#### Item C4

NB



#### **Travis County Commissioners Court Agenda Request**

Meeting Date: May 14, 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**: Approve setting a public hearing on Tuesday, June 4, 2013 to receive comments regarding a request to authorize the filing of an instrument to vacate a 15' wide public utility easement located over and across Lots 2, 3, 6, and 7 of the Old Manchaca Subdivision – Precinct Three.

#### **BACKGROUND/SUMMARY OF REQUEST:**

TNR staff has received a request to authorize the filing of an instrument to vacate a 15' wide public utility easement (PUE) located over and across Lots 2, 3, 6, and 7 of the Old Manchaca Subdivision. The easement is schematically shown on the platdedicated per plat note. The subject lots front on Old Manchaca Road, 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 purpose of this request is to allow continued development of the property as a commercial business park. Vacating the subject 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 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 - Old Manchaca Subdivision

#### ORDER OF VACATION

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ODDEDED TIME THE

#### STATE OF TEXAS

#### COUNTY OF TRAVIS §

WHEREAS, the property owner requests the vacation of a 15' wide public utility easement located over and across Lots 2, 3, 6, and 7 of the Old Manchaca Subdivision as recorded at Volume 98, Page 66 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 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 public utility 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 June 4, 2013 to consider the proposed action; and

NOW, THEREFORE, by unanimous vote, the Commissioners Court of Travis County, Texas, orders that the 15' wide public utility easement located over and across Lots 2, 3, 6, and 7 of the Old Manchaca Subdivision, as shown on the attached sketch and described in the attached field notes and sketch, is hereby vacated.

DAVOE

2012

ORDERED THIS THE	_DAT Or2013.
SAMUEL T. BISC	OE, COUNTY JUDGE
COMMISSIONER RON DAVIS PRECINCT ONE	COMMISSIONER SARAH ECKHARDT PRECINCT TWO
COMMISSIONER GERALD DAUGHERTY PRECINCT THREE	COMMISSIONER MARGARET GOMEZ PRECINCT FOUR

#### **FIELD NOTES**

BEING ALL OF THAT CERTAIN TRACT OF LAND OUT OF THE WALKER WILSON LEAGUE NUMBER 2, SITUATED IN TRAVIS COUNTY, TEXAS, BEING MORE FULLY DESCRIBED AS A PORTION OF LOTS 2, 3, 6, AND 7, BLOCK A, OLD MANCHACA SUBDIVISION, RECORDED IN VOLUME 98, PAGE 66, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, ALSO BEING A PORTION OF THAT CERTAIN 15 FOOT PUBLIC UTILITY EASEMENT AS DESCRIBED BY SAID PLAT, SAID 0.197 ACRE (8,574 SQ. FT.) TRACT OF LAND BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING, at a 1/2" iron rod found at the northwestern corner of Lot 1, Block A, of said Old Manchaca Subdivision, common to a southern boundary line of a 3.00 acre tract, conveyed to Lila M. Munn, recorded in Volume 4546, Page 350, of the Deed Records of Travis County, Texas, with the common boundary line of said Lot 1, Old Manchaca Subdivision, and said Munn tract, bearing S75°07′03"E, a distance of 269.27 feet, to a calculated point, for the northwestern corner, and the **POINT OF BEGINNING** for the herein described tract,

**THENCE**, with the common boundary line of said Lot 1, Block A, Old Manchaca Subdivision, and said Munn tract, S75°07'03"E, a distance of 46.87 feet to a calculated point,

**THENCE**, leaving the common boundary line of said Lot 1, Block A, Old Manchaca Subdivision, and said Munn tract, and crossing Lots 2, 3, 6, and 7 of said Block A, Old Manchaca Subdivision, the following nine (9) courses and distances numbered 1 through 9,

- 1. S14°51'35"W, a distance of 67.60 feet to a calculated point,
- S75°08′25″E, a distance of 273.27 feet to a calculated point, which bears N23°07′59″E, a distance of 68.20 feet to an iron rod found in the northeastern corner of said Lot 2, Old Manchaca Subdivision, and also in a southeastern corner of said Munn tract.
- 3. S23°07'59"W, a distance of 15.16 feet to a calculated point,
- 4. N75°08'25"W, a distance of 271.09 feet to a calculated point,
- 5. S14°51'35"W, a distance of 184.62 feet to a calculated point,
- 6. N75°08'25"W, a distance of 15.00 feet to a calculated point,
- 7. N14°51'35"E, a distance of 252.11 feet to a calculated point,
- 8. N75°08'25"W, a distance of 31.87 feet to a calculated point, and
- 9. N14°51'32"E, a distance of 15.13 feet to the **POINT OF BEGINNING** and containing 0.197 acres (8,574 Sq. Ft.) of land.

