



Item C6

Travis County Commissioners Court Agenda Request

Meeting Date: July 2, 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, July 23, 2013 to receive comments regarding a request to authorize the filing of an instrument to vacate several three foot wide public utility easements located along the common lot lines of Lots 61, 62, and 63 of Edgewater Beach, Section 2 – Precinct Three.

BACKGROUND/SUMMARY OF REQUEST:

TNR staff has received a request to authorize the filing of an instrument to vacate several three foot wide public utility easements (PUEs) located along the common lot lines of Lots 61, 62, and 63 of Edgewater Beach, Section 2. The easements are dedicated per plat note. The subject lots front on sections of Overlook Circle, Timberline Drive, and Crawfish Lane. All three streets are 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 existing home encroaches in the subject easements. To re-finance the home and property, these encroachments need to be remedied. Vacating the subject easements will allow the property owner to move forward with their re-financing plans.

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	512-854-7561

CC:

Stacey Scheffel	Program Manager	TNR - Permits	512-854-7565

SM:AB:ps

1101 - Development Services Long Range Planning - Edgewater Beach, Section 2

ORDER OF VACATION

STATE OF TEXAS §

COUNTY OF TRAVIS §

WHEREAS, the property owner requests the vacation of several three foot wide public utility easements located along the common lot lines of Lots 61, 62, and 63 of Edgewater Beach, Section 2 as recorded at Book 9, Page 93 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 July 23, 2013 to consider the proposed action; and

NOW, THEREFORE, by unanimous vote, the Commissioners Court of Travis County, Texas, orders that the several three foot wide public utility easements located along the common lot lines of Lots 61, 62, and 63 of Edgewater Beach, Section 2, 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 BRUCE TODD
PRECINCT TWO

COMMISSIONER GERALD DAUGHERTY
PRECINCT THREE

COMMISSIONER MARGARET GOMEZ
PRECINCT FOUR

BEING A 2310 SQUARE FOOT TRACT OF LAND, MORE OR LESS, OUT OF THE BEATY, SEALE & FORWOOD SURVEY NO. 42. AND KNOWN AS LOT 61, LOT 62 & LOT 63, EDGEWATER BEACH, SECTION 2, A SUBDIVISION OF RECORD IN VOLUME 9, PAGE 93 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS CONVEYED TO WILLIAM C. ALEXANDER IN DEED BOOK 13335 PAGE 1537, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS AND BEING A PORTION OF A 3.0 FOOT PUBLIC UTILITY EASEMENT (P.U.E.) CREATED BY SAID EDGEWATER BEACH, SECTION 2 SUBDIVISION; SAID 2310 SQUARE FEET OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a ½" rebar found in the southwest intersection of Crawfish Lane and Timberline Drive, as shown on the aforementioned Edgewater Beach Section 2 plat, and along the south right of way of Timberline Drive, N 83°21'35"W a distance of 96.98 feet; from which a ½" rebar bears N 83°21'35" W, a distance of 3.00 feet, said rebar begin the north west corner of Lot 61 and the north east corner of lot 62 of said Edgewater Beach, Section 2 subdivision, for the **PLACE OF BEGINNING**,

THENCE, departing said Timberline Drive and crossing Lot 61 of said Edgewater Beach, Section 2 subdivision, S 06°22'21" W, a distance of 238.11 feet to a point, said point being located in the south line of said Lot 61, and said point being located in the north common line of a parcel of land known as Tract 2, as recorded in Document No. 2002020606, Official Public Records of Travis County, Texas,

THENCE, along and with the common line of the aforementioned Lot 61 and Tract 2, passing a ½" rebar at 3.20 feet, for the southwest corner of Lot 61 and being the southeast corner of Lot 63 of said Edgewater Beach Section 2 subdivision, N66°39'18"W, a total distance of 6.29 feet to a point,

THENCE, departing the north line of Tract 2 and crossing Lot 63 of said Edgewater Beach Section 2 subdivision, the following two (2) courses;

- 1.) N 06°22'21" E, a distance of 134.17 feet to a point,
- 2.) N 54°48'40" West, a distance of 148.78 feet to a point, said point being located in the east right of way of Overlook Circle, from which a ½" rebar was found at the northwestern corner of Lot 63 and the northeastern corner of Lot 64 of said Edgewater Beach Section 2, which bears S 48°20'12" W, a distance of 56.92 feet;

PG. 2 OF 3

THENCE, along the eastern right of way of Overlook Circle, N 48°20'12" E, a distance of 3.06 feet to a ½ " rebar found, said point being the northeast corner of Lot 63 and the northwest corner of Lot 62, of the aforementioned Edgewater Beach Section 2 subdivision,

THENCE, continuing along the eastern right of way of Overlook Circle, N 39°20'03" E, a distance of 3.01 feet to a point,

THENCE, departing the eastern right of way of Overlook Circle, and crossing Lot 62 of the aforementioned Edgewater Beach Section 2 subdivision, the following two (2) courses,


