



Travis County Commissioners Court Agenda Request

Meeting Date: November 12, 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: *Carol B. Jorgensen*
Steven M. Manilla, P.E., County Executive-TNR

Sponsoring Court Member: Commissioner Todd, Precinct Two

AGENDA LANGUAGE: Consider and take appropriate action on a request to authorize the filing of an instrument to vacate a ten foot wide public utility easement located along the northwesterly side lot line of Lot 10, Block D of River Place, Section 15 – Precinct Two.

BACKGROUND/SUMMARY OF REQUEST:

TNR staff has received a request to authorize the filing of an instrument to vacate a ten foot wide public utility easement (PUE), more specifically described as an electric easement (EE), located along the northwesterly side lot line of Lot 10, Block D of River Place, Section 15. The easement is dedicated per plat note. The subject lot fronts on James Ryan Way, a street maintained by Travis County.

The electric utility company operating in the area has 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 resolve an encroachment issue. It seems a retaining wall was constructed within the boundaries of the subject easement without having the easement vacated. Vacating the easement should remedy the encroachment issue.

FISCAL IMPACT AND SOURCE OF FUNDING:

None.

ATTACHMENTS/EXHIBITS:

- Order of Vacation
- Field Notes
- Request Letter
- Utility Statement
- 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 Rang Planning	TNR	(512) 854-7561

CC:

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

PS:AB:ps

1101 - Development Services Long Range Planning - River Place, Section 15

ORDER OF VACATION

STATE OF TEXAS §

COUNTY OF TRAVIS §

WHEREAS, the property owner requests the vacation of a ten foot wide public utility easement (more specifically described as an electric easement) located along the northwesterly side lot line of Lot 10, Block D of River Place, Section 15 as recorded at Volume 103, Pages 56-60 of the Real Property Records of Travis County, Texas;

WHEREAS, the electric utility company known to be operating in the area has indicated they have no need for the public utility (electric) 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 (electric) 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 November 12, 2013 to consider the proposed action; and

NOW, THEREFORE, by unanimous vote, the Commissioners Court of Travis County, Texas, orders that the ten foot wide public utility (electric) easement located along the northwesterly side lot line of Lot 10, Block D of River Place, Section 15, 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

BEING 993 SQUARE FEET, OR 0.023 OF AN ACRE, TRACT OF LAND, MORE OR LESS, OUT OF LOT 10, BLOCK D, RIVER PLACE, SECTION 15, A SUBDIVISION OF RECORD IN VOLUME 103, PAGES 56-60 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS CONVEYED TO ROSS MCIVER AND JEANETTE MCIVER IN DOCUMENT NUMBER 2013124509 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS AND BEING A PORTION OF A 10.0 FOOT ELECTRIC EASEMENT (E.E.) CREATED BY SAID RIVER PLACE, SECTION 15 SUBDIVISION; SAID 993 SQUARE FEET, OR 0.023 OF AN ACRE, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a ½" rebar found in the westerly line of Lot 9, said River Place, Section 15, said point being the western most corner of Lot 8, Block A, River Place at Panther Hollow Creek, a Subdivision of record in Document No. 200400081, Official Public Records of said County and being the eastern most corner of said Lot 10; from which a ½" rebar found in the easterly right of way line of James Ryan Way, being the southwesterly corner of said Lot 8, and the southwesterly corner of said Lot 10 bears, S 45°19'16" W (Bearing Basis), a distance of 121.38 feet;

THENCE N 43°18'59" W, with the common boundary lines of said Lot 9 and said Lot 10, a distance of 82.86 feet to a calculated point in the southerly line of said 10 foot E.E. for the southeasterly corner and the **PLACE OF BEGINNING**, hereof;

THENCE running through said Lot 10 with the southerly line of said 10 foot E.E., being the southerly line hereof, the following three (3) calls:

1. 24.86 feet along the arc of a curve to the left, having a radius of 555.00 feet and chord bearing and distance of S 44°25'36" W for 24.86 feet to a calculated point, said point being the point of tangency of said Easement and the Tract hereof;
2. S 43°06'55" W, a distance of 81.68 feet to a calculated point, said point being the point of curvature of said Easement and the Tract hereof;
3. 8.92 feet along the arc of a curve to the left, having a radius of 10.00 feet and a chord bearing and distance of S 18°04'28" W, a distance of 8.63 feet to a calculated point, said point being the southeasterly corner hereof;

