



Travis County Commissioners Court Agenda Request

Meeting Date: October 29, 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 Todd, Precinct Two

AGENDA LANGUAGE: Approve setting a public hearing on Tuesday, November 19, 2013 to receive comments regarding a request to authorize the filing of an instrument to vacate the five foot wide public utility easements located along the rear lot lines of Lots 3-8, Block D of the re-subdivision of Baldwin's Point in Precinct Two.

BACKGROUND/SUMMARY OF REQUEST:

TNR staff has received a request to authorize the filing of an instrument to vacate the five foot wide public utility easements (PUEs) located along the rear lot lines of Lots 3-8, Block D of the Re-subdivision of Baldwin's Point. The easements are dedicated per plat note. Lots 3-5 front on Quinlan Park and Lots 6-8 front on Minnie Drive. Both 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 owner of the property would like install a private driveway along the rear of the subject lots. Vacating the easements should remedy any potential encroachment issues in regards to the subject easements. An area of 117 square feet located along the common lot line of Lots 5 and 6 at Rush Road will remain per separate instrument dedication for a power pole at the request of Austin Energy.

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	(512) 854-4239
Steven M. Manilla	County Executive	TNR	(512) 854-9429
Anna Bowlin	Division Director	Development Services and 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 - Re-subdivision of Baldwin's Point

ORDER OF VACATION

STATE OF TEXAS §

COUNTY OF TRAVIS §

WHEREAS, the property owner requests the vacation of the five foot wide public utility easements located along the rear lot lines of Lots 3-8, Block D of the Re-subdivision of Bauldwin's Point as recorded at Book 6, Page 172 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 November 19, 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 easements located along the rear lot lines of Lots 3-8, Block D of the Re-subdivision of Bauldwin's Point, 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

8405 Delavan Ave
Austin, Tx 78717



Off: (512) 258-6842

Cell: (512) 659-4266

westsurveyors@austin.rr.com

**FIELDNOTE DESCRIPTION
10' P.U.E. VACATION**

BEING 2,252 SQUARE FOOT PUBLIC UTILITY EASEMENT OUT OF LOTS 3, 4, 5, 6, 7, & 8, BLOCK "D", A RESUBDIVISION OF BALDWIN'S POINT, A SUBDIVISION RECORDED IN BOOK 6, PAGE 172 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS. SAID PUBLIC UTILITY EASEMENT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: (See attached legal size EXHIBIT)

BEGINNING at a ½ inch iron rod set in the North Right-of-Way line of Rush Road for the common corner of Lots 5 & 6, Block "D" of said BALDWIN'S POINT SUBDIVISION;

THENCE departing the said North Right-of-Way line of Rush Road and along the centerline of the herein described 10 foot wide easement, same being the common rear lot lines of Lots 5 and 6, North 29d 50' 01" East, a distance of 75.07 feet to a ½ inch iron rod set for the common corner of Lots 5,6,4 & 7;

THENCE continuing along the centerline of the herein described 10 foot wide easement, same being the common rear lot lines of Lots 4 and 7, North 29d 50' 01" East, a distance of 75.07 feet to a ½ inch iron rod set for the common corner of Lots 4,7,3, & 8;

THENCE continuing along the centerline of the herein described 10 foot wide easement, same being the common rear lot lines of Lots 3 & 8, North 29d 50' 01" East, a distance of 75.07 feet to a ½ inch iron rod set for the common corner of Lots 3 and 8, same being the **POINT OF TERMINATION** for the herein described 10 foot wide easement and containing a calculated area of **2,252 Square Feet** of land subject to easements, conditions or restrictions of record, if any.

I hereby certify that the foregoing Field Notes were prepared from a survey on-the-ground, under my supervision and are true and correct to the best of my knowledge and belief.

Witness my hand and seal this the 31st day of July 2012.

Gregory E. West, R.P.L.S. # 4188
8405 Delavan Avenue
Austin, Texas 78717
Project No. P054-01 10' Esmt Release



EXHIBIT



179.31'
S78°45'00"E

1/2" I.R. Set

chain link fence line

Lot 8

Lot 3

Scale: 1"=20'

WEST SURVEYORS, INC.

8405 Delavan Avenue
Austin, Texas 78717
Ph. (512) 258-6842
westsurveyors@austin.rr.com
Project No. P054-01

Lot 7

1/2" I.R. Set

Lot 4

S78°45'00"E

LEGAL DESCRIPTION:

Being out of Lots 3, 4, 5, 6, 7, & 8, Block "D",
A RESUBDIVISION OF BALDWIN'S POINT, according
to the plat recorded in Book 6, Page 172 of the
Plat Records, Travis County, Texas.