Surveyed by:

AARON V. THOMASON, R.P.L.S. NO. 6214

Carlson, Brigance & Doering, Inc.

5501 West William Cannon

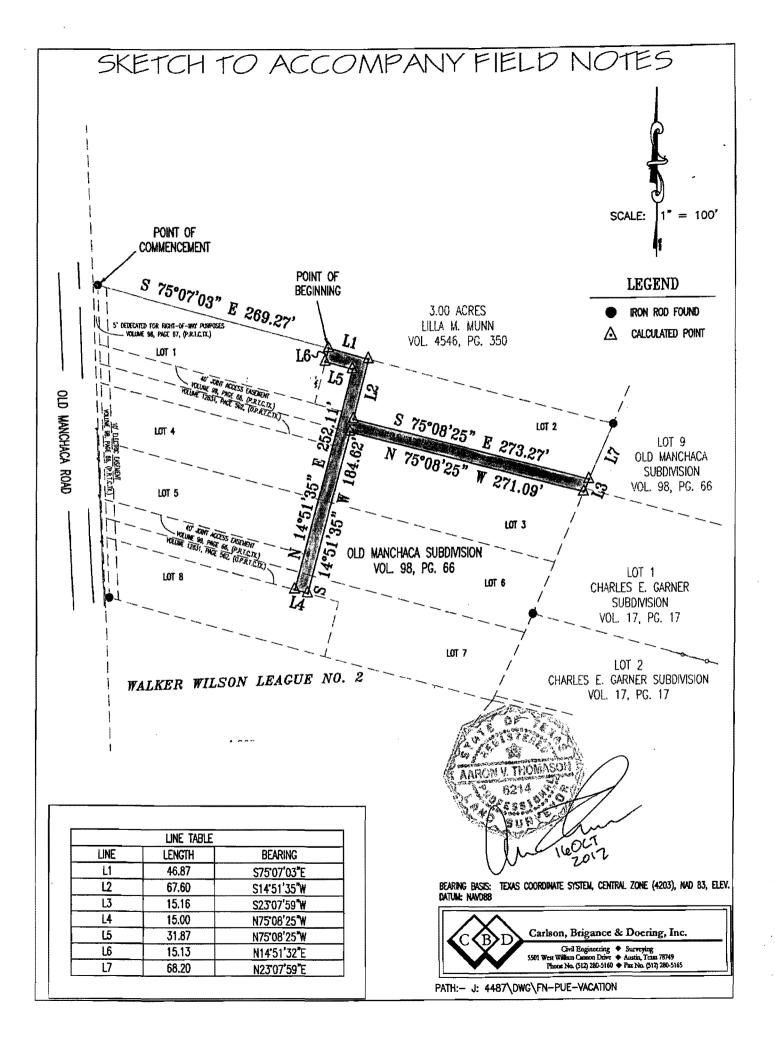
Austin, TX 78749

Ph: 512-280-5160

Fax: 512-280-5165

aaron@cbdeng.com

BEARING BASIS: TEXAS COORDINATE SYSTEM, NAD83, CENTRAL ZONE (4203)



#### MRBP, Ltd.

509 West 18<sup>th</sup> Street, Suite 200 Austin, Texas 78701 512-327-8850

April 1, 2013

Mr. Paul Scoggins Travis County TNR 411 West 13th Street Austin, Texas 78701 RECEIVED

APR 1 0 2013
TRAVIS COUNTY - TNR
PERMITS DEPARTMENT

Re: Vacation of Public Utility Easement on Lots 2, 3, 6 and 7 of the Old Manchaca Subdivision, Austin, Travis County, Texas

Mr. Berry:

