Item 12



Travis County Commissioners Court Agenda Request

Meeting Date: April 9, 2013

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. Manilla, P.E., County Executive-TNR Sponsoring Court Member: Commissioner Daugherty, Precinct Three

AGENDA LANGUAGE: Consider and take appropriate action on 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 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 Esates 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 appolication 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 fo 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 of this memo, staff has not received any inquiries in regards to this request. As such, TNR staff recommends the request.

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 rededicating 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:

N/A

ATTACHMENTS/EXHIBITS:

Order of Vacation Field Notes Request/Engineer's Letter Proposed easement 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	Dev Serv & LRP	854-7561

CC:

Stacey Scheffel	Program Manager	TNR - Permits	854-7565

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.

DAVOE

2013

ODDEDED THIS THE

	_DAT OF2013.
SAMUEL T. BISC	COE, 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;
- S40°58'17"E, 112.99 feet to a calculated point;
- 5. \$17°57'45"E, 57.44 feet to a calculated point;
- 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. \$85°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.

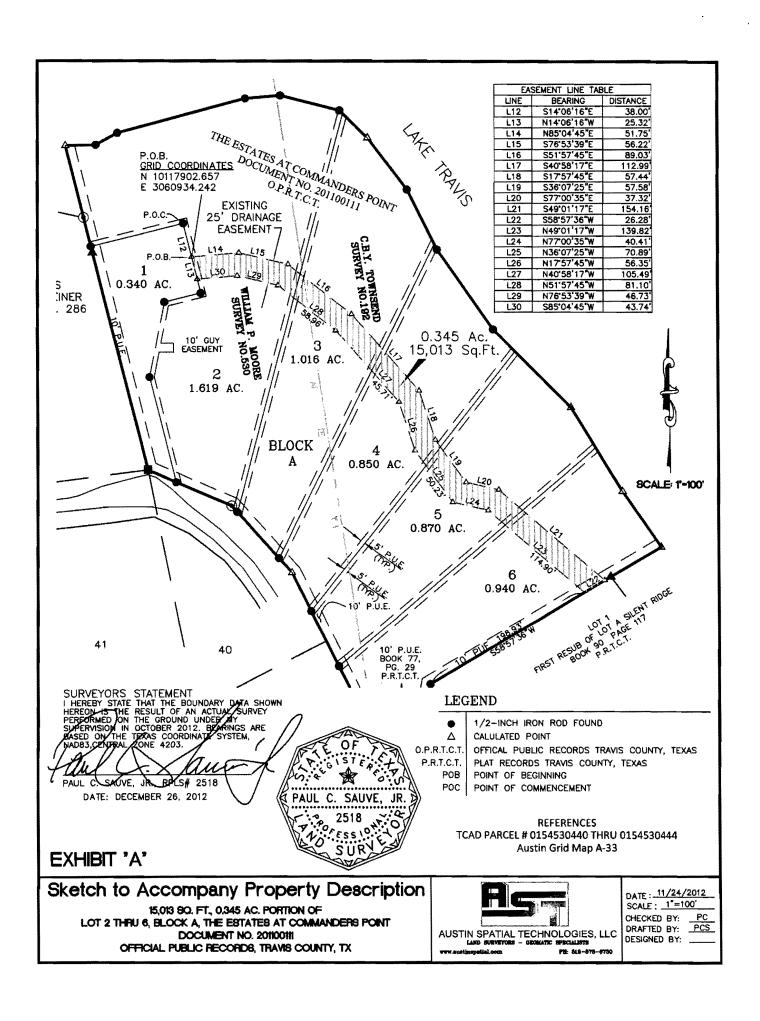
SURVEYOR'S STATEMENT

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



Consulting Engineers

TBPE Reg. No. F-544

Tel: (512) 306-0228

Fax: (512) 306-0338

Austin, Texas 78746

January 4, 2013

3839 Bee Cave Road, Suite 150

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:

- 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		
STATE OF TEXAS	§	J. Kelly Gray		
COUNTY OF TRAVIS	§			
This instrument was acknowledged	ledged 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.		
		Ву:	F.P. Properties, Inc., its General Partner	
		Shay Ra	thbun, President	
STATE OF TEXAS	§			
COUNTY OF TRAVIS	§			
This instrument was acknow	ledged before me on _			
by Shay Rathbun.				
Notary Public in and for the	State of Texas			
Printed Name:				
My commission expires:				
Į.	Remainder of page inte	ntionally	left blank]	

		By: The Estate of Fred Purcell
		Shay Rathbun, Executor of the Estate
STATE OF TEXAS	§	
COUNTY OF TRAVIS	§	
This instrument was acknow by Shay Rathbun.	ledged before me on _	
Notary Public in and for the	State of Texas	
Printed Name:		
My commission expires:		

Fred Purcell

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;
- 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.