THENCE S 82°30'47" W, running through said Easement and continuing through said Lot 10, being the southerly line hereof, a distance of 10.00 feet to a calculated point at the intersection point of the northerly right of way line of Big View Drive and the easterly right of way line of said James Ryan Way, for the southwesterly corner hereof;

PG. 2 OF 3

THENCE 7.72 feet along the arc of a curve to the right, having a radius of 20.00 feet and a chord bearing and distance of N 03°34'30" E, for 7.67 feet to a calculated point for the northwesterly corner hereof;

THENCE N 42°36'04" E, departing said right of way and running through said Lot 10 and said 10 foot Easement, a distance of 116.74 feet to a calculated point in the aforementioned westerly line of Lot 9 for the northeasterly corner hereof; from which a ½' rebar found at the northwesterly corner of said Lot 9, being the northeasterly corner of said Lot 10 bears, N 43°18'59" W, a distance of 0.79 feet;

THENCE S 43°18'59" E, with the common boundary line of said Lots 9 and 10, running through said easement, a distance of 9.21 feet to the **PLACE OF BEGINNING** hereof and containing 993 square feet or 0.023 of an acre of land, more or less.

THIS DESCRIPTION TO BE USED WITH THE ATTACHED SKETCH ONLY.



8/22/13

VICTOR M. GARZA, R.P.L.S. 4740
B & G SURVEYING, INC.
1404 W. NORTH LOOP BLVD.
AUSTIN, TEXAS 78756
(512) 458-6969, FAX: (512) 458-1129

DATE

B0800713_ER_LEGAL
TCAD Parcel ID: 0139340842
<http://www.bandgsurvey.com>



SKETCH TO ACCOMPANY FIELD NOTES FOR PARTIAL EASEMENT RELEASE

LOT 9

(S 43°13'15" E 92.85')
 S 43°18'59" E 82.86' 92.86'

P.O.C.
 C.M.

(CB=N 44°24'47" E, 25.59')
 CB=N 44°26'06" E, 25.48'
 R=565.00', A=25.48'

P.O.B.

R=555.00', A=24.86'
 CB=S 44°25'36" W, 24.86'

**PARTIAL EASEMENT
 RELEASE AREA**
 993 SQ.FT. OR 0.023 AC.

**LOT 10
 BLOCK D**

RIVER PLACE, SECTION 15
 V. 103, PG. 56-60

ROSS MCIVER AND JEANETTE MCIVER
 DOC. NO. 2013124509
 TCAD PARCEL ID: 0139340842

S 45°19'16" W 121.38' (121.41')
 (BEARING BASIS)

LOT 8, BLOCK A
 RIVER PLACE AT PANTHER HOLLOW CREEK - DOC. 200400081

BIG VIEW DRIVE
 (70' R.O.W.)

WATER METER
 WATER VALVES

(N 43°07'08" E 81.66')

N 43°06'55" E 81.68'

N 42°36'04" E 116.74'
 (10' E.E.)

S 43°06'55" W 81.68'

R=10.00', A=8.92'
 CB=S 18°04'28" W, 8.63'

S 82°30'47" W 10.00'
 (10' E.E.)

N 47°02'14" W 68.68'
 (N 46°52'52" W 68.58')

JAMES RYAN WAY

(50' R.O.W.)

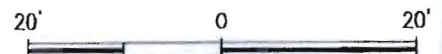
CURVE	RADIUS	DELTA	ARC	TANGENT	BEARING	CHORD
C1	20.00	39°10'12"	13.67	7.12	N 27°04'19" W	13.41
C2	20.00	22°07'27"	7.72	3.91	N 03°34'30" E	7.67
C3	20.00	28°44'18"	10.03	5.12	N 29°00'23" E	9.93



VICTOR M. GARZA, R.P.L.S. 4740

DATE

I, Victor M. Garza, licensed to practice Land Surveying in the State of Texas, hereby certify that the foregoing metes and bounds legal description and sketch were based on an on the ground survey, that all protrusions and encroachments into the easement area are accounted for including but not limited to, building footprint, eaves and roof overhangs and all visible improvements whatsoever.