This letter is to request the vacation, in its entirety, of the public utility easement located on Lots 2, 3, 6 and 7 of the Old Manchaca Subdivision as recorded in Vol. 98, Page 66 of the Travis County Plat Records. The request to vacate the subject public utility easement is made for the following reasons: 1) There are no utilities of any kind, above or below ground, in the subject easement dedicated by plat sixteen years ago, 2) The easement is not needed to develop the subject lots or the lots immediately adjacent to the subject easement (Lots 1, 4, 5 and 8 of the Old Manchaca Subdivision) all of which are owned by MRBP, Ltd., (3) The easement needs to be vacated to allow continued development of the property as a commercial business park (know as the Manchaca Road Business Park) under an existing COA Unified Development Agreement (Document No. 2004178014, as amended). A copy of the proposed development layout for Lots 1 through 8 is attached hereto, and 4) the utility companies that are able to provide service to the project have existing service lines on poles or underground in Old Manchaca Road right-of-way and/or the adjacent 10 foot electric easement dedicated by the Old Manchaca Subdivision plat to provide service for the development proposed on Lots 1-8.

#### Attached are:

- 1.) A metes and bounds description of the portion of the easement to be vacated;
- 2.) A sketch of the plat showing the PUE in relation to the property and highlighting the portion to be vacated;

- 3.) Letters from all utility service providers in the area (Austin Energy, Time Warner Cable, Texas Gas Service, AT&T, and Austin Water Utility) stating that they have no need for the easement; and,
- 4.) A non-refundable fee check in the amount of \$315.00.

Thank you for your attention to this matter. If any additional information is required, you can contact me at 512-327-8850 or <a href="mailto:jbharris@austinbluesky.com">jbharris@austinbluesky.com</a>. Thank you for your assistance with this matter.

John Bolt Harris

John Bolt Harris, President

MRBP Genpar, Inc., its general partner

Attachments



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

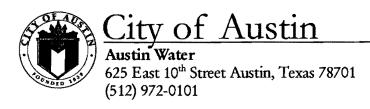
411 West 13th Street Executive Office Building PO Box 1748 Austin, Texas 78767 (512) 854-9383 FAX (512) 854-4649

#### EASEMENT REQUIREMENT STATEMENT FOR VACATION OF PROPERTY

An application is being made to Travis County for the vacation a public utility easement located on the property at 10419, 10421, 10427 and 10429 Old Manchaca Road, Austin, Texas (address) and/or Lots 2, 3, 6 and 7 of the Old Manchaca Subdivision as recorded in Vol. 98, Page 66 of the Travis County Plat Records (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.

# 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 Hugkla Bass Printed Name Roject Coordinator Title Austin Mater Utility Utility Company or District March 27, 2013 Date Please return this completed form to:

John Harris 509 West 18th Street Austin, Texas 78703 jbharris@austinbluesky.com



March 27, 2013

Mr. John Bolt Harris MRBP, Ltd 509 W 18<sup>th</sup> Street, Suite 200 Austin Texas 78701 512-327-8850 (office) 512-301-3348 (fax)

Re: Release of Public Utility Easement at 10419, 10421, 10427 and 10429 Old Manchaca Road.

Dear Mr. Harris,

Austin Water Utility (AWU) staff has evaluated your proposed request for the release of a Public Utility Easement (PUE) out of the Walker Wilson League Number 2, situated in Travis County, Texas, being more fully described as portion of Lots 2, 3, 6 and 7, Block A, Old Manchaca Subdivision, recorded in Volume 98, Page 66 of the Plat Records of Travis County, Texas, also being a portion of that certain 15 foot PUE as described by said Plat, said 0.197 acre (8,574 sq. ft.) tract of land.

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

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

Respectfully,

Angela Baez Preject Coordinator

Project Coordinator
Austin Water Utility

625 E. 10<sup>th</sup> Street, Waller Creek Center

Austin Texas 78701 512-972-0221 (wk.)

512-972-0285 (fax)

Xc:

angela.baez@austintexas.gov

1 Attachment, Easement Requirement Statement

Kathi L. Flowers, P.E., Managing Engineer, Pipeline Engineering





STEVEN M. MANUTA DE COUNTY EXECUTIVE

411 West 13th Street Executive Office Building PO Box 1748 Austin, Texas 78767 (512) 854-9383 FAX (512) 854-1649

#### EASEMENT REQUIREMENT STATEMENT FOR VACATION OF PROPERTY

An application is being made to Travis County for the vacation a public utility easement located on the property at 16419, 16421, 16427 and 16429 Old Manchaca Road, Austin. Texas (address) and/or Lots 2, 3, 6 and 7 of the Old Manchaca Subdivision as recorded in Vol. 98; Page 66 of the Iravis County Plat Records (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.

