



Travis County Commissioners Court Agenda Request

Meeting Date: May 7, 2013

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

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

AD

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, May 28, 2013 to receive comments regarding 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 1363 and 1364 of Apache Shores, Section 3 – Precinct Three.

BACKGROUND/SUMMARY OF REQUEST:

TNR staff has received a request to authorize the filing of an instrument to vacate two five foot wide public utility easements (PUEs) located along the common lot line of Lots 1363 and 1364 of Apache Shores, Section 3. The easements are dedicated per plat note. The subject lots front on Broken Bow Trail, a street not 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 purpose of this request is to eventually build a single family residence in the middle of the two lots. 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

SM:AB:ps

1101 - Development Services Long Range Planning - Apache Shores, Section 3

ORDER OF VACATION

STATE OF TEXAS §

COUNTY OF TRAVIS §

WHEREAS, the property owner requests the vacation of two five foot wide public utility easements located along the common lot line of Lots 1363 and 1364 of Apache Shores, Section 3 as recorded at Volume 50, Page 81 of the Real Property Records of Travis County, Texas;

WHEREAS, the utility companies known to be operating in the area have indicated they have no need for the public utility easements as described in the attached field notes and sketch;

WHEREAS, the Travis County Transportation and Natural Resources Department recommends the vacation of the subject public utility 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 May 28, 2013 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 1363 and 1364 of Apache Shores, Section 3, as shown on the attached sketch and described in the attached field notes and sketch, are hereby vacated.

ORDERED THIS THE _____ DAY OF _____ 2013.

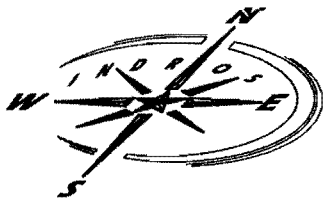
SAMUEL T. BISCOE, COUNTY JUDGE

COMMISSIONER RON DAVIS
PRECINCT ONE

COMMISSIONER SARAH ECKHARDT
PRECINCT TWO

COMMISSIONER GERALD DAUGHERTY
PRECINCT THREE

COMMISSIONER MARGARET GOMEZ
PRECINCT FOUR



F#

EXHIBIT A

LEGAL DESCRIPTION

RELEASE OF TWO (2) FIVE (5) FOOT PUBLIC UTILITY EASEMENTS

BEING A TRACT OR PARCEL OF LAND CONTAINING 0.036 ACRE (1,581 SQ. FT.), BEING OUT OF LOTS 1363 & 1364, APACHE SHORES, SECTION 5, A RECORDED SUBDIVISION IN TRAVIS COUNTY, TEXAS, RECORDED IN VOLUME 50, PAGE 81, T.C.P.R., AND BEING ALL OF LOTS 1363 & 1364 FOR ELMAR BERGELER AND DEVON DONOHUE-BERGELER AS DESCRIBED BY THE INSTRUMENT RECORDED UNDER DOCUMENT NUMBER 2012200041 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.036 ACRE TRACT BEING ALL OF THAT CERTAIN 5 FEET PUBLIC UTILITY EASEMENT SITUATED 5 FEET WEST, AND PARALLEL TO THE EAST LINE OF SAID LOT 1363, BEING ALL OF THAT CERTAIN 5' PUBLIC UTILITY EASEMENT SITUATED 5' EAST, AND PARALLEL TO THE WEST LINE OF SAID LOT 1364, AND DEDICATED WITHIN OF LOTS 1363 & 1364, APACHE SHORES, SECTION 5, A RECORDED SUBDIVISION IN TRAVIS COUNTY, TEXAS, RECORDED IN VOLUME 50, PAGE 81, T.C.P.R., SAID 0.036 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: ALL BEARINGS SHOWN HEREIN ARE BASED UPON THE EAST LOT LINE OF LOT 1363 OF THE RECORDED PLAT OF SAID APACHE SHORES, SECTION 3,;

BEGINNING AT A FOUND 1/2 INCH IRON ROD IN THE SOUTHERLY RIGHT-OF-WAY LINE OF BROKEN BOW TRAIL (50 FEET R.O.W.) AT THE NORTHEASTERLY CORNER OF SAID LOT 1363, SAME BEING THE NORTHWESTERLY CORNER OF SAID LOT 1364, OF SAID APACHE SHORES SEC. 3, IN THE NORTHERLY LINE OF THE SAID BERGELER TRACT, AND BEING THE POINT OF CURVATURE FOR A CURVE TO THE LEFT HAVING A RADIUS OF 284.96 FEET;

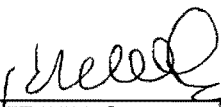
THENCE SOUTHEASTERLY ALONG NORTHERLY LINE OF THE SAID BERGELER TRACT AND ALONG THE SAID CURVE TO THE LEFT FOR AN ARC LENGTH OF 5.00 FEET TO A POINT, IN THE SOUTHERLY RIGHT-OF-WAY LINE OF THE SAID BROKEN BOW TRAIL FOR THE NORTHEASTERLY CORNER OF THE HEREIN DESCRIBED TRACT; THE SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 01 DEGREES 00 MINUTES, 19 SECONDS, AND A CHORD WHICH BEARS SOUTH 60 DEGREES 22 MINUTES 10 SECONDS EAST AT A DISTANCE OF 5.00 FEET;

