

Item C3



Travis County Commissioners Court Agenda Request

Meeting Date: May 21, 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, June 11, 2013 to receive comments regarding a request to authorize the filing of an instrument to vacate a two five foot wide public utility easements located along the common lot line of Lots 850 and 851 of Apache Shores, First Installment – 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 850 and 851 of Apache Shores, First Installment. The easements are dedicated per plat note. The subject lots front on a section of Red Feather Trail that is 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 allow for a future homesite. Vacating the subject easements will allow the property owner to move forward with the plans without potentially encroaching on said easements with the future house and septic system.

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, First Installment

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 850 and 851 of Apache Shores, First Installment as recorded at Volume 43, Page 29 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 June 11, 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 850 and 851 of Apache Shores, First Installment, as shown 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

EXHIBIT " _____ "

**1,507 SQUARE FOOT
PARTIAL RELEASE OF
PUBLIC UTILITY EASEMENT**

EXHIBIT "A"

BEING 1,507 SQUARE FEET OF LAND, BEING A PORTION OF THOSE CERTAIN 5 FOOT PUBLIC UTILITY EASEMENTS, OUT OF LOTS 850 AND 851, APACHE SHORES, FIRST INSTALLMENT, A SUBDIVISION RECORDED IN VOLUME 43, PAGE 29, PLAT RECORDS, TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN GREGG FRIEDMAN TRACTS RECORDED IN DOCUMENT NUMBER 2005108886 OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THOSE CERTAIN 5 FOOT PUBLIC UTILITY EASEMENTS RECORDED IN VOLUME 3554, PAGE 200, DEED RECORDS, TRAVIS COUNTY, TEXAS, SAID 1,507 SQUARE FEET OF LAND TO BE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING a calculated point in the common line of said Lots 850 and 851, in the south line of a 10 foot public utility easement, being in a curve to the left having a radius of 60 feet, for a point in the northerly line hereof, from which an iron rod found in the southerly right-of-way line of Red Feather Trail, being the common northerly corner of said Lots 850 and 851 bears, North 22 degrees 50 minutes 17 seconds East, 10.91 feet;

THENCE through said Lot 851, along said curve to the left whose chord bears, North 88 degrees 49 minutes 01 seconds East, 5.47 feet to a point in said line, being in the easterly line of said public utility easement, (from herein called easement), for the northeast corner hereof;

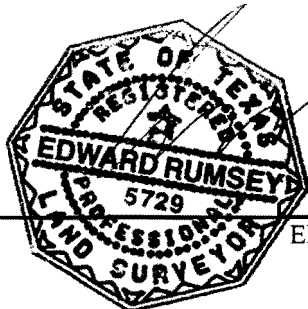
THENCE South 22 degrees 50 minutes 17 seconds West, continuing through said Lot 851, along the easterly line of said easement, 154.05 feet to a point in said line, for the southeast corner hereof;

THENCE continuing through said Lot 851, through said easement, North 51 degrees 17 minutes 13 seconds West, 4.00 feet to a point and North 56 degrees 27 minutes 00 seconds West, 1.17 feet to a point in the common line of said Lots 850 and 851, for an angle corner in the southerly line hereof, from which the common southerly corner of said Lots 850 and 851 bears, South 22 degrees 50 minutes 17 seconds West, 5.09 feet;

THENCE North 56 degrees 27 minutes 00 seconds West, through said Lot 850 and said easement, 5.09 feet to a point in the westerly line of said easement, for the southwest corner hereof;

THENCE North 22 degrees 50 minutes 17 seconds EAST, continuing through said Lot 850, along the westerly line of said easement, 147.86 feet to a point in said line, the southerly line of said 10 foot easement, being in a curve to the left having a radius of 60 feet;

THENCE continuing through said Lot 850, through said easement, along said curve to the left whose chord bears North 88 degrees 49 minutes 01 seconds East, 5.47 feet to the POINT OF BEGINNING.