## 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.

STATEMENT

Signature

AARON BERRY

Printed Name

HFC DESIGN MANAGER- WEST ROGION

Title

TIME WARNER CABLE, INC

Utility Company or District

Date

Please return this completed form to:

John Harris 509 West 18th Street Austin, Texas 78703 Joharris@austinbluesky.com



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 a public utility easement located on the property at 10419, 10421, 10427 and 10429 Old Manchaca Road, Austin, Texas (address) and/or Lots 2, 3, 6 and 7 of the Old Manchaca Subdivision as recorded in Vol. 98, Page 66 of the Travis County Plat Records (legal description) and as described on the enclosed drawing or document. An action of the Commissioners' Count of Travis County is pending your return of this statement. Your prompt reply is requested.

#### **STATEMENT**

<ul> <li>We do not have need for an easement on the proper document.</li> </ul>	iny as described in the accompanying
We do have a need for an easement on the proper document. A description of the required easement is	rty as described in the accompanying s attached
	Dam Jool
	Signature Sonny Poole
	Printed Name Mgr., PIRES
	Title Austin Energy
	Utility Company or District
	Date

Please return this completed form to:

John Harris 509 West 18th Street Austin, Texas 78703 jbharris@austinbluesky.com



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**

OFF A SEED A CENTER

An application is being made to Travis County for the vacation a public utility easement located on the property at 10419, 10421, 10427 and 10429 Old Manchaca Road, Austin, Texas (address) and/or Lots 2, 3, 6 and 7 of the Old Manchaca Subdivision as recorded in Vol. 98, Page 66 of the Travis County Plat Records (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 Chris Landaraf
	Printed Name
	Title Pexas Gas Sarvice
	Utility Company or District 3/21/2013
	Date

Please return this completed form to:

John Harris 509 West 18th Street Austin, Texas 78703 jbharris@austinbluesky.com



#### SOUTHWESTERN BELL TELEPHONE COMPANY

#### RELEASE OF EASEMENT

THIS RELEASE OF EASEMENT, entered into by SOUTHWESTERN BELL TELEPHONE COMPANY, a Delaware corporation, GRANTOR, AND MRBP, Ltd. a Texas limited partnership, 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 2, 3, 6 and 7, Old Manchaca Subdivision, Deed of record in Document 2011046124, Property Records of Travis County, Texas

Said land of GRANTEE being subject to:

Easements recorded in Volume 98, Page 66, Plat Records of Travis County, Texas,

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

All of the 15 foot PUE located on Lots 2, 3, 6 and 7, described above, and more fully described by Field Notes and Sketch, attached hereto and made part of this document.

TO HAVE AND TO HOLD same, together with all rights and appurtenances to the same belonging, unto GRANTEE, their heirs, successors and assigns forever.

