## Item C3



# **Travis County Commissioners Court Agenda Request**

Meeting Date: June 4, 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 Davis, Precinct One

**AGENDA LANGUAGE**: Approve setting a public hearing on Tuesday, June 25, 2013 to receive comments regarding a request to authorize the filing of an instrument to vacate three public utility and drainage easements located over and across Lots 64 and 65, Block A of Kingsberry Park – Precinct One.

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

TNR staff has received a request to authorize the filing of an instrument to vacate three public utility and drainage easements (PU&DEs) located over and across Lots 64 and 65, Block A of Kingsberry Park. The easements are dedicated by plat note on the plat. The subject lots front on Postoak Parkway, a street maintained by Travis County.

In regards to the drainage easements, professional engineer Tom McDill, Jr. has stated and sealed that:

"Vacating these will not affect existing drainage, as the flows are across the area from the west side...and the ditches in the roadway have culverts and since the entire area is very flat there should be no local affect on the drainage."

In regards to the public utility easements 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 property owner requests the vacation of the easements for the purpose of replacing the original septic system, which "...was not very well installed." The design of the new system would encroach on the subject easements. Also, the existing home was placed over the easements located along the common lot line of the subject lots.

### FISCAL IMPACT AND SOURCE OF FUNDING:

None.

## **ATTACHMENTS/EXHIBITS:**

Order of Vacation Field Notes Request/Engineer's 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 and Long Range Planning	854-7561

#### CC:

Stacey Scheffel	Program Manager	TNR - Permits	854-7565
John Ellis	Engineer	Development Services and Long Range Planning	854-9805

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1101 - Development Services Long Range Planning - Kingsberry Park

#### ORDER OF VACATION

#### STATE OF TEXAS

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#### COUNTY OF TRAVIS §

WHEREAS, the property owner requests the vacation of three public utility and drainage easements located over and across Lots 64 and 65, Block A of Kingsberry Park as recorded at Volume 37, Page 9 of the Real Property Records of Travis County, Texas;

WHEREAS, an independent Professional Engineer has submitted a letter recommending the vacation of the subject easements;

WHEREAS, Travis County staff has stated that there are no objections to the vacation of the drainage easements as described in the attached field notes and sketch;

WHEREAS, all utility companies known to be operating in the area have indicated they have no need for the easements requested to be vacated 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 and drainage 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 25, 2013 to consider the proposed action; and

NOW, THEREFORE, by unanimous vote, the Commissioners Court of Travis County, Texas, orders that the three public utility and drainage easements located over and across Lots 64 and 65, Block A of Kingsberry Park, as shown on the attached sketch and described in the attached field notes, are hereby vacated.

ORDERED THIS THE	DAY OF 2013.	
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	

#### 1,347 SQUARE FOOT PARTIAL RELEASE OF PUBLIC UTILITY AND DRAINAGE EASEMENT

#### **EXHIBIT "A"**

BEING 1,347 SQUARE FEET OF LAND, BEING A PORTION OF THOSE CERTAIN FIVE FOOT PUBLIC UTILITY AND DRAINAGE EASEMENTS, OUT OF LOTS 64 AND 65, BLOCK A, KINGSBERRY PARK, A SUBDIVISION RECORDED IN VOLUME 37, PAGE 9, PLAT RECORDS, TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN HUE TRUST TRACTS RECORDED IN DOCUMENT NUMBER 201 1092943 OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, SAID 1,347 SQUARE FEET OF LAND TO BE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING a calculated point in the common line of said Lots 64 and 65, in the south line of a 10 foot public utility and drainage easement, for a point in the northerly line hereof, from which the northwest corner of said Lot 64 and the northeast corner of said Lot 65 bears, North 31 degrees 25 minutes 48 seconds East, 10.00 feet;

THENCE South 59 degrees 24 minutes 59 seconds East, through said Lot 64, along the southerly line of said 10 foot easement, through said 5 foot easement, 5.00 feet to a calculated point in said line, in the easterly line of said 5 foot easement, for the northeast corner hereof:

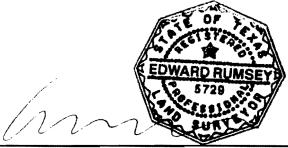
THENCT South 31 degrees 25 minutes 48 seconds West, continuing through said Lot 64, along the easterly line of said 5 foot easement, 134.66 feet to a calculated point in said line, in the northerly line of a 5 foot public utility and drainage easement, for the southeast corner hereof:

THENCF North 59 degrees 25 minutes 43 seconds West, continuing through said Lot 64, through said 5 foot easement, 5.00 feet to a calculated point in the common line of said Lots 64 and 65, for a point in the southerly line hereof, from which the southwest corner of said Lot 64 and the southeast corner of said Lot 65 bears. South 31 degrees 25 minutes 48 seconds West, 5.00 feet:

HIENCE North 59 degrees 25 minutes 43 seconds West, through said Lot 65 and said 5 foot easement, 5.00 feet to a calculated point in the westerly line of said 5 foot easement, for the southwest corner hereof:

HHENCF North 31 degrees 25 minutes 48 seconds East, continuing through said Lot 65, along the westerly line of said 5 foot easement, 134.66 feet to a calculated point in said line, in the southerly line of said 10 foot easement, for the northwest corner hereof:

ITIFNCE South 59 degrees 24 minutes 59 seconds East, continuing through said Lot 65, through said 5 foot easement, along the southerly line of said 10 foot easement, 5.00 feet to the POINT OF BEGINNING.



DATE 07-06-2012

EDWARD C. RUMSEY, TX. RPLS #5729
ALL STAR LAND SURVEYING
9020 ANDERSON MILL ROAD
AUSTIN, TEXAS 78729
JOB # A0613212
TCAD PROP ID# 203265
AUSTIN GRID-W-23
PAGE I OF 3

#### **EXHIBIT "B"**

BEING 673 SQUARE FEET OF LAND, BEING A PORTION OF THAT CERTAIN FIVE FOOT PUBLIC UTILITY AND DRAINAGE EASEMENTS, OUT OF LOT 64, BLOCK A, KINGSBERRY PARK, A SUBDIVISION RECORDED IN VOLUME 37, PAGE 9, PLAT RECORDS, TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN HUE TRUST TRACT RECORDED IN DOCUMENT NUMBER 2011092943 OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, SAID 673 SQUARE FEET OF LAND TO BE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING a calculated point in the common line of said Lot 64 and Lot 63, of said subdivision, in the south line of a 10 foot public utility and drainage easement, for the northeast corner hereof, from which an iron rod found at the northwest corner of said Lot 63 and the northeast corner of said Lot 64 bears. North 31 degrees 26 minutes 31 seconds East, 10.00 feet:

THENCE South 31 degrees 26 minutes 31 seconds West, along the common line of said Lots 63 and 64, and the easterly line of said 5 foot easement, 134.65 feet to a calculated point in said line, in the northerly line of a 5 foot public utility and drainage easement, for the southeast corner hereof, from which and iron pipe found at the southwest corner of said Lot 63 and the southeast corner of said Lot 64 bears. South 31 degrees 26 minutes 31 seconds West, 5.00 feet;

THENCE North 59 degrees 25 minutes 43 seconds West, through said Lot 64 and said 5 foot easement, 5.00 feet to a calculated point in the westerly line of said 5 foot easement, for the southwest corner hereof;

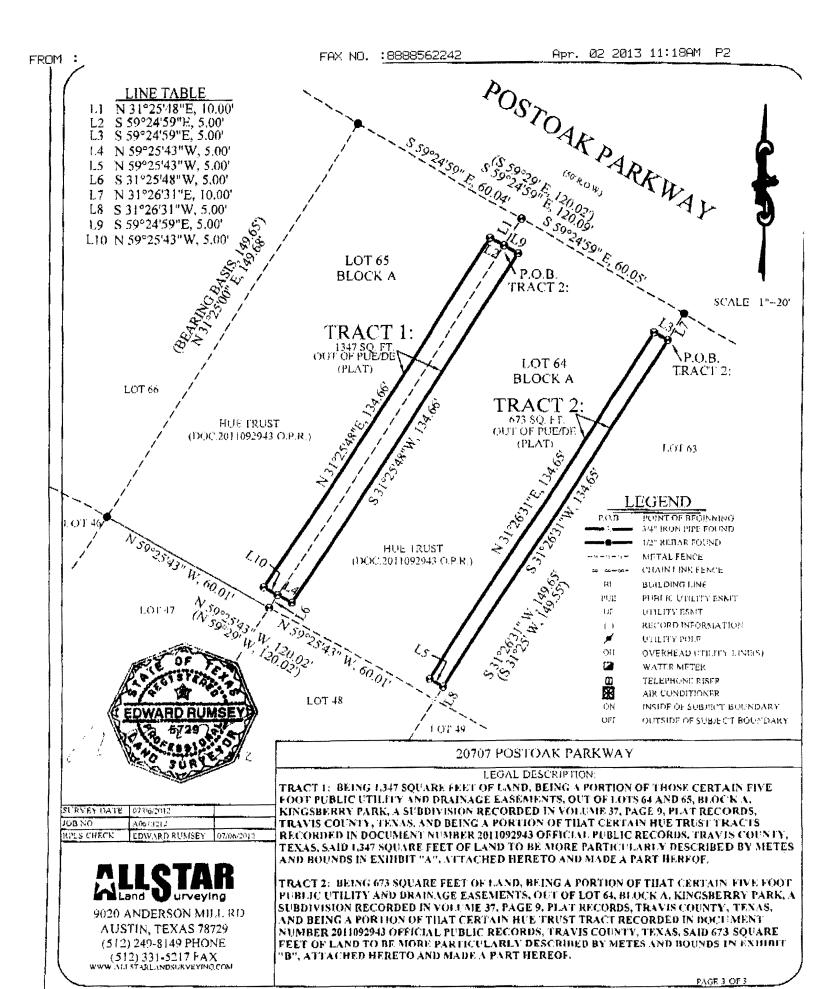
THENCE North 31 degrees 26 minutes 31 seconds East, continuing through said Lot 64, along the westerly line of said 5 foot easement, 134.65 feet to a calculated point in said line, in the southerly line of said 10 foot easement, for the northwest corner hereof:

THENCE South 59 degrees 24 minutes 59 seconds East, continuing through said Lot 64, through said 5 foot easement, along the southerly line of said 10 foot easement, 5.00 feet to the POINT OF BEGINNING.

EDWARD C RUMSEY TX RPI S #57

DATE 07-06-2012

EDWARD C. RUMSEY, TX. RPLS #5729
ALL STAR LAND SURVEYING
9020 ANDERSON MILL ROAD
AUSTIN, TEXAS 78729
JOB # A0613212
TCAD PROP ID# 203265
AUSTIN GRID-W-23
PAGE 2 OF 3



## McDill Engineering

Engineering Consultants 10706 Indian Scout Austin, TX, 78736 (512) 288-2392

Ms. Anna Bolin, P.E. TNR PO Box 1748 Austin, TX, 78767 May 1, 2013

Re: Lots 64 & 65, Kingsberry Park, 20707 Postoak Parkway – drainage easement vacate

The owner of this property, Jose Ramirez & Carolina Tamayo, are under a Contract for Deed, with James Umstattd, and I will provide copies of the instruments if you need them. There has been a home over the common lot line for several years and the OSSF was not very well installed. They are now trying to install a new system and have submitted an application. The design will have to be amended to meet existing set backs, but some of the side lot easements need to be vacated to install any system.

The 5 foot blanket PUE and drainage easement was established on the 1967 plat and the survey is attached to show what easements we are requesting that they be vacated to allow a legal system design for the new OSSF. We are proposing to leave the drainage easement across the rear and west sides to allow any future drainage improvements if they are made across the subdivision. Vacating these will not affect existing drainage, as the flows are across the area from the west side (the neighbor has constructed building along that property line!) and the ditches in the roadway have culverts and since the entire area is very flat there should be no local affect on the drainage.

The letters from the affected utility companies are attached, the survey is included, as is a check for \$680.00.

There have been offers to the property owner to the east to vacate his 5' easement, but he does not want to get "involved".

There have been discussions with the Manville Water Company and they are requesting a \$1000 fee to sign off. I do not think that is fair and they specifically require an easement across the front of each lot as part of their application process. Since they have that, as well as an option across the west edge of this property, and they have agreed to supply water to the house that exists and to the neighbor's house at the property line on the east side, they have acquiesced these other routes for their water lines.

Thanks,

Tom McDill, Jr., P.E

TPEF#5181



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: KINGSBERY PARK SECTION 1				
Lot and Block Numbers: LOTS 64 AND 65				
Street Address: 20707 POSTOAK PARKWAY, MANOR, TX 78653				
Property Owner: HUE TRUST, DOUGLAS D HEARN JR TRUSTEE				
<u>STATEMENT</u>				
Time Warner Cable <b>does not</b> have a need for an easement on the property as described in the accompanying document.				
Time Warner Cable <b>does</b> have a need for an easement on the property as described in th accompanying document.				
Time Warner Cable				
Laurie Sulungert St. Decigner  Title				
State of Texas County of Travis				
This instrument was acknowledged before me on October 24, 2012 b				
Laurie Schumpert.				
Becky Euler Danel Notary Public  BECKY EULER DANEL MY COMMISSION EXPIRES September 22, 2016				