1/2" I.R. Set

Lot 6

S78°45'00"E

179.77'

Lot 5

This Survey substantially complies with the current Texas Society of
Professional Surveyors Standards and Specifications for a Category
1B, Condition III Survey.

Gregory E. West
Gregory E. West, R.P.L.S. No. 4188

7-31-13
Date



1/2" I.R. Set
Point of
Beginning

wood
utility
pole

S78°45'00"E

180.00'

Rush Road

wood
utility
pole

asphalt pavement

Linda Peterek
109 FULLER DR
BERGHEIM, TX 78004

Request for Vacating Public Utility Easements

August 12, 2013

Attn: Travis County Transportation & Natural Resources, Planning & Engineering

To Whom it May Concern

I am submitting a request to vacate a public utility easement that crosses the following lots:

Lots 3-8, Blk D, of Baldwins Point Resub

Address: 10804 Rush Rd #1-6

I have received completed releases from ATT, WCID 17, & Austin Energy. Austin Energy had us file a new electrical easement for them that surrounds a power pole that was located in the released easement. The sketch and metes & bounds for Austin Energy is included in the package for reference. The lots do not have gas or sewer utilities and cable is with ATT.

I need the release because a future private driveway will be needed along the same path as the released easement and the existing utilities are already using easements outside of the lots (see plat) so there was no need for the PUE.

Attached are the following:


Metes & Bounds by RPLS

Sketch of plat showing the public utility to be vacated

Release letters from ATT, WCID, and Austin Energy (including new metes & bounds for AE)

Please contact Ryan Rucker at 512-293-7825 or canyonvista@earthlink.net for correspondence in this matter.

Sincerely



8-5-13

Linda Peterek

OWNERS



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 10804 Rush Rd., #1-6, Austin, TX 78732 (address) and/or Baldwin's Point Lots 3-8, Blk D (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
July 19, 2013

Date

Please return this completed form to:

Ryan Rucker

Name
12511 Mixson Dr.

Address
Austin, TX 78732

City/State/Zip

canyonvista@earthlink.net



TRAVIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT 17

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

Date: 5-15-13 EASEMENT RELEASE APPLICATION

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

Property Address: 10804 Rush Rd, Austin, TX 78732

Legal Description: Baldwin's Point, Blk D
Lots 3-8

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

Applicant Name: Linda Petersek

Address: 12511 Mixson Dr
Austin TX 78732

Reason for Request: water is already located at front of all lots. In-line driveway will be on back of lots

X 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.

Signature: Henry W. Marley Date: 5.20.13

Reviewer: Henry Marley

Signature: Deborah S. Gemes Date: 5.20.13

Printed Name: Deborah S. Gemes

General Manager

Title

Please return this completed form to:

Phone: 512-253-7825

Fax: 512-351-8131

Email: caryou@ista@earthlink.net

Name: Ryan Rucker

Address: 12511 Mixson

City/State/Zip: Austin TX 78732



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 10804 Rush Rd #16, Austin TX 78732 (address) and/or BALDWIN'S POINT BLK D Lots 3-8 (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.

Henry J. Marley
Signature

Henry Marley
Printed Name

Field Supervisor
Title

TR. Cty. WCID 17
Utility Company or District

5.20.13
Date

Please return this completed form to:

Ryan Rucker
Name

12511 MIKSON DR
Address

AUSTIN TX 78732
City/State/Zip

CANYONVISTA@earthlink.net



SOUTHWESTERN BELL TELEPHONE COMPANY

RELEASE OF EASEMENT

THIS RELEASE OF EASEMENT, entered into by *SOUTHWESTERN BELL TELEPHONE COMPANY, a Delaware corporation, GRANTOR, AND Linda F. Peterek, 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 3, 4, 5, 6, 7 and 8, Block D, Resubdivision of Baldwin's Point, Deed of record in Document 2013054380, Property Records of Travis County, Texas

Said land of GRANTEE being subject to:

Easements recorded in Book 6, Page 172, 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 rear property lines of said Lots 3-8, Block D, 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 30th day of May, 2013

SOUTHWESTERN BELL TELEPHONE COMPANY

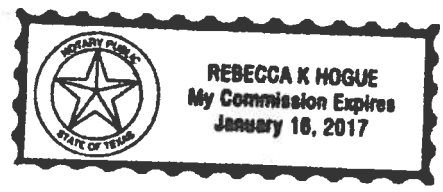
Name: DAVID A. WILLIAMS

Title: Lead CSP PLS & ENGRS 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 30th day of MAY, 2013.