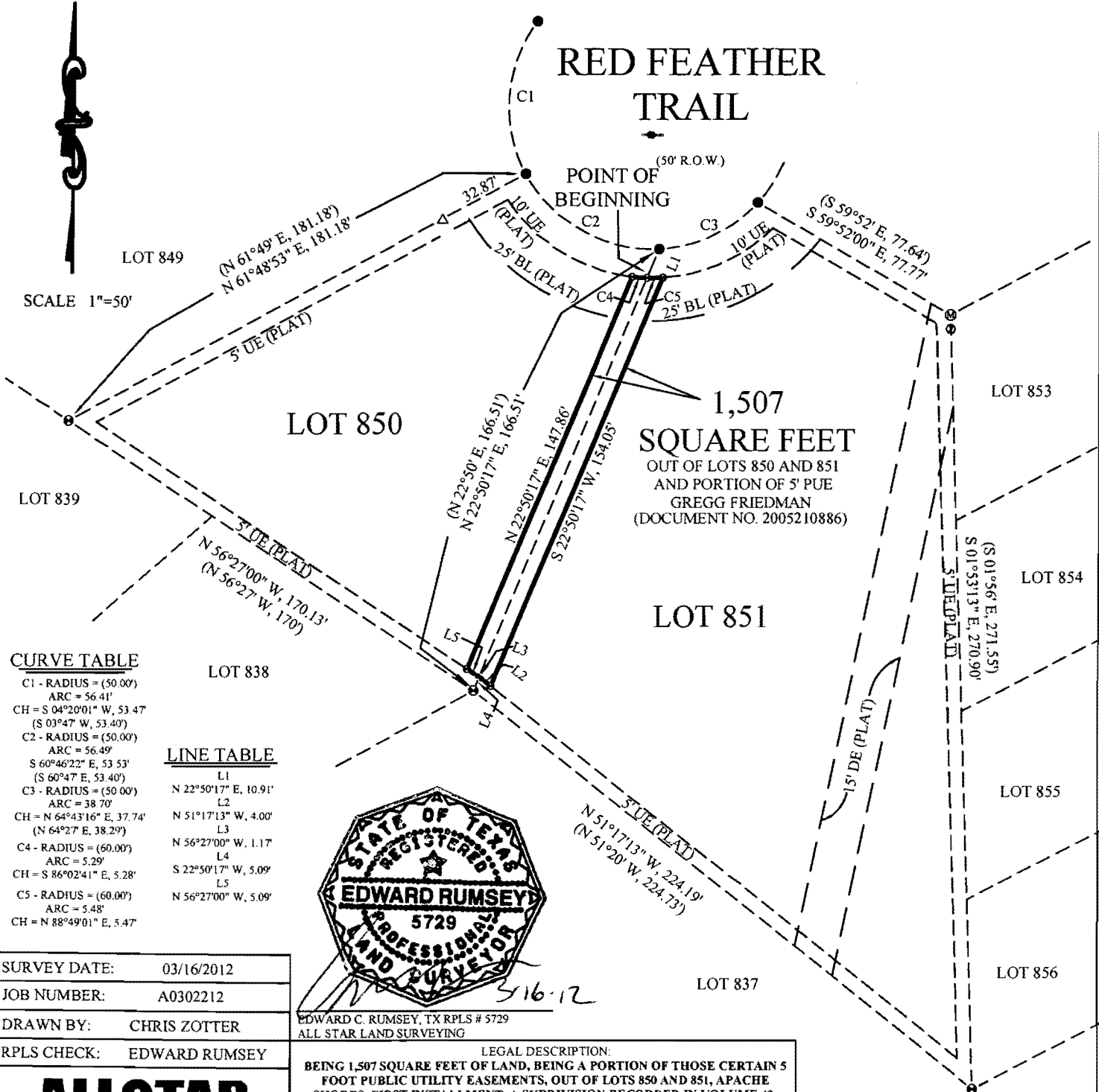
DATE 03-16-2012

EDWARD C. RUMSEY, TX. RPLS #5729
ALL STAR LAND SURVEYING
9020 ANDERSON MILL ROAD
AUSTIN, TEXAS 78729
JOB # A0302212
TCAD PROP ID# 149524
AUSTIN GRID-Z-32
PAGE 1 OF 2

