Item 6



Travis County Commissioners Court Agenda Request

Meeting Date: May 28, 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 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 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 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:

N/A

ATTACHMENTS/EXHIBITS:

Order of Vacation
Field Notes
Request Letter
Utility Statements
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 - 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 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



F#

Windrose Land Services Austin Ltd 4120 Commercial Center Dr., Suite 300 Austin, Texas 78744 Phone (512) 326-2100 Fax (512) 326-2770

Professional Surveying Services

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, CROSIING 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.

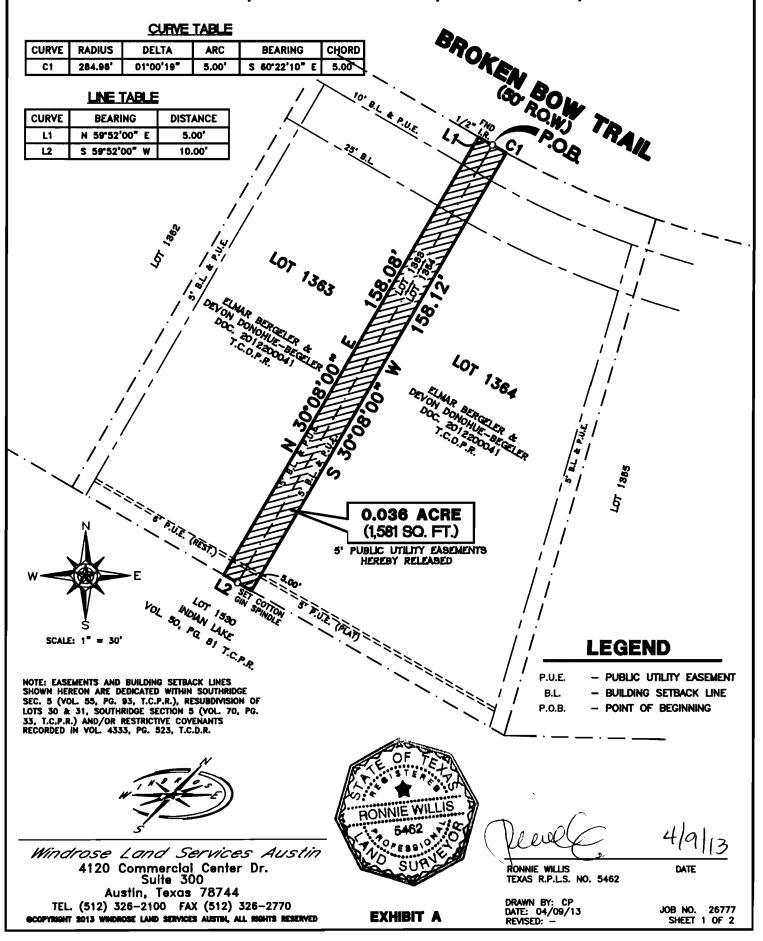
RONNIE WILLIS, RPLS NO. 5462

April 9, 2013 JOB # 26777

> M ID'S: 149931 & 149932 MSTIN GRID:

SHEET 2 OF 2

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.



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 RECEIVED

APR 1 0 2013

TRAVIS COUNTY - TNR PERMITS DEPARTMENT

RECEIVED

MAR 1 0 2013

TRAVIS COUNTY - THR PERMITS DEPARTMENT

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

ee Ben



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
	<u>STATEMENT</u>
	Time Warner Cable does have a need for an easement on the property as described in the accompanying document.
	Time Warner Cable
,)	Laurie Schumpert 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 BECKY EULER DANEL MY COMMISSION EXPIRES September 22, 2016