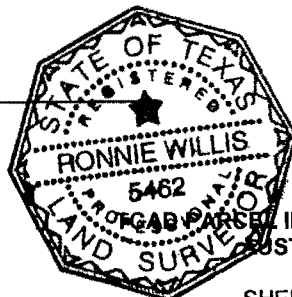
THENCE SOUTH 30 DEGREES 08 MINUTES 00 SECONDS WEST CROSSING THE SAID LOT 1364, CROSSING THE SAID BERGELER TRACT, BEING 5 FOOT EAST OF AND PARALLEL TO THE COMMON LINE OF SAID LOTS 1364 AND 1363, AND ALONG THE EASTERLY LINE OF THE SAID UTILITY EASEMENT, A DISTANCE OF 158.12 FEET TO A POINT FOR THE SOUTHEASTERLY CORNER OF THE SAID 5.00 FOOT PUBLIC UTILITY EASEMENT, IN THE NORTHERLY LINE OF LOT 1530 OF THE SAID APACHE SHORES SUBDIVISION, AND BEING THE SOUTHEASTERLY CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE SOUTH 59 DEGREES 52 MINUTES 00 SECONDS WEST WITH THE NORTHERLY LINE OF SAID LOT 1530 AND ALONG THE SOUTHERLY LINE OF THE BERGELER TRACT, PASSING A COTTON GIN SPINDLE SET FOR THE SOUTHWESTERLY CORNER OF THE SAID LOT 1364 AND FOR THE SOUTHEASTERLY CORNER OF THE SAID LOT 1363 AT A DISTANCE OF 5.00 FEET, AND CONTINUING FOR A TOTAL DISTANCE OF 10.00 FEET TO A POINT, FOR THE SOUTHWESTERLY CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE NORTH 30 DEGREES 08 MINUTES 00 SECONDS EAST CROSSING THE SAID LOT 1363, CROSSING THE SAID BERGLER TRACT, BEING 5 FOOT WEST OF AND PARALLEL TO THE COMMON LINE OF SAID LOTS 1364 AND 1363, AND ALONG THE WESTERLY LINE OF THE SAID UTILITY EASEMENT, A DISTANCE OF 158.08 FEET TO A POINT FOR THE NORTHWESTERLY CORNER OF THE SAID 5.00 FOOT PUBLIC UTILITY EASEMENT, IN THE SOUTHERLY RIGHT-OF-WAY SAID BROKEN BOW TRAIL AND IN THE NORTHERLY LINE OF SAID LOT 1363 OF APACHE SHORES SUBDIVISION, AND BEING THE NORTHWESTERLY CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE NORTH 59 DEGREES 52 MINUTES 00 SECONDS EAST, WITH SAID SOUTHERLY RIGHT-OF-WAY LINE AND THE NORTHERLY LINE OF SAID LOT 1363, AND THE NORTHERLY LINE OF THE SAID BERGELER TRACT, A DISTANCE OF 5.00 FEET TO THE PLACE OF BEGINNING AND CONTAINING CALCULATED AREA OF 0.036 ACRE (1,581SQ. FT.) OF LAND.


RONNIE WILLIS, RPLS NO. 5462
April 9, 2013
JOB # 26777



PROBATION PARCEL ID'S: 149931 & 149932
AUSTIN GRID:

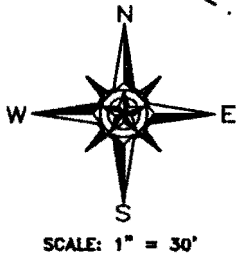
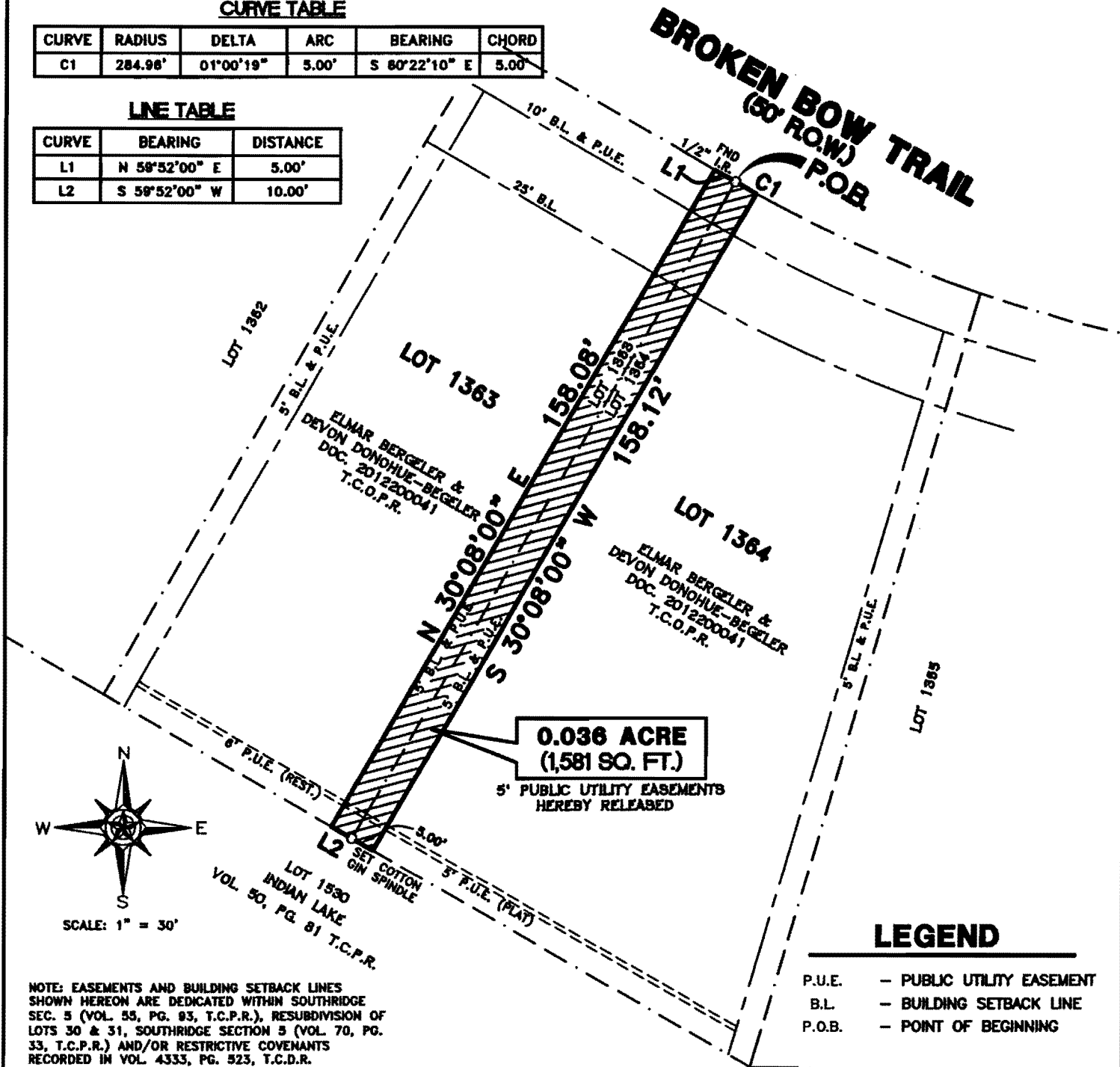
EXHIBIT OF 0.036 ACRE (1,581 SQ. FT.), BEING OUT OF AND A PART OF LOT 1363 AND LOT 1364, APACHE SHORES, SECTION 3, RECORDED IN VOLUME 50, PAGE 81, TRAVIS COUNTY, TEXAS PLAT RECORDS, TRAVIS COUNTY, TEXAS.