PARTIAL RELEASE OF PUBLIC UTILITY EASEMENT



SCALE 1"=50'

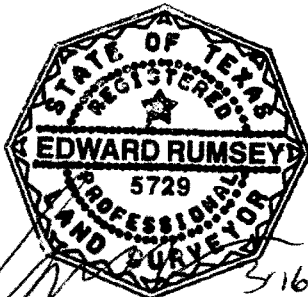


CURVE TABLE

C1 - RADIUS = (50.00')
 ARC = 56.41'
 CH = S 04°20'01" W, 53.47'
 (S 03°47' W, 53.40')
 C2 - RADIUS = (50.00')
 ARC = 56.49'
 S 60°46'22" E, 53.53'
 (S 60°47' E, 53.40')
 C3 - RADIUS = (50.00')
 ARC = 38.70'
 CH = N 64°43'16" E, 37.74'
 (N 64°27' E, 38.29')
 C4 - RADIUS = (60.00')
 ARC = 5.29'
 CH = S 86°02'41" E, 5.28'
 C5 - RADIUS = (60.00')
 ARC = 5.48'
 CH = N 88°49'01" E, 5.47'

LINE TABLE

L1 N 22°50'17" E, 10.91'
 L2 N 51°17'13" W, 4.00'
 L3 N 56°27'00" W, 1.17'
 L4 S 22°50'17" W, 5.09'
 L5 N 56°27'00" W, 5.09'



EDWARD C. RUMSEY, TX RPLS # 5729
 ALL STAR LAND SURVEYING

SURVEY DATE:	03/16/2012
JOB NUMBER:	A0302212
DRAWN BY:	CHRIS ZOTTER
RPLS CHECK:	EDWARD RUMSEY



9020 ANDERSON MILL RD
 AUSTIN, TEXAS 78729
 (512) 249-8149 PHONE
 (512) 331-5217 FAX
 WWW.ALLSTARLANDSURVEYING.COM

LEGAL DESCRIPTION:
 BEING 1,507 SQUARE FEET OF LAND, BEING A PORTION OF THOSE CERTAIN 5 FOOT PUBLIC UTILITY EASEMENTS, OUT OF LOTS 850 AND 851, APACHE SHORES, FIRST INSTALLMENT, A SUBDIVISION RECORDED IN VOLUME 43, PAGE 29, PLAT RECORDS, TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN GREG FRIEDMAN TRACTS RECORDED IN DOCUMENT NUMBER 2005108886 OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THOSE CERTAIN 5 FOOT PUBLIC UTILITY EASEMENTS RECORDED IN VOLUME 3554, PAGE 200, DEED RECORDS, TRAVIS COUNTY, TEXAS, SAID 1,507 SQUARE FEET OF LAND TO BE MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN EXHIBIT "A", ATTACHED HERETO AND MADE A PART HEREOF.

LEGEND

- CALCULATED POINT
- MAG NAIL FOUND
- 60D NAIL SET
- 1/2" ROD FOUND
- PAINT MARK SET ON PROPERTY LINE
- BL BUILDING LINE
- UE UTILITY ESMT
- DE DRAINAGE ESMT
- () RECORD INFORMATION

April 17, 2013

Re: Lots 850 + 851, Section 2, Apache Shores

14328 + 14329 Red Feather Trail, Austin, TX 78734

Hello,

I am requesting a partial release of public utility easement between the lots, so that I may have a septic system installed when I build my home. The septic drain field and system will require parts of both lots, thus crossing over the utility easement between them. I haven't applied for a building permit yet. Thanks,

Gregg Friedman

cell 512-786-1051

mailing address: 4701 Monterey Oaks Blvd., #1232, Austin, TX 78749



SOUTHWESTERN BELL TELEPHONE COMPANY

PARTIAL RELEASE OF EASEMENT

THIS RELEASE OF EASEMENT, entered into by *SOUTHWESTERN BELL TELEPHONE COMPANY*, a Missouri corporation, GRANTOR, AND *Gregg Friedman*, 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 850 and 851, Apache Shores, Section 2, Deed of record in Document 2005210886, Property Records of Travis County, Texas

Said land of GRANTEE being subject to:

Easements recorded in Volume 48, Page 58, Plat Records of Travis County, Texas,

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

1,507 square feet of land, being a portion of that certain 5 foot PUE along either side of the common property lines of said Lots 850 and 851, 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 3rd day of APRIL, 2012.