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 10804 Rusk Rd #1-C, Austin TX 78732 (address) and/or BALDWIN'S POINT BLD Lots 3-8 (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.

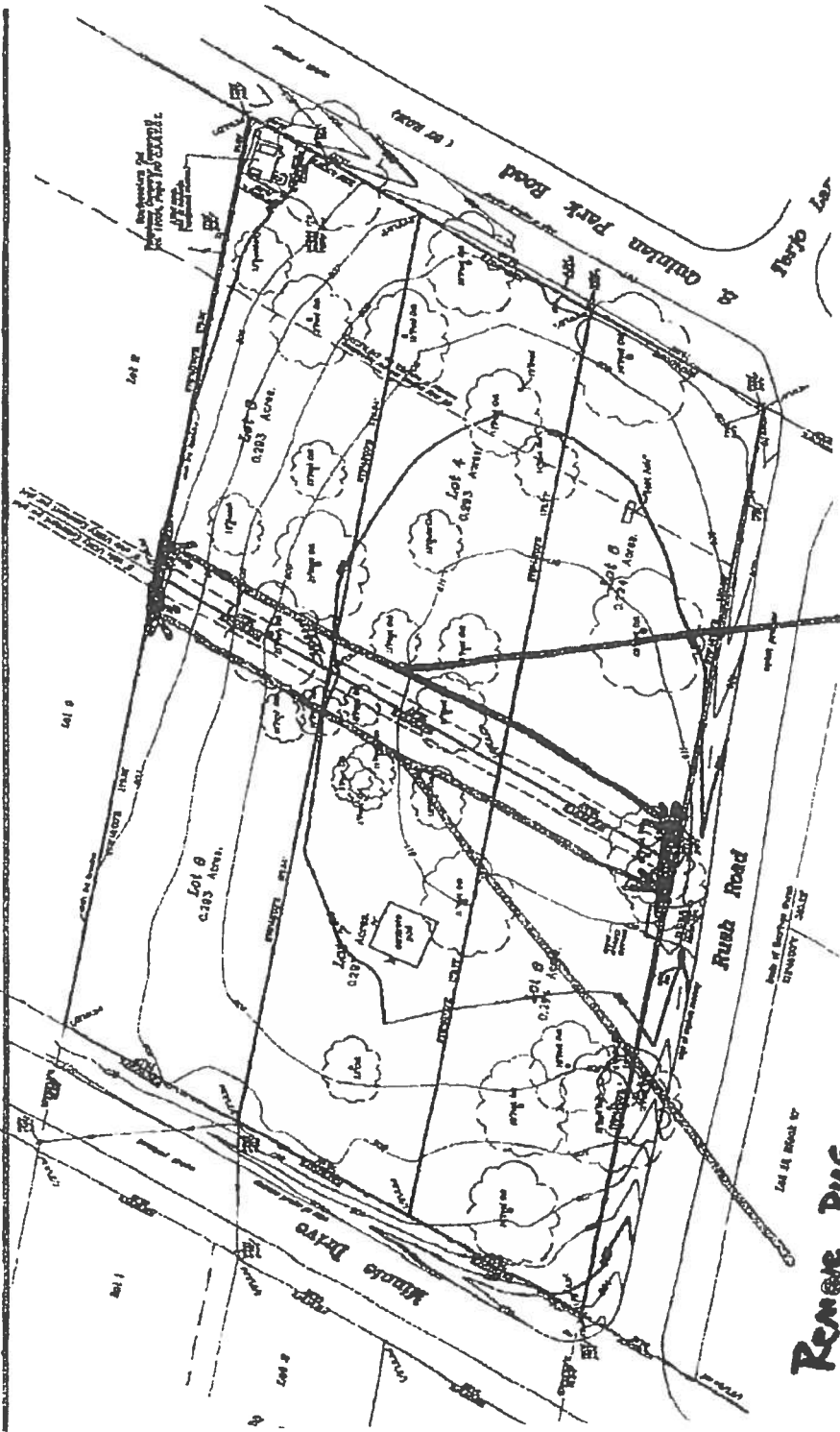
Lisa N. Law
Signature
LISA N. Law
Printed Name
Supervisor, Design
Title
Time Warner Cable
Utility Company or District
10-17-13
Date

Please return this completed form to:

RYAN Rucker
Name
12511 MIXSON DR
Address
AUSTIN TX 78732
City/State/Zip
CANYONISTA@earthlink.net