SOUTHWESTERN BELL TELEPHONE COMPANY

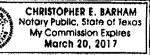
THE STATE OF TEXAS
COUNTY OF TRAVES

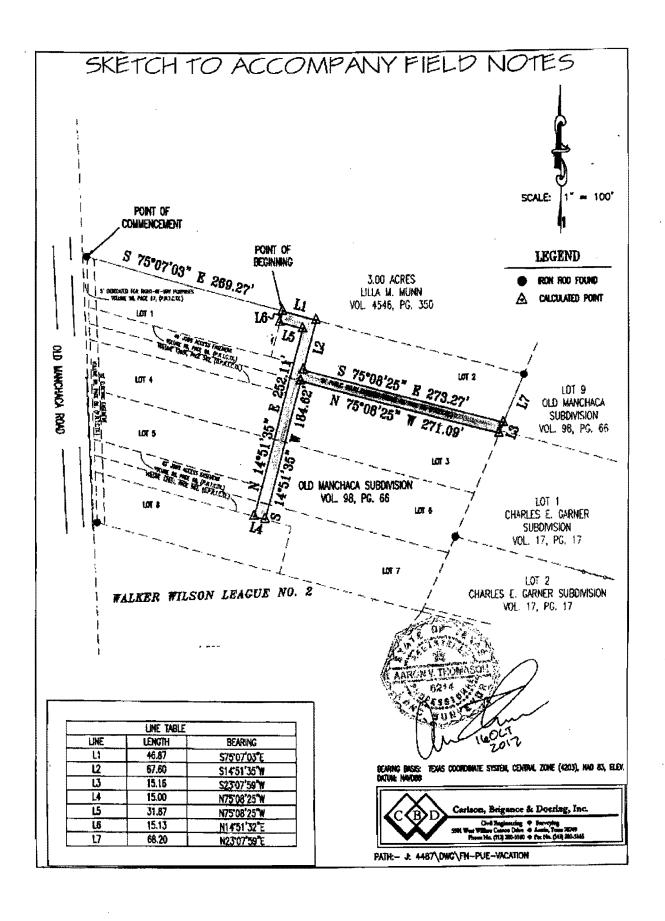
BEFORE ME, the undersigned authority, on this day personally

appeared Anthony Micketich, 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 8TH day of APNL , 2013.