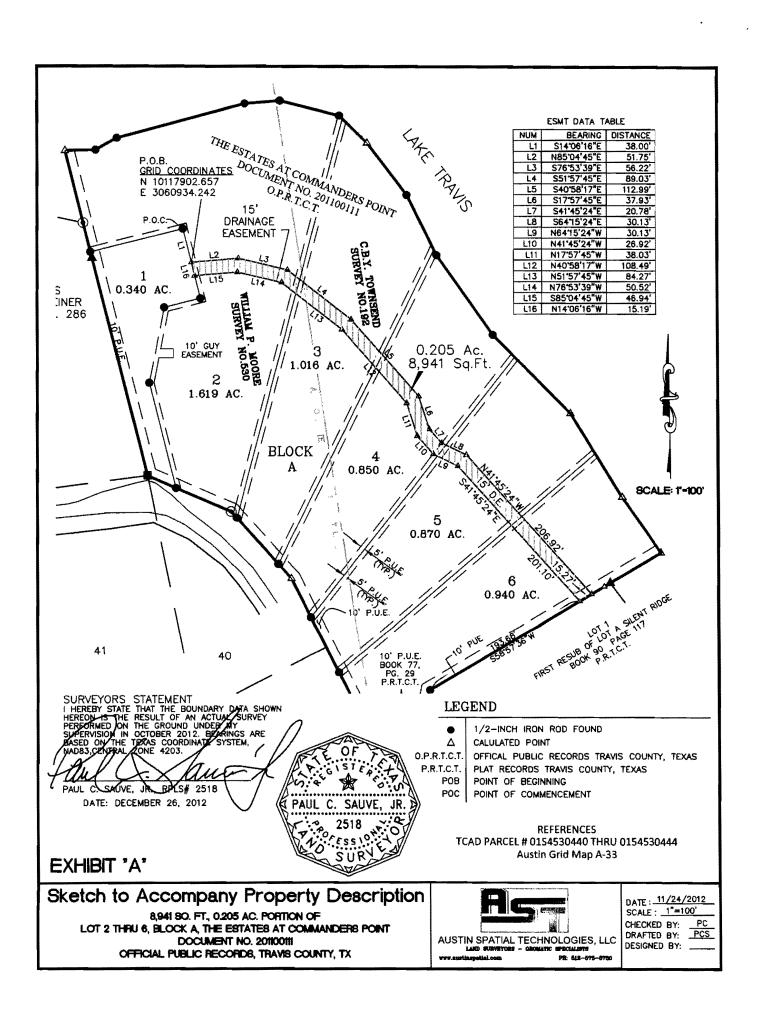
SURVEYOR'S STATEMENT

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





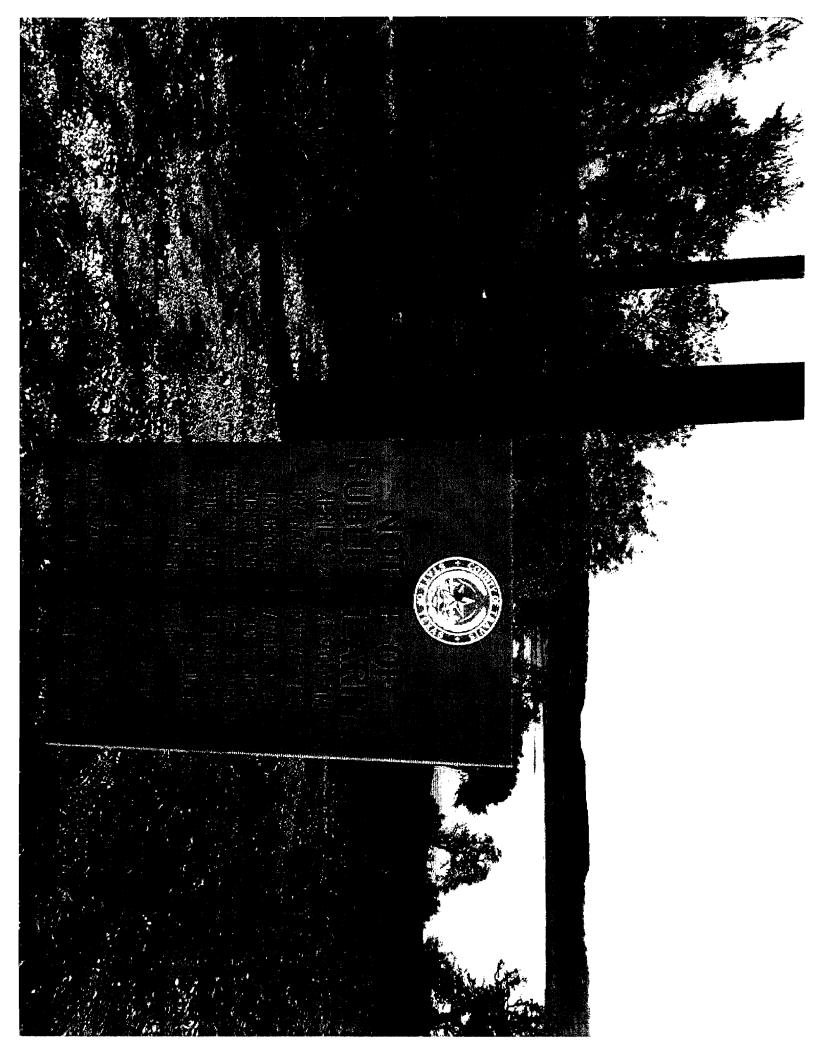
TRANSPORTATION AND NATURAL RESOURCES

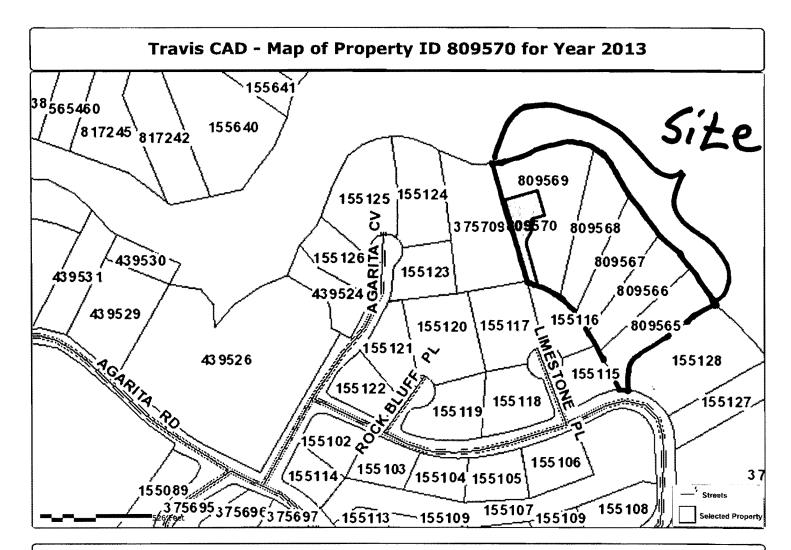
Steven M. Monilla, P.E., County Executive
700 Lavaca Street – 5th Floor
Travis County Administration Building
P.O. Box 1748
Austin, Texas 78767
tel 512-854-9383
fax 512-854-4649

AFFIDAVIT OF POSTING

TO:	County Judge County Commission Travis County, Texa					
on Y inters Com	blic Notice of Vacation Narch 19 section with the ingress manders Point at a point Travis County Courth	/egress e	_, 2013, on the <u>northerasement in front of L</u>	erly side of Agots 1 thru 6 of	garita Road at its the Estates at	
CER'	TIFIED THIS THE	19	DAY OF _	March		2013.
			SIGNATURE: ANAME (PRINT): TITLE: TWR/F			







Property Details

Account

Property ID: 809570 Geo ID: 0154530445

Type: Real

Legal Description: LOT 1 BLK A ESTATES AT COMMANDERS POINT FINAL PLAT THE (WATER QUALITY LOT)

