



Travis County Commissioners Court Agenda Request

Meeting Date: July 16, 2013

Prepared By: Paul Scoggins **Phone #:** 854-7619

Division Director/Manager: Anna Bowlin, Division Director of Development Services and Long Range Planning

Carol B. Jorgensen
Department Head: Steven M. Manilla, P.E., County Executive-TNR

Sponsoring Court Member: Commissioner Gomez, Precinct Four

AGENDA LANGUAGE: Approve setting a public hearing on Tuesday, August 6, 2013 to receive comments regarding a request to authorize the filing of an instrument to vacate a 2.079 acre section of right-of-way known as Moores Crossing Boulevard – Precinct Four.

BACKGROUND/SUMMARY OF REQUEST:

TNR staff has received a request to authorize the filing of an instrument to vacate a 2.079 acre section of Moores Crossing Boulevard as dedicated in Volume 10467, Page 982. This section of Moores Crossing Boulevard is not maintained by Travis County. Vacating this section of right-of-way (ROW) terminates its existence.

The utility companies operating in the area have stated they have no objection to vacating the subject section of Moores Crossing Boulevard. Staff foresees no opposition to this request. However, should staff receive any inquiries from adjacent property owners as a result of the public notification process, an addendum to this back up memorandum will be provided to the Court prior to the public hearing.

STAFF RECOMMENDATIONS:

The request has been reviewed by TNR staff and staff finds the request meets all Travis County standards. The City of Austin has given its approval. 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 the property owner to relocate a new 70' wide ROW in a manner that is more suitable for the development of the remaining acreage.

FISCAL IMPACT AND SOURCE OF FUNDING:

None.

ATTACHMENTS/EXHIBITS:

Order of Vacation
Field Notes
Request Letter
Original Dedication
Utility Statements
City of Austin Sign-off
Maps

REQUIRED AUTHORIZATIONS:

Cynthia McDonald	Financial Manager	TNR	(512) 854-4239
Steve Manilla	County Executive	TNR	(512) 854-9429
Anna Bowlin	Division Director	Development Services & Long Range Planning	(512) 854-7561

CC:

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

SM:AB:ps

1101 - Development Services Long Range Planning - Moores Crossing Boulevard

ORDER OF VACATION

STATE OF TEXAS §

COUNTY OF TRAVIS §

WHEREAS, the property owner requests the vacation of a 2.079 acre section of Moores Crossing Boulevard as dedication in Volume 10467, Page 982 of the Travis County Official Public Records;

WHEREAS, the utility companies known to be operating in the area have indicated that they have no objection to the vacation of this section of right-of-way as described in the attached field notes and sketches;

WHEREAS, the Travis County Transportation and Natural Resources Department recommends the vacation of this section of right-of-way as described in the attached field notes and sketches;

WHEREAS, the required public notice was posted and the Travis County Commissioners Court held a public hearing on August 6, 2013 to consider the proposed action; and

NOW, THEREFORE, by unanimous vote, the Commissioners Court of Travis County, Texas, orders that a 2.079 acre section of Moores Crossing Boulevard as dedicated in Volume 10467, Page 982, as shown on the attached sketches and described in the attached field notes, is 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



MACIAS & ASSOCIATES, L.P.
LAND SURVEYORS

EXHIBIT " B "

APRIL 6, 2012

LEGAL DESCRIPTION

DESCRIPTION OF A 2.079-ACRE (90,554 SQUARE FOOT) TRACT OF LAND OUT OF THE NOEL M. BAIN SURVEY NO. 1, ABSTRACT NO. 61, IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THE CALLED 70-FOOT WIDE RIGHT-OF-WAY (KNOWN AS MOORE'S CROSSING BOULEVARD) DEDICATED IN VOLUME 10467, PAGE 982 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 2.079 ACRE TRACT AS SHOWN ON THE ACCOMPANYING SKETCH AND DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING FOR REFERENCE on a ½-inch diameter iron rod with a plastic cap stamped "Macias & Assoc." found in the easterly right-of-way line of the above-mentioned 70-foot wide right-of-way known as Moore's Crossing Boulevard, being the southwest corner of a called 4.01-acre tract of land conveyed to the City of Austin in Document No. 2003100667 of the Official Public Records of Travis County, Texas, same being the northwest corner of a called 51.995-acre tract of land conveyed to SR Development, Inc. in Volume 12983, Page 702 of the Real Property Records of said County; **THENCE** with said easterly right-of-way line of Moore's Crossing Boulevard, same being the westerly boundary line of said 51.995-acre tract, S39°27'55"W a distance of 20.00 feet to a ½-inch diameter iron rod with a plastic cap stamped "Macias & Assoc." set having Texas State Plane Grid Coordinate (Central Zone-4203, NAD83(CORS), U.S. Survey Feet,) values of N=10,031,504.87, E=3,143,818.34, for the northeast corner and **POINT OF BEGINNING** of this tract;

THENCE with said easterly right-of-way line of Moore's Crossing Boulevard, same being said westerly boundary line of the 51.995-acre tract, the following three (3) courses and distances:

- 1) S39°27'55"W for a distance of 325.10 feet to a ½-inch diameter iron rod found on the point of curvature of a curve to the left;
- 2) with the arc of said curve to the left having radius of 1,785.00 feet, an arc length of 374.28 feet, a delta angle of 12°00'50", and a chord which bears S33°21'40"W for a distance of 373.60 feet to a ½-inch diameter iron rod found on a point of tangency;
- 3) S27°22'57"W for a distance of 586.88 feet to a ½-inch diameter iron rod found on the southeast corner of said 70-foot wide right-of-way of Moore's Crossing Boulevard, same being the southwest corner of said 51.995-acre tract, being also in the northerly boundary line of a called 18.909-acre tract of land conveyed to TSWG 130, LLC, described as Part 2, in Document No. 2008010971 of said Official Public Records, from which a ½-inch diameter iron rod with a plastic cap

stamped "Macias & Assoc." found on an angle point in the southerly boundary line of said 51.995-acre tract, same being the northeast corner of said 18.909-acre tract, bears S62°35'45"E a distance of 342.86 feet;

THENCE with the southerly right-of-way line of said 70-foot right-of-way of Moore's Crossing Boulevard, same being the northerly boundary line of said 18.909-acre tract, N62°35'45"W for a distance of 70.00 feet to a ½-inch diameter iron rod with a plastic cap stamped "Macias & Assoc." set for the southwest corner of said Moore's Crossing Boulevard right-of-way and southwest corner of this tract, from which a 5/8-inch diameter iron rod with and aluminum cap stamped "TEXAS DEPT OF TRAN" found in the easterly right-of-way line of Texas State Highway 130, same being the northwest corner of said 18.909-acre tract, being also the southwest corner of a called 22.800-acre tract of land conveyed to M. C. Joint Venture in Document No. 2009193716 of said Official Public Records, bears N62°35'45"W a distance of 83.63 feet;

THENCE departing said northerly boundary line of the 18.909-acre tract, with the westerly right-of-way line of said 70-foot wide Moore's Crossing Boulevard, same being the easterly boundary line of said 22.800-acre tract, the following three (3) courses and distances:

- 1) N27°22'57"E for a distance of 586.82 feet to a ½-inch diameter iron rod with a plastic cap stamped "Macias & Assoc." set for the point of curvature of a curve to the right;
- 2) with the arc of said curve to the right having radius of 1,855.00 feet, an arc length of 388.96 feet, a delta angle of 12°00'50", and a chord which bears N33°21'40"E for a distance of 388.25 feet to a ½-inch diameter iron rod with a plastic cap stamped "Macias & Assoc." set for a point of tangency;
- 3) N39°27'55"E for a distance of 325.22 feet to a ½-inch diameter iron rod with a plastic cap stamped "Macias & Assoc." set for the northwest corner of this tract;

THENCE departing said easterly boundary line of the 22.800-acre tract, through the interior of said 70-foot wide right-of-way of Moore's Crossing Boulevard, S50°32'05"E for a distance of 70.00 feet to the **POINT OF BEGINNING** and containing 2.079 acres (90,554 square feet) of land;

BEARING BASIS NOTE

All bearings described herein are based upon the Texas State Plane Coordinates System, NAD 83 (1986) Central Zone. All distances shown hereon are surface distances. Surface adjustment scale factor being 1.00011.