My Commission Expires 3/20/217





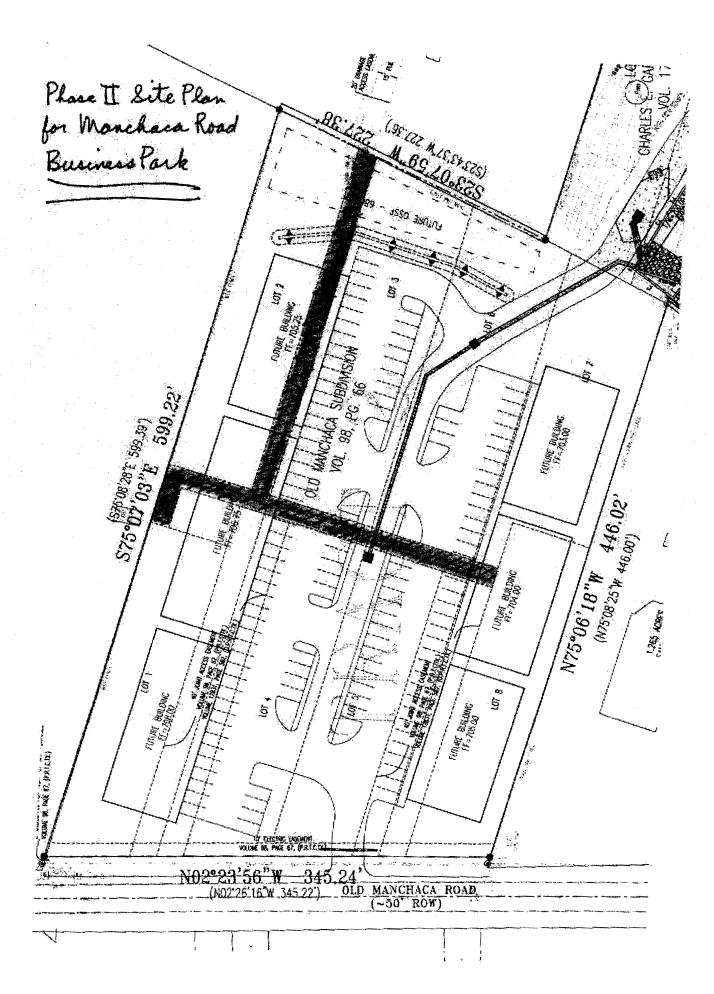
7.082 ACRES OUT OF LOT 1, FULKERSON SUBDIVISION RECORDED IN VOLUME 38, PAGE 17, AND LOT 2, CHARLES E. SUBDIVISION RECORDED IN VOLUME 17, PAGE 17 AND LOTS 1-8 OLD MANCHACA SUBDIVISION RECORDED IN VOLUME 98, PAGE 66, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS. UNE TABLE LENGTH BEARING LI 111.05 N37'26'46'E 3.00 ACRES 12 79.61 \$42'08'23"W 35.19 S57'57'45"¥ 111.20 N40"19"00"E 79.72 (1.2) S41'20'29'W 34.89 \$57'28'36"W (S7258'17'E 604.54') S75\*07'03"E 599.22' CURVE TABLE CURVE RADIUS LENGTH TANCENT CI 1362.39 \$46'37'03'W 184.54 SCALE: 1" = 60" 366.84 365.74 (C2) 1362.39 106.27 541'03'41'W 53.26 106.30 S48'46'32 W 60 2-23'56"W M76724 22 W LOT 4 LOT 2 PORCH A REP OLD MANCHACA SUBDIVISION LOT 5 VOL. 98, PG. 66 ONE STORY 10T 3 FRAME ì DETAIL NOT TO SCALE TRACT 2 GATE LOT 8 LOT 6 CONC COVERED PADS Legend WOOD 1/2" IRON ROO FOUND (UNLESS OTHERWISE NOTED) PATIO 1/2" FROM ROD SET ROW PIPE FOUND DETAIL NOT TO SCALE S74.45'33"E 478 CONCRETE MONUMENT FOUND N75°06'18"\ 446.02' POWER POLE LOT 7 WALKER WILSON LEAGUE NO. 2 OVERHEAD UTILITY (N7257'07 W 451.19") NOTES: WIRE FENCE TITLE CONMITMENT G.F. NO. -O- CHUN LINK FENCE CHARLES E. GARNER SUBDIMISION ALDAL18-AT0000029295, EFFECTIVE EDGE OF PAVENERS DATE DECEMBER 27, 2010. VOL. 17, PG. 17 CORRUGATED METAL PIPE 38, PAGE 17, VOLUME 17, PAGE 17, VOLUME 2215, PAGE 499, REAL GLY WIRE THE RESERVE TO SECUL WI WATER METER PROPERTY RECORDS DOCUMENT NO. 1.285 ACRES Sam Halburn Vol. 9388, PG. 957 RECORD INFORMATION 2004178014, OFFICIAL PUBLIC - SUBJECT TO TRACT 1 DEED RECORDS TRAMS COUNTY, TEXAS TRACT 1 VOLUME 98, PAGE 86, VOLUME 12831, PAGE 570, REAL PROPERTY RECORDS PRICIL N74'54'00'W DOCUMENT NO. 2004178014, OFFICIAL 5.21 PUBLIC RECORDS OF TRAVES COUNTY LOT 1 TEXAS, - SUBJECT TO TRACT 2 DETAIL NOT TO SCALE FULKERSON SUBDIMISION 10E & 10F) VOLUME 2215, PAGE 499, VOL. 38, PG, 17 TO: HAISM, INC., COMPASS BANK & ALAMO TITLE INSURANCE, OF ALDIL 18-AT0000029295, EFFECTIVE DATE: DECEMBER 27, 2010. REAL PROPERTY RECORDS OF TRAMS COUNTY, TEXAS, DOES NOT AFFECT STATE OF TEXAS: COUNTY OF TRAMS: SUBJECT PROPERTY AS PER NOTE \$7 STATING THAT EACH AND ALL OF SAID I, the undersigned, do hereby certify that this survey was this day made on the ground of the property legicity described hereon and is correct, and that there are no discrepancies, certificit, shortings in ones, boundary the certificit, annotationately, entrapping of improvements, visited suffice surrents for condesse, except as shown hereon of that dailing providers from a deflorated recovery except as shown hereon, no parties of the local is within the designated froot factored ones as shown on the federal insurance map panel see ASCASSIGNI, data despendents ASCASSIGNI, that for fronts Courty, for Trends Courty RESTRICTIONS, CONDITIONS, AND COMENANTS SHALL TERMINATE AND CEASE TO EXIST FROM AND AFTER THE Cotad, this the 26th day of January, 2011. JOSEPH'S RESUBONISION OF BEARING BASIS: CHARLES E. GARNER SUBDIVISION, VOLUME 17, PAGE 17, (P.R.T.C.TX.) PART OF LOT 2 FLEXERSON SUBDIMISION 5501 West William Canaon Drive Austin, Texas 78749 Phone No. (512) 282-0170 STUCIAS E RIMARI JR. RPIS NO 578 Fax No. (512) 280-5165