SOUTHWESTERN BELL TELEPHONE COMPANY

Mark Serda

Name : MARK SERDA

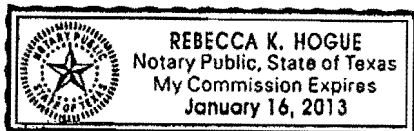
Title: MGR. ENGINEERING DESIGN

THE STATE OF TEXAS
COUNTY OF TRAVIS

BEFORE ME, the undersigned authority, on this day personally appeared MARK SERDA, 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 Missouri 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 3rd day of APRIL, 2012.

Rebecca K. Hogue
Notary Public in and for the State of TEXAS
My Commission Expires Jan. 16, 2013



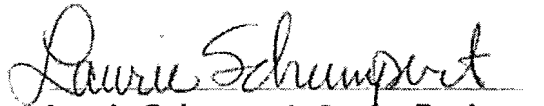
RELEASE OF EASEMENT

WHEREAS, the plat of Lots 850 and 851, Section 2, Apache Shores, Austin, Texas, a subdivision in the County of Travis, of record in Volume 43, Page 29, of the Plat Records of Travis County, Texas, and said plat record reflects a five foot public utility easement along either side of the common lot lines of said subdivision for the installation of public utilities and drainage; AND

WHEREAS, all utilities are in place within other dedicated easements on said lots and no further need exists for the above easements as reflected on said plat:

NOW, THEREFORE, in consideration of the premises and in order to adjust because of proposed encroachment upon these easements, the undersigned do hereby abandon all right, title and interest in and to these easements, as described, in the above addressed lots in said subdivision.

EXECUTED this 23 **day of** March **, 2012.**


**Laurie Schumpert, Senior Designer
Time Warner Cable**

BEFORE ME, the undersigned authority, on this day personally appeared Laurie Schumpert, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purpose and consideration therein expressed, as the act and deed for Time Warner Cable, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE 23 **day of**
March **, 2012.**


Notary Public, State of Texas

My commission expires: September 22, 2012





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 14328 + 14329 Red Feather Trail (address) and/or 78734 Lot 850 + 851 Apache Shores (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. Sec. 2

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.

Travis County WCID #17
3812 Eck Lane
Austin, TX 78734

Deborah S. Gernes
Signature
Deborah S. Gernes
Printed Name
General Manager
Title
TRAVIS COUNTY WCID 17
Utility Company or District
3/22/2012
Date

Please return this completed form to:

GREGG FRIEDMAN
Name
4701 MONTEREY OAKS BLVD #1233
Address
AUSTIN TEXAS 78749
City/State/Zip
CELPH 786-1051



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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 14328 & 14329 Red Feather Trail (address) and/or Lots 850 & 851, Apache Shores, Section II (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. Public Involvement & Real Estate

Title
Austin Energy Services

Utility Company or District
March 27, 2012

Date

Please return this completed form to:

Gregg Friedman

Name
4701 Monterey Oaks Blvd., #1233

Address
Austin, TX 78749

City/State/Zip

cc: greggintexas@yahoo.com



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 14328 + 14329 Red Feather Trail (address) and/or 78734 Lot 850+851 Apache Shores (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. Sec. c

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 Landgraf, PE
 Printed Name
Engineer III
 Title
Texas Gas Service
 Utility Company or District
3/27/2012
 Date

Please return this completed form to:

Name

Address

City/State/Zip

Proposed Site Plan

PARTIAL RELEASE OF PUBLIC UTILITY EASEMENT

2-story
1400sf
2 bedroom
2.5 bath,
20' x 40'



SCALE 1"=50'

RED FEATHER TRAIL

POINT OF BEGINNING

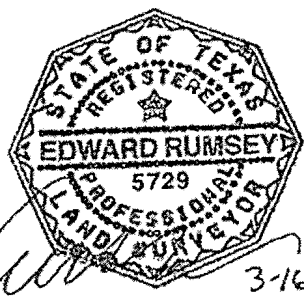
1,507
SQUARE FEET
OUT OF LOTS 850 AND 851
AND PORTION OF 5' PUE
GREGG FRIEDMAN
(DOCUMENT NO. 2005210886)

CURVE TABLE

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LINE TABLE

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L2	N 51°17'13" W, 4.60'
L3	N 56°27'00" W, 1.17'
L4	S 22°50'17" W, 3.09'
L5	N 56°27'00" W, 3.09'



EDWARD C. RUMSEY, TX RPLS # 5729
ALL STAR LAND SURVEYING

LEGAL DESCRIPTION:
BEING 1,507 SQUARE FEET OF LAND, BEING A PORTION OF THOSE CERTAIN 5 FOOT PUBLIC UTILITY EASEMENTS, OUT OF LOTS 850 AND 851, APACHE SHORES, FIRST INSTALLMENT, A SUBDIVISION RECORDED IN VOLUME 43, PAGE 29, PLAT RECORDS, TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN GREG FRIEDMAN TRACTS RECORDED IN DOCUMENT NUMBER 2005108886 OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THOSE CERTAIN 5 FOOT PUBLIC UTILITY EASEMENTS RECORDED IN VOLUME 3554, PAGE 200, DEED RECORDS, TRAVIS COUNTY, TEXAS, SAID 1,507 SQUARE FEET OF LAND TO BE MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN EXHIBIT "A", ATTACHED HERETO AND MADE A PART HEREOF.