A) S 54°48'40" E, a distance of 144.56 feet to a point,

B) N 06°22'21" E, a distance of 97.47 feet to a point, said point being located in the south right of way of Timberline Drive, from which a ½" rebar was found at the south east intersection of Timberline Drive and Overlook Circle, said rebar being the northern corner of said Lot 62, which bears N 47°24'23" W, a distance of 91.30 feet,

THENCE, along the south right of way of Timberline Drive and the north line of Lot 62, S 47°24'23" E, a distance of 3.72 feet to an ½" rebar found, said point being the northeastern corner of said Lot 62 and the north western corner of Lot 61 of said Edgewater Beach, Section 2 subdivision,

THENCE, along the south right of way of Timberline Drive and the north line of the aforementioned Lot 61, S 83°21'35" E, a distance of 3.00 feet to the **PLACE OF BEGINNING** hereof and containing 2310 square feet of land, more or less.

THIS DESCRIPTION TO BE USED WITH THE ATTACHED SKETCH ONLY.


JOHN D. WILEY, JR., R.P.L.S. 5928
B & G SURVEYING, INC.
1404 W. NORTH LOOP BLVD.
AUSTIN, TEXAS 78756
(512) 458-6969, FAX: (512) 458-1129



6/5/13
DATE

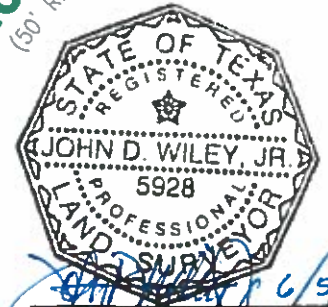
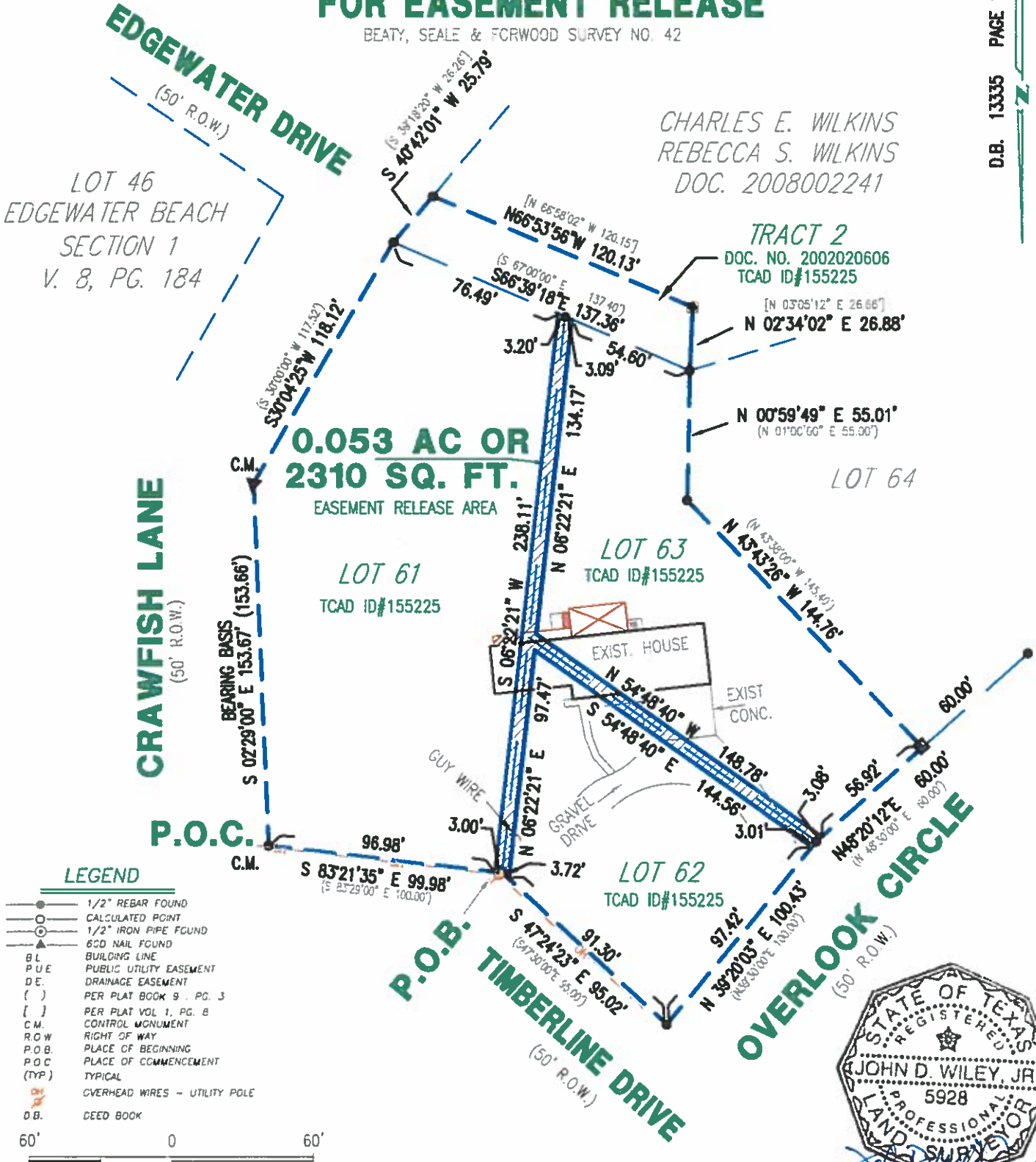
B0409813_er_legal
TCAD Parcel ID: 155225
<http://www.bandgsurvey.com>