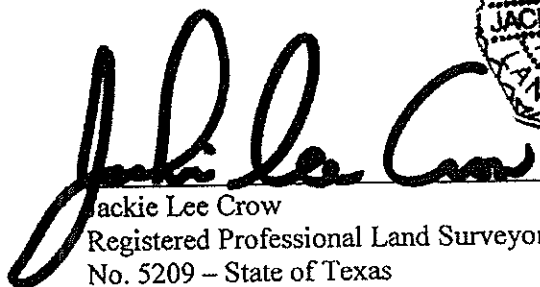
THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

KNOW ALL MEN BY THESE PRESENTS:

That I, Jackie Lee Crow, a Registered Professional Land Surveyor, do hereby state that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, this 6th day of April, 2012, A.D.

Macias & Associates, L.P.
5410 South 1st Street
Austin, Texas 78745
512-442-7875


Jackie Lee Crow
Registered Professional Land Surveyor
No. 5209 – State of Texas

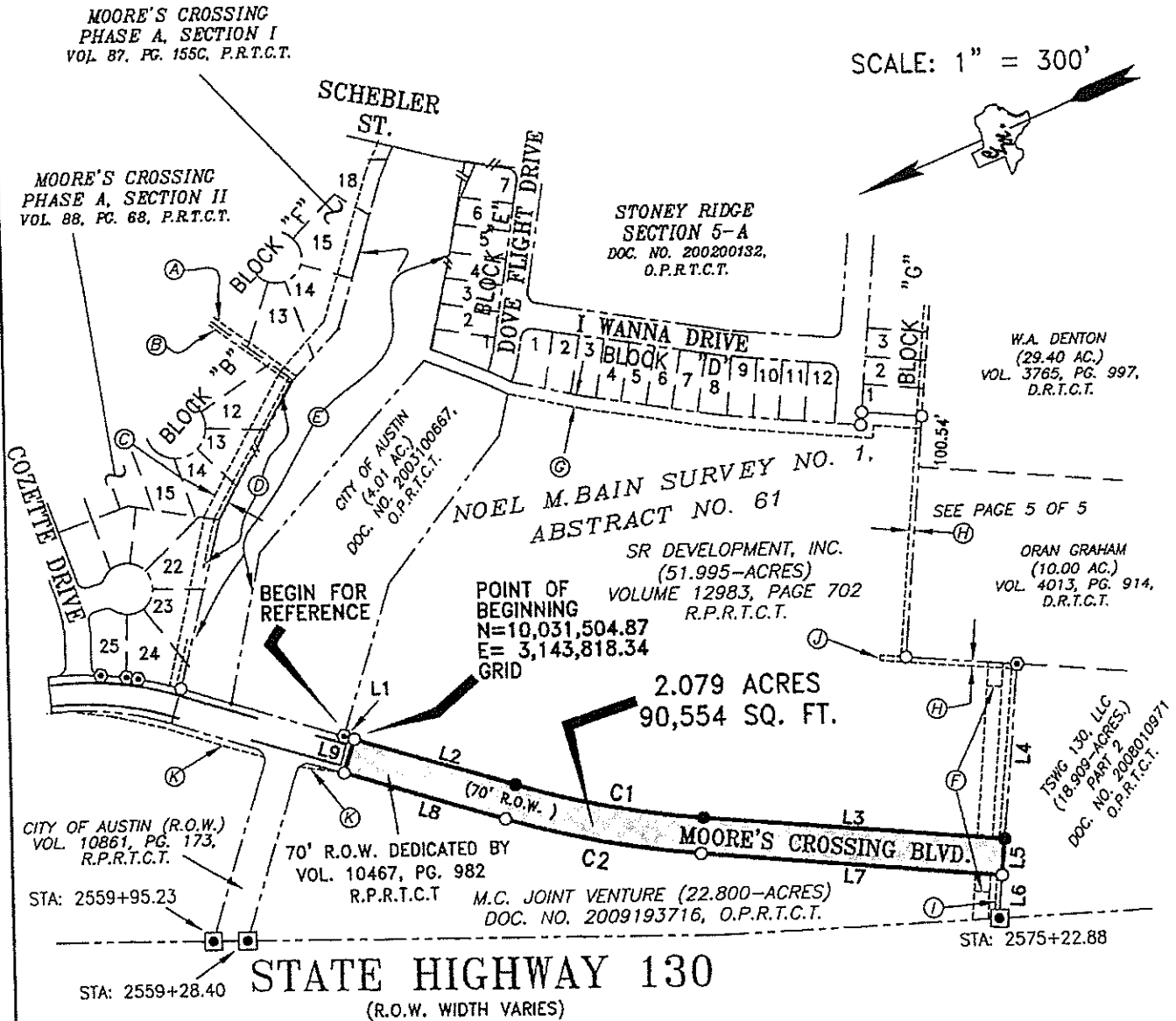


REFERENCES

MAPSCO 677-X & 707-B, Austin Grid No. N-13, N-12
MACIAS & ASSOCIATES, L.P., PROJECT NO. 420-11-12

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

SCALE: 1" = 300'



STATE OF TEXAS }
COUNTY OF TRAVIS }

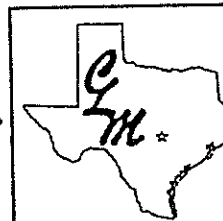
I HEREBY CERTIFY THAT THIS SKETCH WAS PREPARED FROM THE RESULTS OF AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

MACIAS & ASSOCIATES, L.P.

PAGE 4 OF 5

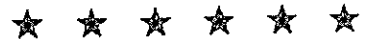
Job No.: 420-11-12
Scale: 1" = 300'
Date: 4-6-2012
Field Book: 607, Page 49
Drawn by: J.L.C.
Checked by: J.L.C.

Jackie Lee Crow 4/6/2012
DATE
JACKIE LEE CROW
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5209



MACIAS & ASSOCIATES, L.P.

LAND SURVEYORS



5410 SOUTH 1ST STREET
AUSTIN, TEXAS 78745

PH. (512)442-7875 FAX (512)442-7876
WWW.MACIASWORLD.COM

March 31, 2012

Re: Vacation of Moores Crossing Boulevard ROW and Easement

To Whom It May Concern:

MC Joint Venture, record owner of tax parcel TCAD No. 03-3931-0140 as shown of the attached Exhibit A, do hereby request the vacation of 2.079 acre of the Moores Crossing Boulevard ROW and Easement, as shown in on attached Exhibit B, both exhibits being prepared by Macias and Associates.



William Geo. Gurasich
General Partner and Manager
Moores Crossing Joint Venture a.k.a
M C Joint Venture
Record Owner

April 22, 2010

Mr. Joseph Gieselman, Executive Manager
Transportation & Natural Resources
411 West 13th Street
Executive Office Building
PO Box 1748
Austin, Texas 78767

RE: Request to Vacate Moores Crossing Blvd. ROW

DESCRIPTION OF A 2.112 ACRES (91,985 SQUARE FOOT) TRACT OF LAND OUT OF THE NOEL M. BAIN SURVEY NO. 1, ABSTRACT NO. 61, IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THE CALLED 70-FOOT WIDE RIGHT-OF-WAY (KNOWN AS MOORES CROSSING BOULEVARD) DEDICATED IN VOLUME 10467, PAGE 982 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS

Dear Mr. Gieselman:

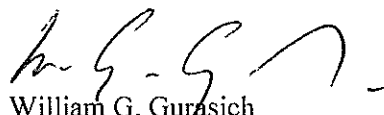
Approximately three years ago, TxDOT condemned 50+ acres of land owned by MC Joint Venture for the purpose of constructing SH-130, including the construction of the overpass at Elroy Road. At the same time, we entered into a participation agreement with Travis County and constructed Elroy Road from FM 973 to McAngus Road to a MAD/CAP-4. It was previously a two-lane county road with bar ditches. The completion of Elroy occurred 18 months ago and was accepted for maintenance by the County in due course. Moores Crossing Blvd. lies to the east of SH-130 and perpendicular to Elroy Road. It is constructed from Elroy Road across the tributary to Dry Creek East to the ROW of Engler Road. Moores Crossing Blvd. ROW has been dedicated from Elroy Road to the southern boundary of our tract of land.

