



Travis County Commissioners Court Agenda Request

Meeting Date: October 22, 2013

Prepared By: Paul Scoggins, Engineer Specialist **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 5 foot wide public utility easement located along the south side lot line of Lot 137 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 a 5 foot wide public utility easement (PUE) located along the south side lot line of Lot 137 Apache Shores, First Installment. The easement is dedicated per plat note. The subject lot fronts on Brass Buttons Trail, a street maintained by Travis County.

The utility companies operating in the area have stated they have no objection to vacating the subject easement. 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 owner of the property would like to build a garage on the existing slab, which encroaches in the subject easement. Vacating the easement will allow him to move forward with his plans and remedy the encroachment issue.

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 of Development Services and Long Range Planning	TNR	(512) 854-7561

CC:

Stacey Scheffel	Permits Program Manager	TNR	(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 owners request the vacation of a five foot wide public utility easement located along the south side lot line of Lot 137 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 easement 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 easement 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 October 22, 2013 to consider the proposed action; and

NOW, THEREFORE, by unanimous vote, the Commissioners Court of Travis County, Texas, orders that the five foot wide public utility easement located along the south side lot line of Lot 137 of Apache Shores, First Installment, as shown and described in the attached field notes and sketch, 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



EXHIBIT

PARTIAL RELEASE OF EASEMENTS

FIELD NOTES FOR OF A PORTION OF EASEMENTS THAT HAVE A TOTAL WIDTH OF TEN FEET, BEING FIVE FEET WIDE ON EACH SIDE OF THE DIVIDING LINE OF LOTS 137 AND 138, OF APACHE SHORES FIRST INSTALLMENT, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN BOOK 43 PAGE 29, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAID LOT 137 BEING CONVEYED TO RONALD C. ROCHE BY DEED OF RECORD UNDER DOCUMENT NUMBER 201200924 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID LOT 138 BEING QUIT CLAIMED TO CATHERINE RENEE NORTHUP BY DEED OF RECORD IN VOLUME 12580 PAGE 647, OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID EASEMENTS ARE DEDICATED BY STATEMENT ON THE PLAT OF APACHE SHORES FIRST INSTALLMENT AND DEDICATED IN THE DECLARATION OF COVENANTS RECORDED IN VOLUME 3554 PAGE 200, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, THE EASEMENTS AS DEDICATED ON THE PLAT, ARE DESCRIBED AS "FIVE FEET WIDE UTILITY EASEMENTS RETAINED ALONG THE SIDES OF EACH LOT", THE EASEMENTS AS DEDICATED IN THE DECLARATION OF COVENANTS ARE DESCRIBED AS "FIVE FEET WIDE UTILITIES AND DRAINAGE EASEMENTS ALONG THE SIDE LINE OF EACH AND EVERY LOT", THE PERIMETER OF THE PART OF THE ABOVE SAID EASEMENTS THAT IS TO BE RELEASED IS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a ½" diameter iron rod with a plastic cap stamped Tri-Tech set at the Southeast corner of the above said Lot 137, same being the Northeast corner of the above said Lot 138, said iron rod is in the West margin of Brass Buttons Trail, same being the East line of a ten feet wide utility easement which is dedicated by a statement on the subdivision plat of Apache Shores, First Installment, said iron rod is also in the East line of the a 10 feet wide drainage and utility easement located along the front lines of each lot as reserved in the above said Declaration of Covenants;

THENCE N88°28' W, along the common dividing line of said Lot 137 and Lot 138, for a distance of 10.00 feet to a point in the East line of the herein described easement area to be released, said East line is also the West line of the above said 10.00 feet wide drainage and utilities easements;

THENCE S01°32'W, entering Lot 137 along the East line of the herein described portion of the easements to be released, same being the West line of the above said 10.00 feet wide drainage and utilities easements along the front lines of each lot, for a distance of 5.00 feet to the Southeast corner and the **PLACE OF BEGINNING** hereof;

THENCE N88°28'W, over and across a portion of said Lot 137, along the South line of the herein described easements to be released, for a distance of 111.50 feet to the Southwest corner hereof,

THENCE N01°32'E, along the West line of the herein described easement to be released, same being the East line of a six feet wide drainage and utility easement along the rear lines of all lots as reserved in said Declaration of Covenants, passing at 5.00 feet the dividing line of said Lot 137 and Lot 138, and continuing for a total distance of 10.00 feet to the Northwest corner hereof;

