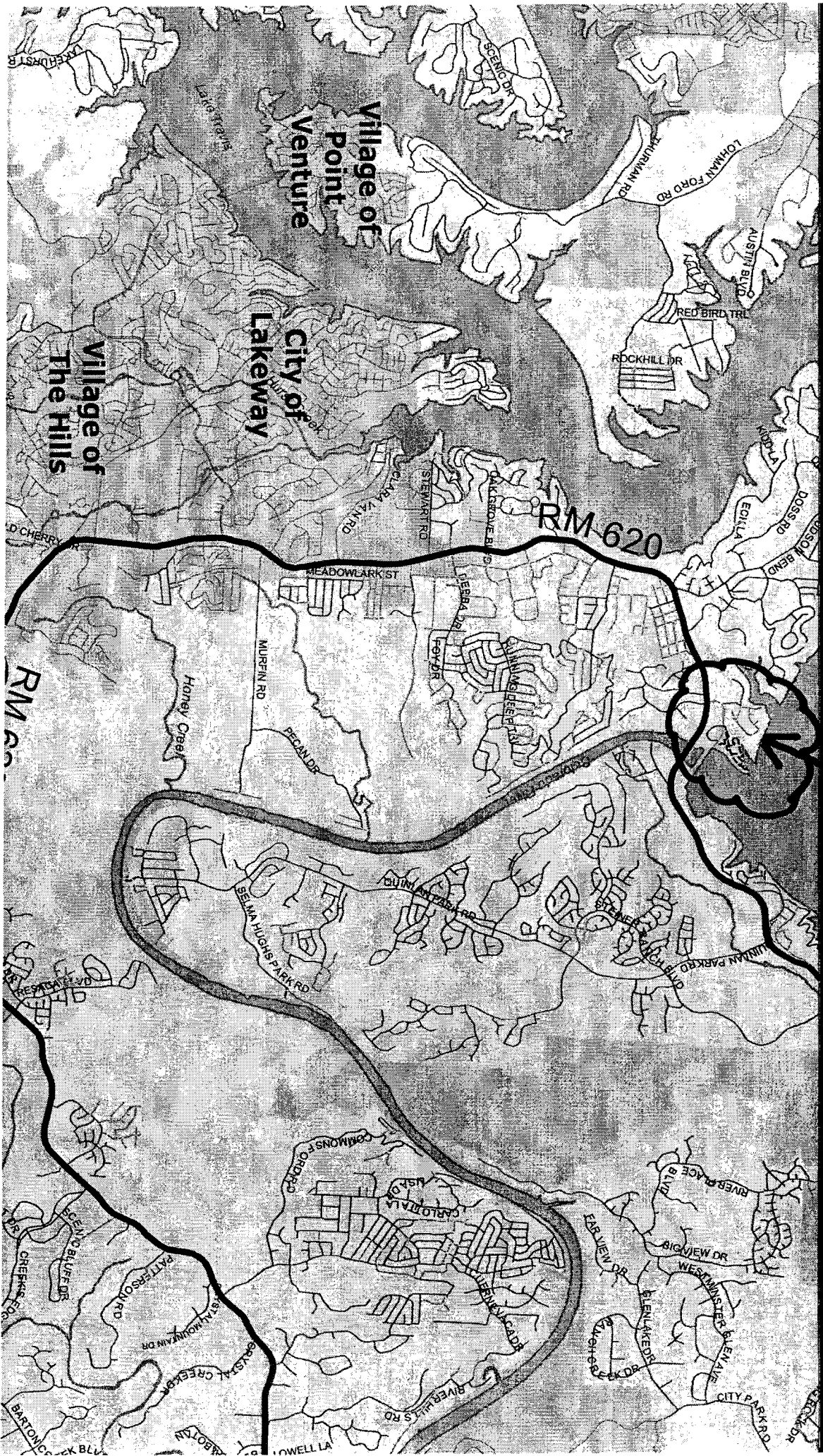
LOT 1
FIRST RESUB OF LOT A SILENT RIDGE
BOOK 90 PAGE 117
P.R.T.C.T.

25' B.L.
BOOK 94, PG. 211
P.R.T.C.T.

