# Item 8



# **Travis County Commissioners Court Agenda Request**

Meeting Date: June 11, 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 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 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 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:

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
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### CC:

Stacey Scheffel	Program Manager	TNR - Permits	854-7565

### SM:AB:ps

1101 - Development Services Long Range Planning - Apache Shores, 1<sup>st</sup> 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 "\_\_\_\_"

### 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:

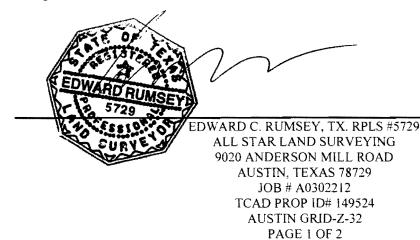
THENCE South 22 degrees 50 minutes 17 seconds West, continuing through said Lot 851, along the easterly line of said easement, 154.05 feet to a point in said line, for the southeast corner hereof:

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:

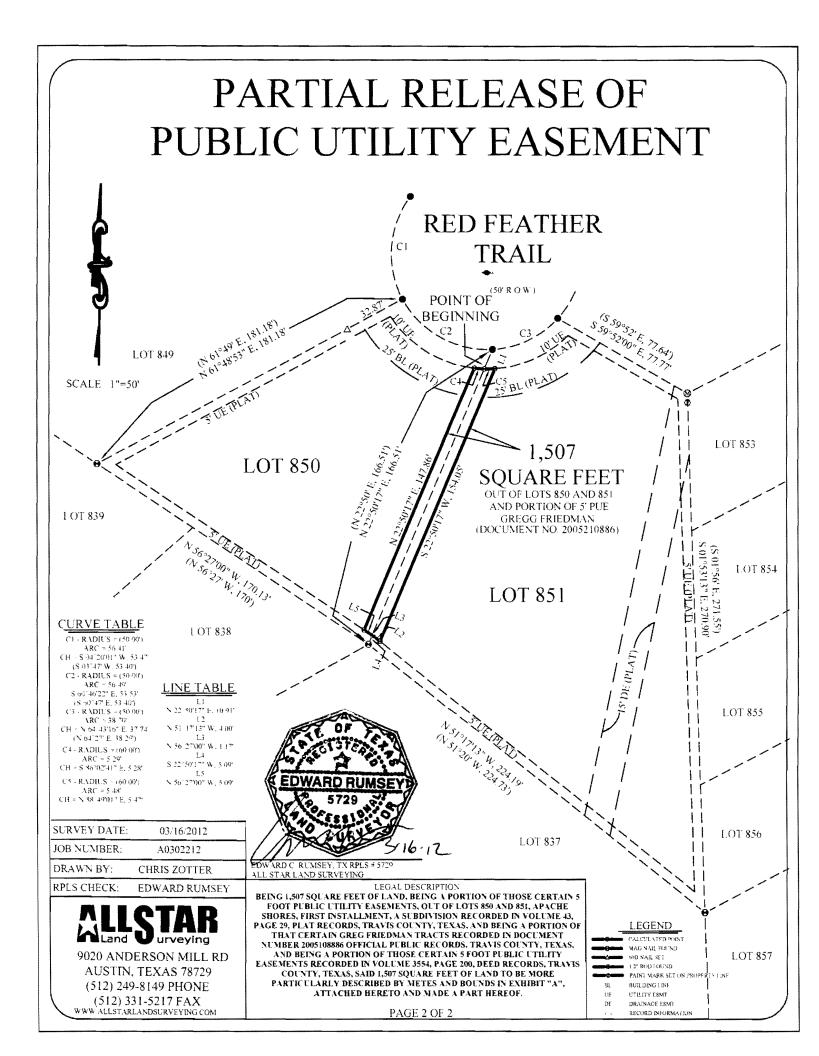
THENCE North 56 degrees 27 minutes 00 seconds West, through said Lot 850 and said easement. 5.09 feet to a point in the westerly line of said easement, for the southwest corner hereof:

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



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 <u>3ra</u> day of <u>APRIL</u>, 2012

SOUTHWESTERN BELL TELEPHONE COMPANY Name :

Title: \_ MGR. ENGINEERING DESIGN

THE STATE OF TEXAS COUNTY OF TRAVIS

BEFORE ME, the undersigned authority, on this day personally

MARK SERDA \_\_\_\_\_, known to me to be the person whose name is appeared\_\_\_\_ 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 3pd day of APRIL 20 / Z.