THENCE S88°28'E, along the North line of the easements to be released, over and across a portion of Lot 138, for a distance of 111.50 feet to the Northeast corner hereof, said Northeast corner lies in the West line of the above said 10.00 feet wide drainage and utilities easements retained along the front lines of each lot;

THENCE S01°32'W, along the East line of the herein described portion of the easements to be released, same being the West line of the above said "10.00 feet wide easements retained along the front lines of each lot", passing the dividing line of said Lots 138 and 137, at 5.00 feet and continuing for a total distance of 10.00 feet returning to the **PLACE OF BEGINNING** and containing 1,115 square feet of land, more or less.

SEE ACCOMPANYING ILLUSTRATION

D. Bell

David Bell
Registered Professional Land Surveyor No. 3994
JOB # AUS344-07

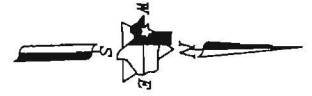
8-16-13

Date

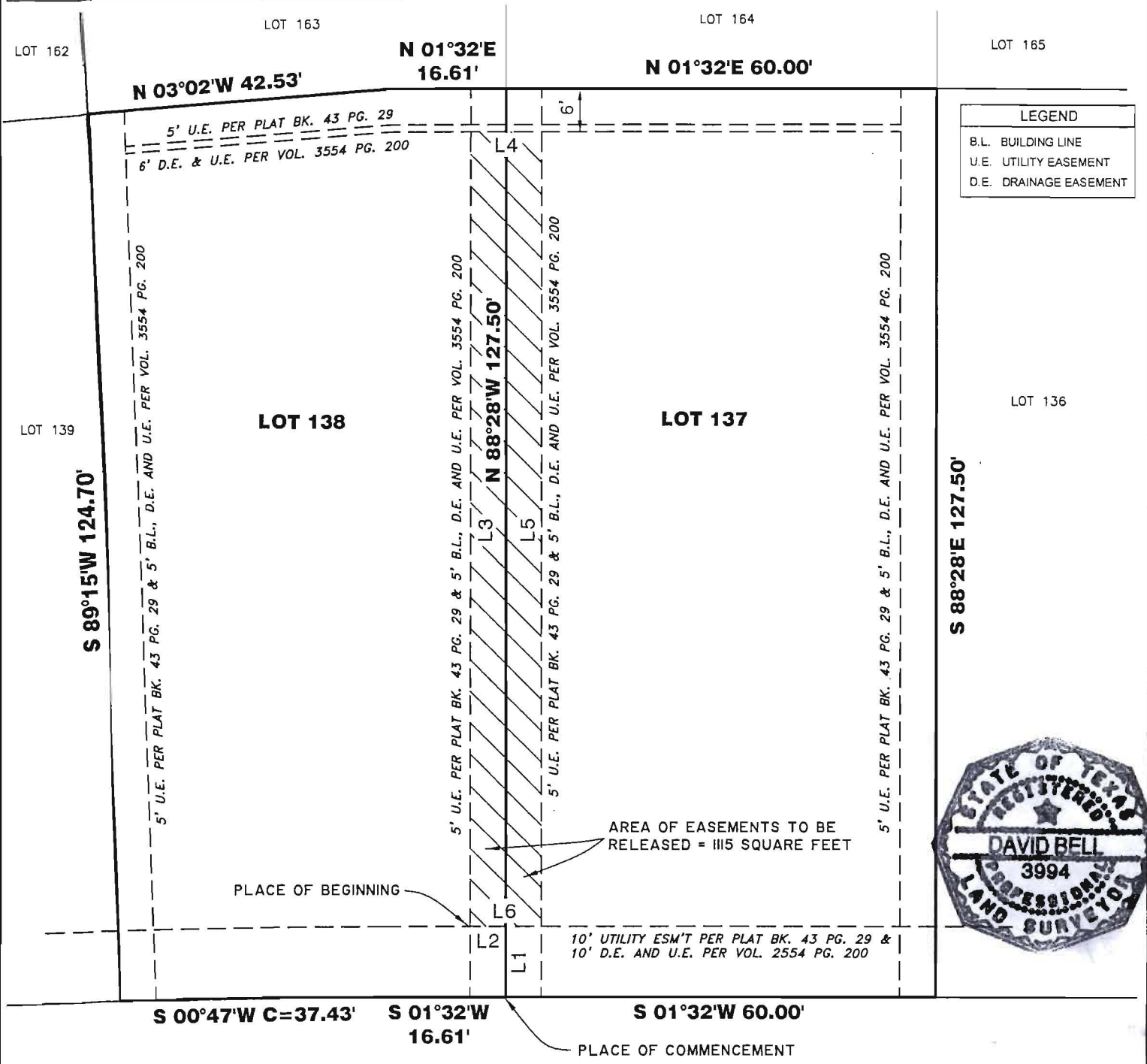


SKETCH TO ACCOMPANY
METES AND BOUNDS

SCALE 1"=20'



Course	Bearing	Distance
L1	N 88°28' W	10.00'
L2	S 01°32' W	5.00'
L3	N 88°28' W	111.50'
L4	N 01°32' E	10.00'
L5	S 88°28' E	111.50'
L6	S 01°32' W	10.00'



LEGEND	
B.L.	BUILDING LINE
U.E.	UTILITY EASEMENT
D.E.	DRAINAGE EASEMENT



BRASS BUTTONS TRAIL (50' R.O.W.)

COPYRIGHT 2013 TRI-TECH SURVEYING COMPANY, L.P.

Use of this survey for any other purpose or other parties shall be at their risk and undersigned is not responsible to others for any loss resulting therefrom.

Dated this the 16th day of August, 2013

Job No. AUS-344-07

TRI-TECH SURVEYING COMPANY, L.P.
Formerly Point-Line Services, Inc.
Formerly D. Seelig Land Surveyors, PC
Formerly Brandt Surveying, PC

WWW.SURVEYINGCOMPANY.COM
3802 Manchaca Road Austin, Texas 78704
Phone: (512) 440-0222 Fax: (512) 440-0224
Phone: (512) 339-0808

DAVID BELL, R.P.L.S. 3994

Ronald C. Roche, P.E.



3108 Brass Buttons Trails
Austin, Texas 78734
(713) 775-4715
rrocherr@yahoo.com

8/28/2013

Paul Scoggins
Travis County
Transportation and Natural Resources
700 Lavaca Street
PO Box 1748
Austin, Tx. 78767

Re: Vacating Public Utility Easement for Lot 137

