



Item 10

Travis County Commissioners Court Agenda Request

Meeting Date: July 23, 2013

Prepared By: Paul Scoggins **Phone #:** (512) 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 88 and 89 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 88 and 89 of Apache Shores, First Installment. The easements are dedicated per plat note. The subject lots front on a section of Brass Buttons Trail that is 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:

None.

ATTACHMENTS/EXHIBITS:

- Order of Vacation
- Field Notes
- Request Letter
- Utility Statements
- Sign Affidavit and Pictures
- Maps

REQUIRED AUTHORIZATIONS:

Cynthia McDonald	Financial Manager	TNR	(512) 854-4239
Steven M. Manilla	County Executive	TNR	(512) 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 - Apache Shores, First 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 88 and 89 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 July 23, 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 88 and 89 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 BRUCE TODD
PRECINCT TWO

COMMISSIONER GERALD DAUGHERTY
PRECINCT THREE

COMMISSIONER MARGARET GOMEZ
PRECINCT FOUR

Precise Land Surveying, Inc.

**4625 Eastover Drive
Mesquite, Texas 75149
(972) 681-7072 Fax (972) 279-1508**

Exhibit "A"

Being a 0.10 acre tract of land situated in the William Lohn Survey, Abstract No. 486, Travis County, Texas, being a portion of Lots 88 and 89, Apache Shores First Installment, a subdivision in Travis County, recorded in Volume 43, Page 29, Plat Records of Travis County, Texas, same being 5' Utility Easements extending over, through, across and along the common line of said Lots (to be vacated), and being more particularly described by metes and bounds as follows:

COMMENCING at a found 1/2-inch iron rod on the east line of Brass Buttons Trail (50' right-of-way), being the common west corner of said Lot 88 and Lot 87;

THENCE South 04° 20' 30" East, along said east line, a distance of 55.00 feet to the POINT OF BEGINNING of the tract herein described;

THENCE North 85° 40' 00" East, departing said east line, a distance of 438.22 feet to a point on the east line of aforesaid Lot 88;

THENCE South 03° 19' 00" East, a distance of 10.00 feet to a point on the east line of aforementioned Lot 89;

THENCE South 85° 40' 00" West, a distance of 438.13 feet to a point on the aforementioned east line of Brass Buttons Trail and the west line of said Lot 89;

THENCE North 04° 20' 30" West, along said east line, a distance of 10.00 feet to the POINT OF BEGINNING and containing 4,382 square feet or 0.10 of one acre of land, more or less.

This is to declare that on this date a survey was made on the ground, under my direction and supervision, of the above described tract of land.



Registered Professional Land Surveyor

612-0891A

6/3/2013

RECEIVED

JUN 05 2013

TNR

To Whom it May Concern,

This is request to vacate the easement between the two lots below. We need to install a septic system and the system will cross over the easement between the two lots. Please let me know if anything additional is needed. Thanks.

3011 Brass Buttons Trail Austin, TX 78734

Lot 88, Apache Shores First Installment, a subdivision in Travis County, Texas

&

Lot 89, Apache Shores First Installment, a subdivision in Travis County, Texas

Regards,

A handwritten signature in black ink, appearing to read 'Brian Berkle', with a stylized flourish at the end.

Brian Berkle



SOUTHWESTERN BELL TELEPHONE COMPANY

RELEASE OF EASEMENT

THIS RELEASE OF EASEMENT, entered into by *SOUTHWESTERN BELL TELEPHONE COMPANY*, a Delaware corporation, GRANTOR, AND *Brian Berkle* 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 88 and 89, Apache Shores First Installment, Deed of record in Document 2013039768, Property Records of Travis County, Texas

Said land of GRANTEE being subject to:

Easements recorded in Volume 43, Page 29, Plat Records of Travis County, Texas,

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

All of the 5 foot PUE along the common property lines of said Lots 88 and 89, 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.