SKETCH TO ACCOMPANY FIELD NOTES FOR EASEMENT RELEASE

BEATY, SEALE & FORWOOD SURVEY NO. 42

D.B. 13335 PAGE 1537

CHARLES E. WILKINS
REBECCA S. WILKINS
DOC. 2008002241



JOHN D. WILEY, JR. DATE 6/5/13
TEXAS R.P.L.S. # 5928

I, JOHN D. WILEY, JR. LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF TEXAS HEREBY CERTIFY THAT THE FOREGOING METES AND BOUNDS LEGAL DESCRIPTION AND SKETCH WERE BASED ON AN ON THE GROUND SURVEY, THAT ALL PROTRUSIONS AND ENCROACHMENTS INTO THE EASEMENT AREA ARE ACCOUNTED FOR INCLUDING BUT NOT LIMITED TO BUILDING FOOTPRINT, EAVES AND ROOF OVERHANGS AND ALL VISIBLE IMPROVEMENTS WHATSOEVER

EXHIBIT 'B'
SHEET NO: 3 OF 3

JOB #: B0409813_ER
DATE: 06/05/13
SCALE: 1" = 60'



B & G SURVEYING, INC.
DEWEY H. BURRIS & ASSOCIATES, INC.
Surveyed by: B & G Surveying, Inc.

WWW.BANDGSURVEY.COM
1404 West North Loop Blvd, Austin, Texas 78756
Office 512*458-6969, Fax 512*458-9845

June 6, 2013

TO:

Mr. Paul Scoggins
TRANSPORTATION AND NATURAL RESOURCES
700 Lavaca Street
Travis County Administration Building
PO Box 1748
Austin, Texas 78767
(512) 854-9383
FAX (512) 854-4649

From:

William C. Alexander
1225 Overlook Circle
Spicewood, TX 78669
512-560-0774

Dear Mr. Scoggins,

I request that Travis County vacate the utility easements which are interior to my property located at 1225 Overlook Circle, Spicewood, TX, and consisting of lots 61, 62, and 63, on Plat recorded in Volume 9, Page 93, Plat Records, TCT. The easements requested to be released are along the westerly lot line of Lot 61; along the easterly lot line of Lot 62 and Lot 63; along the southerly lot line of Lot 62; and along the northerly lot line of Lot 63;

This request is being made so as to enable a title company to issue a full title policy on my property as required by the mortgage company that will refinance my house and property. The current easements encroach on my house, and are not needed by any utility, as they are interior to my property. Easements on the periphery of my property are to be left intact.

I have attached easement releases from all three utilities which are in my area – PEC, AT&T, and Time Warner. Our area has wells and septic, and is unincorporated, so we have no water or wastewater utilities.

Best Regards,



William C Alexander

RECEIVED
JUN 06 2013
TRAVIS COUNTY - TNR
PERMITS DEPARTMENT



SOUTHWESTERN BELL TELEPHONE COMPANY

RELEASE OF EASEMENT

THIS RELEASE OF EASEMENT, entered into by SOUTHWESTERN BELL TELEPHONE COMPANY, a Delaware corporation, GRANTOR, AND William C. Alexander, 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 61, 62 and 63, Edgewater Beach Section 2, Deed of record in Volume 13335, Page 01537, Property Records of Travis County, Texas

Said land of GRANTEE being subject to:

Easements recorded in Book 9, Page 93, Plat Records of Travis County, Texas,

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

The three foot (3') public utility easement, except guying easements, along the common property lines between Lots 61 and 62, Lots 62 and 63, and Lots 61 and 63, 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 17 day of May, 2013.

SOUTHWESTERN BELL TELEPHONE COMPANY

[Signature]

Name : Anthony Michetich

Title: Mgr. Desig. Plan & Engng Design

THE STATE OF TEXAS
COUNTY OF TRAVIS

BEFORE ME, the undersigned authority, on this day personally appeared ANTHONY MICHETICH, 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 17th day of MAY, 2013.