Mr. Scoggins:

I am requesting to Vacate the five (5) foot Public Utility Easement on the South side for Lot 137 in order to build a garage on the slab that has been there for over twenty five (25) years undeveloped. The slab is 3-1/2 inches off of the property line of the south end of Lot 137.

I have received releases from the other utility companies and now need one from Travis County. Please review all of the supporting documents in order to obtain your release.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ronald C. Roche".

Ronald C. Roche, P.E.
E-mail: rrocherr@yahoo.com



Pl ✓ 1105
Bank of Amer.

Reviewed by: CK
Plu3



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: 7-10-09

A release of the following utility easement(s) is hereby requested.
(\$25.00 fee is required)

Property Address: 3110 Brass Buttons Trail
Legal Description: Apache Shores First Installment
Lot 137

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

Applicant Name: Catherine R. Roche
Address: 3108 Brass Buttons Trl.
Austin, TX. 78734

Reason for Request : would like to finish building
the garage (slab was there when I purchased
the property)

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.

Deborah S. Gernes

Signature _____ Date _____
Deborah S. Gernes _____
Printed Name _____
General Manager _____
Title _____

Please return this completed form to:

Name: Catherine Roche
Address: 3108 Brass Buttons Trl.
Austin, TX. 78734
City/State/Zip _____

Phone: 512-797-7767
Fax: _____





TRANSPORTATION AND NATURAL RESOURCES

JOSEPH P. GIEBELMAN, EXECUTIVE MANAGER

411 West 13th Street
Executive Office Building, 11th Floor
P.O. Box 1748
Austin, Texas 78767
(512) 854-0000
FAX (512) 854-4887

EASEMENT REQUIREMENT STATEMENT FOR VACATION OF PROPERTY

An application is being made to Travis County for the vacation of property at 3110 Brass Buttons Trail (address) and/or Apache shores First Installment Lot 137 (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.

Request approved only between the 5' Public Utility Easement along the rear and the 10' Public Utility Easement along Brass Buttons Trail.