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	BEARING	CHORD
C1	284.98'	01°00'19"	5.00'	S 80°22'10" E	5.00'

LINE TABLE

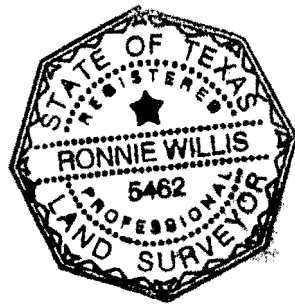
CURVE	BEARING	DISTANCE
L1	N 58°52'00" E	5.00'
L2	S 58°52'00" W	10.00'



NOTE: EASEMENTS AND BUILDING SETBACK LINES SHOWN HEREON ARE DEDICATED WITHIN SOUTHRIDGE SEC. 5 (VOL. 55, PG. 83, T.C.P.R.), RESUBDIVISION OF LOTS 30 & 31, SOUTHRIDGE SECTION 5 (VOL. 70, PG. 33, T.C.P.R.) AND/OR RESTRICTIVE COVENANTS RECORDED IN VOL. 4333, PG. 523, T.C.D.R.

LEGEND

P.U.E.	- PUBLIC UTILITY EASEMENT
B.L.	- BUILDING SETBACK LINE
P.O.B.	- POINT OF BEGINNING



Ronnie Willis
 RONNIE WILLIS
 TEXAS R.P.L.S. NO. 5462

4/9/13
 DATE

Windrose Land Services Austin
 4120 Commercial Center Dr.
 Suite 300
 Austin, Texas 78744
 TEL. (512) 326-2100 FAX (512) 326-2770
 ©COPYRIGHT 2013 WINDROSE LAND SERVICES AUSTIN, ALL RIGHTS RESERVED

EXHIBIT A

DRAWN BY: CP
 DATE: 04/09/13
 REVISED: -

JOB NO. 26777
 SHEET 1 OF 2

Elmar Bergeler
609 Rocky River Road
West Lake Hills, Texas 78746
Phone: 512 994 8351

Transportation and Natural Resources
411 West 13th Street
Executive Office Building
PO Box 1748
Austin, Texas 78767

April 10, 2013

Request for vacating public utility easements

To whom it may concern:

I would like to have the public utility easements on our property in the middle of our double lot vacated. Our double lot consists of lots 1363 and 1364 on Broken Bow Trail in the Apache Shores Section 3, described in deed book volume 50 page 81, of T.C.P.R. Travis County, Texas. We are asking for the easement on either side of the common lot line between these two lots to be vacated.

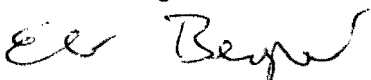
The reason for the easement release request is that we want to build a single family residence in the middle of the two lots.

