



Item C5

Travis County Commissioners Court Agenda Request

Meeting Date: April 2, 2013

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

Division Director/Manager: Anna Bowlin, Division Director of Development Services and Long Range Planning

KB

Carol B. Doyle for
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 23, 2013 to receive comments regarding a request to authorize the filing of an instrument to vacate a ten foot wide public utility easement located along the north lot line of Lot 10 of Manchaca Commercial Park – Precinct Three.

BACKGROUND/SUMMARY OF REQUEST:

TNR staff has received a request to authorize the filing of an instrument to vacate a ten foot wide public utility easement (PUE) located along the north lot line of Lot 10 of Manchaca Commercial Park. The easement is schematically shown on the plat. The subject lot fronts on Regal Row, 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 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 requests the vacation of the easements for the purpose of placing a mobil home and carport on the property. Vacating the subject easements will allow the property owner to move forward with the plans without potentially encroaching on said easements.

FISCAL IMPACT AND SOURCE OF FUNDING:

None.

ATTACHMENTS/EXHIBITS:

Order of Vacation
Field Notes
Request Letter
Utility Statements
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 |
| John Ellis | Engineer | Development Services | 854-9805 |
| | | | |
| | | | |

SM:AB:ps

1101 - Development Services Long Range Planning - Manchaca Commercial Park



6001 W. William Cannon
Bldg. 2, Suite 203-C
Austin, TX 78749
(512) 301-3389 (o)
(512) 301-3348 (f)

January 16, 2013

**RE: Partial Vacation of Public Utility Easement
Lot 10, Manchaca Commercial Park
1100 Regal Row, Austin, TX**

To Whom It May Concern:

Please accept this letter as description of the proposed partial vacation of an existing Public Utility Easement. The existing easement was dedicated via the plat for Manchaca Commercial Park. This project proposes to vacate +/- 130 LF 10' P.U.E. (approx. 1298 sf) along the north property line of Lot 10, Manchaca Commercial Park commencing at the common lot line between Lot 9 and Lot 10. A sketch of the proposed vacation area is attached.

The purpose of this vacation is to allow the existing commercial buildings located on Lot 10 to connect to a proposed extension of the public wastewater system that is planned along the common property line between Lot 9 and Lot 10. Currently Lot 10 is served by private septic facilities, it is desired to remove the existing septic facility and connect to the new public wastewater main.

The existing building on Lot 10 is immediately adjacent to the side setback line and the 10' P.U.E. to the rear. Based on the existing development and the topography of the site, it is necessary to route the proposed sewer connection to the rear of the property, which would encroach into the existing PUE. As the PUE is currently vacant, and the properties affected by the easement are fully developed and served by utilities through other routes, we are requesting that the portion of the PUE that would be encroached by the private building sewer be vacated.

Please contact me if you have any questions or require additional information.

Sincerely,

Jeff Shindler, P.E.

**HOLT CARSON INCORPORATED
PROFESSIONAL LAND SURVEYORS**

1904 FORTVIEW ROAD
AUSTIN, TEXAS 787074
TELEPHONE: (512) 442-0990
FACSIMILE: (512) 442-1084

February 8, 2013

FIELD NOTE DESCRIPTION OF A 1,298 SQUARE FEET OF LAND BEING A PORTION OF A 10 FEET WIDE PUBLIC UTILITY EASEMENT TO BE RELEASED OVER AND ACROSS A PORTION OF LOT 10, MANCHACA COMMERCIAL PARK, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 81, PAGE 85 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AS CONVEYED TO BERT PENCE BY DEED RECORDED IN VOLUME 10311, PAGE 266 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING FOR REFERENCE 1/2" iron found in the South right-of-way line of Regal Row, at the Northwest corner of Lot 12, Manchaca Commercial Park, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 81, Page 85 of the Plat Records of Travis County, Texas, same being the Northwest corner of that certain (0.719 acre) tract of land as conveyed to Scott K. Wilder and Deborah E. Berkey Wilder by deed recorded in Document No. 2010073904 of the Official Public Records of Travis County, Texas, also being the Northeast corner of Lot 13, Manchaca Commercial Park;

THENCE crossing the right-of-way line of Regal Row, N 48 deg. 55'42" E 158.71 ft.(direct tie) to a calculated point in the North right-of-way line of Regal Row, at the Southeast corner of Lot 9 and an angle corner of Lot 10, Manchaca Commercial Park;