Please Print

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

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

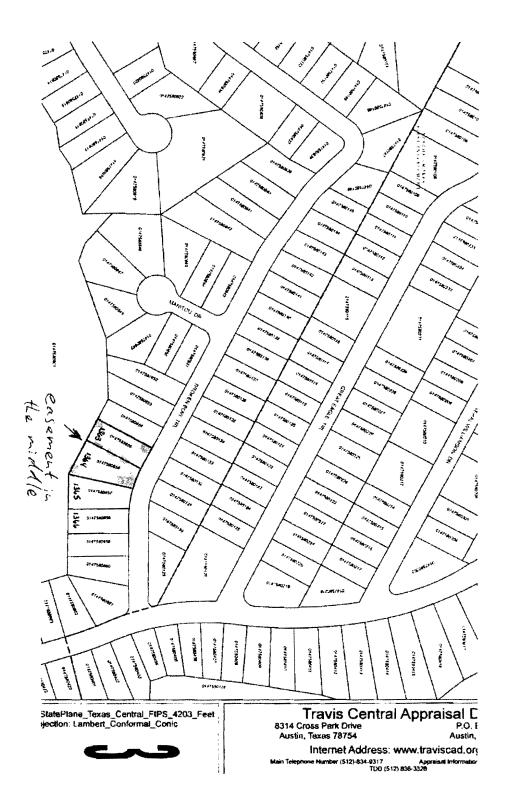
APPLICATION FOR VACATION OF EASEMENT

Application is hereby made for the release of the following ea	sement(s) as described b	elow:	
The easement is on property legally described as:			
Subdivision: Apache Stores	Section:	3 Block:	
Lot Numbers: 1363 and 1364)
Address: Broken Bow Trail Number & Street			
As recorded in Volume	ease, indicating the amore non lot line between lots to be released highlighted entire fields.	unt of the easement to be released:	
Reason for requesting release (Example: Single Family Residence in the	ence, Accessory Buildin	g, etc) of the two lots	5
Please note: If multiple owners are making this request, compl	ete name, address, phone	e must be provided for all.	
Property Owner's name(s): Elma, Beigelei Mailing Address: EOG Rocky River 1 Phone: 5/2 J94 8351 or 5/ Day Time (1)	(1) and Dei	ron Donohne-Beige	eler (2)
Mailing Address: 609 Rocky River 1	Road West	Lake Hills T	<u><-</u> 78746
Phone: 5/2 194 835/ 01 5/	2 221 3338	(Z) Zip	
		rax	
I authorize the following person/company to act in my behalf: Name of agent/company: Name of Company	as my designated agent:	Name of Contact	
Mailing Address:Number & Street	City State	Zip	
Ph	State	ы́р	

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

Cell

El Ber	Kuna	Conoline Seplan	Tes.	13	2013	
Signature of Applicant/Agent		7	Date			



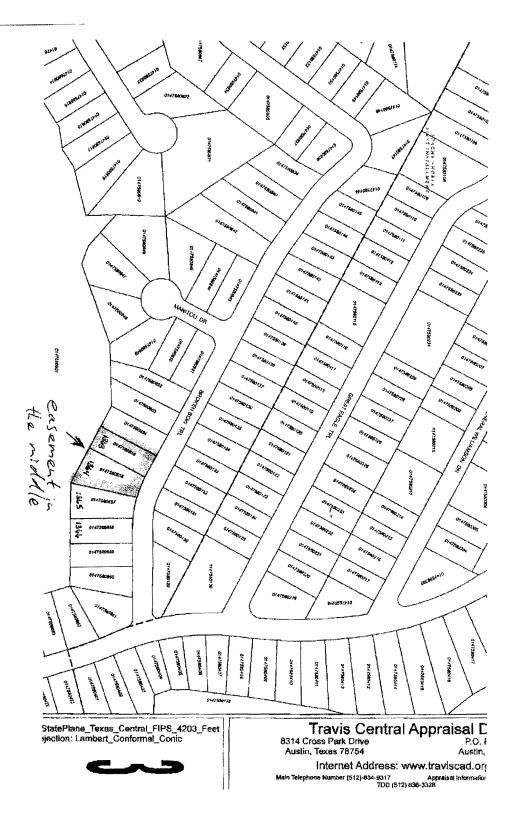
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TRAVIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT 17

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

Date: Feb. 12	TLITY EASEMEN 20/3	IT RELEASE APPLICATION
	wing utility easement(d)	s) is hereby requested.
Address:	Broken Bi	ow Irail
Legal Description:	Lots 1363	and 1364 at Apache Shore Sec 3 n numbers: 0147580856 and 0147580855
	A plat drawing with the this application.	e easement highlighted must accompany
Applicant Name:	Elmar Berg	eler
Address:		River Road
	78746 W	est Lake Hills, TX 78746
Reason for Request :	We want to	just one to build a house in the
·	together to	just one to build a house in the
/	middle.	<u>, </u>
Water District 17	DOES NOT have a ne	ed for an easement on the property as described in
*		ement(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	on of the required easement is attached.
Herrich Ma	lu 2/13/20	13 Delenh Syrne 2. 14.13
Signature	Date	Signature Date
Reviewer: Henry	Marley	Deborah S. Gernes
1	1	Printed Name
		General Manager
		Title
Please return this co	mpleted form to:	Elmar Bergeler Name 609 Rocky River Road
Phone: 5/2	9948351	Name 609 Rocky River Road
Fax:		Address
Email: elma	ir. bergeler®	West Lake Hills, TX- 78746
	gmail.com	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 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 2013 day of, 2013	
SOUTHWESTERN BELL TELEPHONE COMPANY	
- sold of Pringer	

Name: DAU: DA. W. W. MARS
Title: LEW OSP PLARY CLARK DEC FU

THE STATE OF TOUR

BEFORE ME, the undersigned authority, on this day personally 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 , 20 13.

