



Travis County Commissioners Court Agenda Request

Meeting Date: November 19, 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 Todd, Precinct Two

AGENDA LANGUAGE: Consider and take appropriate action on 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 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 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
- 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	Program Permit Manager	TNR	(512) 854-7565

PS: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 Baldwin'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 Baldwin'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



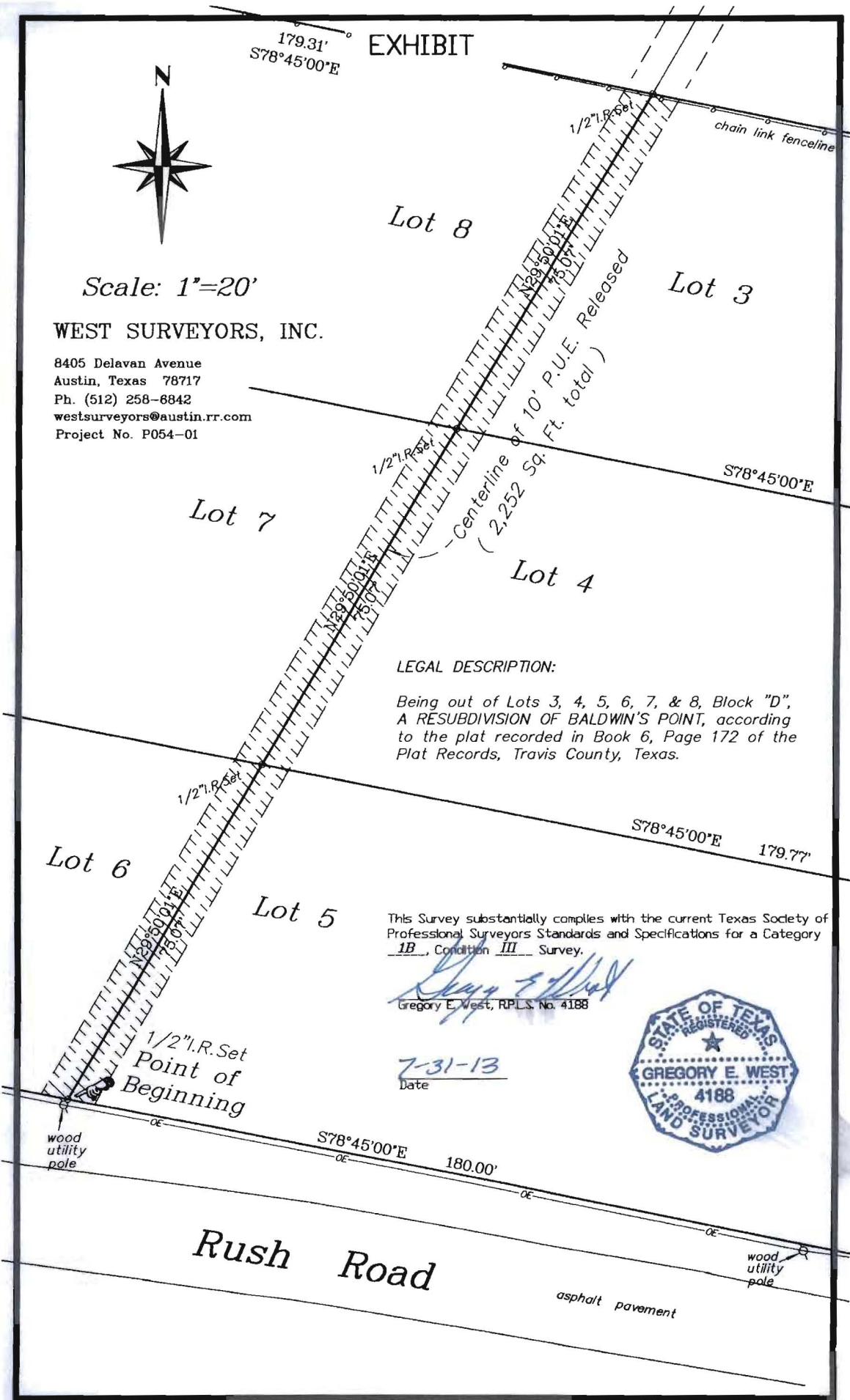
EXHIBIT



Scale: 1"=20'

WEST SURVEYORS, INC.

8405 Delavan Avenue
Austin, Texas 78717
Ph. (512) 258-8842
westsurveyors@austin.rr.com
Project No. P054-01



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.