Location

Situs Address: 14419F AGARITA RD TX 78734 Neighborhood: WATERFRONT - HUDSON BEND

Mapsco: 491A

Jurisdictions: 0A, 03, 07, 17, 2J, 52

Owner

Owner Name: AGARITA VENTURES

Mailing Address: STE 300, 6907 N CAPITAL OF TEXAS HWY, AUSTIN, TX 78731-1755

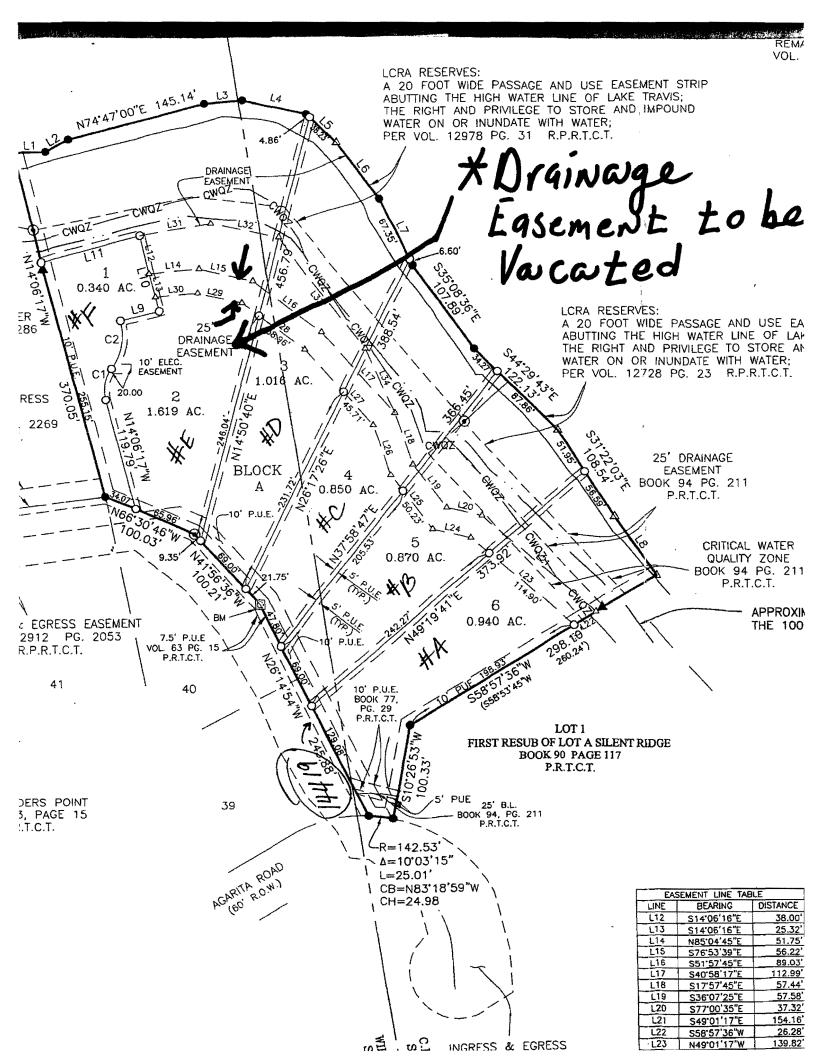
Property