Attached you find the following documents:

- Survey for the easement to be vacated
- Letters of the 4 utility companies which serve that area, in which they state that they have no need for the retention of the easement
- Plat plan of that neighbourhood with the easement to be released and our two lots highlighted

Kind regards,

Elmar Bergeler



RECEIVED

APR 10 2013

TRAVIS COUNTY - TNR
PERMITS DEPARTMENT

RECEIVED

MAR 10 2013

TRAVIS COUNTY - TNR
PERMITS DEPARTMENT



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

Lot and Block Numbers: LOTS 1363 AND 1364

Street Address: BROKEN BOW TRAIL, AUSTIN, TX 78734

Property Owner: ELMAR BERGELER AND DEVON DONOHUE-BERGELER

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

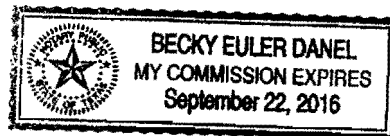
Sr. Designer
Title

State of Texas
County of Travis

This instrument was acknowledged before me on February 26, 2013 by

Laurie Schumpert

Becky Euler Danel
Notary Public





12012 N. Mopac Expressway
512/485-6417 (Laurie Schumpert)

Austin, TX 78758
512/485-1485 (Fax)

APPLICATION FOR VACATION OF EASEMENT

Please Print

Application is hereby made for the release of the following easement(s) as described below:

The easement is on property legally described as:

Subdivision: Apache Stores Section: 3 Block: _____

Lot Numbers: 1363 and 1364 (IDs: 149931 and 149932)

Address: Broken Bow Trail Austin TX 78734
Number & Street City State Zip

As recorded in Volume _____, Page _____, of the Plat Records of Travis County, Texas
~~Internet:~~ Internet: maps.taxnetusa.com/travis_maps/pdf_01/1-4758.pdf

Provide common description of the easement requested for release, indicating the amount of the easement to be released:
(Example: Five foot P.U.E. & D.E. on either side of the common lot line between lots X and X).

Please provide a survey or plat of the area with the easement to be released highlighted.
Five foot U.E and B.L. on either side of the common lot line between lots 1363 and 1364.

Reason for requesting release (Example: Single Family Residence, Accessory Building, etc)
Single Family Residence in the middle of the two lots.
We would like to build the house.

Please note: If multiple owners are making this request, complete name, address, phone must be provided for all.

Property Owner's name(s): Elmar Bergeler⁽¹⁾ and Devon Donahue-Bergeler⁽²⁾
Mailing Address: 609 Rocky River Road, West Lake Hills, TX - 78746
Number & Street City State Zip
Phone: 512 994 8351 or 512 221 3338 (2)
Day Time (1) Cell Fax

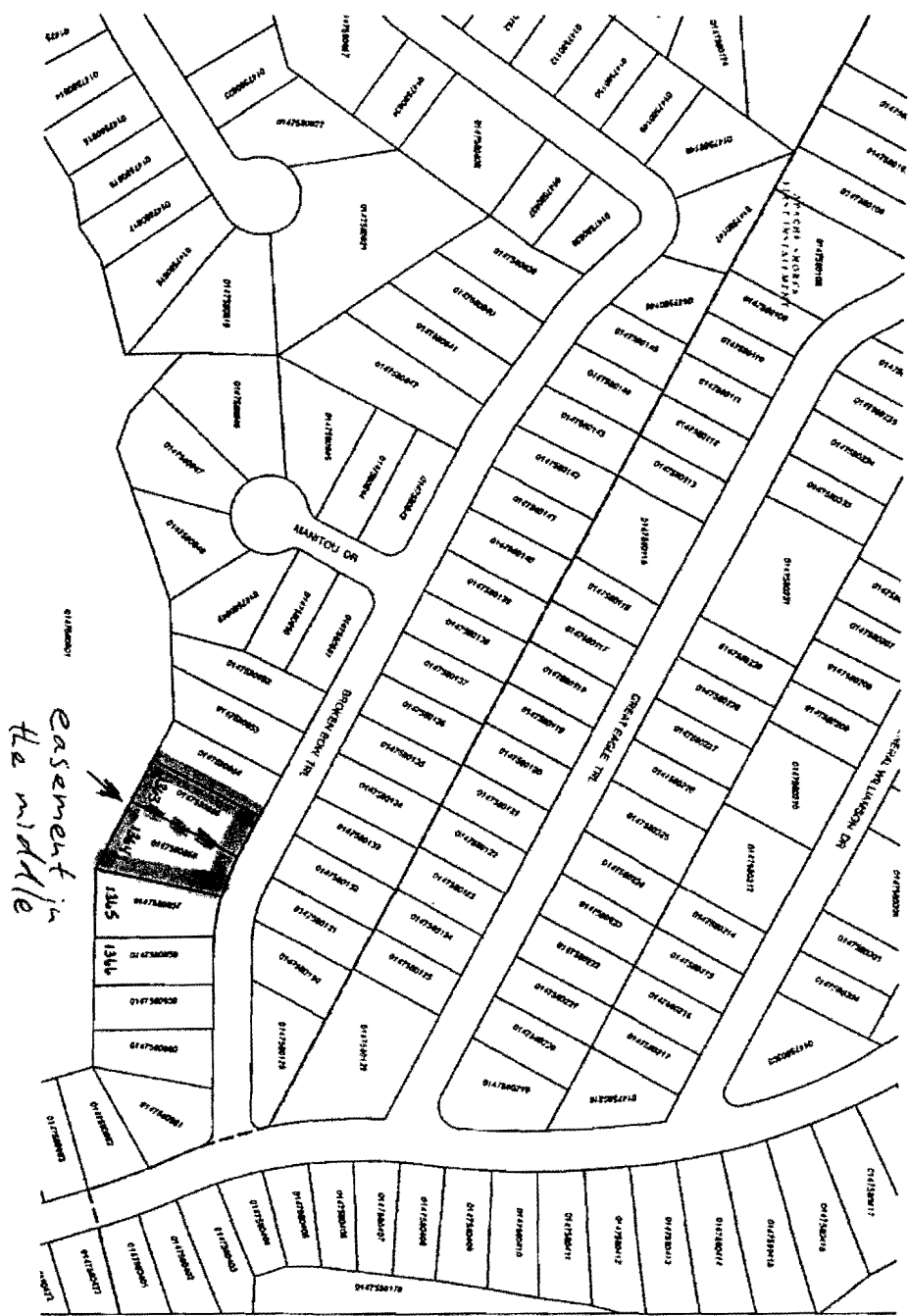
I authorize the following person/company to act in my behalf as my designated agent:
Name of agent/company: _____
Name of Company Name of Contact