We are requesting a vacation of a portion of the Moores Crossing Blvd. in order to relocate a new 70' Moores Crossing Blvd. in a manner that is more suitable for the development of our remaining acreage. We will be filing a proposed ROW for the new Moores Crossing Blvd. after the current zoning case is finalized this summer. We are doing this in order to remediate the damage that the property incurred at the time of the TxDOT taking.

We are currently processing two zoning changes with the City of Austin. The front 11 acres is being zoned GR; the acreage of tract 2 on which this ROW is being vacated is changing from SF-2 to IP. We intend to produce the alignment of the new ROW in recordable form after the zoning cases with the City are settled. We are notifying you of our plans now to give your staff an ample review period.

Please contact Charles Dunn of Holford Group, our planner and coordinator for the zoning of both tracts, via phone: (512) 346.8181 or email: charles@holfordgroup.com, for any additional information.

Sincerely,



William G. Gurasich
On behalf of MC Joint Venture


April 12, 2010

RE: Vacation of Moores Crossing Boulevard Easement

To whom it may concern:

TSWG 130, LLC , the record owner of 18.9 acres of land (Travis County Tax Parcel No.: 03-3931-0107-0000), has no objection in vacating the Moores Crossing Blvd. ROW.

Sincerely yours,


William George Gurasich
General Partner, TSWG 130, LLC

RIGHT-OF-WAY DEDICATION

04 -29-6108

STATE OF TEXAS
COUNTY OF TRAVIS

KNOW ALL MEN BY THESE PRESENTS

2052 FH 9434

11.00 INDX
2 2 10/27/87
.99-DGC*

THAT, Moores Crossing Joint Venture, of Travis County, Texas hereinafter referred to as Grantor, in and for the consideration of the benefits to be derived by the Grantor from the right-of-way hereinafter described, has this day GRANTED, CONVEYED, and DEDICATED and by these presents does hereby GRANT, CONVEY, and DEDICATE to the public use the right-of-way more particularly described as follows, to wit;

All that certain tract, piece, or parcel of land lying and being situated in the County of Travis, State of Texas, described in EXHIBIT "A" attached hereto and made a part hereof for all purposes, to which reference is here made for more particular description of the said property.

TO HAVE AND TO HOLD the same perpetually to the Public, together with the right and privilege at any time to enter said premises, or any part thereof, for the purpose of ingress to and egress from any lands adjacent to the said premises.

EXECUTED in Travis County, Texas on this the 1st day of October, A.D., 1987.

Moores Crossing Joint Venture
Jimmy Evans
Venturer

THE STATE OF TEXAS

BEFORE ME, the undersigned authority, on this day personally appeared Jimmy Evans, Venturer, 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 herein expressed, and in the capacity hereir stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 1st day of October, A.D., 1987..

Ralph Reed
NOTARY SEAL
Notary Public for the State of Texas

Ralph Reed
Print Name

My Commission Expires 02/27/88

FIELD NOTES FOR A 70 FOOT WIDE
RIGHT-OF-WAY DEDICATION

FIELD NOTES describing a 4.417 acre tract in the Noel M. Bain Survey, No. 1, being a part of a 97.866 acre tract of land, designated as Tract 4, conveyed to Moores Crossing Joint Venture, by deed recorded in Volume 8720, Page 203 of the Deed Records of Travis County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a point on the South line of the above mentioned 97.866 acre tract for the South corner of this tract, from which the South corner of said 97.866 acre tract bears S 60° 04' 03" E 339.69 feet.

THENCE N 60° 04' 03" W 70.00 feet to the West corner of this tract.

THENCE N 29° 55' 57" E 587.13 feet to the PC of a curve to the right, said curve having a radius of 1855.00 feet and a central angle of 12° 00' 00".

THENCE with the arc of the said curve 388.51 feet, the long chord of which bears N 35° 55' 57" E 387.80 feet to the PT of the said curve.

THENCE N 41° 55' 57" E 674.24 feet to the PC of a curve to the left, said curve having a radius of 615.00 feet and a central angle of 22° 00' 00".

THENCE with the arc of the said curve 236.14 feet, the long chord of which bears N 30° 55' 57" E 234.70 feet to the PT of the said curve.

THENCE N 19° 55' 57" E 463.68 feet to the PC of a curve to the right, said curve having a radius of 685.00 feet and a central angle of 10° 33' 15".

THENCE with the arc of the said curve 126.18 feet, the long chord of which bears N 25° 12' 35" E 126.00 feet to the PT of the said curve.

THENCE N 30° 29' 12" E 273.13 feet to a point on the Northeast line of said 97.866 acre tract for the North corner of this tract.

THENCE S 59° 30' 48" E 70.00 feet to the East corner of this tract.

THENCE S 30° 29' 12" W 273.13 feet to the PC of a curve to the left, said curve having a radius of 615.00 feet and a central angle of 10° 33' 15".

THENCE with the arc of the said curve 113.29 feet, the long chord of which bears S 25° 12' 35" W 113.13 feet to the PT of the said curve.

THENCE S 19° 55' 57" W 463.68 feet to the PC of a curve to the right, said curve having a radius of 685.00 feet and a central angle of 22° 00' 00".

THENCE with the arc of the said curve 263.02 feet, the long chord of which bears S 30° 55' 57" W 261.41 feet to the PT of the said curve.

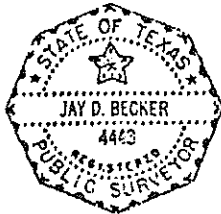
THENCE S 41° 55' 57" W 674.24 feet to the PC of a curve to the left, said curve having a radius of 1785.00 feet and a central angle of 12° 00' 00".

THENCE with the arc of the said curve 373.85 feet, the long chord of which bears S 35° 55' 57" W 373.17 feet to the PT of the said curve.

THENCE S 29° 55' 57" W 587.13 feet to the POINT OF BEGINNING containing 4.417 acres of land more or less.

I hereby certify that these notes were prepared from existing records, supplemental surveys, and computations made by Haynie Kallman and Gray, Inc., and are true and correct to the best of my knowledge.

HAYNIE KALLMAN AND GRAY, INC.