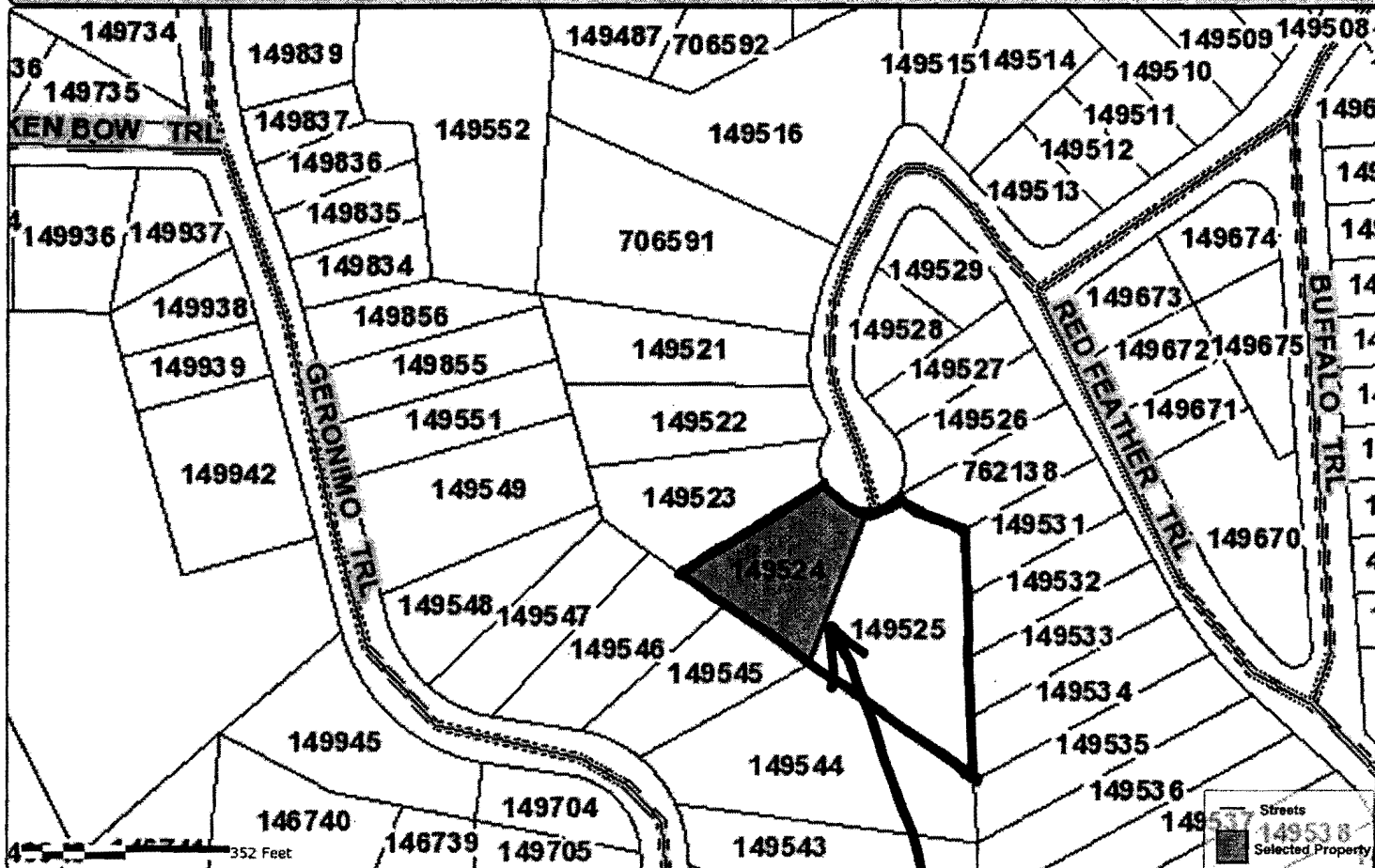
LEGEND

	CALCULATED POINT
	MAG NAIL FOUND
	60D NAIL SET
	1/2" ROD FOUND
	PAINT MARK SET ON PROPERTY LINE
	BUILDING LINE
	UTILITY EMT
	DRAINAGE EMT
	RECORD INFORMATION

SURVEY DATE:	03/16/2012
JOB NUMBER:	A0302212
DRAWN BY:	CHRIS ZOTTER
RPLS CHECK:	EDWARD RUMSEY

ALLSTAR
Land surveying
9020 ANDERSON MILL RD
AUSTIN, TEXAS 78729
(512) 249-8149 PHONE
(512) 331-5217 FAX
WWW.ALLSTARLANDSURVEYING.COM

Travis CAD - Map of Property ID 149524 for Year 2013



Property Details

Account

Property ID: 149524
 Geo ID: 0147550150
 Type: Real

Legal Description: LOT 850 APACHE SHORES SEC 2

Location

Situs Address: RED FEATHER TRL TX 78734
 Neighborhood: APACHE SHORESS(Obssolete-MERGED INTO R4120)
 Mapsco: 490R
 Jurisdictions: 0A, 03, 07, 2J, 52

Owner

Owner Name: FRIEDMAN GREGG
 Mailing Address: , APT 12, 4701 MONTEREY OAKS BLVD, AUSTIN, TX 78749-1073