10804 Rush Rd.
Austin, TX 78732

BALDWIN'S PAINT
BK D, LOTS 3-8



Remove PUE for
future driveway
LOTS 6-8

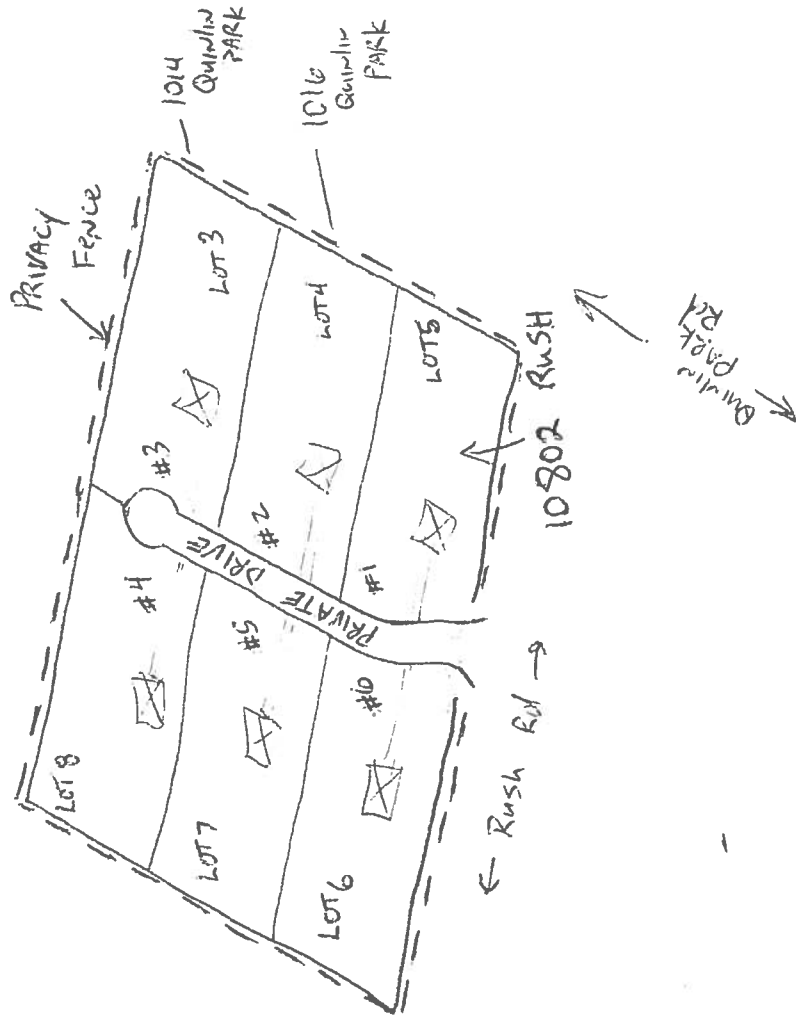
Remove PUE for
future driveway
LOTS 3-5

CITY OF AUSTIN DEVELOPMENT WEB MAP

Legend

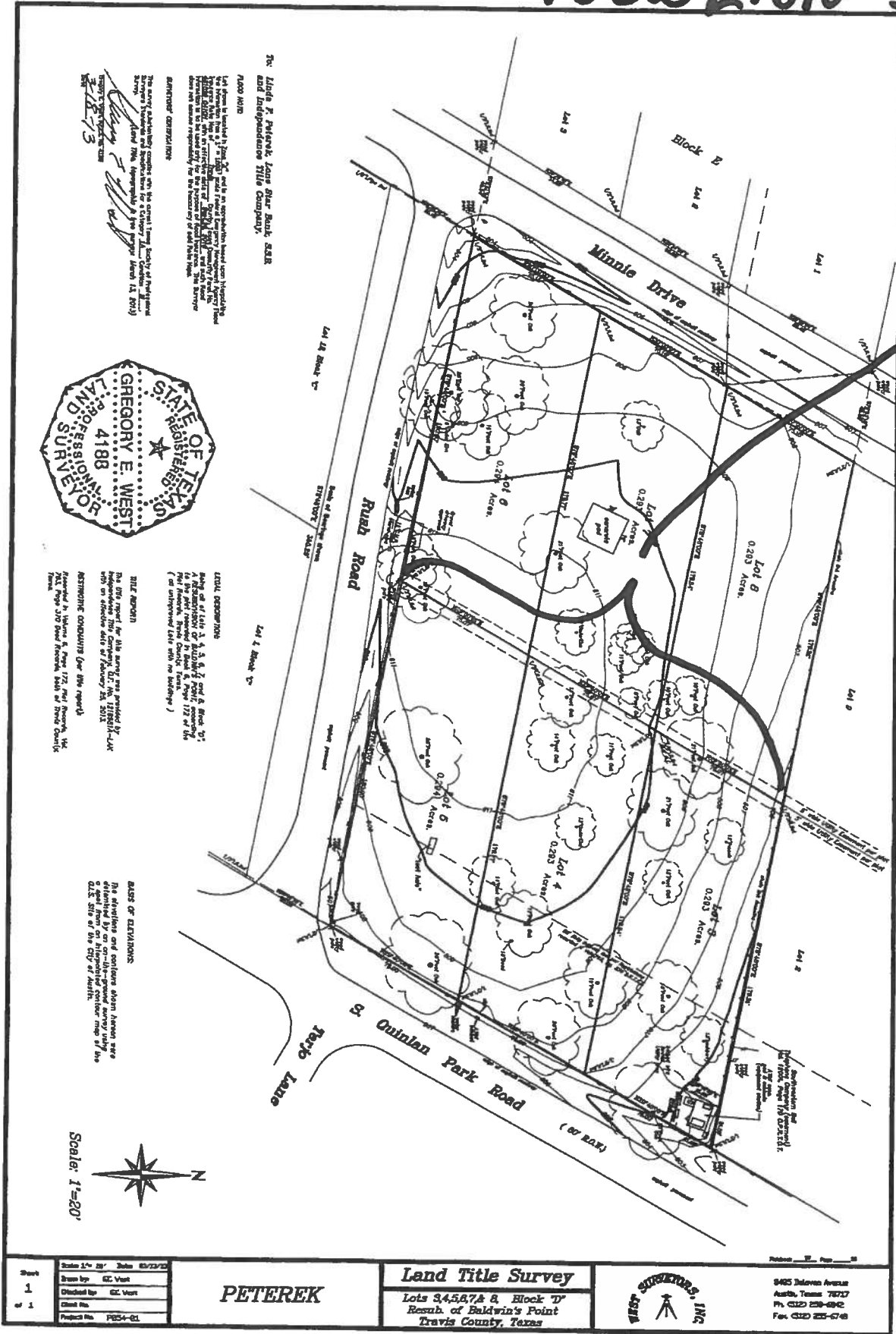
- Lot Lines
- Streets
- Building Footprints
- Named Creeks
- Lakes and Rivers
- Parks
- County
- Contours Year 2003
- 10 Ft Contours
- 2 Ft Contours
- Lot Line
- Block ID
- Lot ID

CAN All lots have 10802 Rush
 AS address with unit numbers #1-6?



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. THIS PRODUCT HAS BEEN PRODUCED BY THE CITY OF AUSTIN FOR THE SOLE PURPOSE OF GEOGRAPHIC REFERENCE. NO WARRANTY IS MADE BY THE CITY OF AUSTIN REGARDING SPECIFIC ACCURACY OR COMPLETENESS.

Easements' location

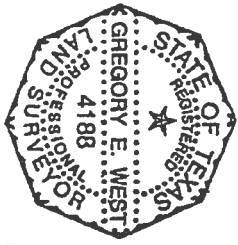


To: **Linda F. Peterak Loan Officer Bank SAR and Independence Title Company.**

AGENDAS
 This survey was made by me, or under my supervision, and is an original and true copy of the same. I am a duly licensed and qualified Surveyor in the State of Texas, and I am not aware of any other person who has been or is engaged in the same or similar work for the same or similar parties. This survey was made for the purpose of showing the location of the easements and the boundaries of the lots shown thereon.

AGENDAS
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LEGAL DESCRIPTION
 Block of Lots 1, 2, 3, 4, 5, 6, 7 and 8, Block 'B', of Independence Title Company, D.C. No. 117881-14K, as shown on plat recorded in Book 5, Page 172 of the Public Records of Travis County, Texas, (as amended later with no number.)

DATE
 This map was made by me, or under my supervision, on the 15th day of February, 2011.

AGENDAS
 This map was made by me, or under my supervision, on the 15th day of February, 2011.

AGENDAS
 This map was made by me, or under my supervision, on the 15th day of February, 2011.

BASES OF ELEVATIONS
 The elevations and contours shown herein were obtained from a leveling control survey of the QLE Site of the City of Austin.