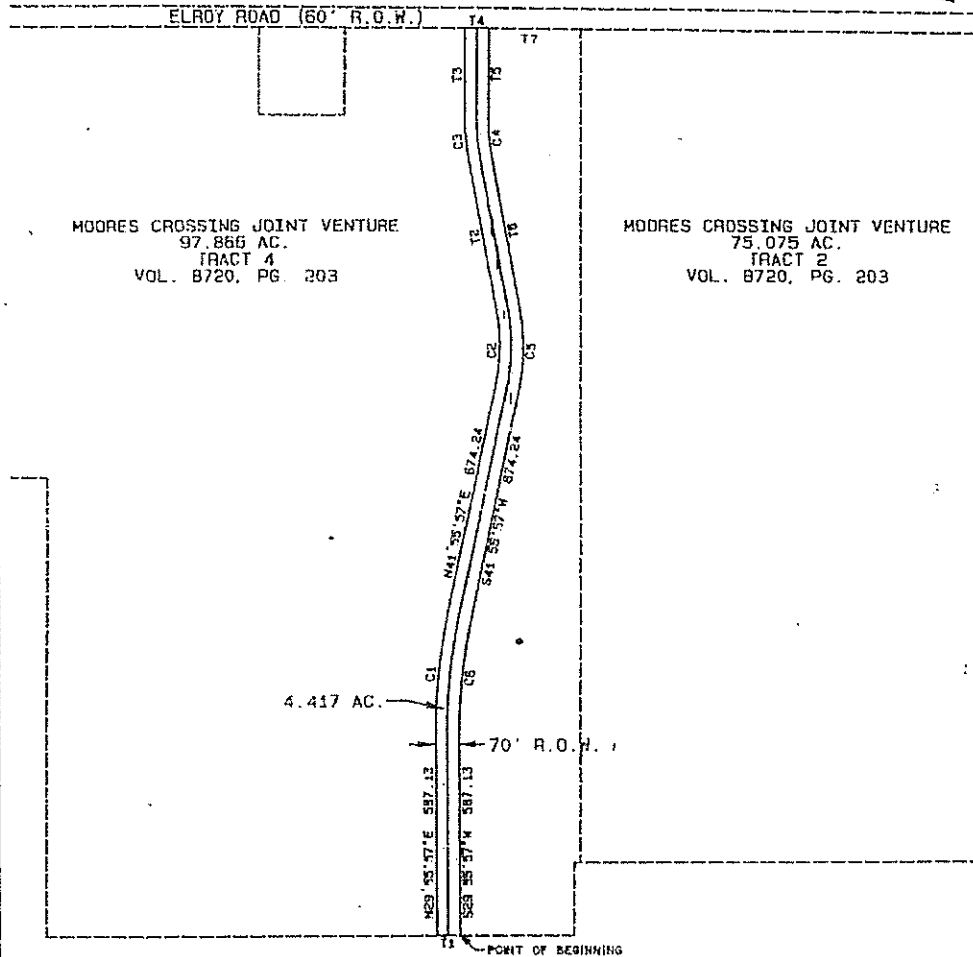


J. D. Becker
Jay D. Becker
Registered Public Surveyor No. 4443

9-30-67
Date
Job No.

SKETCH TO ACCOMPANY FIELD NOTES FOR A
70' R.O.W. DEDICATION IN THE
NOEL M. BAIN SURVEY, NO. 1,
TRAVIS COUNTY, TEXAS

SCALE
1"=400'



McANGUS VENTURE
100.00 AC.
VOL. 9064, PG. 246

LINE TABLE

NO.	BEARING	DISTANCE
T1	N00°04'03\"W	70.00
T2	N10°35'57\"W	463.68
T3	N20°29'12\"E	273.13
T4	S20°29'12\"E	273.13
T5	S30°29'12\"W	273.13
T6	S19°35'57\"W	463.68
T7	S59°50'44\"E	274.79

CURVE TABLE

NO.	BEARING	CHORD	DELTA	RADIUS	LENGTH	TAN
C1	N31°36'57\"E	387.80	12°00'00\"	1858.00	388.51	194.97
C2	N29°35'57\"E	234.79	22°29'00\"	615.00	236.14	119.54
C3	N23°12'29\"E	126.00	10°33'15\"	890.00	126.18	63.27
C4	S29°19'35\"W	113.13	19°33'15\"	615.00	113.29	56.80
C5	S20°29'12\"W	281.41	22°29'00\"	890.00	281.13	133.15
C6	S34°35'57\"W	373.17	12°00'00\"	1785.00	373.85	187.81

EXHIBIT "A"
PAGE 2 OF 2

PROJECT NO.	DESIGNED BY: B981
FILE NO. 1043-1926 ROW	DRAWN BY: B981
DATE: SEPTEMBER, 1987	CHECKED BY:
SCALE: 1"=400'	REVISED BY:

H&G

Haynie Killman & Gray, Inc.
Consulting Engineers
Austin, Texas

10467 0985

HAYDIE KALLMAN & GRAY INC.
12303 TECHNOLOGY SUITE J
AUSTIN TEXAS 78727
(DAVE WISE)

RECORDER'S MEMORANDUM:

At the time of recordation, this instrument was found to be inadequate for the best photographic reproduction because of illegibility, carbon or photo copy, discolored paper, etc. All blockouts, additions, and changes were present at the time the instrument was filed and recorded.

FILED

1987 OCT 27 PM 2:54

COUNTY CLERK
TRAVIS COUNTY, TEXAS

STATE OF TEXAS COUNTY OF TRAVIS
I hereby certify that this instrument was FILED on
the date and at the time seen and person by me, and
was duly RECORDED in the volume and Page of the
named RECORDS of Travis County, Texas, on

OCT 27 1987



[Signature]
COUNTY CLERK
TRAVIS COUNTY, TEXAS

10467 -0986



City of Austin

Founded by Congress, Republic of Texas, 1839

Austin Water Utility

625 E. 10th Street, Austin, TX. 78701

April 10, 2012

Mr. Charles Dunn

Hutson Land Planners & Development Consultants, LLC

1015 Bee Cave Woods Drive, Suite 206

Austin, Texas 78746

charles@hutsonlandplanners.com

Re: Moore's Crossing Boulevard
Portion of Right-of-Way Vacation Request

Dear Mr. Dunn,

Austin Water Utility has evaluated your proposed request for the vacation of portion of the right-of-way fronting the property which is describe as a 2.079-acre (90,554 square foot) tract of land out of the Noel M Bain Survey No.1, abstract No. 61, in Travis County, Texas, being a portion of the called 70-foot wide right-of-way (known as Moore's Crossing Boulevard) dedicated in volume 10467, page 982 of real property records of Travis County, Texas.

After careful consideration and evaluation of infrastructure in the area Austin Water Utility has no objection to the requested vacation as described above.

If you have any questions regarding the response, please feel free to contact me.

Respectfully,

Angela Baez., Project Coordinator

Austin Water Utility

IRS/ Pipeline Engineering Division

Austin Water Utility

625 E. 10th Street

Waller Creek Center, Suite 205

Austin Texas 78701

512-972-0221 (wk)

512-972-0285 (fax)

Angela.baez@austintexas.gov

xc: Kathi Flowers PE, Pipeline Engineering, Division Manager



TRANSPORTATION AND NATURAL RESOURCES

JOSEPH P. GIESELMAN, EXECUTIVE MANAGER

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 consisting of the un-built portion of Moore's Crossing Boulevard 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

[checked] 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: Angela Baez
Printed Name: ANGELA BAEZ
Title: Project COORDINATOR
Utility Company or District: Austin Water Utility
Date: April 10, 2012

Please return this completed form to:

CharlesDunn
Hutson Land Planners
1015 Bee Cave Woods Drive
Suite 206
Austin, Texas 78746



City of Austin

Austin's Community-Owned Electric Utility

www.austinenergy.com

Town Lake Center • 721 Barton Springs Road • Austin, Texas • 78704

June 1, 2012

Mr. Bill Gurasich
1900 Rio Grande
Austin, Texas 78705

RE: Future vacation of 2.079 acres of existing Moore's Crossing Boulevard, Travis County, Texas

Dear Mr. Gurasich:

Austin Energy ("AE") has no objection to a vacation of the 2.079 acres of Moore's Crossing Boulevard, which is more fully described on the attached Exhibit "A".

Should you have any questions or require further assistance, please contact Wendi Broden at 322.6237.

Sincerely,

A handwritten signature in black ink that reads "Sonny Poole" with a stylized flourish at the end.

Sonny Poole
Manager, Public Involvement/Real Estate Services

cc: Paul Scoggins, Travis County TNR

Attachment



MACIAS & ASSOCIATES, L.P.
LAND SURVEYORS

EXHIBIT "A"

APRIL 6, 2012

LEGAL DESCRIPTION

DESCRIPTION OF A 2.079-ACRE (90,554 SQUARE FOOT) TRACT OF LAND OUT OF THE NOEL M. BAIN SURVEY NO. 1, ABSTRACT NO. 61, IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THE CALLED 70-FOOT WIDE RIGHT-OF-WAY (KNOWN AS MOORE'S CROSSING BOULEVARD) DEDICATED IN VOLUME 10467, PAGE 982 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 2.079 ACRE TRACT AS SHOWN ON THE ACCOMPANYING SKETCH AND DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING FOR REFERENCE on a ½-inch diameter iron rod with a plastic cap stamped "Macias & Assoc." found in the easterly right-of-way line of the above-mentioned 70-foot wide right-of-way known as Moore's Crossing Boulevard, being the southwest corner of a called 4.01-acre tract of land conveyed to the City of Austin in Document No. 2003100667 of the Official Public Records of Travis County, Texas, same being the northwest corner of a called 51.995-acre tract of land conveyed to SR Development, Inc. in Volume 12983, Page 702 of the Real Property Records of said County; THENCE with said easterly right-of-way line of Moore's Crossing Boulevard, same being the westerly boundary line of said 51.995-acre tract, S39°27'55"W a distance of 20.00 feet to a ½-inch diameter iron rod with a plastic cap stamped "Macias & Assoc." set having Texas State Plane Grid Coordinate (Central Zone-4203, NAD83(CORS), U.S. Survey Feet,) values of N=10,031,504.87, E=3,143,818.34, for the northeast corner and **POINT OF BEGINNING** of this tract;