Property

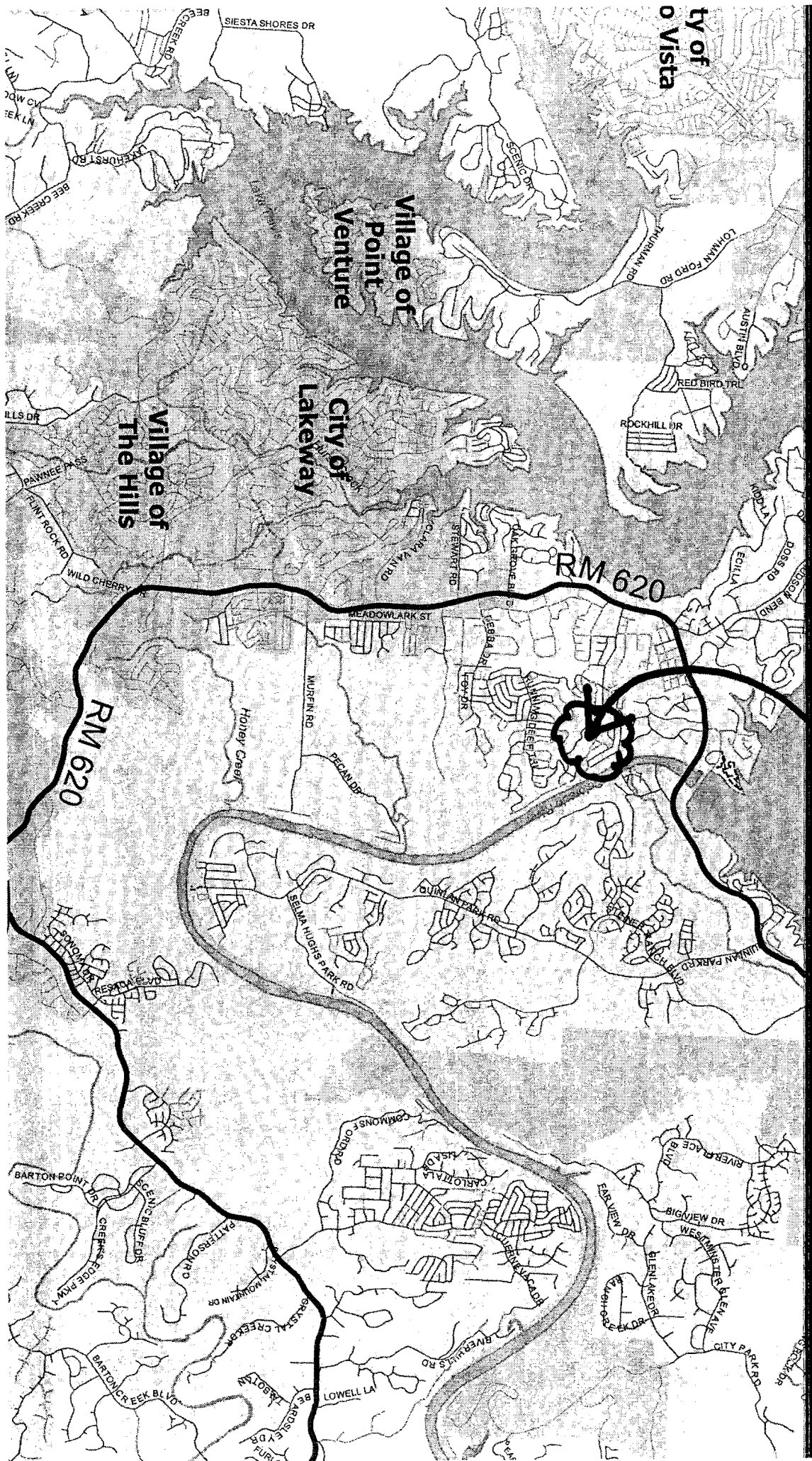
Appraised Value: \$23,000.00

Site

<http://propaccess.traviscad.org/Map/View/Map/1/149524/2013>

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.