Judith E. Fowler
Signature
JUDITH E. FOWLER
Printed Name
PROCESS MANAGER
Title
AUSTIN ENERGY
Utility Company or District
9/12/07
Date

Please return this completed form to:

Cathie Roche (2649469)
Name
3108 Brass Buttons Trail
Address
Austin, Texas 78734
City/State/Zip



SOUTHWESTERN BELL TELEPHONE COMPANY

RELEASE OF EASEMENT

THIS RELEASE OF EASEMENT, entered into by *SOUTHWESTERN BELL TELEPHONE COMPANY, GRANTOR, AND Catherine Roche, 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 a certain easement for telecommunication purposes hereinafter described that affects land owned by GRANTEE situated in Travis County, Texas, and described as follows:

Lot 137, Apache Shores, First Installment, Deed of record in Volume 12580, Page 647, Property Records of Travis County, Texas

Said land of GRANTEES being subject to:

Public utility easement recorded in Volume 43, Page 29, Plat Records of Travis County, Texas,


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

The 5 foot PUE on the South property line of said Lot 137, described above, adjacent to the common property line of Lot 138, of said Subdivision,

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 10th day of JULY, 2009.

SOUTHWESTERN BELL TELEPHONE COMPANY



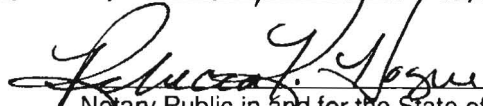
Name : STEVE FOUGERON

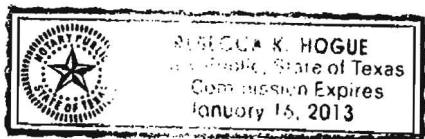
Title: MANAGER ENGINEERING DESIGN

THE STATE OF TEXAS
COUNTY OF TRAVIS

BEFORE ME, the undersigned authority, on this day personally appeared STEVE FOUGERON, 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 10th day of JULY, 2009.


Notary Public in and for the State of TEXAS
My Commission Expires JAN. 13, 2013



Nancy LeMieux

512-266-3910

p.3



TRANSPORTATION AND NATURAL RESOURCES

JOSEPH R. GEBELMAN, EXECUTIVE MANAGER

411 West 13th Street
Executive Office Building, 11th Floor
R.D. Box 1768
Austin, Texas 78767
(512) 264-2223
FAX (512) 264-4887

EASEMENT REQUIREMENT STATEMENT FOR VACATION OF PROPERTY

An application is being made to Travis County for the vacation of property at 3110 Brass Buttons Trail (address) and/or Apache shores First Installment Lot 137 (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.

Laurie Schumpert
 Signature
Laurie Schumpert
 Printed Name
Designer
 Title
Time Warner Cable - Austin
 Utility Company or District
September 4, 2007
 Date

Please return this completed form to:

Cathie Roche
 Name
3108 Brass Buttons Trail
 Address
Austin, Texas 78734
 City/State/Zip



TRANSPORTATION AND NATURAL RESOURCES

Steven M. Manilla, P.E., County Executive
700 Lavaca Street 7th 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 a five foot wide public utility easement was posted on September 28, 2013, along the east ROW line of Brass Buttons Trail at the common lot line of Lots 137 and 138 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 1 DAY OF October, 2013.

SIGNATURE: Jaime Garcia
NAME (PRINT): Jaime Garcia
TITLE: TNR/RFB Supervisor

cc: Garcia (sign shop)

C:\Users\GarciaJ\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\AJBA03JB\SignReque:



**NOTICE OF
PUBLIC HEARING**

OCTOBER 22, 2013, AT 9:00 AM
PUBLIC UTILITY EASEMENT VACATION

TO APPROVE THE VACATION OF A FIVE
FOOT WIDE PUBLIC UTILITY EASEMENT
LOCATED ALONG THE SOUTH SIDE LOT
LINE OF LOT 137 OF APACHE SHORES,
FIRST INSTALLATION, A SUBDIVISION
IN PRECINCT THREE.