[Signature]
Notary Public in and for the State of TEXAS
My Commission Expires 03/20/2017



RELEASE OF EASEMENT

Chicago Title has the original, they are holding until closing

STATE OF TEXAS ∞
COUNTY OF TRAVIS ∞

KNOW ALL MEN BY THESE PRESENTS: *kim martinez 512-480-8353*

WHEREAS, the previous owner/developer of all lots in Edgewater Beach, Section Two, a subdivision in Travis County, Texas according to the map or plat thereof, heretofore granted a public utility easement and an electric easement to Pedernales Electric Cooperative, Inc., a corporation for utility purposes covering property situated within Edgewater Beach, Section Two, Travis County, Texas; and,

WHEREAS, said public utility easement referred to hereinabove includes and is comprised of all lots in Edgewater Beach, Section Two, as recorded in Volume 9, Page 93, of the Plat Records in Travis County, Texas, and an electric easement as recorded in Volume 2021, Page 523 of the Deed Records in Travis County, Texas; and,

WHEREAS, William C. Alexander as current owner of Lots 61, 62, and 63, Edgewater Beach, Section Two, desires that the said three foot (3') public utility easement and the two foot (2') electric easement along the common property lines between Lots 61 and 62, Lots 62 and 63, and Lots 61 and 63, Edgewater Beach, Section Two, Travis County, Texas, be abandoned and released in full, except guying easements; and,

WHEREAS, Pedernales Electric Cooperative, Inc. provides electric service to the aforementioned area and will continue to have an adequate easement to said property through the remaining public utility easement as granted in the plat and the electric easement granted by separate document as shown above;

NOW, THEREFORE, be it known that Pedernales Electric Cooperative, Inc., a corporation whose post office address is Johnson City, Texas, for and in consideration of One Dollar (\$1.00), does hereby release the three foot (3') public utility easement and the two foot (2') electric easement, except guying easements, along the common property lines between Lots 61 and 62, Lots 62 and 63, and Lots 61 and 63, Edgewater Beach, Section Two, Travis County, Texas, and referred to hereinabove.

EXECUTED: May 6, 2013

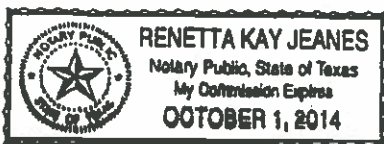
PEDERNALES ELECTRIC COOPERATIVE, INC.

BY: *[Signature]*
Nathan Burns
Director of District Operations

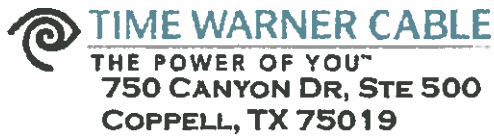
THE STATE OF TEXAS ∞
COUNTY OF BURNET ∞

BEFORE ME, the undersigned authority, on this day personally appeared Nathan Burns, Director of District Operations of Pedernales Electric Cooperative, Inc., a corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE May 6, 2013.



Renetta Kay Jeanes
Notary Public in and for the State of Texas



May 29, 2013

William and Jean Alexander
1225 Overlook Circle
Spicewood, TX 78669

SUBJECT: Abandonment of Easement for 1225 Overlook Circle, Spicewood TX, 78669.

We have reviewed your request for the above referenced Utility Easement, and Time Warner Cable (TWC) hereby grants a portion of the requested abandonment for 1225 Overlook Circle, Spicewood TX, 78669.