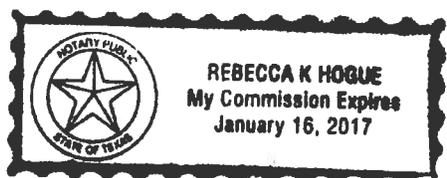
IN WITNESS WHEREOF, GRANTOR has caused this Release of Easement to be executed by its duly authorized officers this 17th day of May, 2013

SOUTHWESTERN BELL TELEPHONE COMPANY
David D. Williams

Name: DAVID D. WILLIAMS
Title: Lead OSP Plus 4 Entry Design

THE STATE OF TX
COUNTY OF TRAVIS

BEFORE ME, the undersigned authority, on this day personally appeared DAVID WILLIAMS, known to me to be the person whose name is subscribed to the foregoing instrument as Manager, Engineering-Design of Southwestern Bell Telephone Company, a Delaware corporation, and acknowledged to me that he/she executed the same for purposes and considerations therein expressed in the capacity stated, and as the act and deed of said corporation. Given under my hand and seal of office this the 17th day of MAY, 2013.



Rebecca K Hogue
Notary Public in and for the State of TEXAS
My Commission Expires 2017



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 3011 Brass Buttons Trail, Austin, Texas (address) and/or Lot 88 & 89, Apache Shores, First Installment (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
 Sonny Poole
 Printed Name
 Mgr., PIRES
 Title
 Austin Energy
 Utility Company or District
 May 22, 2013
 Date

Please return this completed form to:

Brian Berkle
 Name
 Address
 City/State/Zip

email: brian@valleytank.com



May 24, 2013

Brian Berkle
3311 Brass Buttons Trail
Austin TX, 78734

SUBJECT: Abandonment of Easement at 3011 Brass Buttons Trail Austin TX, 78734.

We have reviewed your request for the above referenced Utility Easement, and Time Warner Cable (TWC) hereby grant the abandonment of easement for 3011 Brass Buttons Trail Austin TX, 78734.

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



TRAVIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT 17

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

UTILITY EASEMENT RELEASE APPLICATION

Date: 5/14/2013

A release of the following utility easement(s) is hereby requested.
(\$30.00 fee is required)

Property Address: 3011 Brass Buttons Trail Austin TX 78734

Legal Description: Apache Shores 1st installment
Lot 88 + 89

A plat drawing with the easement highlighted must accompany this application.

Applicant Name: Brian Berke

Address: 2927 Wrocton Rd
Houston TX 77005

Reason for Request: Easement passes through house +
where septic needs to be installed

Water District 17 DOES NOT have a need for an easement on the property as described in the accompanying document. The easement(s) is (are) hereby released.

Water District 17 DOES have a need for an easement on the property as described in the accompanying document. A description of the required easement is attached.

Henry W. Marley 5.15.13
Signature Date

Reviewer Henry W. Marley

Deborah S. Gernes
Signature Date

Printed Name Deborah S. Gernes 5.15.13

General Manager
Title

Please return this completed form to:

Phone: 713-360-4888

Fax: _____

Email: Brian.berke@traviswater.com

Brian Berke
Name

2927 Wrocton Rd
Address

Houston TX 77005
City/State/Zip

City/State/Zip



TRANSPORTATION AND NATURAL RESOURCES

Steven M. Manilla, P.E., County Executive
700 Lavaca Street - 5th Floor
Travis County Administration Building
P.O. Box 1748
Austin, Texas 78767
tel 512-854-9383
fax 512-854-4649

AFFIDAVIT OF POSTING

**TO: County Judge
County Commissioners
Travis County, Texas**

A Public Notice of Vacation sign for two five foot wide public utility easements was posted on July 1, 2013, along the east ROW line of Brass Buttons Trail at the common lot line of Lots 88 and 89 of Apache Shores, First Installment at a point as near as practical to the area being vacated, and was also posted at the Travis County Courthouse.

CERTIFIED THIS THE 3 DAY OF July, 2013.