A HEARING WILL BE HELD AT
THE TRAVIS COUNTY
COMMISSIONER'S COURTROOM
700 LAVACA ST., AUSTIN, TEXAS
FOR MORE INFORMATION CALL 854-9383



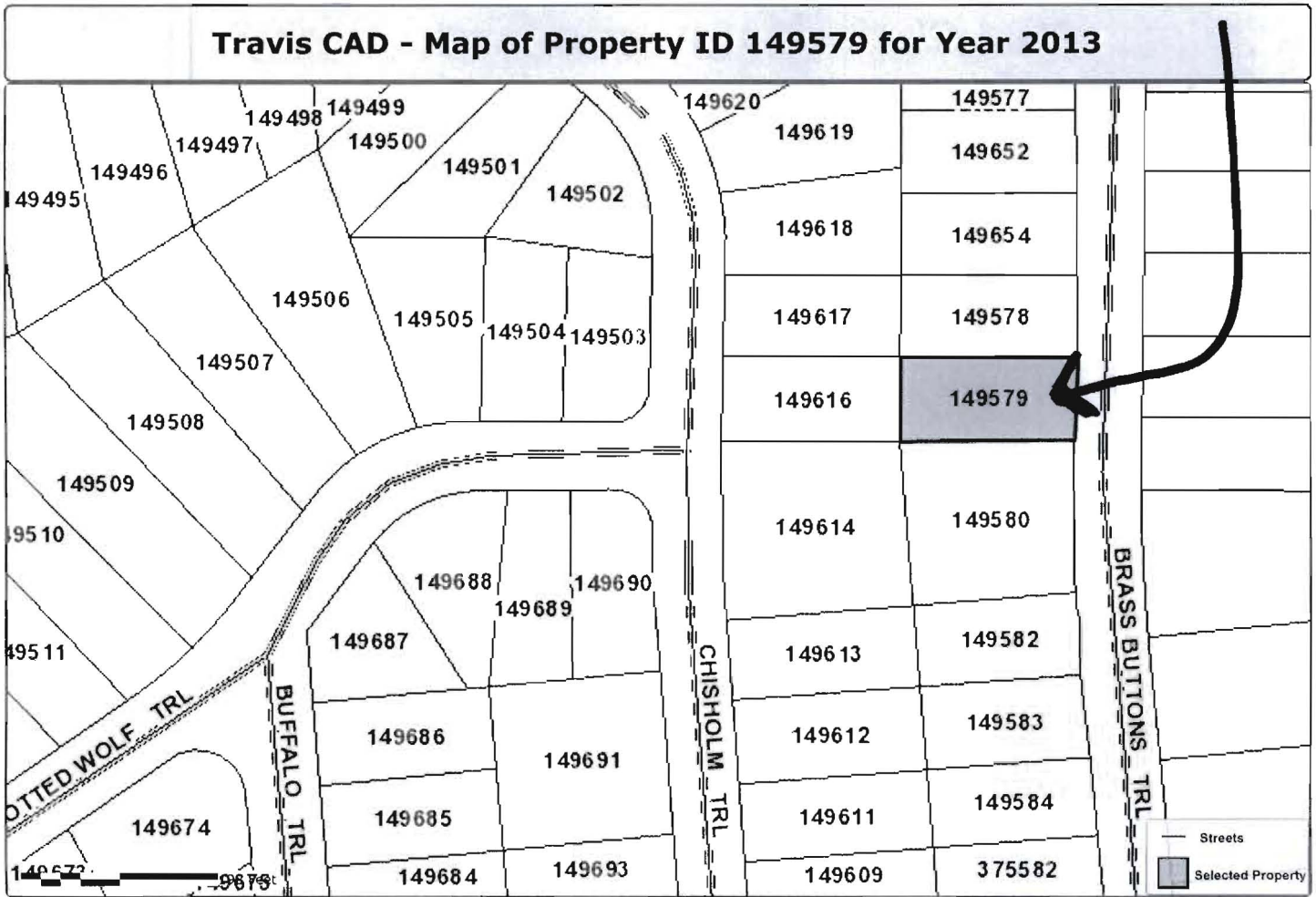
NOTICE OF PUBLIC HEARING

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FOOT WIDE PUBLIC UTILITY EASEMENT
LOCATED ALONG THE SOUTH SIDE LOT
LINE OF LOT 137 OF APACHE SHORES,
FIRST INSTALLATION. A SUBDIVISION
IN PRECINCT THREE.**

**A HEARING WILL BE HELD AT
THE TRAVIS COUNTY
COMMISSIONERS COURTROOM
700 LAVACA ST, AUSTIN, TEXAS
FOR MORE INFORMATION CALL 854-9383**