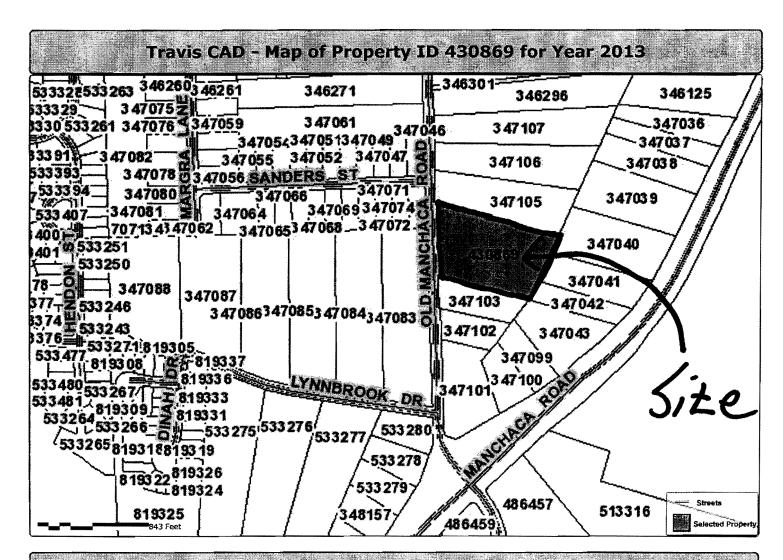
ORIGINAL COPY WILD ONLY & SEALED IN RED SIK

Phr 512-262-0170 Fax 512-260-5165

SETSTONE SURVEYING

PATH:- J: 4487\DWG\TITLE





#### **Property Details**

Account

Property ID: 430869 Geo ID: 0432230417

Type: Real

Legal Description: LOT 1-8 BLK A OLD MANCHACA SUBD

Location

Situs Address: 10417 OLD MANCHACA RD TX 78748

Neighborhood: I/MAN Mapsco: 673S

Jurisdictions: 0A, 01, 03, 2J, 56, 68

**Owner** 

Owner Name: MRBP LTD

Mailing Address: , 509 W 18TH ST STE 200, AUSTIN, TX 78701-1228

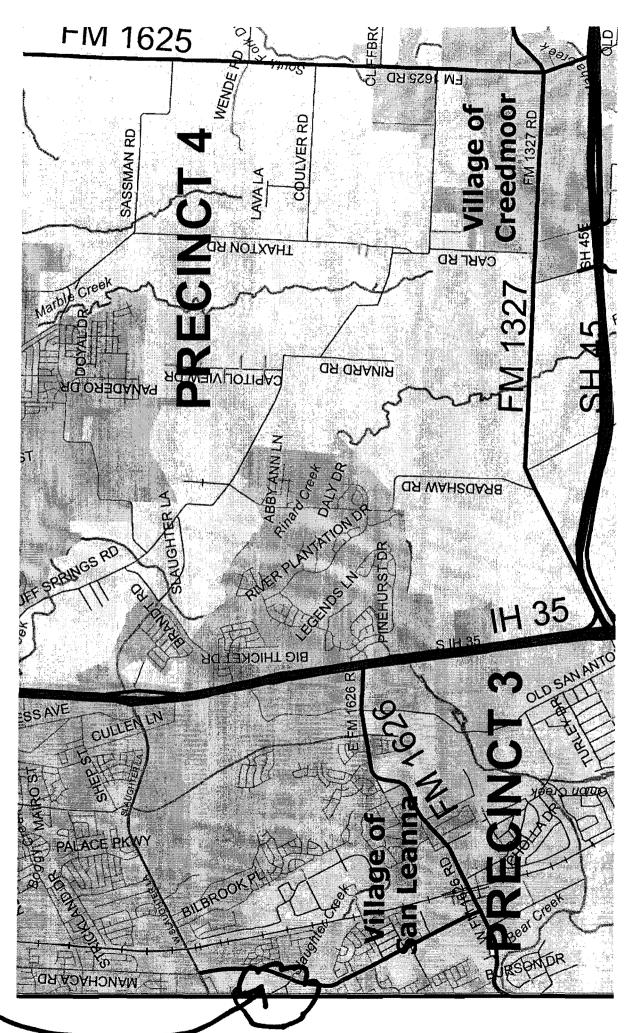
**Property** 

Appraised Value: \$86,250.00

http://propaccess.traviscad.org/Map/View/Map/1/430869/2013

PropertyACCESS

Map Disclaimer: This tox 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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### -Size