Mailing Address: _____
Number & Street City State Zip

Phone: _____
Day Time Cell Fax

The undersigned Owner/Applicant/Agent understands that the processing of the Easement Release Application will be handled in accordance with procedure for requesting release of easements established by Time Warner Cable. It is further understood that acceptance of this application does not obligate Time Warner Cable to release the subject easement

Elmar Bergeler Devon Donahue-Bergeler Feb. 13 2013
Signature of Applicant/Agent Date



Easement in the middle

StatePlane_Texas_Central_FIPS_4203_Feet
 Projection: Lambert_Conformal_Conic

3

Travis Central Appraisal District
 8314 Cross Park Drive P.O. Box 1100
 Austin, Texas 78754 Austin, Texas
 Internet Address: www.traviscad.org
 Main Telephone Number (512) 834-6317 Appraisal Informatior
 TDD (512) 836-3328



TRAVIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT 17

3812 Eck Lane • Austin, Texas 78734 • Phone (512) 266-1111 • Fax (512) 266-2790

pd via CC 2-12-13

UTILITY EASEMENT RELEASE APPLICATION

Date: Feb. 12, 2013

A release of the following utility easement(s) is hereby requested. (\$30.00 fee is required)

Property Address: Broken Bow Trail

Legal Description: Lots 1363 and 1364 at Apache Shore Sec 3 Identification numbers: 0147580856 and 0147580855 A plat drawing with the easement highlighted must accompany this application.

Applicant Name: Elmar Bergeler

Address: 609 Rocky River Road 78746 West Lake Hills, TX 78746

Reason for Request: We want to merge two lots together to just one, to build a house in the middle.

X 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 2/13/2013 Deborah S. Gernes 2.14.13

Signature Date Reviewer: Henry Marley

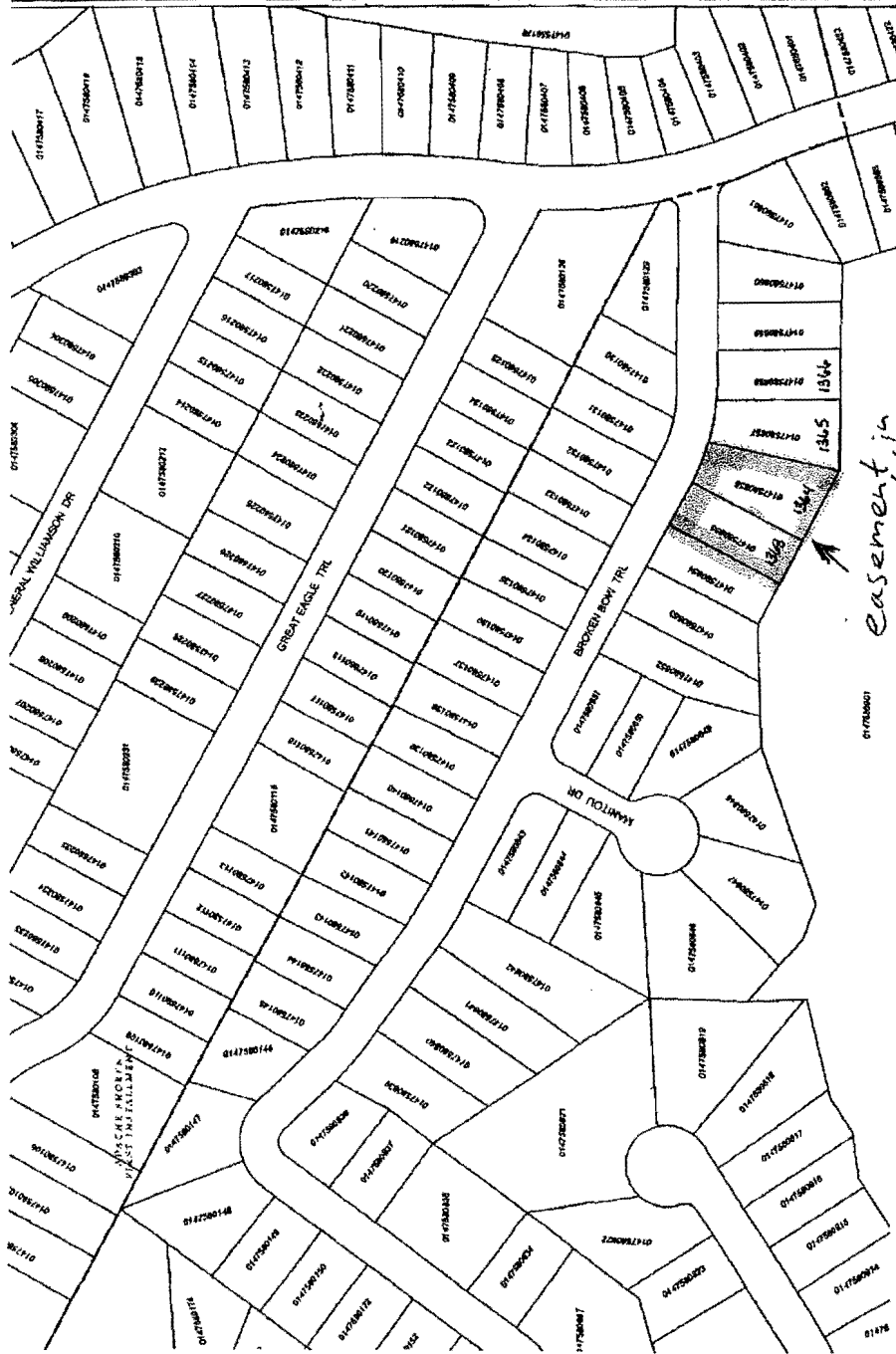
Signature Date Printed Name General Manager Title Deborah S. Gernes