#### SOUTHWESTERN BELL TELEPHONE COMPANY

#### PARTIAL RELEASE OF EASEMENT

THIS RELEASE OF EASEMENT, entered into by SOUTHWESTERN BELL TELEPHONE COMPANY, a Missouri corporation, GRANTOR, AND H.U.E. Trust, Douglass D. Hearn, Jr. Trustee, 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 64 and 65, Block A, Kingsbery Park, Section 1, Deed of record in Document 2011092943, Property Records of Travis County, Texas

Said land of GRANTEE being subject to:

Easements recorded in Volume 37, Page 9, Plat Records of Travis County, Texas,

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

Being 1,347 square feet of land, being a portion of those certain 5 foot PUE/DE's out of Lots 64 and 65 and being 673 square feet of land, being a portion of that certain 5 foot PUE/DE's out of Lot 64, described above and illustrated on survey, attached hereto and made a part of the 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.

IN WITNESS WHEREOF, GRA	ANTOR has caused this Release of Easement to be executed by ay of, 20/2
	Name : MGRENG. DESIGN
THE STATE OF TEXAS COUNTY OF TRAVIS	Title:
subscribed to the foregoing instrument a Company, a Missouri corporation, and a and considerations therein expressed in	as Manager, Engineering-Design of Southwestern Bell Telephone acknowledged to me that he/she executed the same for purposes in the capacity stated, and as the act and deed of said corporation. of office this the
AND STATE OF THE PROPERTY OF THE PROPERTY OF THE STATE OF	My Commission Expires 20 Manual 20 141

Notary Public, St. of Tely Commil Ion Expire

#### PARTIAL RELEASE OF EASEMENT



#### **COUNTY OF Travis**

That for a good and valuable consideration, receipt of which is hereby acknowledged, Bluebonnet Electric Cooperative, Inc., has abandoned, released, and discharged, and by these presents does hereby abandon, release, and discharge those certain five foot (5') easements located on Lots 64 and 65, as shaded on drawing, (drawing attached and made a part hereof), of the herein described property granted as a Public Utility Easement, by Kingsberry Park, a subdivision as recorded in an instrument dated November 20, 1967, recorded in Volume 37, Page 9, Deed records of Travis County, Texas, insofar as it covers the following described property, to-wit:

Section 1, Block A, Lots 64 and 65, Kingsberry Park, a subdivision in <u>Travis</u> County, Texas, according to the map or plat thereof, recorded in Plat Book 37, Page 9, Plat Records of <u>Travis</u> County, Texas, to which reference is hereby made for all purposes.

But, it is expressly agreed and understood this is a specific release of the described easement parts and that the same shall in no wise release, affect, or impair the remaining parts of the easement and that the same shall in no wise release, affect or impair additional existing easements on said property.

EXECUTED on this the 21st day of August, 2012

BLUEBONNET ELECTRIC COOPERATIVE, INC.

3Y:\_\_\_\_

Byron Wren

Supervisor, Engineering Processes

STATE OF TEXAS

COUNTY OF LEE

This instrument was acknowledged before me on this the 21st day of August, 2012, by Byron Wren, Engineering Processes Supervisor of Bluebonnet Electric Cooperative, Inc., a Texas corporation.

Jason Kasmiersky

Notary Public – State of Texas

Bluebonnet Electric Cooperative

P.O. Box 729 Bastrop, Texas 78602 tel: 888-622-2583 fax. 512-321-1482



### MANVILLE WATER SUPPLY CORPORATION

P. O. Box 248 Coupland, TX 78615 (512)856-2488 • (888) 856-2488 (512) 856 -2029(fax) • (888) 856-2242(fax)

March 18, 2013

Ms. Anna Boling, P.E. Director Travis County Transportation and Natural Resources Executive Office Building P. O. Box 1748 Austin, Texas 78767

Re: Manville Water Supply Corporation
Approval to Vacate Public Utility Easements
Kingsbury Park Subdivision
2 Lots (64 & 65) at 20707 Postoak Parkway

Manor, Texas 78653

Dear Ms. Boling,

Manville Water Supply Corporation has no need for the retention of the side lot easements at 20717 Postoak Parkway, Manor, Texas as particular described on attached survey.

Manville Water Supply Corporation approves the vacating of these referenced easements, but specifically retains the front and rear lot line easements.

Sincerely,

Tony Graf

General Manager

Cc: Jose Ramirez & Carolina Tamayo 20707 Post Oak Parkway Manor, Texas 78653