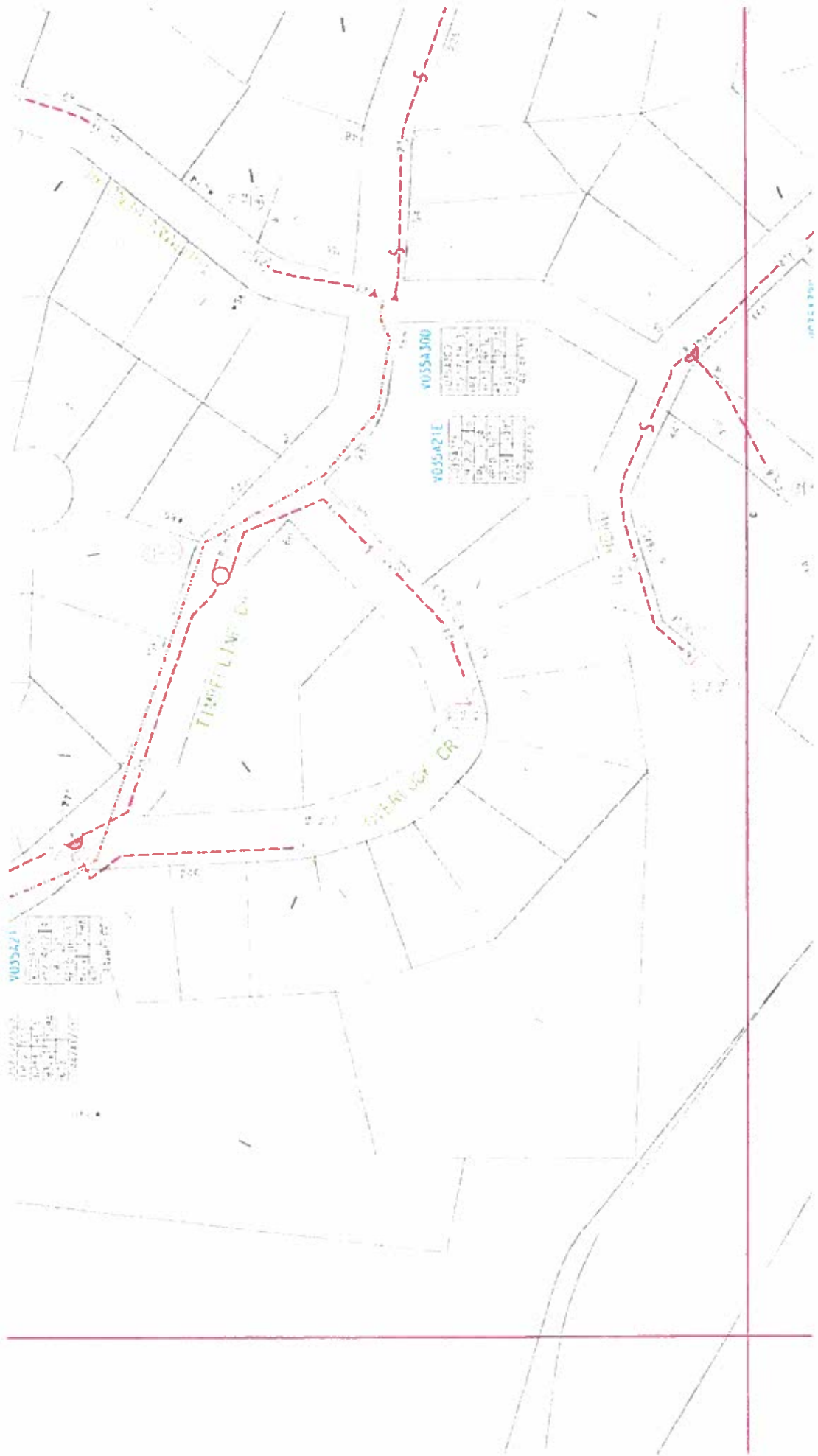
TWC retains the right of access to any remaining partial or full utility easements on the property for the purpose of future construction or maintenance of existing facilities.

If applicable, please contact the Texas Excavation Safety System (Texas811) to have facilities marked & located within affected easements before any excavations are started.

For future reference, please send all utility coordination, abandonments, encroachments, plat signatures, or serviceability requests, or notices of relocation to west-engineering-relo@twcable.com. Please share this information with whoever needs these services.

Sincerely,

Marty Morelan



PEDERNALES ELECTRIC COOPERATIVE, INC.

APPLICATION FOR EASEMENT RELEASE

Application is hereby made for the release of the following easement as described below:

The easement is on property legally described as:

Subdivision / Section: Edgewater Beach, Sec 2

Lot and Block No: 61, 62, 63

Plat book volume/page: Volume 9 Page 93, Plat Records, Travis Co

Street Address: 1225 Overlook Circle Spicewood, TX

Provide common description of the easement requested for release, indicating the amount of the easement to be released (provide a survey or plat of the area with the area to be released highlighted)

SEE ATTACHMENT "A" & "B"

Property Owner's Name: William C. Alexander and Jean Marie Alexander as Co Trustees of the William C. Alexander and Jean Marie Alexander Family Trust

Mailing Address: 1225 Overlook Circle Spicewood, TX 78669

Telephone No: () _____

(Note: If multiple owners are joining in this request, the complete names, addresses, and phone numbers on each must be attached.)

Proposed use of area to be released (describe):
residential structure built in the 1960's "encroaches" above easements as recited. Continued use of residential structure and desiring to remove encroachment

The undersigned Owner/Applicant/Agent understands that processing of this Easement Release Application will be handled in accordance with the procedure for request of Release of Easements. It is further understood that acceptance of this application does not obligate Pedernales Electric Cooperative, Inc. to release the subject area.

Signed by: _____

Dated: _____

FOR PEC USE ONLY:

APPROVED _____

DISAPPROVED _____

BY: _____

ATTACHMENT "A"

Release:

The 3' public utility easement (as set out on Plat recorded in Volume 9, Page 93, Plat Records, TCT) along the westerly lot line of Lot 61; along the easterly lot line of Lot 62 and Lot 63; along the southerly lot line of Lot 62; and along the northerly lot line of Lot 63;

AND

The 2' electric easement (as set in in Instrument recorded in Volume 2021, Page 523, Deed Records of TCT) along the westerly lot line of Lot 61; along the easterly lot line of Lot 62 and Lot 63; along the southerly lot line of Lot 62; and along the northerly lot line of Lot 63.



PEDERNALES ELECTRIC COOPERATIVE, INC.