THENCE with said easterly right-of-way line of Moore's Crossing Boulevard, same being said westerly boundary line of the 51.995-acre tract, the following three (3) courses and distances:

- 1) S39°27'55"W for a distance of 325.10 feet to a ½-inch diameter iron rod found on the point of curvature of a curve to the left;
- 2) with the arc of said curve to the left having radius of 1,785.00 feet, an arc length of 374.28 feet, a delta angle of 12°00'50", and a chord which bears S33°21'40"W for a distance of 373.60 feet to a ½-inch diameter iron rod found on a point of tangency;
- 3) S27°22'57"W for a distance of 586.88 feet to a ½-inch diameter iron rod found on the southeast corner of said 70-foot wide right-of-way of Moore's Crossing Boulevard, same being the southwest corner of said 51.995-acre tract, being also in the northerly boundary line of a called 18.909-acre tract of land conveyed to TSWG 130, LLC, described as Part 2, in Document No. 2008010971 of said Official Public Records, from which a ½-inch diameter iron rod with a plastic cap

5410 South 1st Street • Austin, Texas 78745 • (512) 442-7875 • Fax (512) 442-7876 • www.maciasworld.com

stamped "Macias & Assoc." found on an angle point in the southerly boundary line of said 51.995-acre tract, same being the northeast corner of said 18.909-acre tract, bears S62°35'45"E a distance of 342.86 feet;

THENCE with the southerly right-of-way line of said 70-foot right-of-way of Moore's Crossing Boulevard, same being the northerly boundary line of said 18.909-acre tract, N62°35'45"W for a distance of 70.00 feet to a ½-inch diameter iron rod with a plastic cap stamped "Macias & Assoc." set for the southwest corner of said Moore's Crossing Boulevard right-of-way and southwest corner of this tract, from which a 5/8-inch diameter iron rod with and aluminum cap stamped "TEXAS DEPT OF TRAN" found in the easterly right-of-way line of Texas State Highway 130, same being the northwest corner of said 18.909-acre tract, being also the southwest corner of a called 22.800-acre tract of land conveyed to M. C. Joint Venture in Document No. 2009193716 of said Official Public Records, bears N62°35'45"W a distance of 83.63 feet;

THENCE departing said northerly boundary line of the 18.909-acre tract, with the westerly right-of-way line of said 70-foot wide Moore's Crossing Boulevard, same being the easterly boundary line of said 22.800-acre tract, the following three (3) courses and distances:

- 1) N27°22'57"E for a distance of 586.82 feet to a ½-inch diameter iron rod with a plastic cap stamped "Macias & Assoc." set for the point of curvature of a curve to the right;
- 2) with the arc of said curve to the right having radius of 1,855.00 feet, an arc length of 388.96 feet, a delta angle of 12°00'50", and a chord which bears N33°21'40"E for a distance of 388.25 feet to a ½-inch diameter iron rod with a plastic cap stamped "Macias & Assoc." set for a point of tangency;
- 3) N39°27'55"E for a distance of 325.22 feet to a ½-inch diameter iron rod with a plastic cap stamped "Macias & Assoc." set for the northwest corner of this tract;

THENCE departing said easterly boundary line of the 22.800-acre tract, through the interior of said 70-foot wide right-of-way of Moore's Crossing Boulevard, S50°32'05"E for a distance of 70.00 feet to the **POINT OF BEGINNING** and containing 2.079 acres (90,554 square feet) of land;

BEARING BASIS NOTE

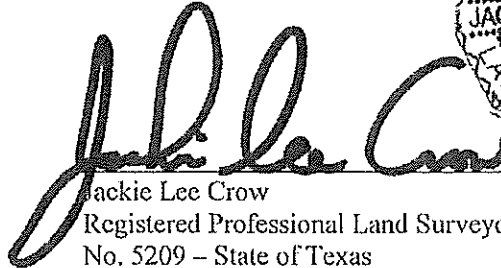
All bearings described herein are based upon the Texas State Plane Coordinates System, NAD 83 (1986) Central Zone. All distances shown hereon are surface distances. Surface adjustment scale factor being 1.00011.

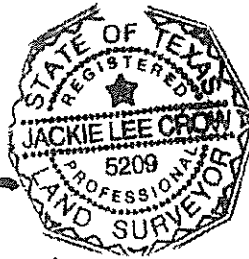
THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF TRAVIS §

That I, Jackie Lee Crow, a Registered Professional Land Surveyor, do hereby state that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, this 6th day of April, 2012, A.D.

Macias & Associates, L.P.
5410 South 1st Street
Austin, Texas 78745
512-442-7875


Jackie Lee Crow
Registered Professional Land Surveyor
No. 5209 – State of Texas



REFERENCES

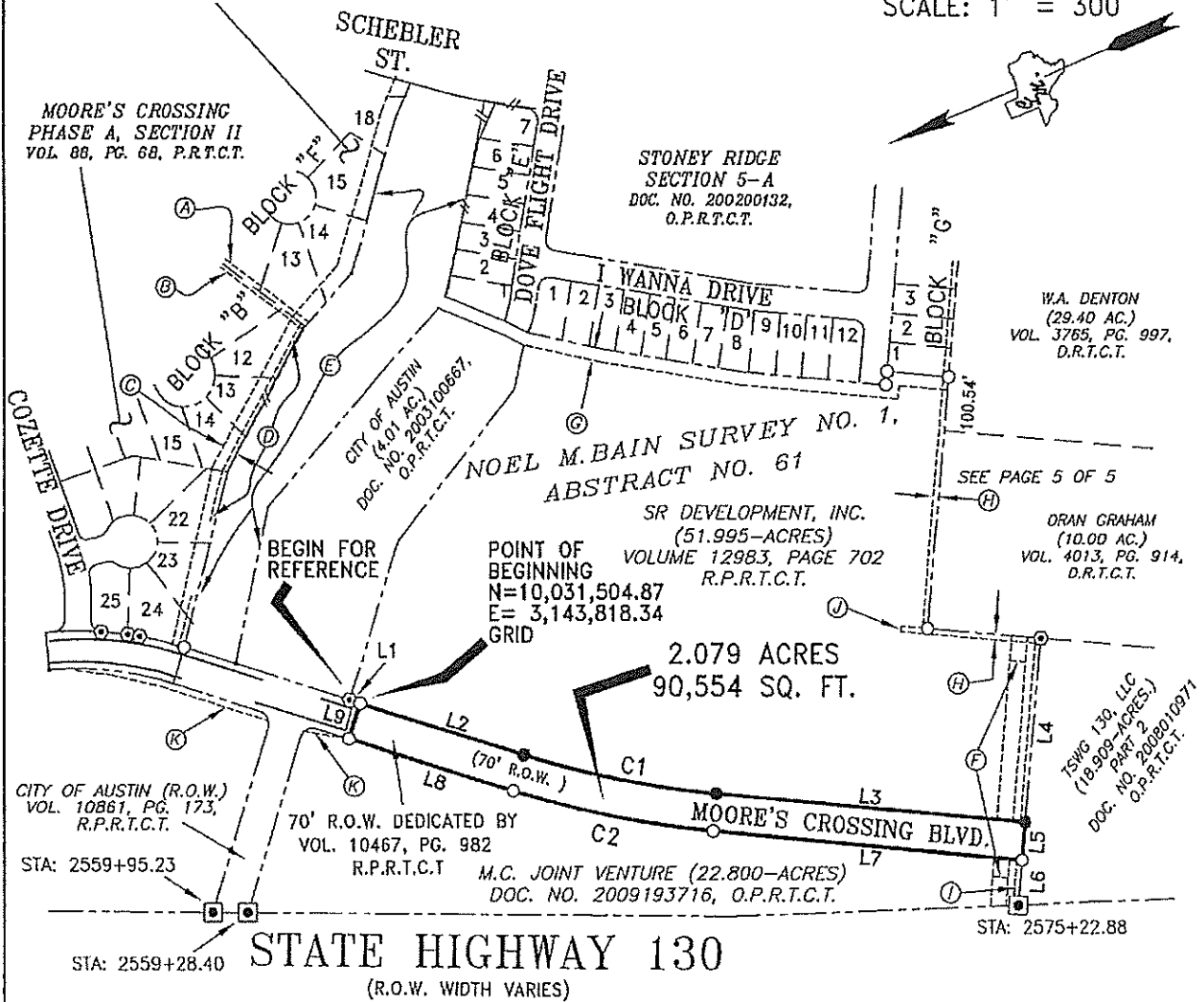
MAPSCO 677-X & 707-B, Austin Grid No. N-13, N-12
MACIAS & ASSOCIATES, L.P., PROJECT NO. 420-11-12

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

MOORE'S CROSSING
PHASE A, SECTION I
VOL. 87, PG. 155C, P.R.T.C.T.