Please return this completed form to: Elmar Bergeler Name 609 Rocky River Road Address West Lake Hills, TX - 78746 City/State/Zip Phone: 512 994 8351 Email: elmar.bergeler@gmail.com

Travis Central Appraisal District
 8314 Cross Park Drive
 Austin, Texas 78754
 P.O. Box 1000
 Austin, Texas 78768
 Internet Address: www.travisad.org
 Appraisal Information
 Main Telephone Number (512) 434-8017
 TDD (512) 898-3328

Station: Lambert, Texas, Central FIPS, 4203, Feet
 Section: Lambert, Texas, Conformal, Contig

3



Easement in
 the middle



SOUTHWESTERN BELL TELEPHONE COMPANY

RELEASE OF EASEMENT

THIS RELEASE OF EASEMENT, entered into by *SOUTHWESTERN BELL TELEPHONE COMPANY*, a Delaware corporation, GRANTOR, AND *Elmar Bergeler and Devon Donohue-Bergeler*, 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:

Lots 1363 and 1364, Apache Shores, Section 3 (Amended), Deed of record in Document 2012200041, 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 common property lines of said Lots 1363 and 1364, 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 ~~20th~~ day of MARCH, 2013

SOUTHWESTERN BELL TELEPHONE COMPANY

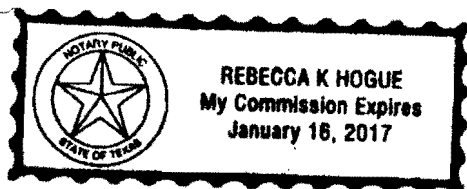
Name: DAVID A. WILLIAMS

Title: LEAD OSP PLAN & ENG'G DESIGN

THE STATE OF TX
COUNTY OF TRAVIS

BEFORE ME, the undersigned authority, on this day personally appeared DAVID WILLIAMS, 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 20th day of MARCH, 2013.


Notary Public in and for the State of TEXAS
My Commission Expires Jan. 16, 2017



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 Broken Bow Trail (address) and/or Lots 1363 & 1364 Apache Shores Section 3 (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
March 19, 2013

Date

Please return this completed form to:

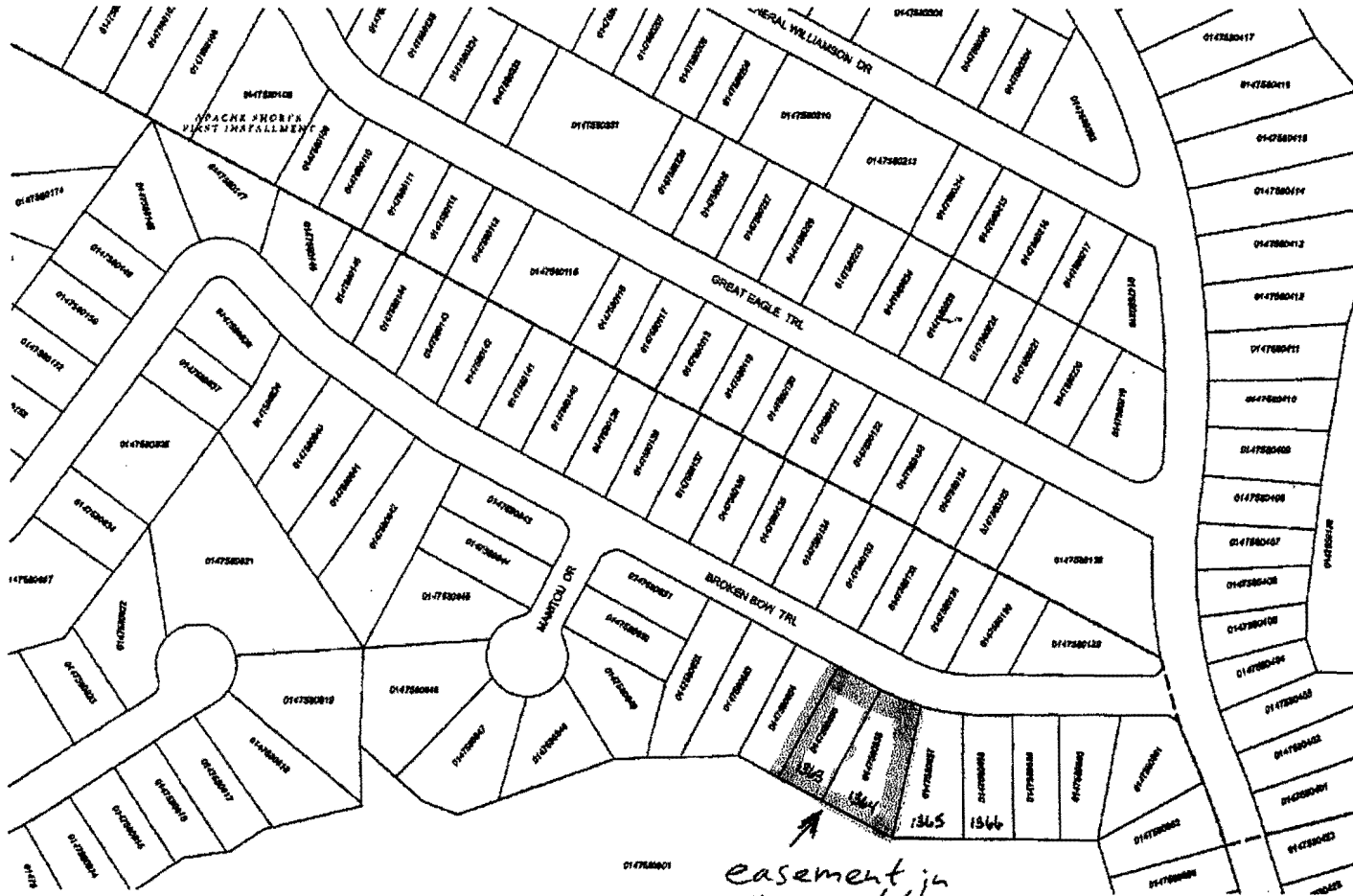
Elmar Bergeler

Name
609 Rocky River Road

Address
West Lake Hills, TX 78746

City/State/Zip

elmar.bergeler@gmail.com



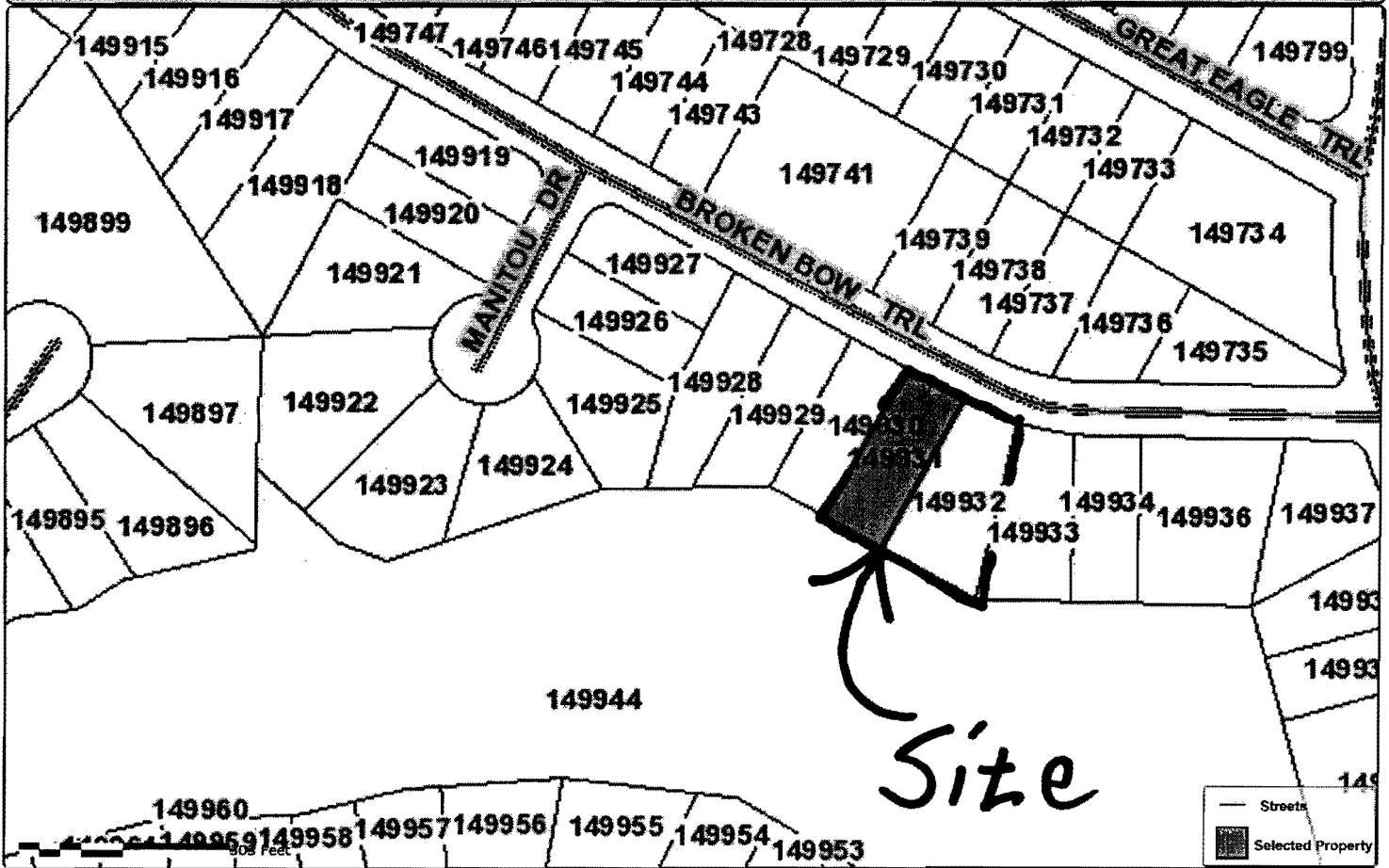
easement in the middle

Travis Central Appraisal District
 8314 Cross Park Drive
 Austin, Texas 78754
 Internet Address: www.travisad.org
 Main Telephone Number (512) 494-4317
 TDD (512) 494-3325