APPLICATION FOR EASEMENT RELEASE

In order to process the release of an easement, it is necessary that you furnish us with the following items:

1. An application for Easement Release completed and signed by the Applicant.
2. A survey plat, if available, of the area being requested for release showing all property lines, improvements on the property, all easements contained on the property with special reference to the easement to be released.
3. If the easement being requested for release was dedicated and recorded by separated instrument, a copy of said instrument must also accompany the application. These documents are obtainable at the County Clerk's office in the respective county in which the document is recorded.
4. A cover letter may include specific information not included in the above, i.e. special circumstances or conditions such as closing dates which you believe will assist PEC staffs in the processing of the request.
5. A processing fee of \$300.00 must accompany application. Application fee is to be paid by all applicants, including government entities. This fee is non-refundable regardless of ultimate action by Pedernales Electric Cooperative, Inc.

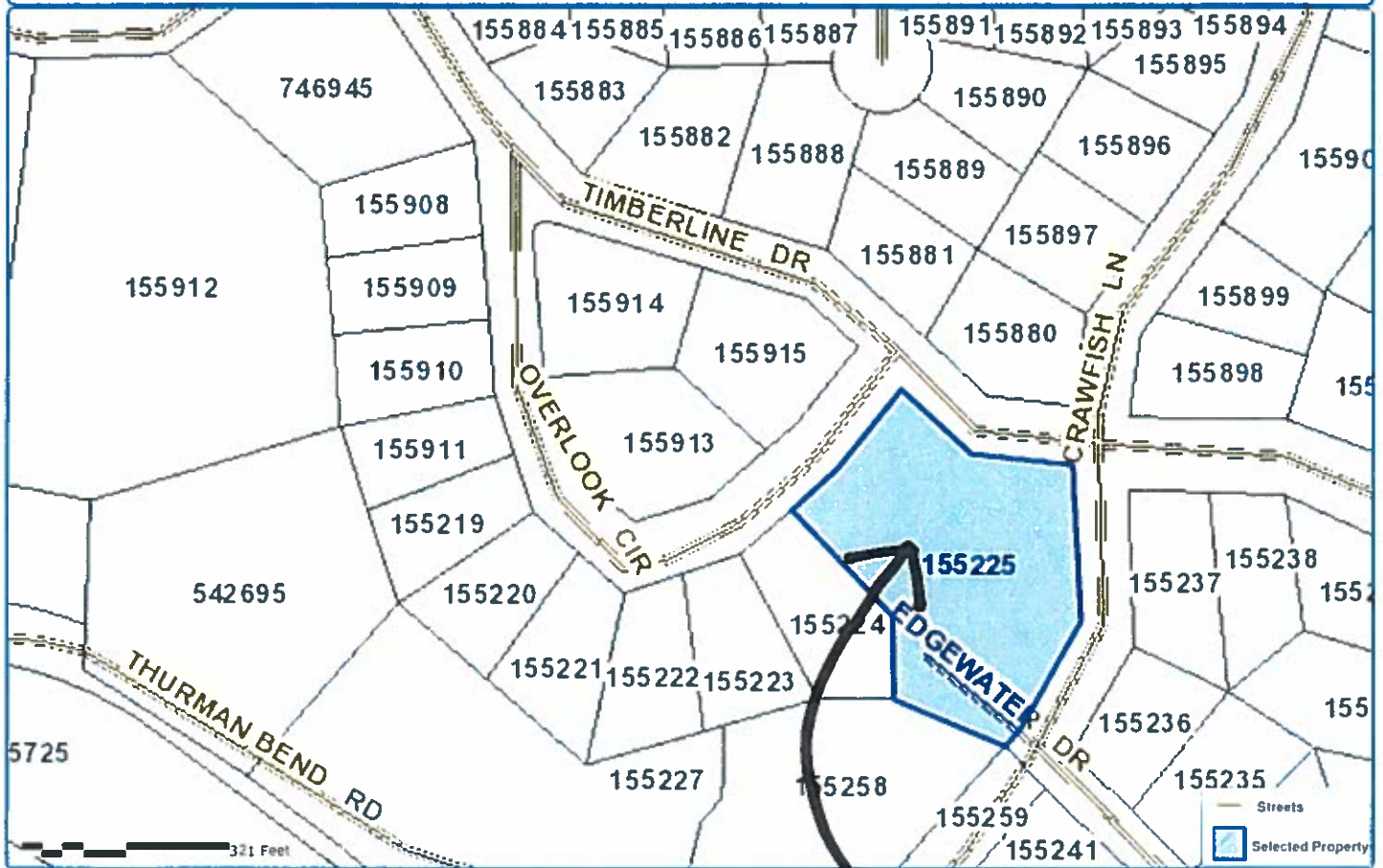
Upon receipt of the above items, your request will be researched. Assuming the release can be granted we will prepare the necessary documents. Please allow a minimum of 30 working days for processing.

If we are unable to grant your request we will contact you immediately. If you have any questions, please contact the District Engineering Supervisor at the office listed below or call toll free at (888) 554-4732.