MOORE'S CROSSING
PHASE A, SECTION II
VOL. 88, PG. 6B, P.R.T.C.T.

SCALE: 1" = 300'



STATE OF TEXAS }

COUNTY OF TRAVIS }

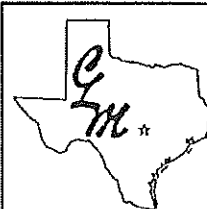
I HEREBY CERTIFY THAT THIS SKETCH WAS PREPARED FROM THE RESULTS OF AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

MACIAS & ASSOCIATES, L.P.

Job No.: 420-11-12
Scale: 1" = 300'
Date: 4-6-2012
Field Book: 607, Page 49
Drawn by: J.L.C.
Checked by: J.L.C.

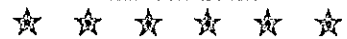
PAGE 4 OF 5

Jackie Lee Crow 4/6/2012
DATE
JACKIE LEE CROW
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5209



MACIAS & ASSOCIATES, L.P.

LAND SURVEYORS



5410 SOUTH 1ST STREET

AUSTIN, TEXAS 78745

PH. (512)442-7875 FAX (512)442-7876

WWW.MACIASWORLD.COM

LEGEND

⊙	1/2" IRON ROD FOUND W/TX DOT ALUMINUM CAP (UNLESS NOTED),
⊕	1/2" IRON ROD FOUND WITH PLASTIC CAP STAMPED "MACIAS & ASSOC."
●	1/2" IRON ROD FOUND (NO CAP)
○	1/2" IRON ROD SET WITH PLASTIC CAP STAMPED "MACIAS & ASSOC."
△	CALCULATED POINT
ℓ	PROPERTY LINE
R.O.W.	RIGHT-OF-WAY
ESMT.	EASEMENT
P.U.E.	PUBLIC UTILITY EASEMENT
D.R.T.C.T.	DEED RECORDS OF TRAVIS COUNTY, TEXAS
P.R.T.C.T.	PLAT RECORDS OF TRAVIS COUNTY, TEXAS
R.P.R.T.C.T.	REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS
O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS
N.T.S.	NOT TO SCALE
()	RECORD INFORMATION

BEARING BASIS:

ALL BEARINGS SHOWN HEREON ARE BASED UPON THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD83 (1986), CENTRAL ZONE. ALL DISTANCES SHOWN HEREON ARE SURFACE DISTANCES. SURFACE ADJUSTMENT SCALE FACTOR IS 1.00011.

LINE TABLE

NO.	BEARING	DISTANCE
L1	S39°27'55"W	20.00'
L2	S39°27'55"W	325.10'
L3	S27°22'57"W	586.88'
L4	S62°35'45"E	342.86'
L5	N62°35'45"W	70.00'
L6	N62°35'45"W	83.63'
L7	N27°22'57"E	586.82'
L8	N39°27'55"E	325.22'
L9	S50°32'05"E	70.00'

CURVE TABLE

NO.	RADIUS	ARC LENGTH	DELTA	CHORD BRNG.	CHORD DIST.
C1	1,785.00'	374.28'	12°00'50"	S33°21'40"W	373.60'
C2	1,855.00'	388.96'	12°00'50"	N33°21'40"E	388.25'

- A. 10' P.U.E. VOL. 88, PG. 68, P.R.T.C.T.
 B. 7.5' P.U.E. VOL. 88, PG. 68, P.R.T.C.T.
 C. CITY OF AUSTIN 30' DRAINAGE & PUBLIC UTILITY EASEMENT, VOL. 88, PG. 68, P.R.T.C.T.
 D. LIMITS OF 100 YR. FLOODPLAIN, VOL. 88, PG. 68, P.R.T.C.T.
 E. CITY OF AUSTIN DRAINAGE DETENTION AND ACCESS EASEMENT, VOL. 10771 PG 538, P.R.T.C.T.
 F. LAVACA GATHERING COMPANY PIPELINE EASEMENT, VOL. 2684, PG. 516, D.R.T.C.T.
 G. CITY OF AUSTIN 25' DRAINAGE EASEMENT DOCUMENT NO. 2002091009, O.P.R.T.C.T.
 H. CITY OF AUSTIN ELECTRIC EASEMENT DOC. NO. 2002151211, O.P.R.T.C.T.
 I. CITY OF AUSTIN ELECTRIC EASEMENT DOC. NO. 2002151212, O.P.R.T.C.T.
 J. CITY OF AUSTIN ELECTRIC EASEMENT DOC. NO. 2002193264, O.P.R.T.C.T.
 K. CITY OF AUSTIN SLOPE EASEMENT, VOL. 10771, PG. 543 R.P.R.T.C.T.



SOUTHWESTERN BELL TELEPHONE COMPANY

RELEASE OF EASEMENT

THIS RELEASE OF EASEMENT, entered into by **SOUTHWESTERN BELL TELEPHONE COMPANY, a Missouri corporation, GRANTOR, AND MC Joint Venture, 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 a certain Right of Way, hereinafter described, that affects land owned by GRANTEE(S) situated in Travis County, Texas, and described as follows:

A portion of Moore's Crossing Boulevard, measuring approximately 1307 feet in length and 70 feet in width, approximately 2.112 acres in total area, being the Southernmost deadend extension of Moore's Crossing Boulevard, in the Noel M. Bain Survey No. 1, Abstract No. 61, said Right of Way dedicated in Volume 10467, Page 982, Property Records of Travis County, Texas

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 14 day of FEBRUARY, 2011.

SOUTHWESTERN BELL TELEPHONE COMPANY

[Signature]

Name : RONALD E. BRYANT

Title: Design Engineer

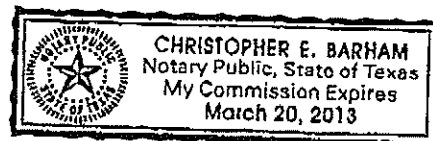
THE STATE OF TEXAS
COUNTY OF TRAVIS

BEFORE ME, the undersigned authority, on this day personally appeared RONALD E. BRYANT, 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 14 day of FEBRUARY, 2011.

[Signature]

Notary Public in and for the State of TEXAS

My Commission Expires 3/20/2017





TRANSPORTATION AND NATURAL RESOURCES

JOSEPH P. GIESELMAN, EXECUTIVE MANAGER

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 consisting of the un-built right-of-way for Moores Crossing Boulevard, 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.

Laurie Schumpert

Signature

Laurie Schumpert

Printed Name

St. Designer

Title

Time Warner Cable - Central TX

Utility Company or District

October 12, 2010

Date

Please return this completed form to:

Name

Address

City/State/Zip



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

Austin, TX 78758
512/485-4092 (Fax)

APPLICATION FOR VACATION OF EASEMENT

Please Print

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

The easement is on property legally described as:

Subdivision: _____ Section: _____ Block: _____

Lot Numbers: _____

Street Address: Moore's Crossing Blvd south of un-built Engler Park Street

As recorded in Volume 10467, Page 982, of the Plat Records of Travis County, Texas

Provide common description of the easement requested for release, indicating the amount of the easement to be released:
(Example: Five foot P.U.E. & D.E. on either side of the common lot line between lots X and Y).
Please provide a survey or plat of the area with the easement to be released highlighted.