REVISED: 08/22/13

EXHIBIT 'B'
 SHEET 3 OF 3



B & G SURVEYING, INC.

DEWEY H. BURRIS & ASSOCIATES, INC.

Surveyed by: B & G Surveying, Inc.

WWW.BANDGSURVEY.COM

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

LEGEND

- 1/2" REBAR FOUND
- CALCULATED POINT
- 1/2" IRON PIPE FOUND
- 60D NAIL FOUND
- BUILDING LINE
- PUBLIC UTILITY EASEMENT
- ELECTRIC EASEMENT
- () PER V. 103, PG. 56-60
- C.M. CONTROL MONUMENT
- R.O.W. RIGHT OF WAY
- P.O.B. PLACE OF BEGINNING

JOB #: B0800713_TA_ER
 DATE: 08/19/13
 SCALE: 1" = 20'

Aug. 26, 2013

This is a letter to explain what prompted this partial vacation of easement at 10224 James Ryan Way.

There was a pool built in 2001 and it was never finalized. When the inspector went out he found a retaining wall that had been built encroaching into an electric easement.

I contacted Austin Energy and Wendi made a trip out there to inspect the area and as she states in the attached letter that all the services are outside this easement.

In order for the review second to clear this they said we would have to have a recorded vacation document.

At that time we hopefully can clear the final inspection.

If you have any questions please contact me.

Maureen Morphew
401 ARROWHEAD POINT RD
BELTON, TEXAS 76513
morphew@vvm.com
(254) 780-2383
cell in 254 760-4493



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

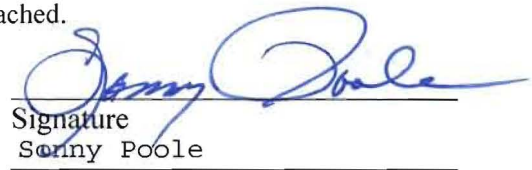
EASEMENT REQUIREMENT STATEMENT FOR VACATION OF PROPERTY

An application is being made to Travis County for the vacation of property at 10224 James Ryan Way (address) and/or Lot 10, Block D, River Place, Section 15 (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
September, 30, 2013

Date

Please return this completed form to:

Ross & Jeanette McIver

Name
10224 James Ryan Way

Address
Austin, TX 78730

City/State/Zip

INT. 
DATE 10-1-13



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 a ten foot wide public utility easement was posted on October 21, 2013, along the northerly ROW line of James Ryan Way at its intersection with Big View Drive in front of Lot 10, Block D of River Place, Section 15 at a point as near as practical to the area being vacated, and was also posted at the Travis County Courthouse.

CERTIFIED THIS THE 21 DAY OF October, 2013.

SIGNATURE: Jaime Garcia
NAME (PRINT): Jaime Garcia
TITLE: TNR/R&B Supervisor

cc: Garcia (sign shop)

M:\PERMITS\Vacate\13PUE\13-JamesRyanWay\SignRequest-JamesRyanWay.doc



NOTICE OF PUBLIC HEARING

NOVEMBER 12, 2013, AT 9:00 AM
PUBLIC UTILITY EASEMENT VACATION

TO APPROVE THE VACATION OF A TEN FOOT
WIDE PUBLIC UTILITY EASEMENT LOCATED
ALONG THE NORTHWESTERLY SIDE LOT LINE
OF LOT 10, BLOCK D OF RIVER PLACE,
SECTION 15-A SUBDIVISION IN PRECINCT 2