City of
Vista

Village of
Point
Venture

City of
Lakeway

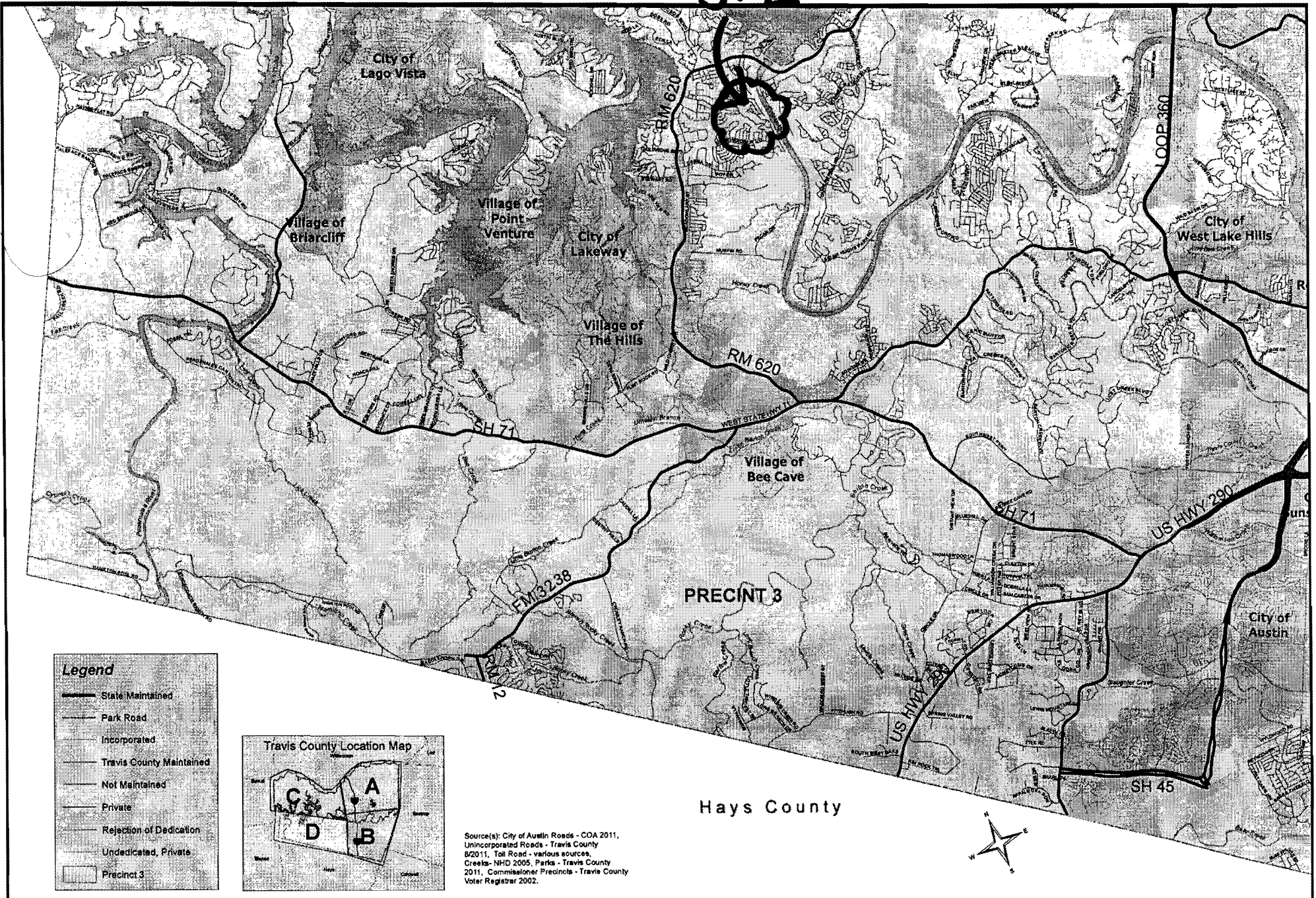
Village of
The Hills

RM 620

RM 620

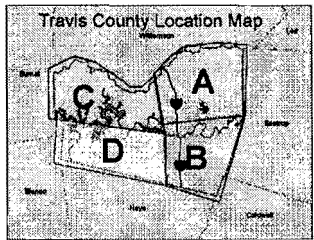
Site

Site



Legend

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



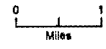
Source(s): City of Austin Roads - COA 2011,
 Unincorporated Roads - Travis County
 8/2011, Toll Road - various sources,
 Credits - NHD 2005, Parks - Travis County
 2011, Commissioner Precincts - Travis County
 Voter Registrar 2002.

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,
 Dept. of Transportation & Natural
 Resources. Date: 8/9/2011