SIGNATURE: Jaime Garcia

NAME (PRINT): Jaime Garcia

TITLE: TNR/R & B Supervisor

cc: Garcia (sign shop)

M:\PERMITS\Vacate\13PUE\08-BrassButtons\SignRequest-BrassButtons.doc


**NOTICE OF
PUBLIC HEARING**
MAY 23, 2013 AT 9:00 AM
PUBLIC UTILITY EASEMENT VACATION
TO APPROVE THE VACATION OF TWO FIVE
FOOT WIDE PUBLIC UTILITY EASEMENTS
LOCATED ALONG THE COMMON LOT LINE
OF LOTS 86, 87 AND 88 OF APACHE SHORES
FIRST INSTALLMENT
IN PRECINCT THREE
AT THE TRAVIS COUNTY
COMMISSIONERS COURTROOM
700 LAVACA STREET
FIRST FLOOR, AUSTIN
FOR MORE INFORMATION CALL 854-9383





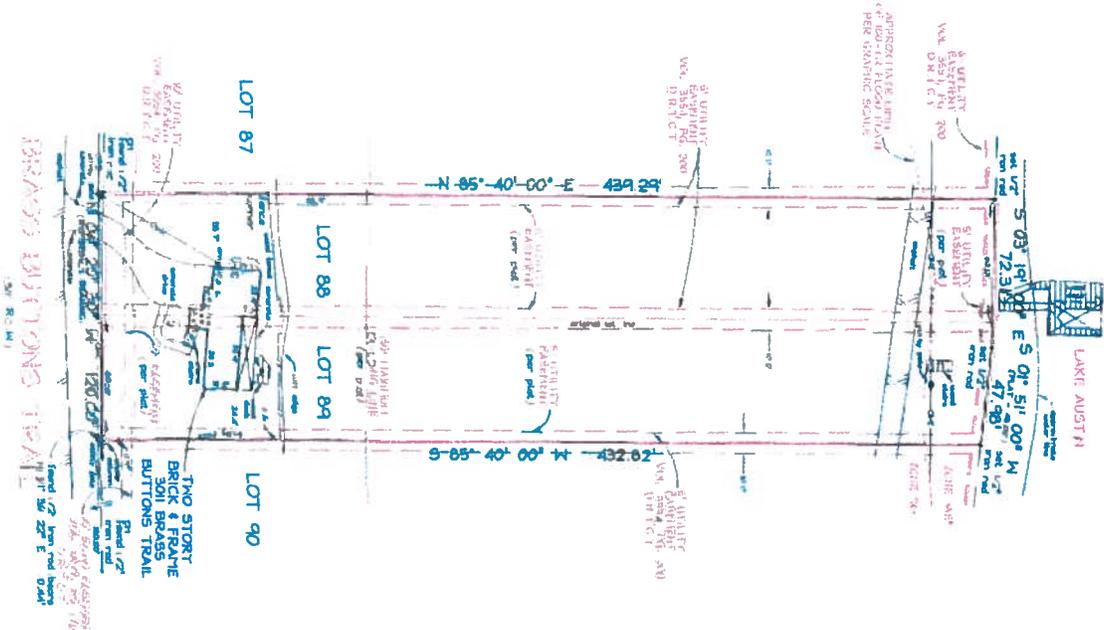
NOTICE OF PUBLIC HEARING

JULY 23, 2013 AT 9:00 AM

**PUBLIC UTILITY EASEMENT VACATION
TO APPROVE THE VACATION OF TWO FIVE
FOOT WIDE PUBLIC UTILITY EASEMENTS
LOCATED ALONG THE COMMON LOT LINE
OF LOTS 88 AND 89 OF APACHE SHORES,
FIRST INSTALLMENT — A SUBDIVISION
IN PRECINCT THREE**

**AT THE TRAVIS COUNTY
COMMISSIONERS COURTROOM
700 LAVACA STREET
(FIRST FLOOR), AUSTIN**

FOR MORE INFORMATION CALL 854-9383



PROPERTY DESCRIPTION

Being Lots 88 and 89, Apache Street Front Installation, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 43, Page 29, of the Public Records of Travis County, Texas.