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



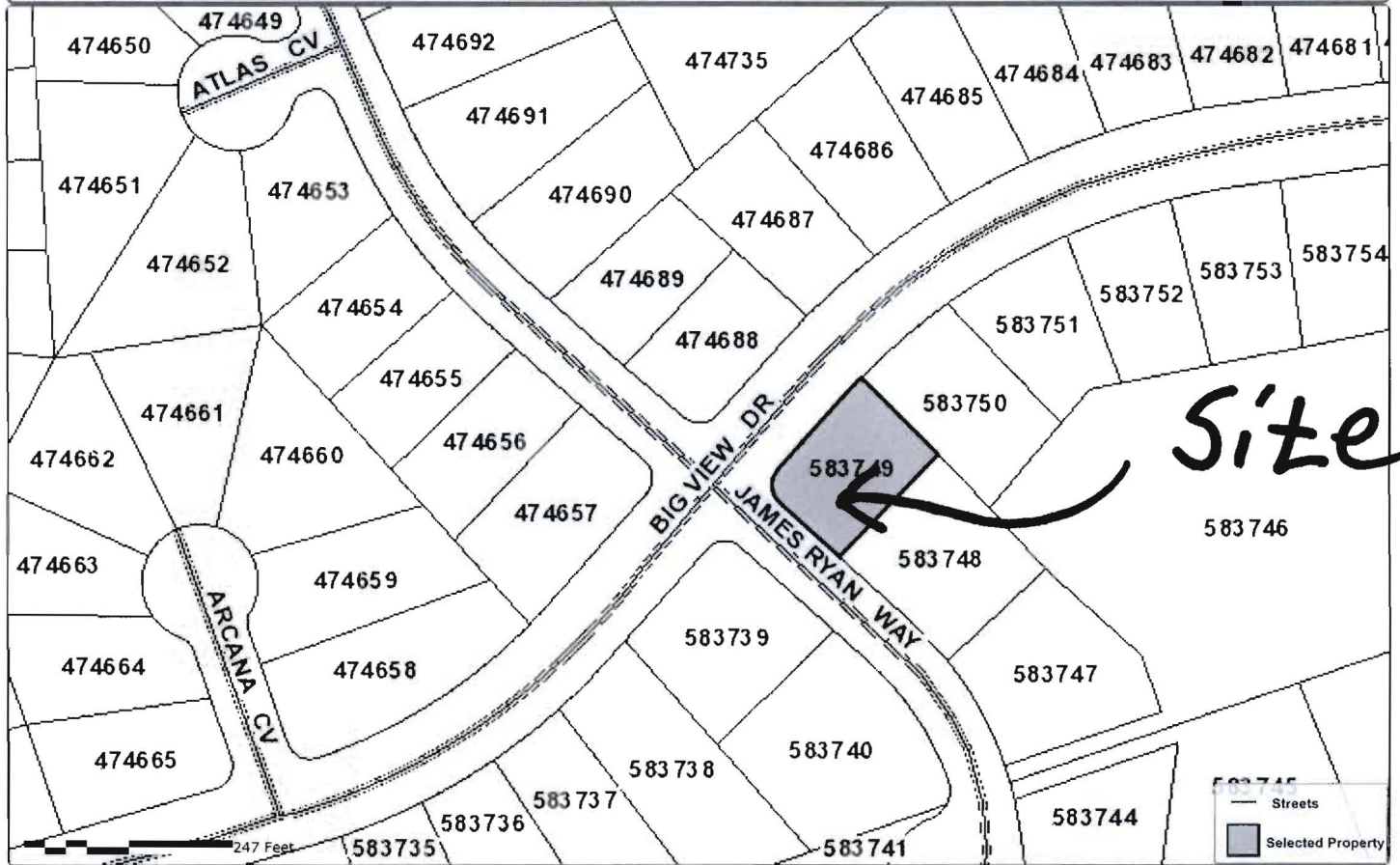
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OF LOT 10, BLOCK D OF RIVER PLACE,
SECTION 15-A SUBDIVISION IN PRECINCT 2**

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

Travis CAD - Map of Property ID 583749 for Year 2013



Property Details

Account

Property ID: 583749
 Geo ID: 0139340942
 Type: Real

Legal Description: LOT 10 BLK D RIVER PLACE SEC 15

Location

Situs Address: 10224 JAMES RYAN WAY TX 78730
 Neighborhood: RIVER PLACE INTERIOR
 Mapsco: 522F
 Jurisdictions: 0A, 03, 2J, 52, 59, 68, 69

Owner

Owner Name: NUNES GARY & CORINNE
 Mailing Address: , 2161 EL MONTE DR, , THOUSAND OAKS, CA 91362-1826