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

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

7-31-13
Date



Rush Road

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:

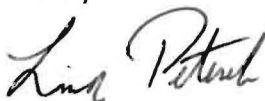
Metes & Bounds by RPLS

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

owner



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

Date

July 19, 2013

Date

Please return this completed form to:

Name

Ryan Rucker

Address

12511 Mixson Dr.

Address

Austin, TX 78732

City/State/Zip

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, Bldg D
Lots 3-8

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

Applicant Name: LINDA DeLerek
Address: 12511 MIXSON DR
AUSTIN TX 78732

Reason for Request: water is already located at front of all lots. Private 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. Gernes Date: 5.20.13

Printed Name: Deborah S. Gernes
General Manager
Title

Please return this completed form to:

Phone: 512-293-7825
Fax: 512-361-8131
Email: Canyonista@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

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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 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 MICKSON 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

David A. Williams

Name: DAVID A. WILLIAMS

Title: Lead OSP PLAN & ENGINEERING 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.

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

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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
CANYONDISTA@earthlink.net



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 vacating several five foot wide public utility easements was posted on October 28, 2013, along the northerly ROW line of Rush Road at the common lot line of Lots 5 and 6, Block D of the Re-subdivision of Baldwin's Point at a point as near as practical to the area being vacated, and was also posted at the Travis County Courthouse.

CERTIFIED THIS THE 30 DAY OF October, 2013.

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

cc: Garcia (sign shop)

M:\PERMITS\Vacate\13PUE\14-RushRd\SignRequest-RushRd.doc



NOTICE OF PUBLIC HEARING

NOVEMBER 19, 2013 AT 9:00 AM.

PUBLIC UTILITY EASEMENT VACATION
TO APPROVE 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 -
A SUBDIVISION IN PRECINCT TWO

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

FOR MORE INFORMATION CALL 512-854-9383



NOTICE OF PUBLIC HEARING

NOVEMBER 19, 2003 AT 9:00 AM

PUBLIC UTILITY EASEMENT VACATION

TO APPROVE THE VACATION OF THE
FIVE FOOT WIDE PUBLIC UTILITY
EASEMENTS LOCATED ALONG THE REAR
LOT LINES OF LOTS 7-8, BLOCK 8 OF THE
RE-SUBDIVISION OF BALDWIN'S POINT -
A SUBDIVISION IN PRECINCT TWO