THIS IS TO DECLARE that on the date a survey was made on the ground, under my direction and supervision of the above described tract of land.

On the date the corners, right-of-way or other locatable markers of record of which the under-lyed has knowledge or has been advised are as shown or noted hereon.

A portion of the subject property appears to be within the limits of a 100-year flood hazard zone according to the map published by the Federal Emergency Management Agency, and has been designated as being in the Special Flood Hazard Area. The Flood Hazard Zone is shown by the map published by the Federal Emergency Management Agency, and has been designated as being in the Special Flood Hazard Area. The Flood Hazard Zone is shown by the map published by the Federal Emergency Management Agency, and has been designated as being in the Special Flood Hazard Area. The Flood Hazard Zone is shown by the map published by the Federal Emergency Management Agency, and has been designated as being in the Special Flood Hazard Area.

NOTES:

CT - CONTROLLING POINT

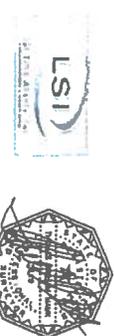
HOUSE EXTENDS THROUGH 5 EASEMENTS ALONG THE ORIGINAL LOT LINE AND SACKMAN

THIS PROPERTY IS NOT AFFECTED BY THE FOLLOWING

1. 100' EASEMENT VOL. 281 PG. 54 D.R.T. CT

2. 100' EASEMENT VOL. 281 PG. 54 D.R.T. CT

Requesting a vacation of the easement between Lot 88 & Lot 89
- Need to install a septic system



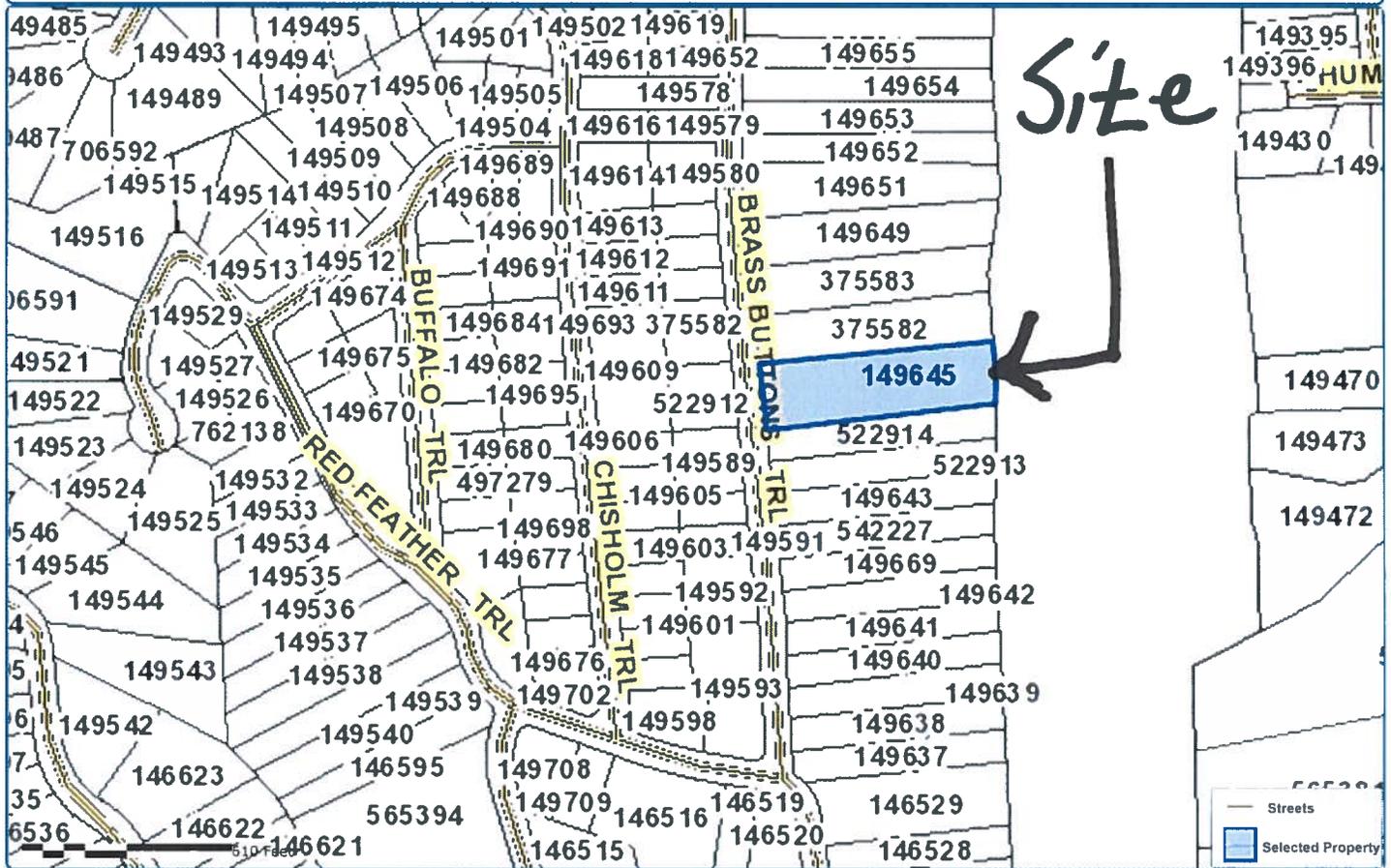
PRECISE LAND SURVEYING, INC.
 4625 EASTOVER DRIVE • MESQUITE, TEXAS 75149
 (972) 681-7072 FAX (972) 279-1508