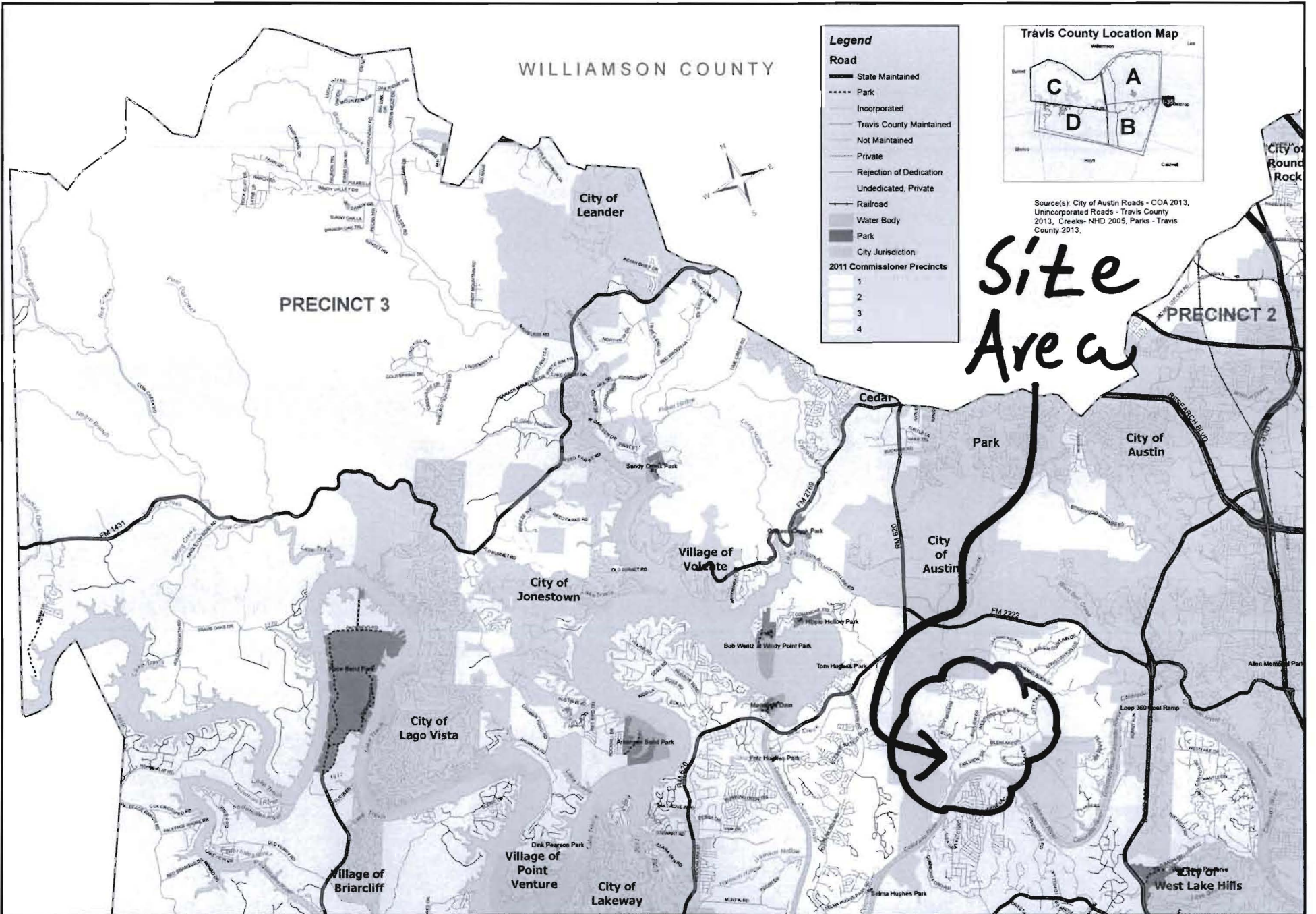
Property

Appraised Value: \$597,625.00

<http://propaccess.traviscad.org/Map/View/Map/1/583749/2013>

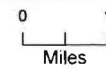
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Map Disclaimer: This tax map was compiled solely for the use of TCAD. Areas depicted by these digital products are approximate, and are not necessarily accurate to mapping, surveying or engineering standards. Conclusions drawn from this information 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.



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 C



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