See Attached area to be vacated

Reason for requesting release (Example: Single Family Residence, Accessory Building, etc)

Relocation of road right-of-way

Please note: If multiple owners are making this request, complete name, address, phone must be provided for all.

Property Owner's name(s): MC Joint Venture

Mailing Address: 912 W. MLK Jr. Blvd Austin, TX 78701

Number & Street City State Zip

Phone: 512-474-5300

Day Time Cell Fax

I authorize the following person/company to act in my behalf as my designated agent:

Name of agent company: Holford Group Charles Dunn

Name of Company Name of Contact

Phone: 512-346-8181 512-964-8181 512-346-9556

Day Time Cell Fax

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.

Signature of Applicant/Agent _____ Date _____

SCALE: 1" = 300'

SKETCH TO ACCOMPANY
LEGAL DESCRIPTION

CURVE TABLE

Number	Central Angle	Radius	Arc Length	Chord Length	Chord Bearing
C1	12°01'15"	1855.00'	389.18'	388.47'	N34°04'41"E
C2	12°01'15"	1785.00'	374.50'	373.81'	S34°04'41"W

MOORE'S CROSSING
PHASE A, SECTION I
VOL. 87, PG. 155C, P.R.T.C.T.

MOORE'S CROSSING
PHASE A, SECTION II
VOL. 88, PG. 68, P.R.T.C.T.

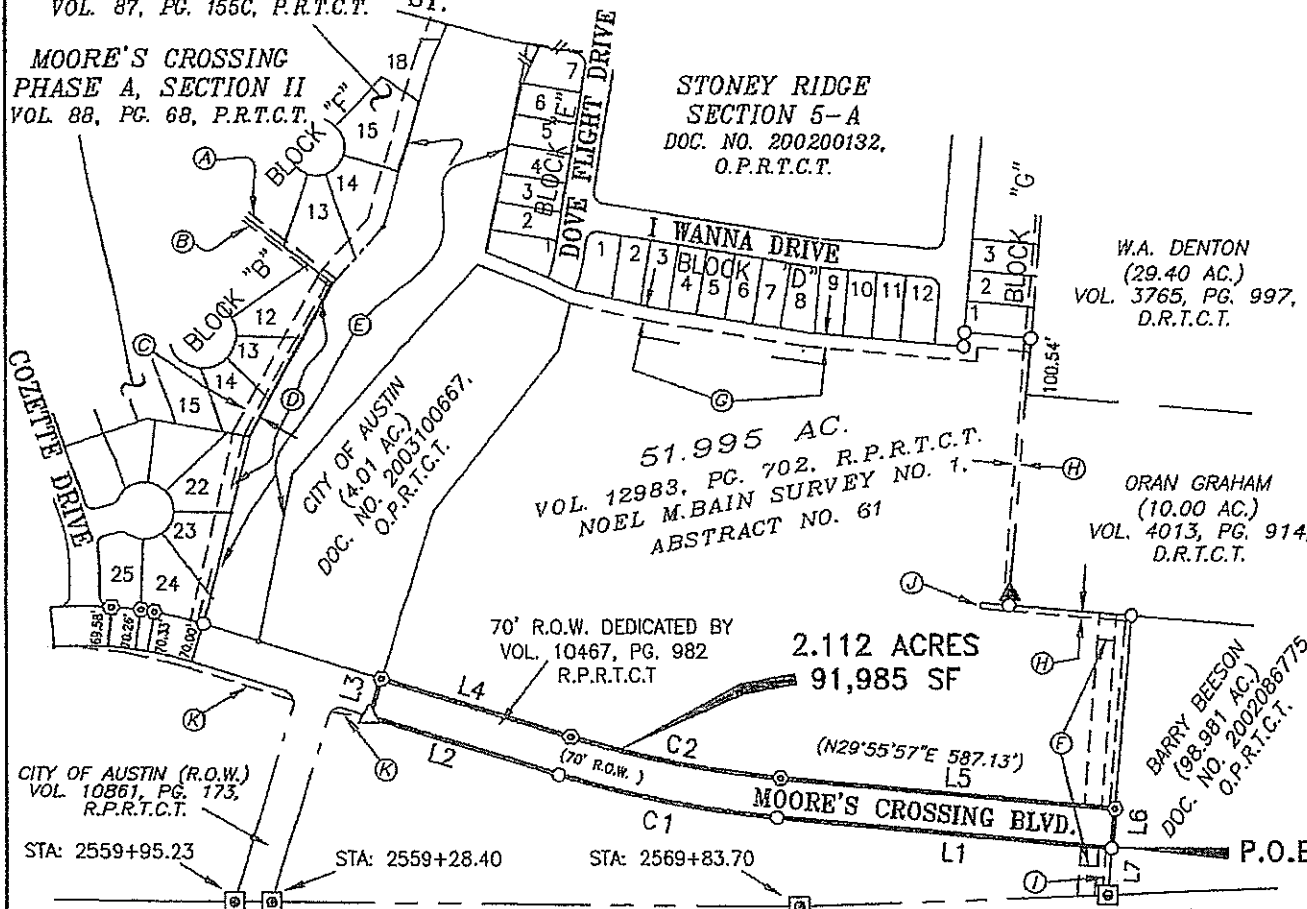
SCHEBLER
ST.

STONEY RIDGE
SECTION 5-A
DOC. NO. 200200132,
O.P.R.T.C.T.

W.A. DENTON
(29.40 AC.)
VOL. 3765, PG. 997,
D.R.T.C.T.

51.995 AC.
VOL. 12983, PG. 702, R.P.R.T.C.T.
NOEL M. BAIN SURVEY NO. 1,
ABSTRACT NO. 61

ORAN GRAHAM
(10.00 AC.)
VOL. 4013, PG. 914,
D.R.T.C.T.



CITY OF AUSTIN (R.O.W.)
VOL. 10861, PG. 173,
R.P.R.T.C.T.

70' R.O.W. DEDICATED BY
VOL. 10467, PG. 982
R.P.R.T.C.T.

2.112 ACRES
91,985 SF

BARRY BEESON
(98.981 AC.)
DOC. NO. 2002086775,
O.P.R.T.C.T.

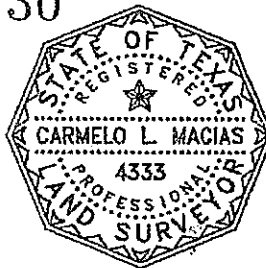
STA: 2559+95.23

STA: 2559+28.40

STA: 2569+83.70

STA: 2575+22.88

STATE HIGHWAY 130
(R.O.W. WIDTH VARIES)



STATE OF TEXAS }
COUNTY OF TRAVIS }

PAGE 3 OF 4

I HEREBY CERTIFY THAT THIS SKETCH WAS PREPARED FROM THE RESULTS OF AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Job No.: 420-03-10 Scale: 1" = 300' Date: 4-12-2010
Field Book: 492, Page 3 Drawn by: T.B. Checked by: J.L.C.

MACIAS & ASSOCIATES, L.P.

Carmelo L. Macias 4-13-2010
CARMELO L. MACIAS DATE
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4333

MACIAS & ASSOCIATES, L.P.
LAND SURVEYORS
★ ★ ★ ★ ★ ★
5410 SOUTH 1ST STREET
AUSTIN, TEXAS 78745
PH. (512)442-7875 FAX (512)442-7876
WWW.MACIASWORLD.COM



City of Austin
Founded by Congress, Republic of Texas, 1839
Planning and Development Review Department
P.O. Box 1088, Austin, Texas 78767

July 26, 2010

Charles Dunn
Holford Group, Inc.
4833 Spicewood Springs Road
Suite 100
Austin, Texas 78759

Dear Mr. Dunn:

A request was received to Travis County for the vacation of right-of-way in the extraterritorial jurisdiction (ETJ) for Moore's Crossing Blvd. As stated in the letter dated July 22, 2010, the applicant is coordinating with Mr. Paul Scroggins of Travis County regarding the vacation of the right-of-way and is requesting that the City of Austin review and comment on the vacation.