Sheet	1
of	1
Drawn by	GC West
Checked by	GC West
Client No.	
Project No.	PE24-01

PETEREK

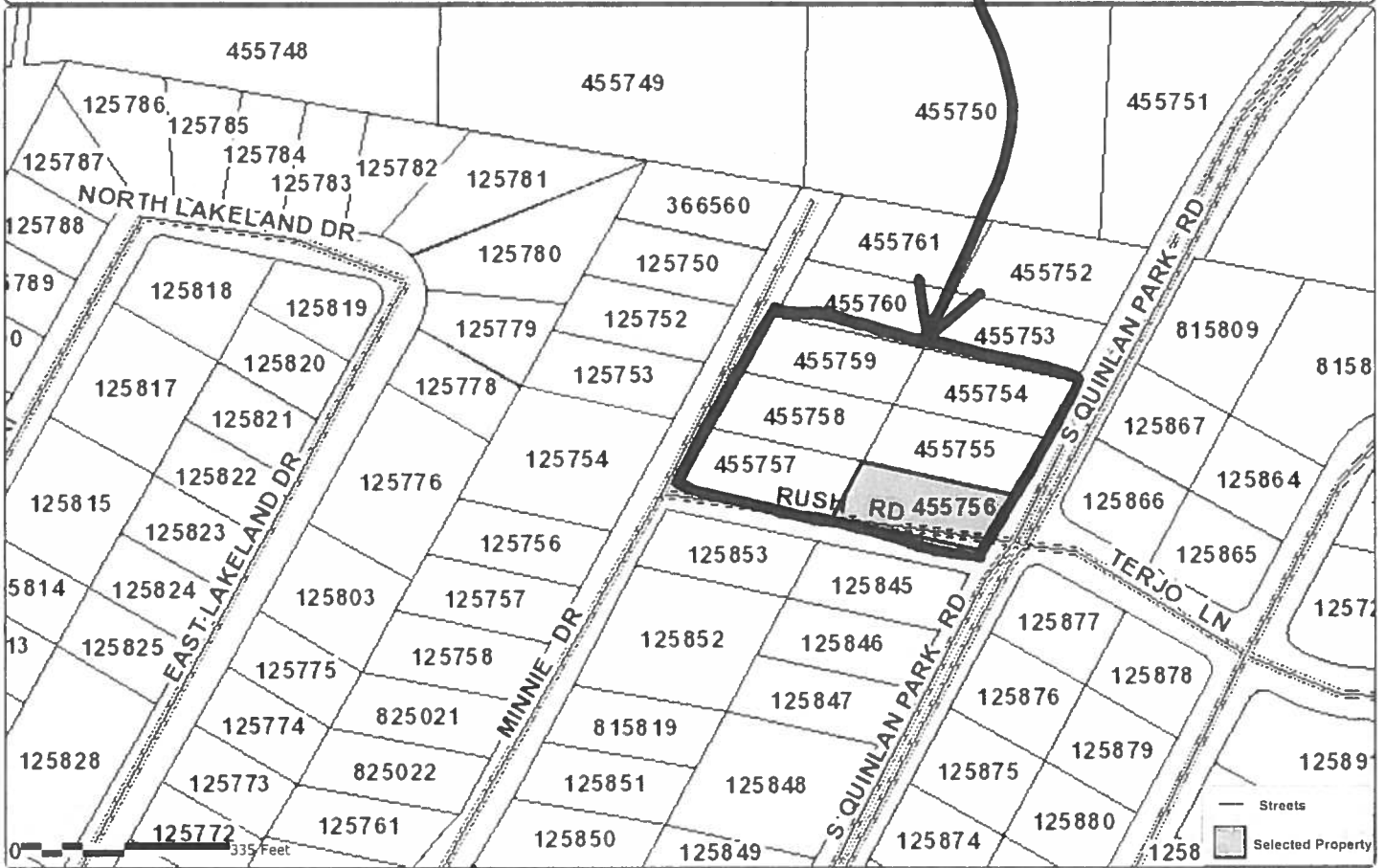
Land Title Survey
 Lots 34,587A & Block 'D'
 Resub. of Baldwin's Point
 Travis County, Texas



9485 Delovon Avenue
 Austin, Texas 78727
 P: (512) 258-6842
 Fax: (512) 258-6748

Lots 3-8

Travis CAD - Map of Property ID 455756 for Year 2013



Property Details

Account

Property ID: 455756
Geo ID: 0129580178
Type: Real
Legal Description: LOT 5 BLK D BALDWINS POINT RESUB

Location

Situs Address: 10804 RUSH RD 1 TX 78732
Neighborhood: RIVER RDGE/BALDWINS PT/LAKELAND
Mapsc0: 520Z
Jurisdictions: 0A, 03, 2J, 52, 68, 69