Lot 137



Property Details

Account
Property ID: 149579
Geo ID: 0147550318
Type: Real
Legal Description: LOT 137 APACHE SHORES FIRST INSTALLMENT

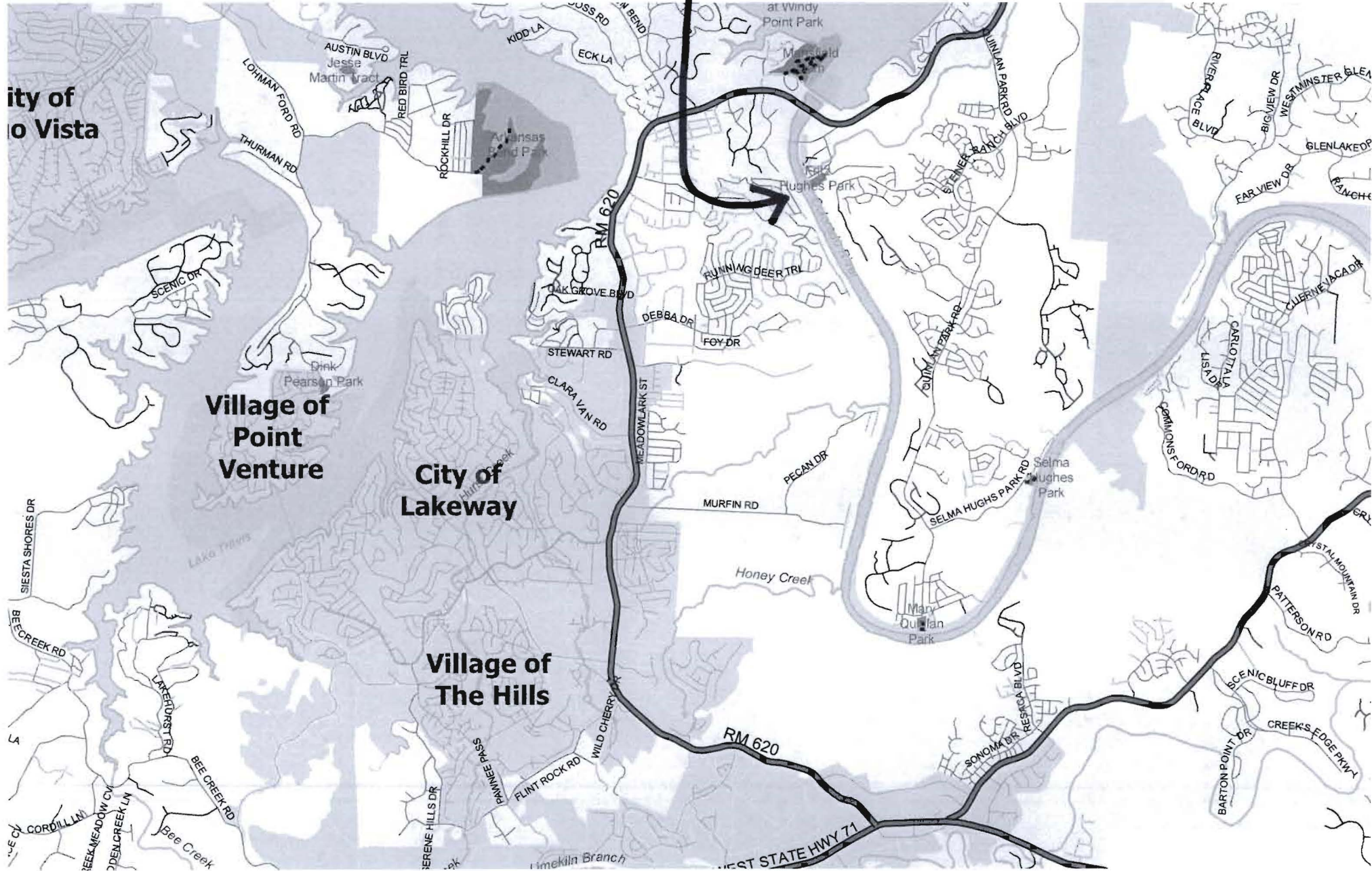
Location
Situs Address: 3110 BRASS BUTTONS TRL TX
Neighborhood: APACHE SHORESS(Obssolete-MERGED INTO R4120)
Mapsc0: 490R
Jurisdictions: 0A, 03, 07, 2J, 52