Please submit your request and direct your questions to:

Pedernales Electric Cooperative
Engineering Department
P. O. Box 750
Marble Falls, Texas 78654

Travis CAD - Map of Property ID 155225 for Year 2013



Property Details

Account

Property ID: 155225
Geo ID: 0154830108
Type: Real

Legal Description: LOT 61-63 EDGEWATER BEACH SEC 2 PLUS .074AC OF VAC STR

Location

Situs Address: 1225 OVERLOOK CIR TX 78669
Neighborhood: Q3000
Mapsc0: 458Z
Jurisdictions: 0A, 03, 07, 2J, 77

Owner

Owner Name: ALEXANDER WILLIAM C
Mailing Address: , 1225 OVERLOOK CIR, , SPICEWOOD, TX 78669-1701

Property

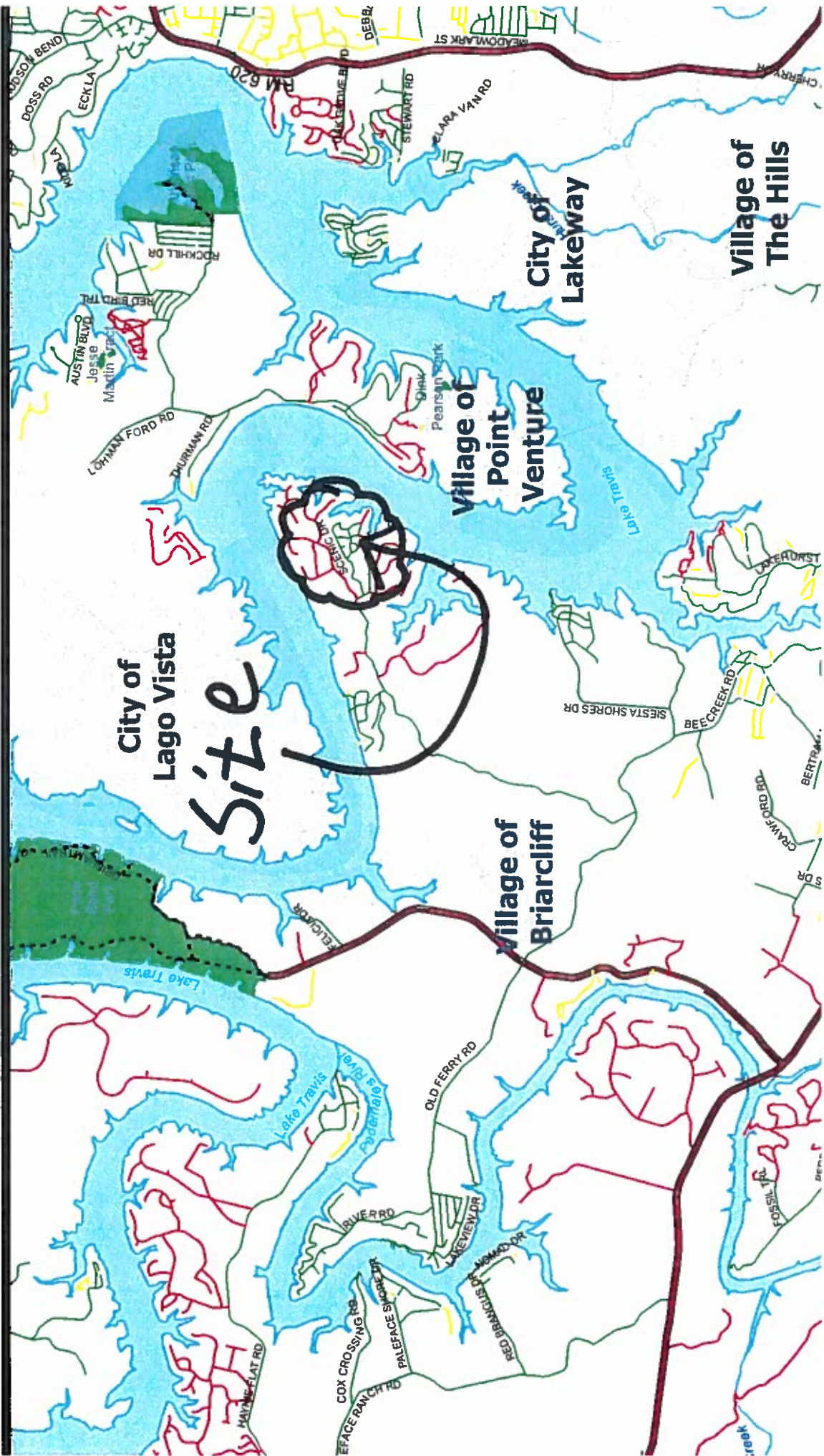
Appraised Value: \$142,525.00

Site

<http://propaccess.traviscad.org/Map/View/Map/1/155225/2013>

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.