R=142.53'
Δ=10°03'15"
L=25.01'
CB=N83°18'59"W
CH=24.98

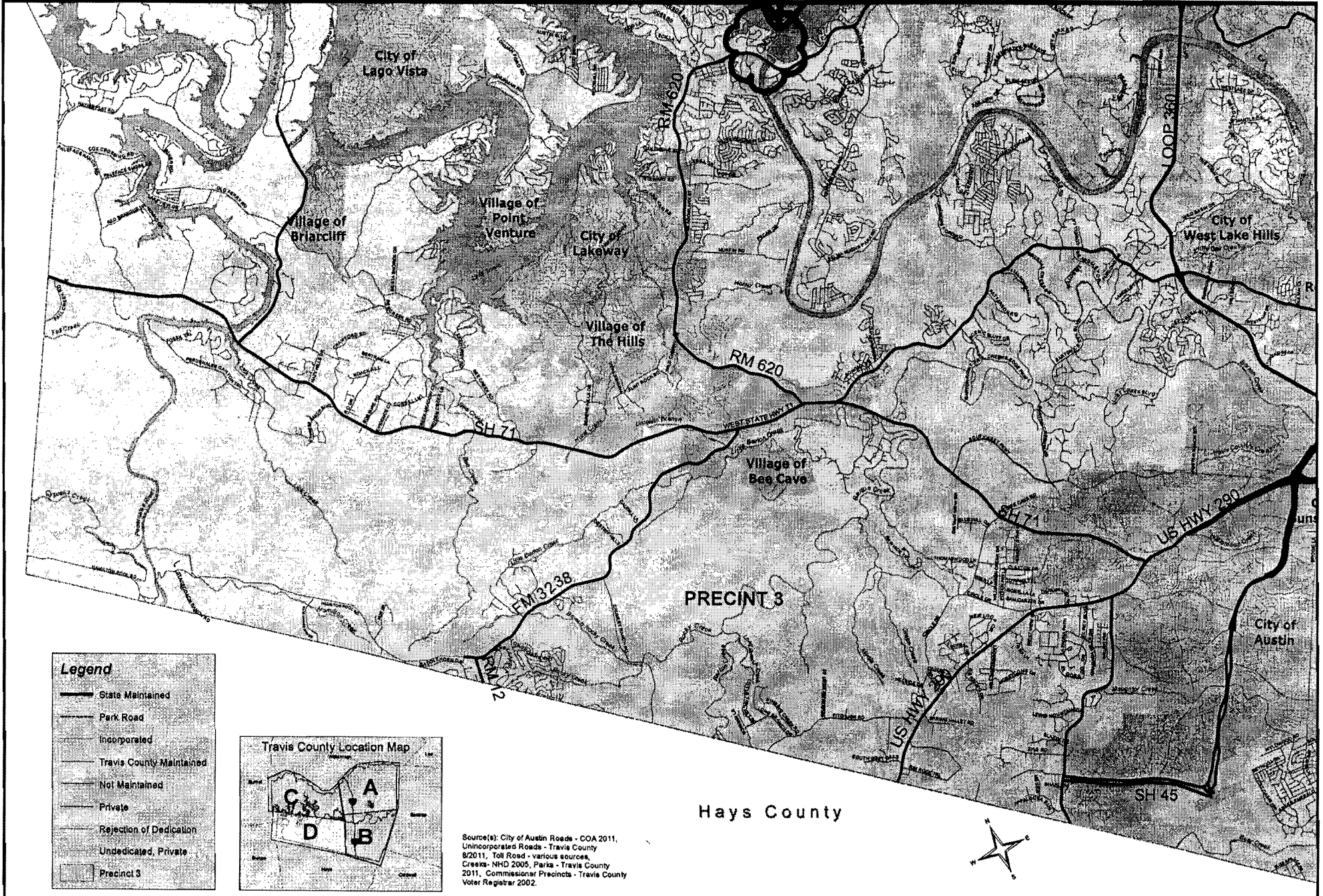
AGARITA ROAD
(60' R.O.W.)

EASEMENT LINE TABLE		
LINE	BEARING	DISTANCE
L12	S14°06'16"E	38.00'
L13	S14°06'16"E	25.32'
L14	N85°04'45"E	51.75'
L15	S76°53'39"E	56.22'
L16	S51°57'45"E	89.03'
L17	S40°58'17"E	112.99'
L18	S17°57'45"E	57.44'
L19	S36°07'25"E	57.58'
L20	S77°00'35"E	37.32'
L21	S49°01'17"E	154.16'
L22	S58°57'36"W	26.28'



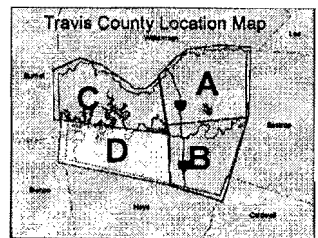
Site

Site



Legend

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



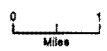
Source(s): City of Austin Roads - COA 2011,
 Unincorporated Roads - Travis County
 8/2011, Toll Road - various sources,
 Creeks - NHD 2005, Parks - Travis County
 2011, Commissioner Precincts - Travis County
 Voter Registrar 2002.



Hays County

Map Disclaimer: The data is provided "as is" with no warranties of any kind.

Travis County Roadways, Map D



Map Prepared by: Travis County,
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