THENCE leaving the North right-of-way line of Regal Row with the common line of Lot 9 and Lot 10, Manchaca Commercial Park, N 44 deg. 08'20" E 229.79 ft. to a calculated point for the Southwest corner and the **PLACE OF BEGINNING** of the herein described portion of said 10 feet wide public utility easement to be released;

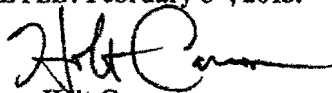
THENCE continuing with the common line of Lot 9 and Lot 10, Manchaca Commercial Park, N 44 deg. 08'20" E 14.59 ft. to a calculated point at the Northeast corner of Lot 9, same being the most Northerly Northwest corner of Lot 10, Manchaca Commercial Park and the Northwest corner of the herein described portion of said 10 feet wide public utility easement to be released;

THENCE with the North line of Lot 10, Manchaca Commercial Park, N 87 deg. 23'20" E 125.64 ft. to a calculated point for the Northeast corner of the herein described portion of said 10 feet wide public utility easement to be released;

THENCE crossing through the interior of Lot 10, Manchaca Commercial Park, the following two (2) courses:

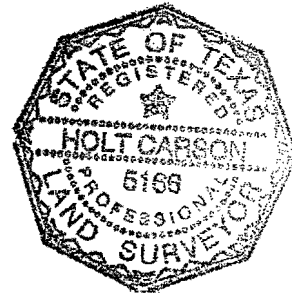
- 1.) S 10 deg. 30'07" W 10.27 ft. to a calculated point for the Southeast corner of the herein described portion of said 10 feet wide public utility easement to be released;
- 2.) S 87 deg. 23'20" W 133.94 ft. to the **PLACE OF BEGINNING** and containing 1,298 Square feet of land.

SURVEYED: February 8th, 2013.


Holt Carson

Registered Professional Land Surveyor No. 5166

Reference map no. C900002f



Legend

- ⊙ ½" Iron Rod Found
- ⊙ Calculated Point
- (Record Bearing and Distance)

Notes:

- 1.) This map was prepared without the benefit of a current title commitment and therefore this tract may be subject to easements and/or restrictions not shown hereon.
- 2.) Orientation for this survey is based upon a bearing of N18°16'25"E between Monuments found at the Southeast corner of Lot 30 and the Northeast corner of Lot 32, Morningside Subdivision, Document No. 200700191 of the Plat Records of Travis County, Texas.

SCALE 1" = 50'

LOT 25
MORNINGSIDE SUBDIVISION
Document No. 200700191

LOT 26

N87°23'20"E
125.64'

PLACE
OF
BEGINNING

N44°08'20"E
14.59'

1,298 Square Feet
Portion of 10' P.U.E.
to be released

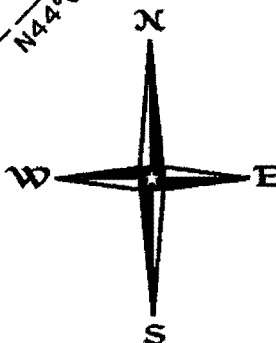
S87°23'20"W
133.94'

S10°30'07"W
10.27'

LOT 9

Bert Pence
Volume 10311 Page 264
Capital City Warehousing, LP.
Document No. 2005048978

LOT 10
MANCHACA COMMERCIAL PARK
Volume 81 Page 85
Bert Pence
Volume 10311 Page 266
Capital City Warehousing, LP.
Document No. 2005048978



10' P.U.E. per plat

60' Railroad Spur Easement per plat

REGAL ROW
(70' R.O.W.)

N48°55'42"E 158.71'
direct tie

BEGINNING
REFERENCE
POINT

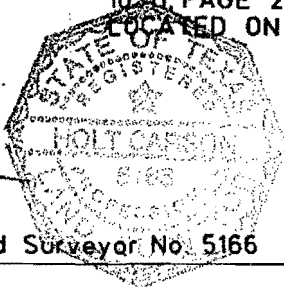
LOT 13

LOT 12

LOT 11

SKETCH TO ACCOMPANY FIELD NOTE DESCRIPTION OF
A 1,298 SQUARE FEET OF LAND BEING A PORTION OF A 10 FEET WIDE PUBLIC UTILITY EASEMENT
TO BE RELEASED OVER AND ACROSS A PORTION OF LOT 10, MANCHACA COMMERCIAL PARK, A
SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED
IN VOLUME 81, PAGE 85 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAME BEING A PORTION
OF THAT CERTAIN TRACT OF LAND AS CONVEYED TO BERT PENCE BY DEED RECORDED IN VOLUME
10311 PAGE 266 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS.
LOCATED ON REGAL ROW.