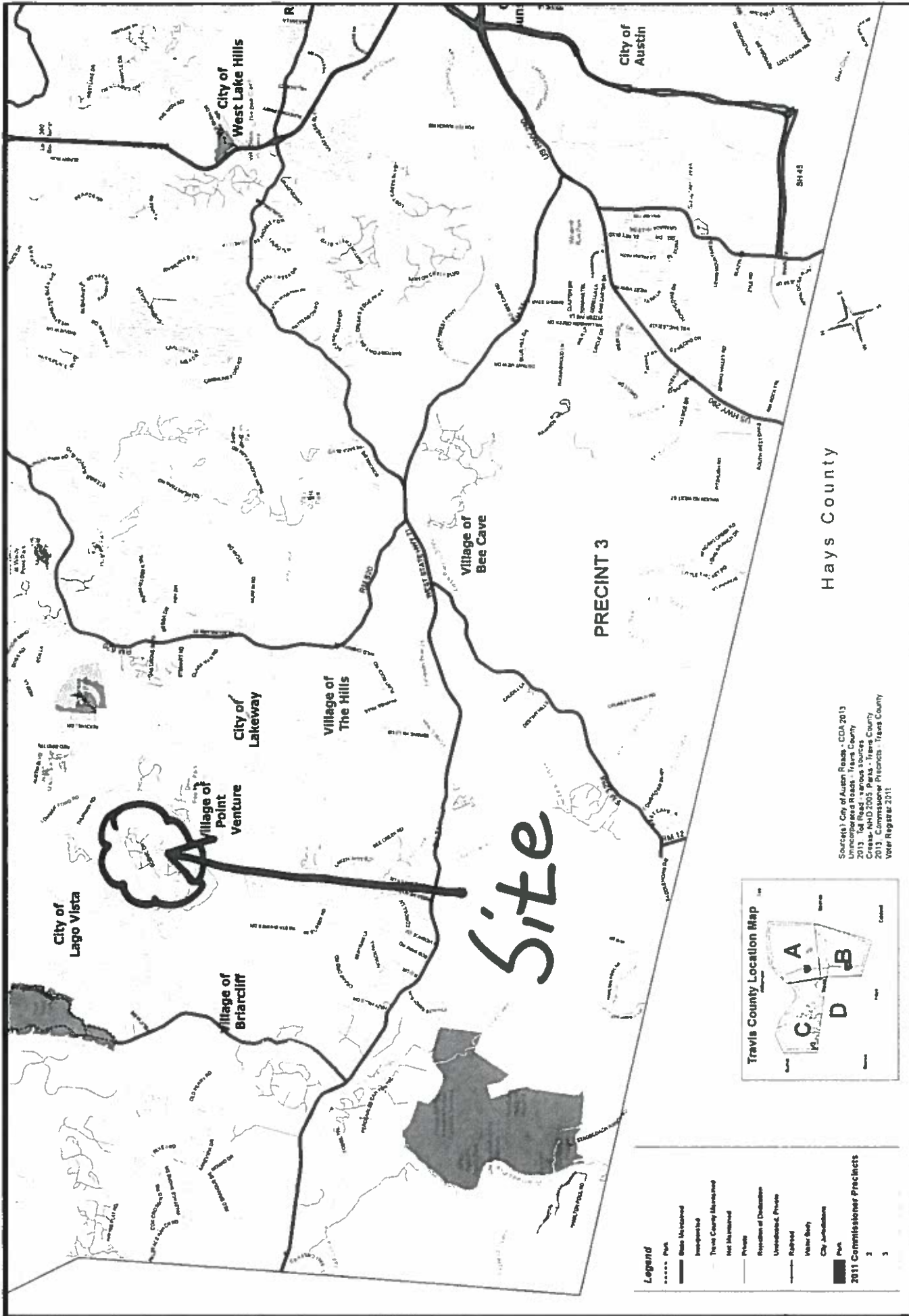
**City of
Lago Vista
Site**

**Village of
Point
Venture**

**Village of
Briarcliff**

**City of
Lakeway**

**Village of
The Hills**

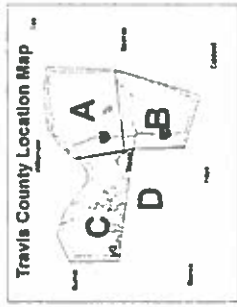


Map Prepared by: Travis County
 Dept. of Transportation & Public
 Resources Date: 5/27/2013



Travis County Roadways, Map D

Sources: City of Austin Road - CDA 2013
 Travis County GIS Data
 2013 Tol Road various sources
 Census: NHD2005 Points - Travis County
 2013 Commissioner Precincts - Travis County
 Voter Register 2011



Legend

- Park
- State Maintained
- Traveled
- Travis County Maintained
- Not Maintained
- Private
- Recreation of Distinctive
- Unimproved, Private
- Railroad
- Water Body
- City Jurisdiction

2011 Commissioner Precincts

- Precinct 1
- Precinct 2
- Precinct 3

The product is for informational purposes and may not have been prepared for or suitable for legal engineering or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Travis County has produced this product for reference purposes only and offers no warranties for the product's accuracy or completeness.