StatePlane_Texas_Central_FIPS_4203_Feet
 Projection: Lambert_Conformal_Conic

3

Travis CAD - Map of Property ID 149931 for Year 2013



Property Details

Account

Property ID: 149931
 Geo ID: 0147580855
 Type: Real
 Legal Description: LOT 1363 APACHE SHORES SEC 3 AMENDED

Location

Situs Address: BROKEN BOW TRL TX 78734
 Neighborhood: R4110 APACHE SHORES
 Mapsco: 490R
 Jurisdictions: 0A, 03, 07, 2J, 52

Owner

Owner Name: BERGELER ELMAR & DEVON DONOHUE-BERGELER
 Mailing Address: , 609 ROCKY RIVER RD, , WEST LAKE HILLS, TX 78746-5343

Property

Appraised Value: N/A

<http://propaccess.traviscad.org/Map/View/Map/1/149931/2013>

powered by:
PropertyACCESS
www.trueautomation.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.



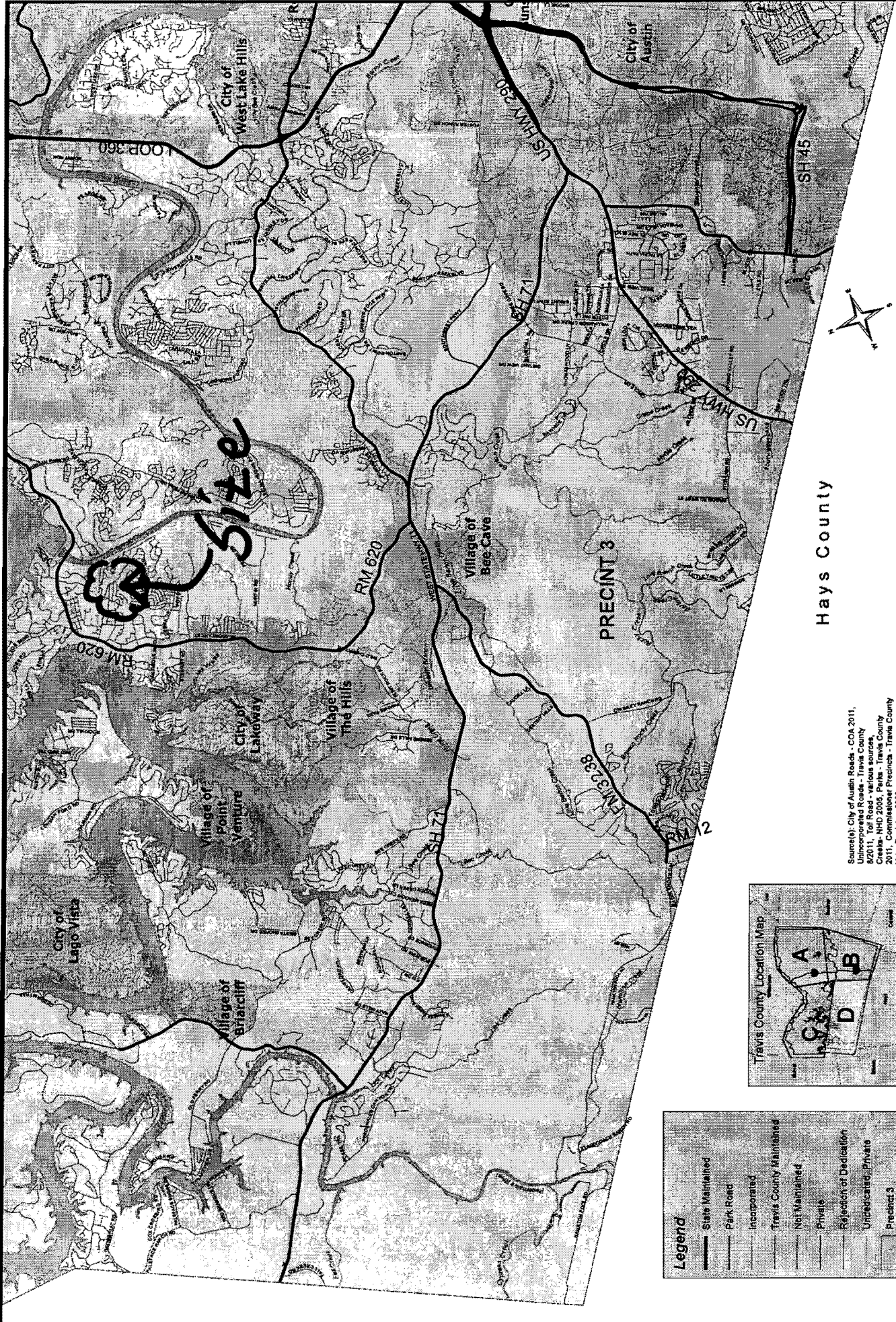
Site

RM 620

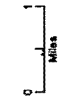
City of Oakway

Honey Creek

ROCKHILL



Hays County

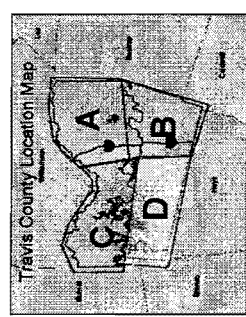


Map Prepared by: Travis County
 Dept. of Transportation & Natural
 Resources. Date: 6/9/2011



Travis County Roadways, Map D

Sources: 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
 Vote Register 2002.



Legend	
	State Maintained
	Park Road
	Incorporated
	Travis County Maintained
	Not Maintained
	Private
	Reflection of Dedication
	Uncollocated, Private
	Precinct 3

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