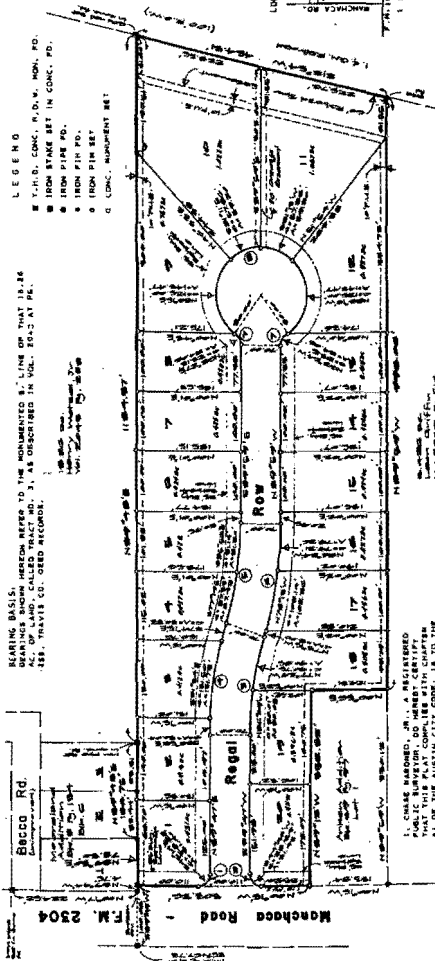
PREPARED: FEBRUARY 8, 2013.
BY



Holt Carson
Registered Professional Land Surveyor No. 5166

HOLT CARSON, INCORPORATED
PROFESSIONAL LAND SURVEYORS
1904 FORTVIEW ROAD
AUSTIN, TX 78704
(512) 442-0990

VAL 81 Page 85
 9-1-28-87 LCCA 9134 # 2000



Manchaca Commercial Park
 1"=100'

NOTES
 1. THESE MARKERS ARE TO BE SET BY THE PUBLIC SURVEYOR OF HENRY COUNTY, TEXAS, AT THE TIME THIS PLAN IS COMPLETED WITHIN THE CITY OF AUSTIN, TEXAS. THE SETTING SHALL BE IN ACCORDANCE WITH THE BEST OF SURVEYING PRACTICE AND SHALL BE SUBJECT TO THE APPROVAL OF THE CITY ENGINEER AND THE PUBLIC SURVEYOR OF HENRY COUNTY, TEXAS.



STATE OF TEXAS
 COUNTY OF TRAVIS
 I, _____, CLERK OF THE COUNTY COURT, COUNTY OF TRAVIS, TEXAS, DO HEREBY CERTIFY THAT THE ABOVE DESCRIBED LOT OR LOTS ARE THE SAME AS SHOWN ON THE MAP OR MAPS FILED FOR RECORD IN THE OFFICE OF THE CLERK OF THE COUNTY COURT, COUNTY OF TRAVIS, TEXAS, ON THE _____ DAY OF _____, 1987.

APPROVED FOR ACCEPTANCE:

 CITY ENGINEER
 COUNTY OF TRAVIS, TEXAS

HEALTH DEPARTMENT RESTRICTIONS:
 1. NO STRUCTURE IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL THE SEPTIC TANK HAS BEEN INSPECTED AND APPROVED BY THE HEALTH DEPARTMENT. STRUCTURES WHICH HAVE BEEN APPROVED BY THE HEALTH DEPARTMENT SHALL BE OCCUPIED UNTIL THE SEPTIC TANK HAS BEEN INSPECTED AND APPROVED BY THE HEALTH DEPARTMENT. A POTABLE WATER SUPPLY FROM AN APPROVED PUBLIC WATER SUPPLY OR FROM A WELL SHALL BE PROVIDED TO EACH LOT. AN APPROVED SEPTIC TANK SYSTEM SHALL BE PROVIDED TO EACH LOT. THE SEPTIC TANK SYSTEM SHALL BE DESIGNED BY A LICENSED PROFESSIONAL ENGINEER AND SHALL BE SUBJECT TO THE APPROVAL OF THE HEALTH DEPARTMENT. THE SEPTIC TANK SYSTEM SHALL BE INSTALLED AND OPERATED IN ACCORDANCE WITH THE HEALTH DEPARTMENT REGULATIONS. THIS SUBDIVISION HAS BEEN ACCEPTED FOR DEVELOPMENT WITH SEPTIC TANK USE BY THE AUSTIN-TRAVIS COUNTY HEALTH DEPT.