Owner

Owner Name: PETEREK LINDA F
Mailing Address: , 109 FULLER DR, BERGHEIM, TX 78004

Property

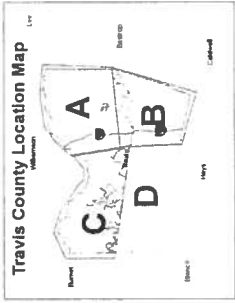
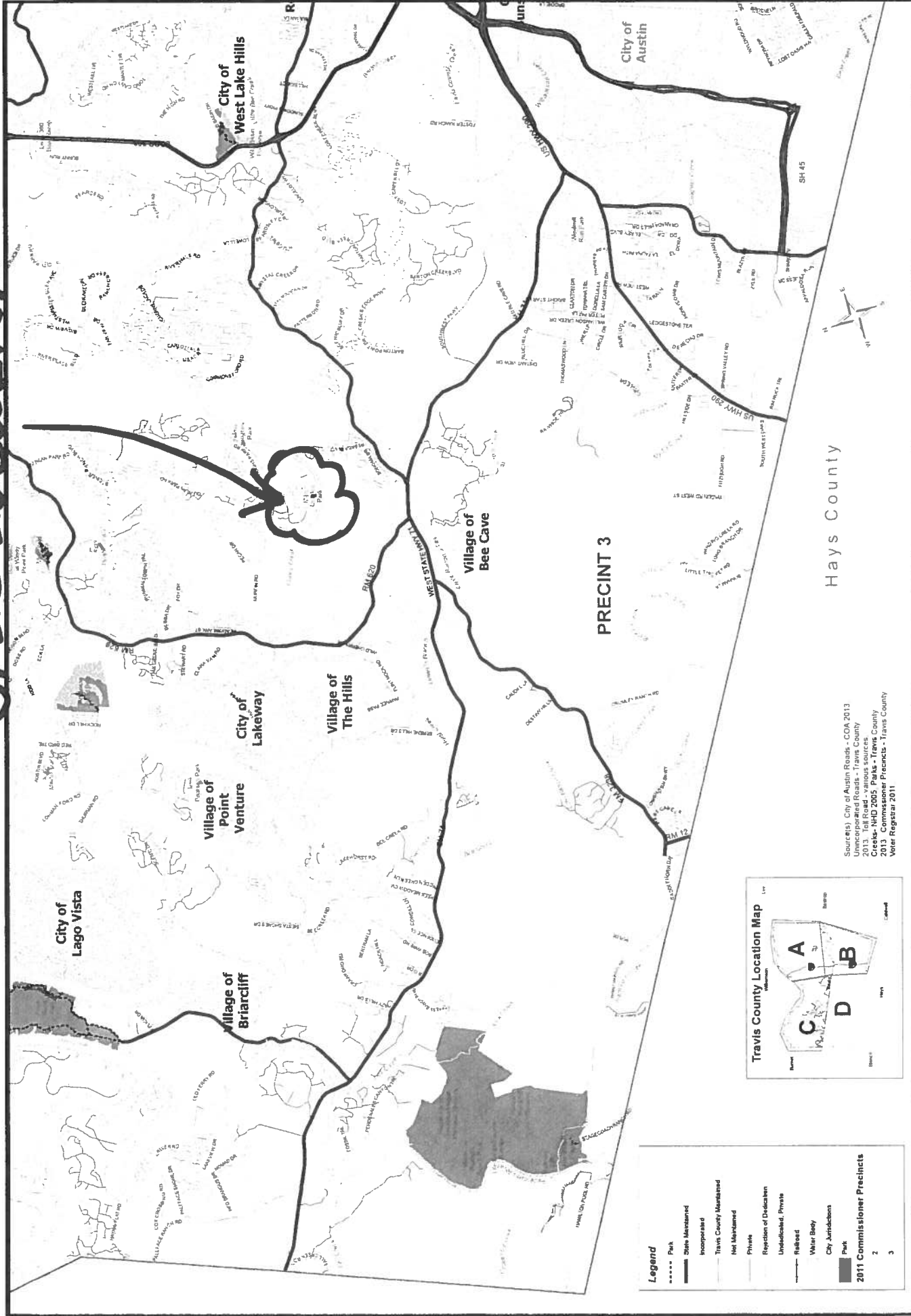
Appraised Value: \$60,000.00

<http://propaccess.traviscad.org/Map/View/Map/1/455756/2013>

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 Location



Legend

- Park
- State Maintained
- Incorporated
- Travis County Maintained
- Not Maintained
- Private
- Rejection of Dedication
- Unimproved, Private
- Railroad
- Water Body
- City Jurisdiction
- Park