REBECCA K HOGUE My Commission Expires January 16, 2017

ogue Notary Public in and for the State of TEVAS My Opmmission **E**xpires **○**



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 a	pplication is being made to Travis Broken Bow Trail	County for the vacation of property (address) and/or
Lots 1363 & 13	64 Apache Shores Section 3	(legal description) and as
describ	ped on the enclosed drawing or document.	An action of the Commissioners' Court of
	County is pending your return of this statement	
	STATI	EMENT
X	We do not have need for an easement on th document.	e property as described in the accompanying
	We do have a need for an easement on the document. A description of the required eas	e property as described in the accompanying ement 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



TRANSPORTATION AND NATURAL RESOURCES

Steven M. Manilla, 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 Commissioners Travis County, Texas		
May 6, the common lot line of Lots 1363 and	or two five foot wide public utility easeme, 2013, along the southerly ROW line of B and 1364 of Apache Shores, Section 3 at a pand was also posted at the Travis County (roken Bow Trail at point as near as
CERTIFIED THIS THE	DAY OF May	, 2013.
	SIGNATURE: Jaime Gance NAME (PRINT): Jaime Gance TITLE: TNR/R&B Supervis	



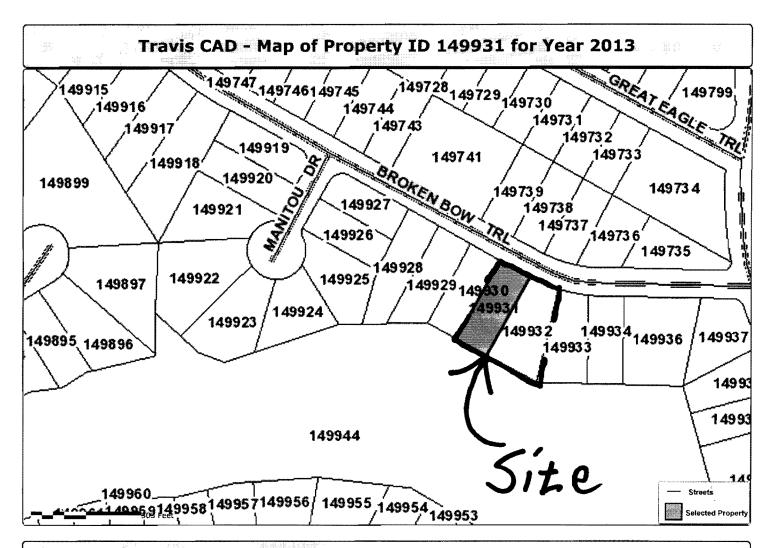
NOUGE OF PUBLIC HEARING

PUBLIC UTILITY EASEMENT VACATION

TO APPROVE THE VACATION OF TWO FIVE FOOT WIDE PUBLIC WILLTY EASEMENTS LOCATED ALONG THE COMMON LOW LINE OF LOTS 1363 AND 1364 OF APACEE SHORES, SECTION THREE A SUBDIVISION IN PRECINCT THREE

A HEARING WILL BE HELD AT THE TRAVIS COUNTY COMMISSIONERS COURTROOM TOO LAVACA ST. AUSTIN, TEXAS

FOR MORE INFORMATION CALL 854-9355



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

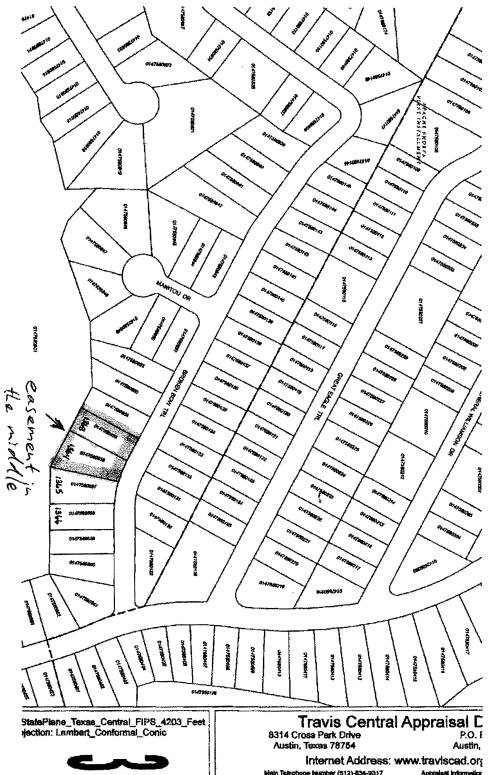
Property

Appraised Value: N/A

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

PropertyACCESS

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.



Main Telephone Number (512)-634-9317 Apprelses information TDO (512) 638-3328