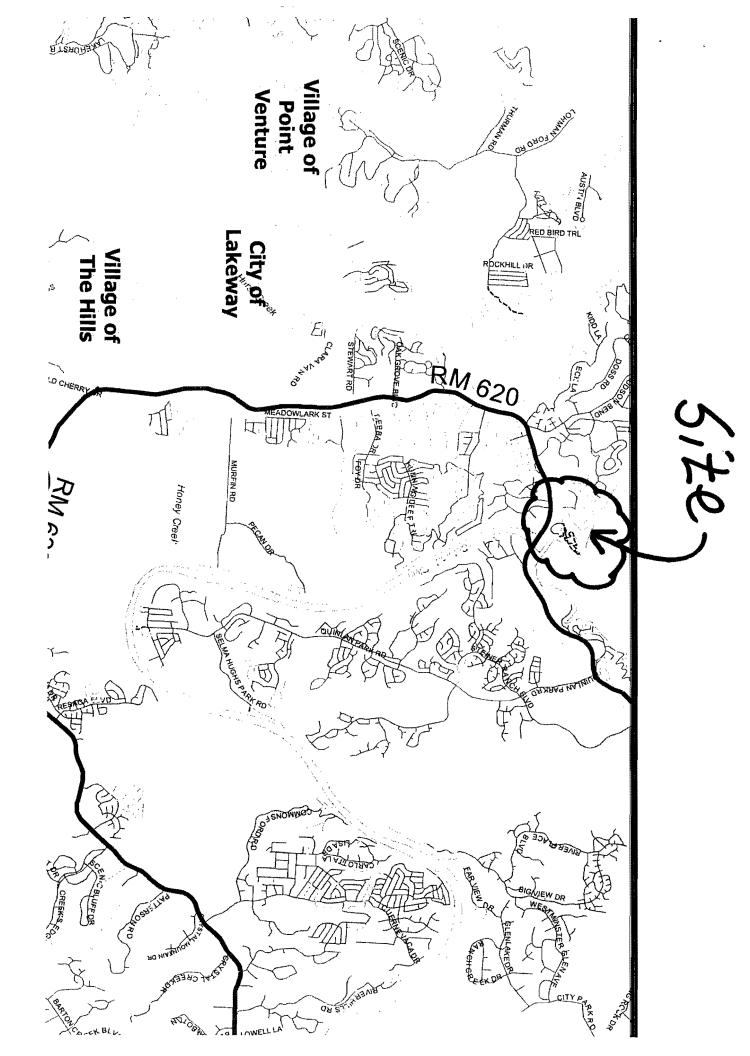
Appraised Value: N/A

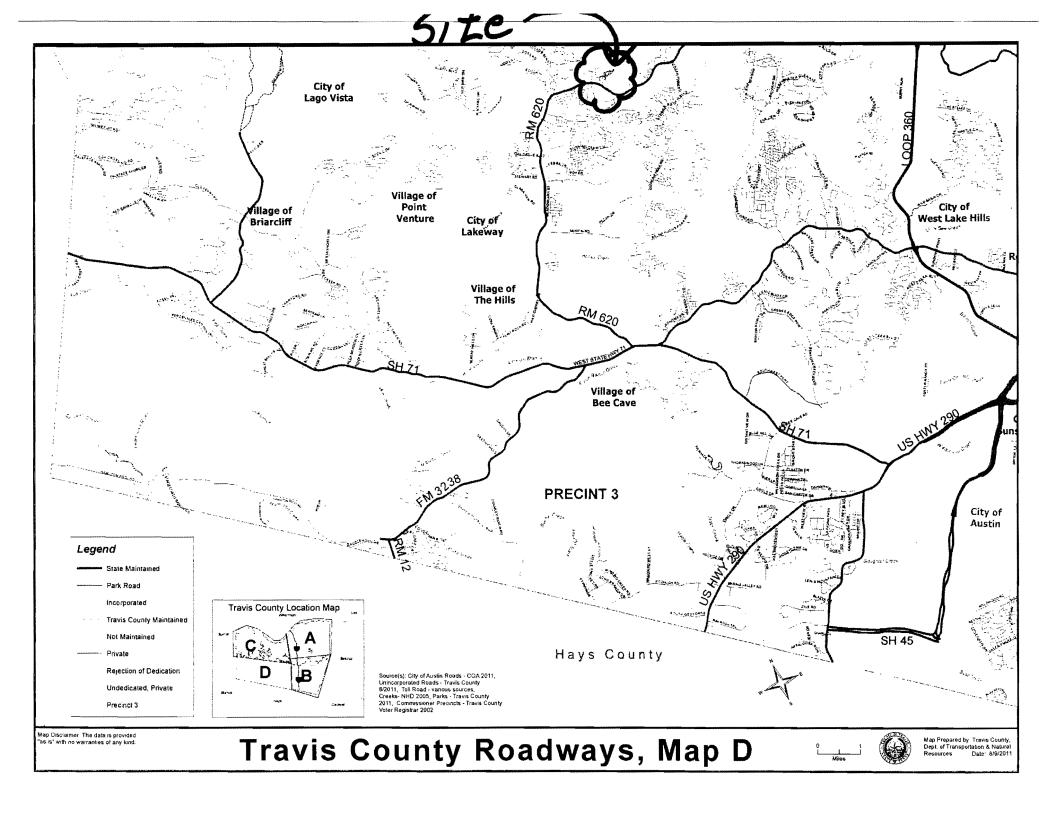
http://propaccess.traviscad.org/Map/View/Map/1/809570/2013

PropertyACCESS
www.trin-automation.com

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.







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