2011 Commissioner Precincts

- 2
- 3

Sources: City of Austin Roads - COA 2013
 Unincorporated Roads - Travis County
 City of West Lake Hills - Travis County
 City of Lago Vista - Travis County
 2013 Commissioner Precincts - Travis County
 Voter Registrar 2011

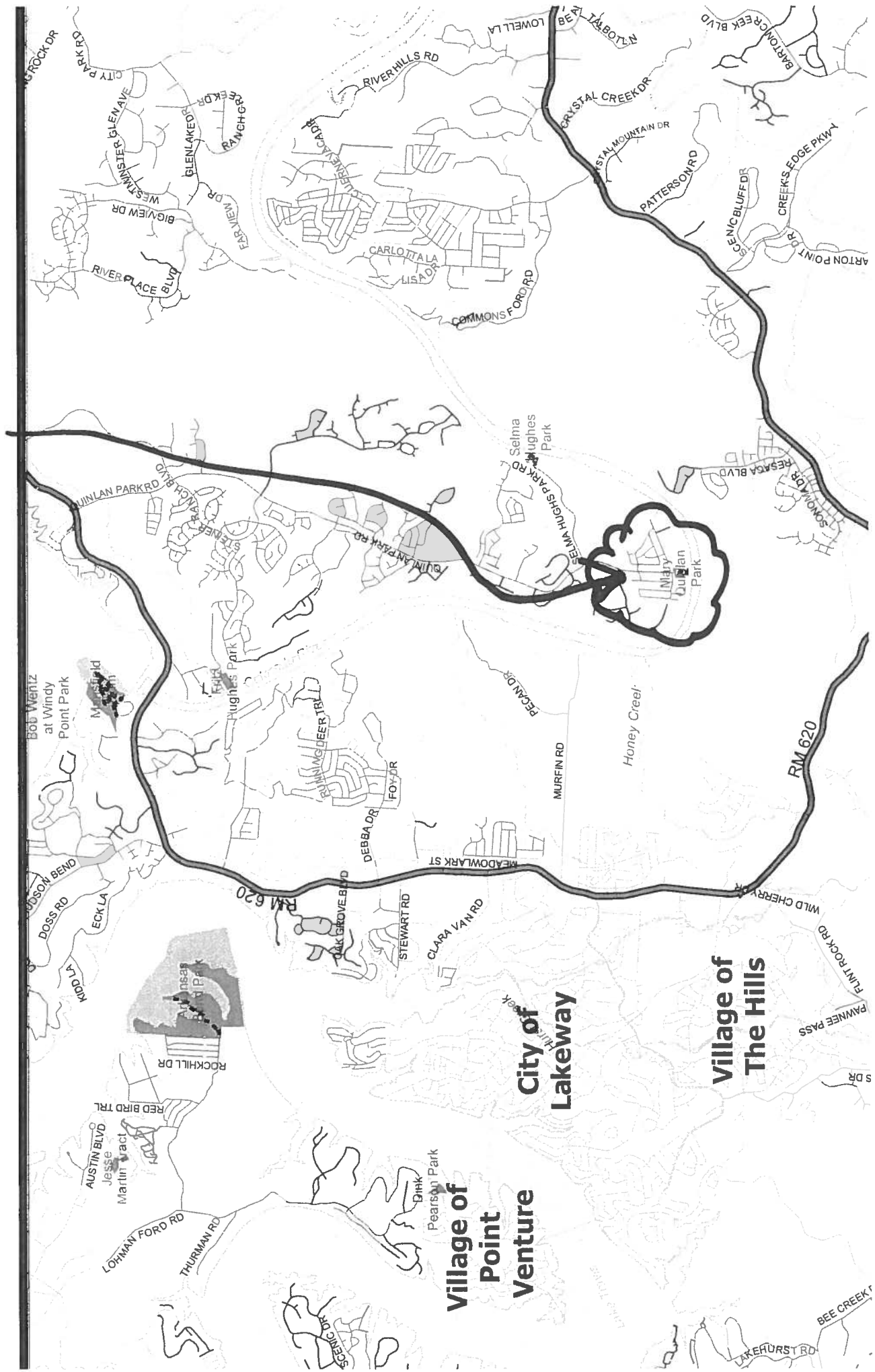
Map Prepared by: Travis County
 Dept. of Transportation & Natural
 Resources
 Date 5/21/2013



Travis County Roadways, Map D

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.

Site Location



**City of
Lakeway**

**Village of
Point
Venture**

**Village of
The Hills**