HEALTH OFFICER: _____ DATE: _____
 LOCATION MAP
 THE UNDERSIGNED DOES HEREBY CERTIFY THAT THE LOTS IN THIS SUBDIVISION ARE THE SAME AS SHOWN ON THE MAP OR MAPS FILED FOR RECORD IN THE OFFICE OF THE CLERK OF THE COUNTY COURT, COUNTY OF TRAVIS, TEXAS, ON THE _____ DAY OF _____, 1987.

FILED FOR RECORD, _____ COURT, _____ COUNTY, TEXAS, ON THE _____ DAY OF _____, 1987 AT _____ O'CLOCK.

 COUNTY OF TRAVIS
 DEPUTY CLERK OF THE COUNTY COURT

CLERK OF THE COUNTY COURT
 COUNTY OF TRAVIS
 I, _____, CLERK OF THE COUNTY COURT, COUNTY OF TRAVIS, TEXAS, DO HEREBY CERTIFY THAT THE ABOVE DESCRIBED LOT OR LOTS ARE THE SAME AS SHOWN ON THE MAP OR MAPS FILED FOR RECORD IN THE OFFICE OF THE CLERK OF THE COUNTY COURT, COUNTY OF TRAVIS, TEXAS, ON THE _____ DAY OF _____, 1987.

0835-80
 CO-76-67.1 (80)

Plan 761-7792 AS 315 FOR 830-0418



City of Austin

Austin Water
625 East 10th Street Austin, Texas 78701
(512) 972-0101

March 5, 2013

Mr. Jeff Shindler
Texas Design Interests, LLC
6001 W William Cannon, Bldg.2, Suite 203-C
Austin Texas 78749
512-301-3389 (office)
512-301-3348 (fax)

Re: Partial Release of Public Utility Easement at 1100 Regal Row.

Dear Mr. Shindler,

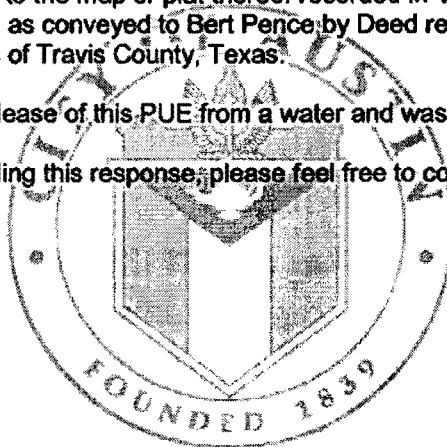
Austin Water Utility (AWU) staff has evaluated your proposed request for the partial release of 1,298 square feet of Public Utility Easement (PUE) of Lot 10, Manchaca Commercial Park, a Subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 81, Page 85 of the plat records of Travis County, Texas, as conveyed to Bert Pence by Deed recorded in Volume 10311, Page 266 of the Real Property records of Travis County, Texas.

AWU approves the requested release of this PUE from a water and wastewater utilities standpoint.

If you have any questions regarding this response, please feel free to contact me at 512-972-0221.

Respectfully,

Angela Baez
Project Coordinator
Austin Water Utility
625 E. 10th Street, Waller Creek Center
Austin Texas 78701
512-972-0221 (wk.)
512-972-0285 (fax)
angela.baez@austintexas.gov



1 Attachment,
Easement Requirement Statement



*The City of Austin is committed to compliance with the Americans with Disabilities Act.
Reasonable modifications and equal access to communications will be provided upon request.*



TRANSPORTATION AND NATURAL RESOURCES

JOSEPH P. GIESELMAN, EXECUTIVE MANAGER

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 1100 Regal Row, Austin, TX 78748 (address) also known as Lot 10, Manchaca Commercial Park (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.