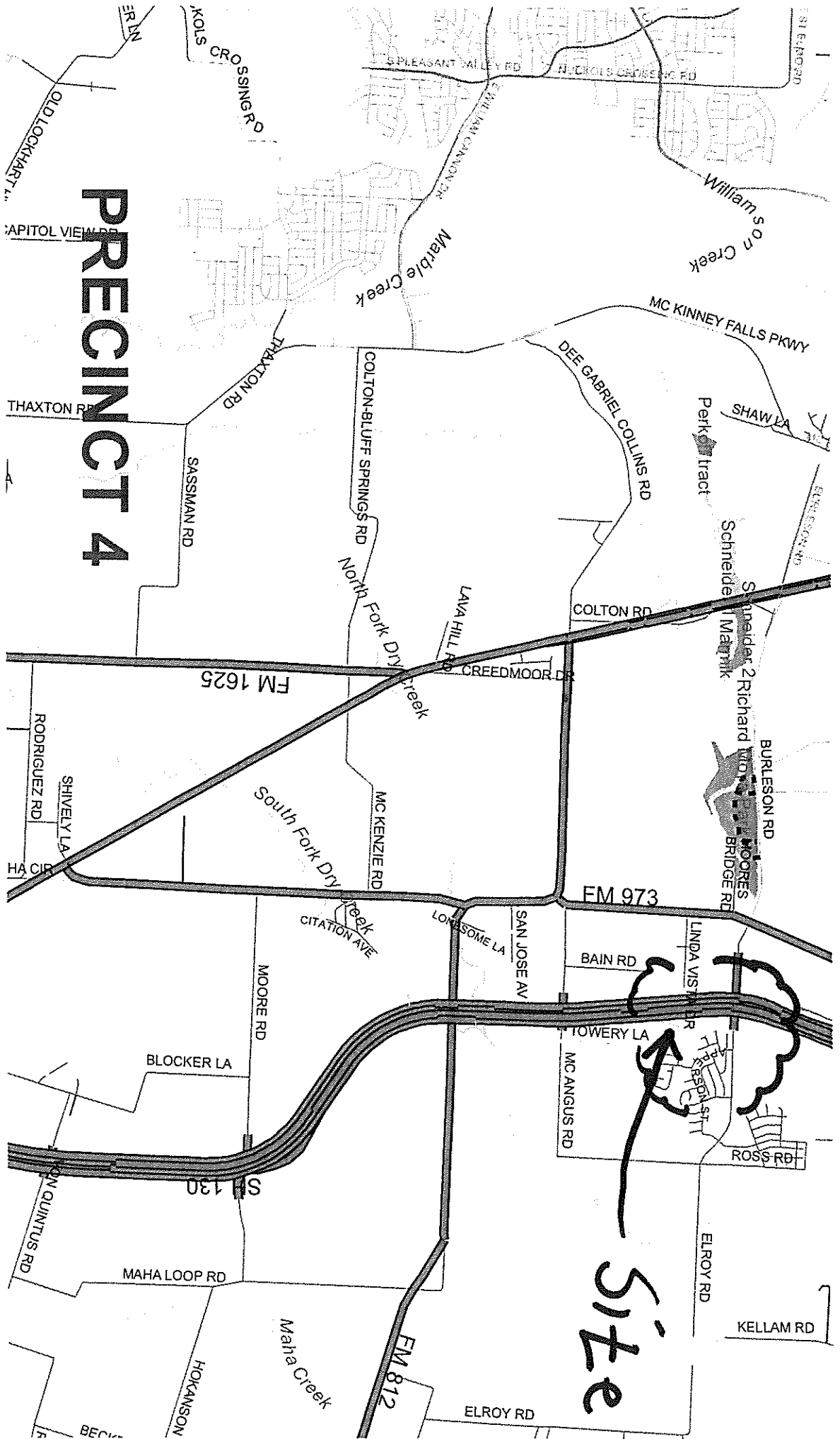
Based on the July 22 letter, the reason for the right-of-way vacation is to relocate the un-built portion of the dedicated right-of-way for Moore's Crossing Blvd. because of the construction of SH-130 through the property and to allow the developer for reasonable development of the property.

Given this consideration, the City of Austin has no objection to the right-of-way vacation request for Moore's Crossing Blvd.

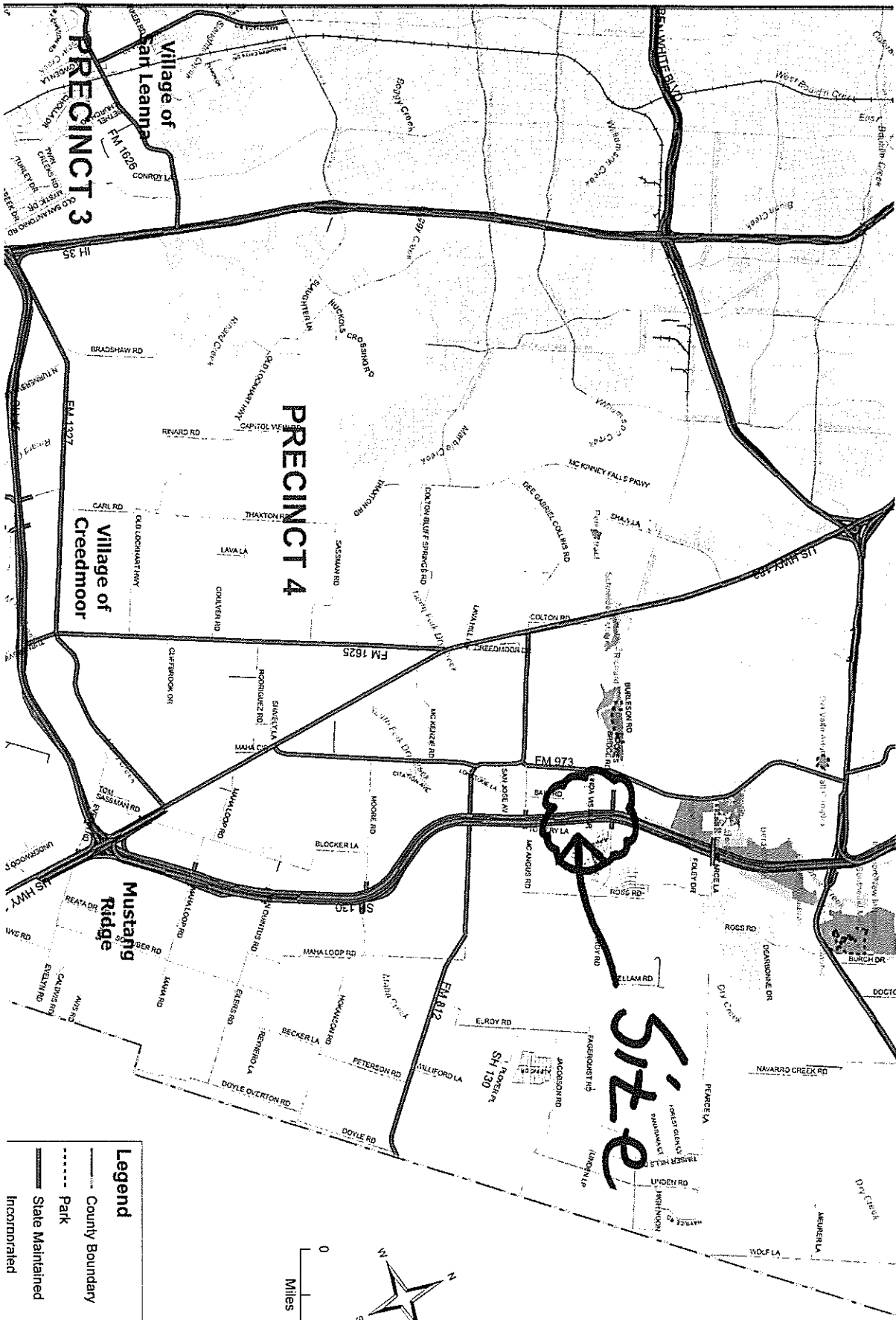
Sincerely,

Joe R. Almazan
Development Services Process Coordinator
Land Use Review/Transportation Review Section

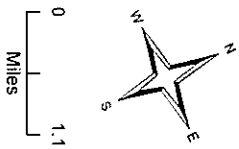
PRECINCT 4



Site



Legend	
	County Boundary
	Park
	State Maintained
	Incorporated



Site