Owner
Owner Name: ROCHE RONALD C
Mailing Address: , 3108 BRASS BUTTONS TRL, , AUSTIN, TX 78734-2406

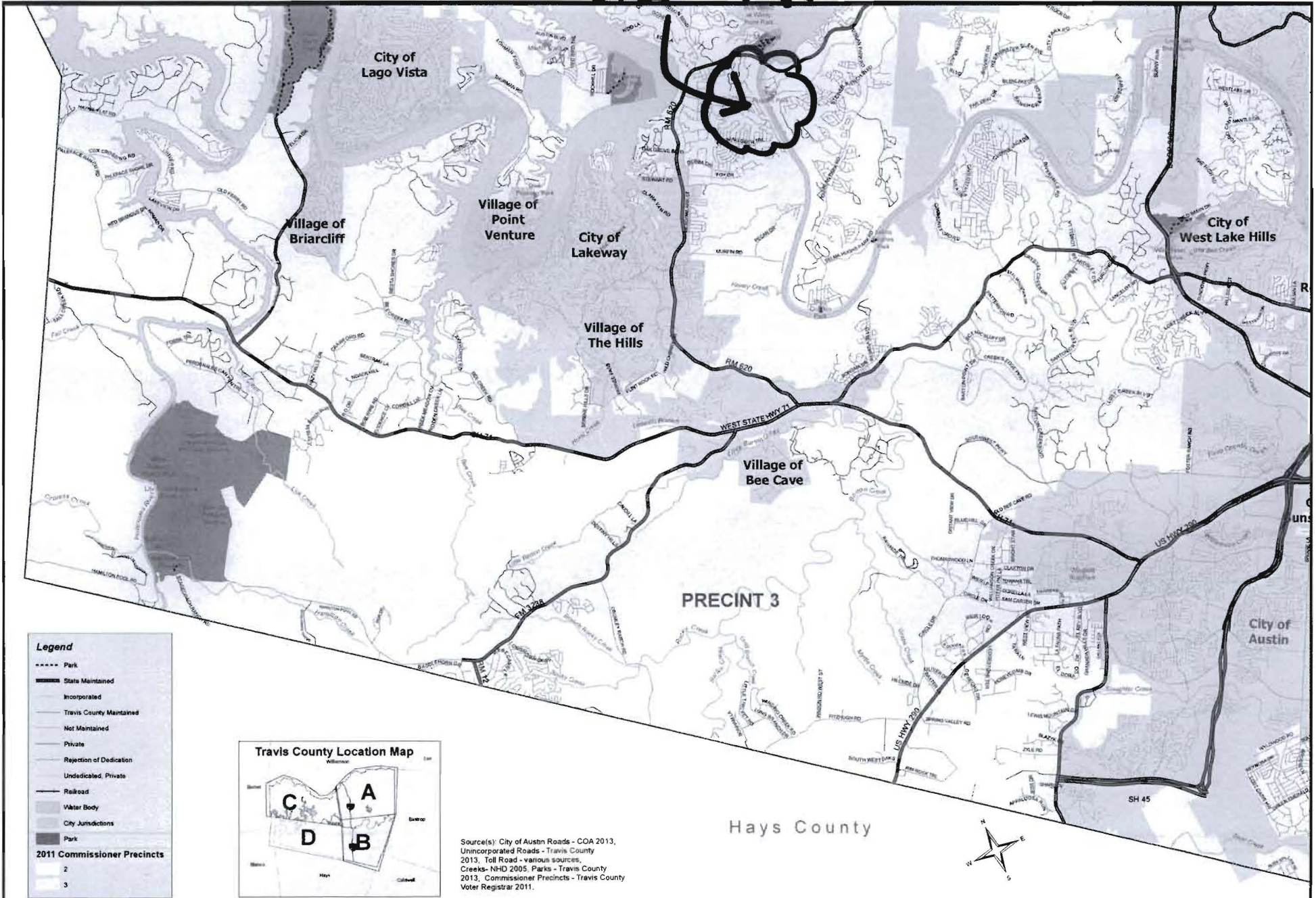
Property
Appraised Value: \$28,506.00

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 Area



Site Area



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 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.

Travis County Roadways, Map D

0 0.9
Miles



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