Angelika Bair
Signature
Angelika Bair
Printed Name
PROJECT COORDINATOR
Title
Austin Water Utility
Utility Company or District
March 5, 2013
Date

Please return this completed form to:

Anne Marie Beard
Texas Design Interests, LLC
ambeard@tdi-llc.net
512-301-3389
Name
6001 W. Wm. Cannon Dr.
Bldg. 2, Ste. 203-C
Address
Austin, TX 78749
City/State/Zip



TRANSPORTATION AND NATURAL RESOURCES

JOSEPH P. GIESELMAN, EXECUTIVE MANAGER

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 1100 Regal Row, Austin, TX 78748 (address) and/or Lot 10, Regal Oaks, Travis County, Texas (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. (Exhibit A)
- 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.

Kay Jeanes
Signature
Kay Jeanes
Printed Name
Right-of-Way Agent
Title
Pedernales Electric Co-op.
Utility Company or District
3/7/2013
Date

Please return this completed form to:

Name

Address

City/State/Zip



TRANSPORTATION AND NATURAL RESOURCES

JOSEPH P. GIESELMAN, EXECUTIVE MANAGER

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 1100 Regal Row
Austin, TX 78748 (address) and/or Lot 10 Manchaca Commercial
Park (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]
Signature
Chris Landgraf
Printed Name
Engineer II
Title
Texas Gas Service
Utility Company or District
1/14/2013
Date

Please return this completed form to:

Name

Address

City/State/Zip



SOUTHWESTERN BELL TELEPHONE COMPANY

RELEASE OF EASEMENT

THIS RELEASE OF EASEMENT, entered into by *SOUTHWESTERN BELL TELEPHONE COMPANY, a Delaware corporation, GRANTOR, AND Capital City Warehousing, L.P., 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 10, Manchaca Commercial Park, Deed of record in Book 10311, Page 266, and Document 2005048978, Property Records of Travis County, Texas

Said land of GRANTEE being subject to:

Easements recorded in Volume 81, Page 85, Plat Records of Travis County, Texas,

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

Approximately 1298 square feet of the 10 foot PUE along the north property line of Lot 10, commencing at the common lot line between Lot 9 and Lot 10, 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 13 day of February, 2013.

SOUTHWESTERN BELL TELEPHONE COMPANY

[Handwritten Signature]

Name : Anthony Michetich

Title: MGR.-ENG. DESIGN

THE STATE OF TEXAS
COUNTY OF TRAVIS

BEFORE ME, the undersigned authority, on this day personally appeared Anthony Michetich, 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 Delaware 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 13th day of FEBRUARY, 2013.

[Handwritten Signature]
Notary Public in and for the State of Texas
My Commission Expires 03/20/2013
CHRISTOPHER E. BARHAM
Notary Public, State of Texas
My Commission Expires
March 20, 2013



TRANSPORTATION AND NATURAL RESOURCES

JOSEPH E. GESELMAN, EXECUTIVE MANAGER

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 1100 Regal Row Austin TX 78748 and/or Lot 10 Manchaca Commercial Park (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.

Laurie Schumpert
 Signature
Laurie Schumpert
 Printed Name
St. Designer
 Title
Time Warner Cable-CTX
 Utility Company or District
January 17, 2013
 Date