BOUNDARY SURVEY
 3011 BRASS BUTTONS TRAIL
 TRAVIS COUNTY, TEXAS



612-0891
 1 1
 1 1

Travis CAD - Map of Property ID 149645 for Year 2013



Property Details

Account

Property ID: 149645
 Geo ID: 0147550413
 Type: Real
 Legal Description: LOT 88&89 APACHE SHORES FIRST INSTALLMENT

Location

Situs Address: 3011 BRASS BUTTONS TRL TX 78734
 Neighborhood: APACHE SHORES WATERFRONT
 Mapsco: 490R
 Jurisdictions: 0A, 03, 07, 2J, 52

Owner

Owner Name: BERKLE BRIAN
 Mailing Address: , 2827 WROXTON RD, HOUSTON, 77005

Property

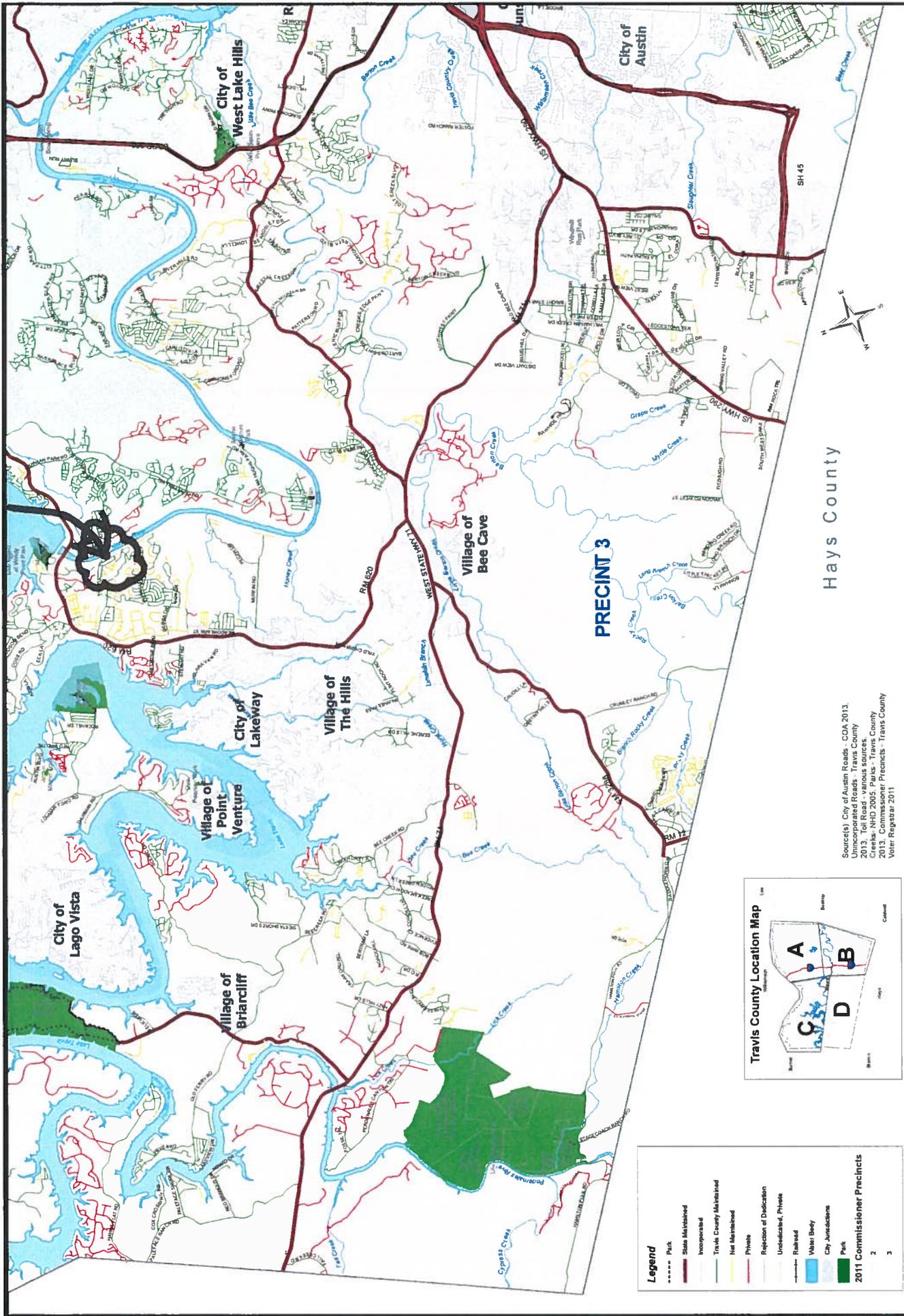
Appraised Value: \$722,018.00

<http://propaccess.traviscad.org/Map/View/Map/1/149645/2013>

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.

Site

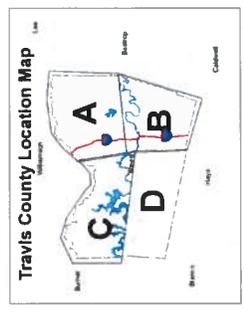


Map Prepared by Travis County
 Dept. of Transportation & Natural Resources
 Date: 5/21/2013



Hays County

Source(s): City of Austin Roads - COA, 2013.
 Unincorporated Roads - Travis County
 2013, Toll Road - various sources.
 Creeks: NHD 2005, Parks - Travis County
 2013 - Commissioner Precincts - Travis County
 Voter Registrar 2011



Legend

- Park
- State Maintained
- Incorporated
- Travis County Maintained
- Not Maintained
- Phone
- Rejection of Dedication
- Undedicated, Phone
- Railroad
- Water Body
- City Jurisdictions
- Park

2011 Commissioner Precincts

2

3

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering or surveying purposes. It does not represent an on-the-ground survey and represents only the information available at the time of preparation. The user assumes all responsibility for the accuracy of the information and the user's use of the information for purposes other than those intended by the product's accuracy or completeness.

Travis County Roadways, Map D