REBECCA K. HOGUE lotary Public, State of Texas My Commission Expires January 16, 2013

Notary Public in and for the State of TEXAS M) Commission Expires Yun. 14, 2013



### STATE OF TEXAS COUNTY OF TRAVIS

### **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.

u Schumper

Laurie Schumpert, Senfor Designer Time Warner Cable

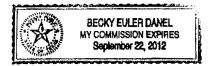
**BEFORE** ME, the undersigned authority, on this day personally appeared Laurie Schumpert, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purpose and consideration therein expressed, as the act and deed for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

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

Becky Euler Danel

Notary Public, State of Texas

My commission expires: September 22,2012





Sec.2

### 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 14329 + 14329 Gea Fea the Travis (address) and/or (address) and/or 75734 Lot 850+851ApacheShoreS (legal description) and as described on the enclosed drawing or document. An action of the Commissioners' Court of Austin,-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.

gnature Debrah S. Gernes

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

General Manager				
Title				
TRAVIS COUNTY WOID	17			
Utility Company or Distric 3/32/20/2				
Date				

Printed Name

Please return this completed form to:

GREGG FRIEDMAN					
Name 4701	MONTERREY OAKS BLVO # 1233				
Address	NTEXAS 78749				
City/Stat CEI	pH 786-1051				



### TRANSPORTATION AND NATURAL RESOURCES

STRYEN 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 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**

- X 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 Services

Ano

Austin Energy Utility Company or District March 27, 2012

Date

Gregg Friedman

Name

4701 Monterey Oaks Blvd., #1233

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AU	.S (	111	, LA	1	87	49	<u>, </u>

City/State/Zip

cc: greggintexas@yahoo.com

Please return this completed form to:



Seco

#### 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 14324 + 14337364 Featbeet Travis (address) and/or 73734 Lot 850+851A packet on ore (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 Links F, PE Printed Name Engineer TIL Title Texas Gas & Mile. Utility Company or District <u>3/27/(0)2</u> Date

Please return this completed form to:

Name

Address

City/State/Zip



TRANSPORTATION AND NATURAL RESOURCES

<u>Steven M. Manilla, P.E., County Executive</u> 700 Lavaca Street – 5<sup>th</sup> 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

A Public Notice of Vacation sign for two five foot wide public utility easements was posted on <u>May</u> <u>20</u>, 2013, along the <u>southerly ROW line of the cul-de-sac of Red</u> <u>Feather Trail at the common lot line of Lots 850 and 851 of Apache Shores, First Installment</u> at a point as near as practical to the area being vacated, and was also posted at the Travis County Courthouse.

CERTIFIED THIS THE _	20	DAY OF _	Mai	1	, 2013.
	NAI	NATURE: ME (PRINT): LE: <u>TIVR / R</u>	Jaime	Garcia Garcia penvisor	

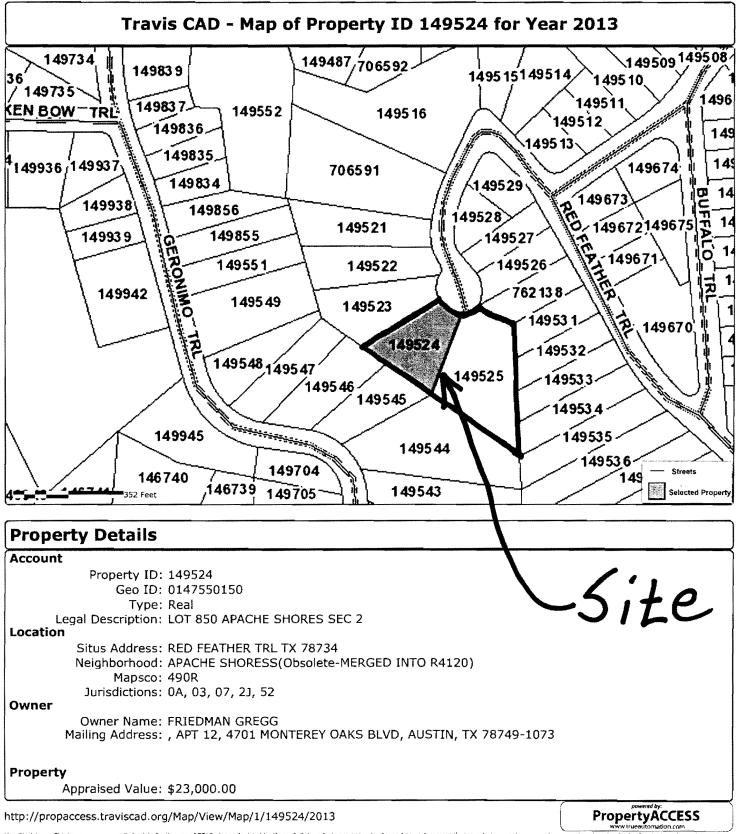
cc: Garcia (sign shop)

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8336-753 TRAD NOLLYANG INFERIOR LOS NUSAN (2002 2003 2020) EEPILS TOXTAVE DOOL NOOLLEMOD SLENDISSIALOO Annoo savale hand FEREN BND DE NINOISIAIDAINS 7 - ANEMERIAISMI ISHE SENOIS THOMAN IO 193 COMPONITOU TIME OF FORS 820 VAD THE SHOLA GETAOOL SINEMERAT ENTEROOF MIDE BUBLIC UTILITY OWT TO NOTADAY THE VACATION OF TWO NOTAJAY ENSEMENT VACATION MA 00.6 TA Elos IT ENDE CHEYBINC 

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roposed Site Plan

# PARTIAL RELEASE OF UTILITY EASEMENT PUBLIC