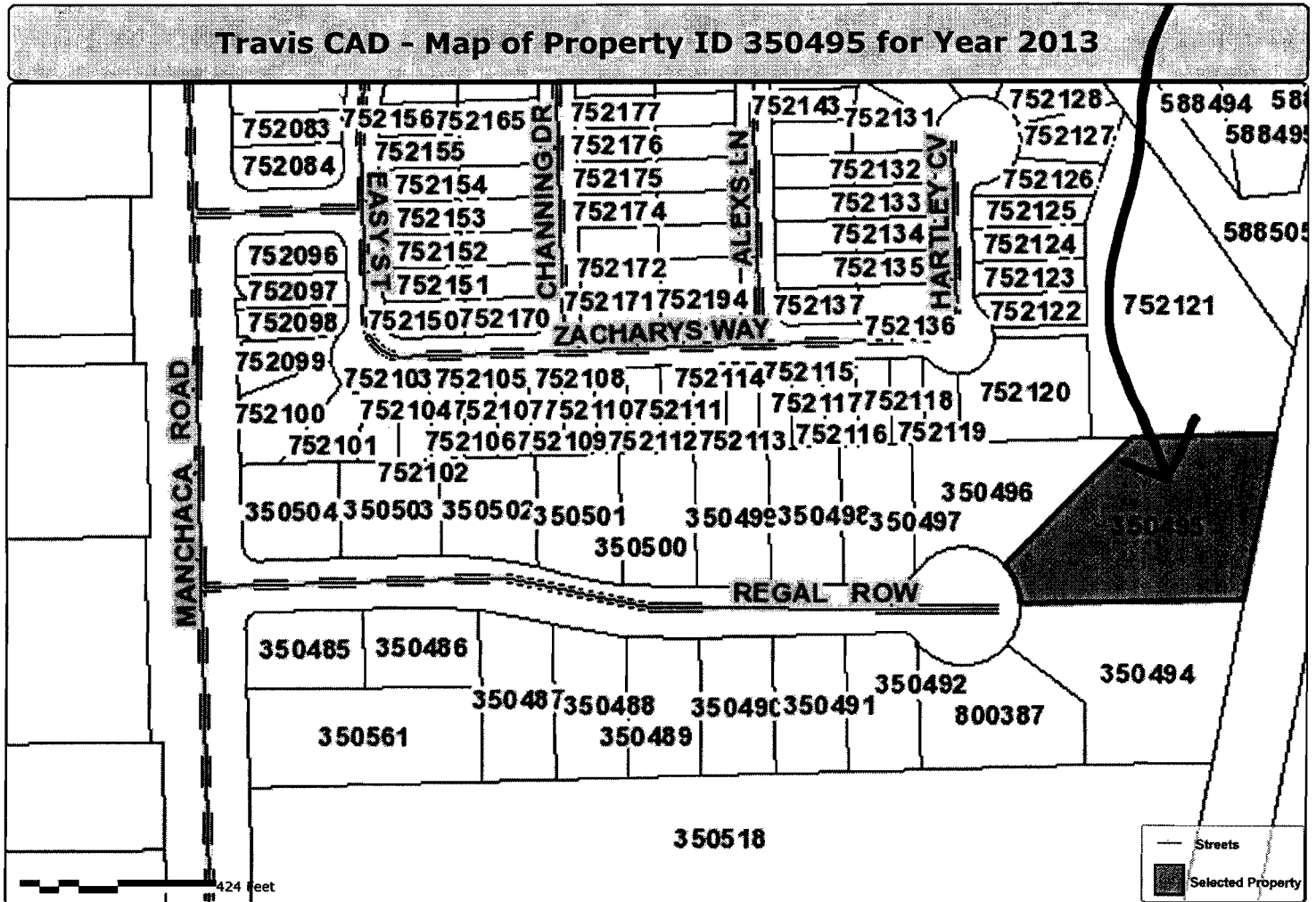
Please return this completed form to:

Name

Address

City/State/Zip

Site



Property Details

Account
Property ID: 350495
Geo ID: 0440230311
Type: Real
Legal Description: LOT 10 MANCHACA COMMERCIAL PARK

Location
Situs Address: 1100 REGAL ROW TX 78748
Neighborhood: IND'L >= 20K SF, <25% F/O
Mapsc0: 703E
Jurisdictions: 0A, 01, 03, 2J, 56, 68

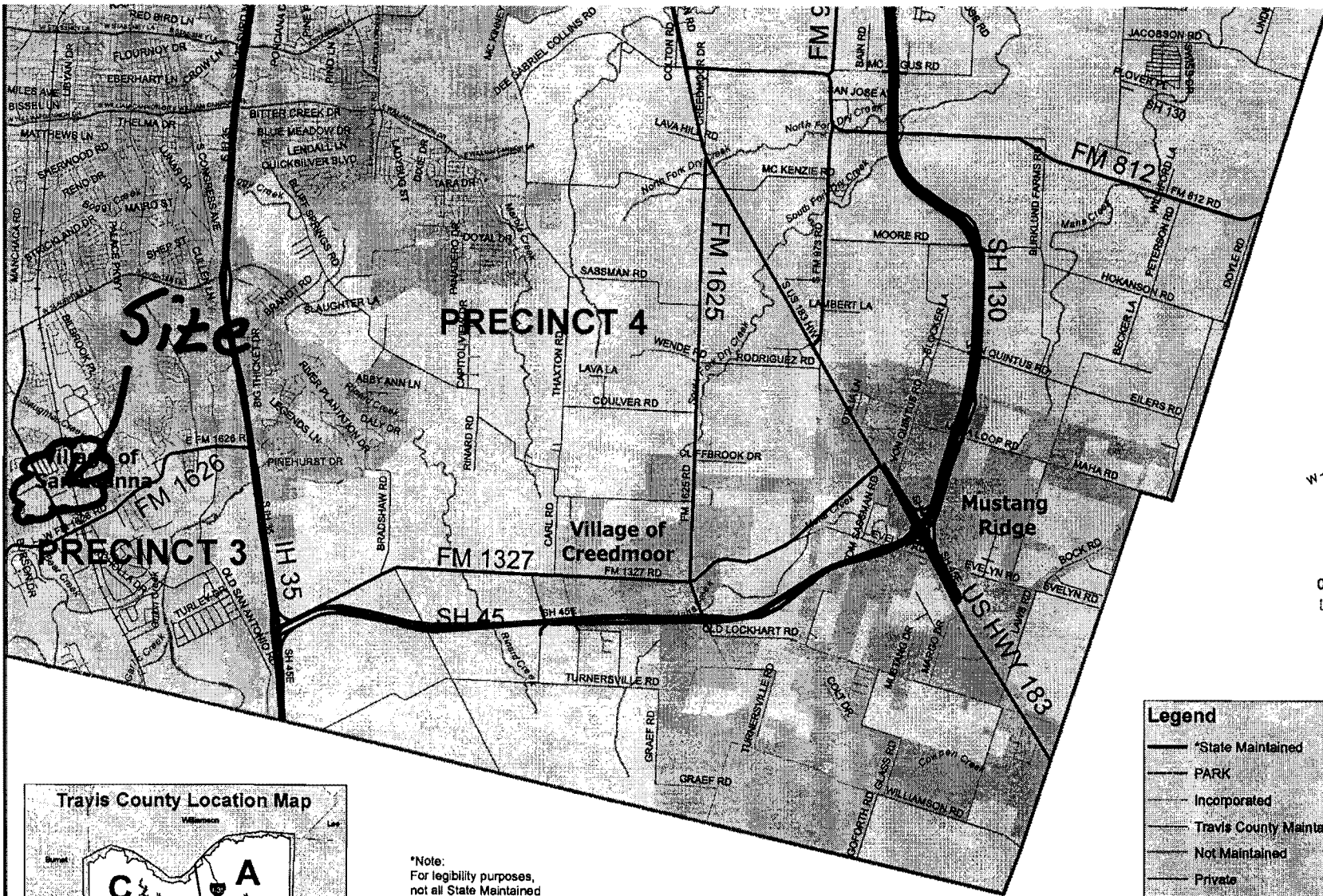
Owner
Owner Name: CAPITAL CITY WAREHOUSING LP
Mailing Address: , 708 RIO GRANDE ST, AUSTIN, TX 78701-2779

Property
Appraised Value: N/A

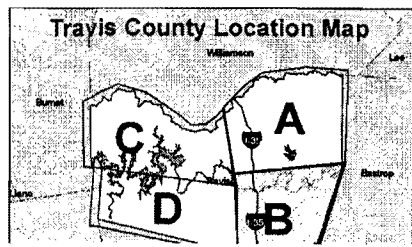
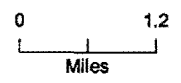
<http://propaccess.traviscad.org/Map/View/Map/1/350495/2013>



Map Disclaimer: 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.



Size



*Note:
For legibility purposes,
not all State Maintained
roadways are shown in red.

| Legend | |
|--------|--------------------------|
| | *State Maintained |
| | PARK |
| | Incorporated |
| | Travis County Maintained |
| | Not Maintained |
| | Private |
| | Rejection of Dedication |
| | Undedicated, Private |
| | Railroad |
| | Commissioner Precinct |
| | Precinct 1 |
| | Precinct 3 |
| | Precinct 4 |

Source(s): City of Austin Roads - COA 2011, Unincorporated Roads - Travis County 2011 Creaks, NHD '06