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

FOR MORE INFORMATION CALL 512-054-9383

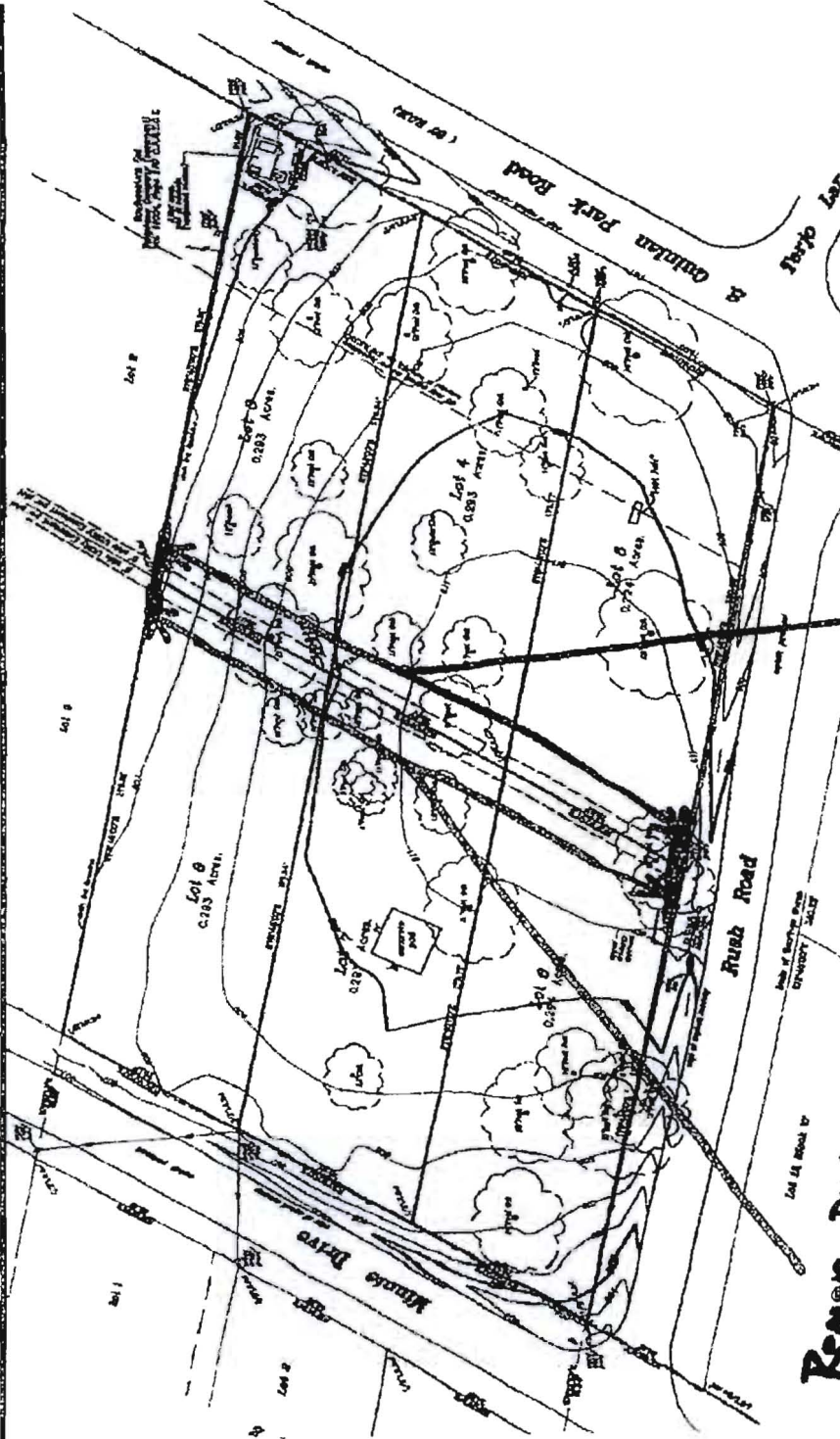
Can



info@can

BALDWIN'S PAINT
BK D, LOTS 3-8

10804 Rush Rd.
AUSTIN, TX 78732

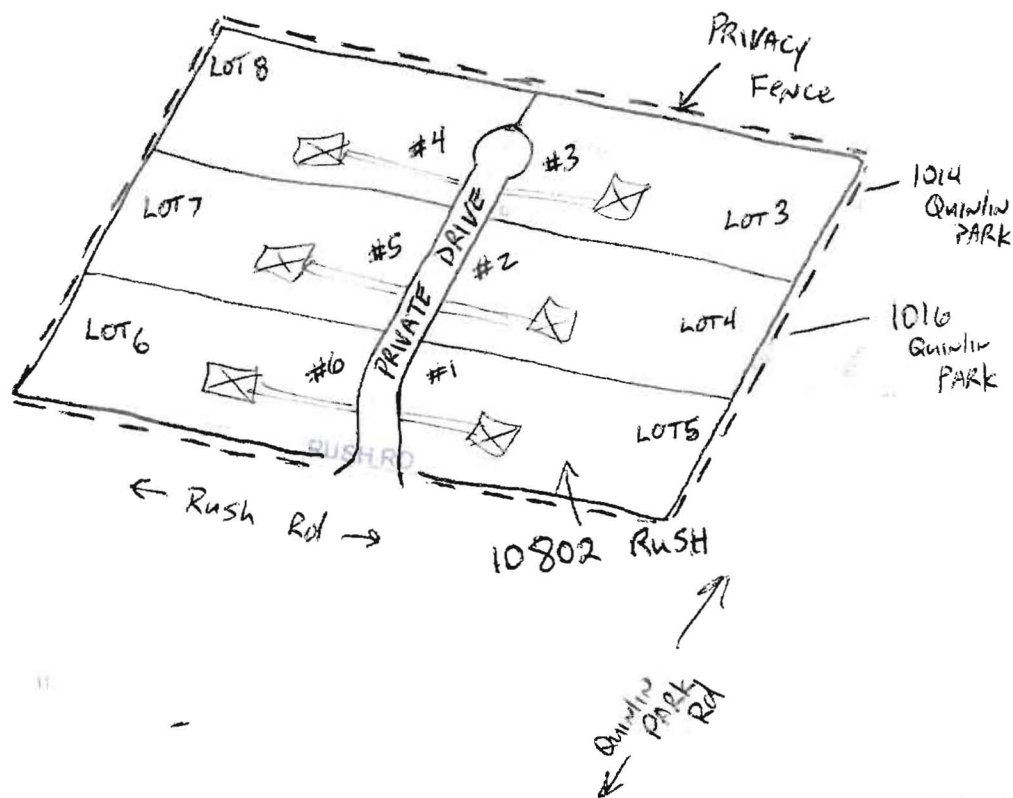


Remove PUE for
future driveway
LOTS 6-8

Remove PUE for
future driveway
LOTS 3-5

CITY OF AUSTIN DEVELOPMENT WEB MAP

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

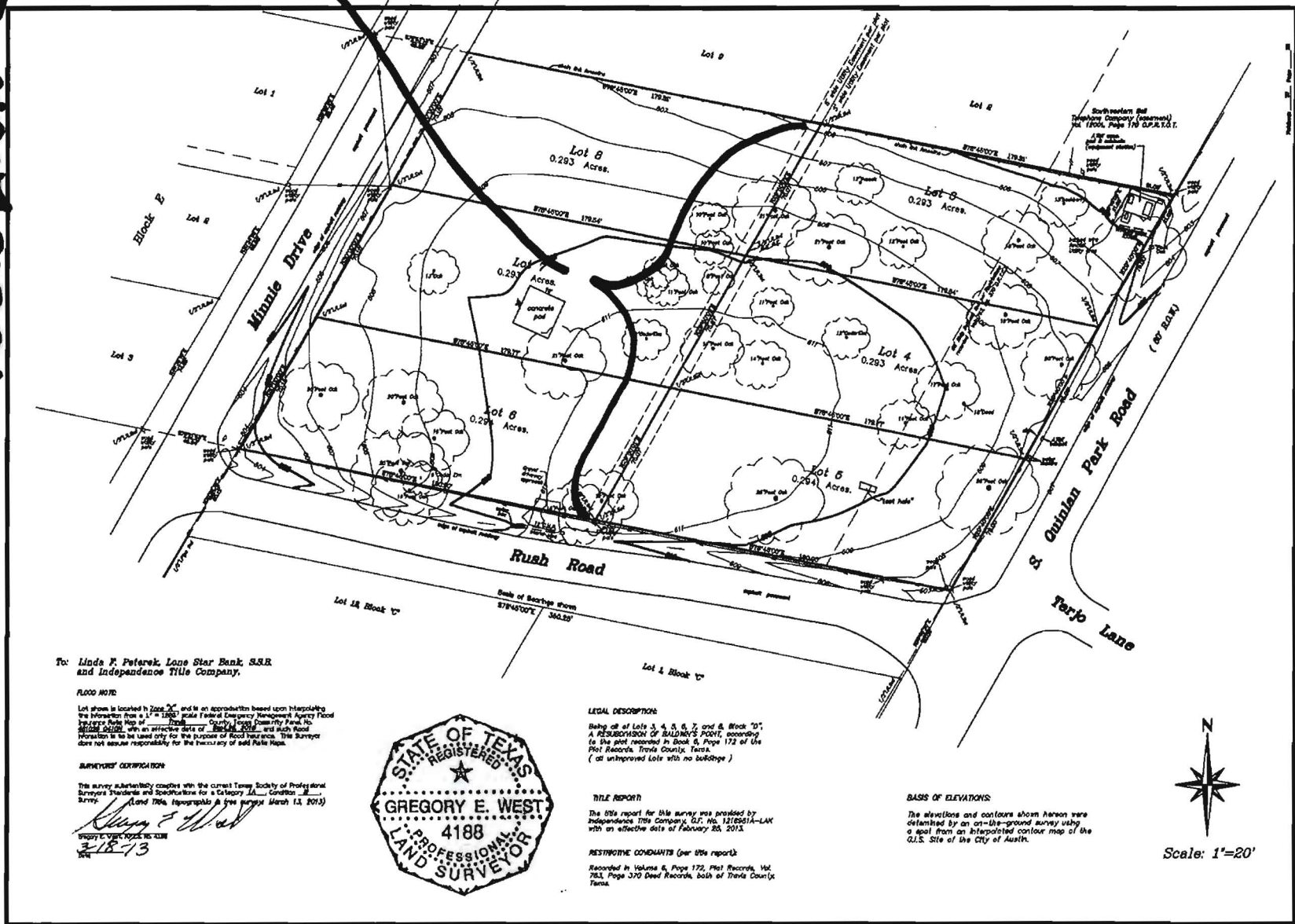


Legend

- 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

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, Lone Star Bank, S.B.R. and Independence Title Company.**

FLOOD NOTE
 Lot shown is located in Zone "X" and is an approximation based upon interpolating the information from a 1" = 1000' scale Federal Emergency Management Agency Flood Insurance Rate Map of _____ County, Texas. Flood Hazard No. _____ with an effective date of _____ and such Flood Hazard is to be used only for the purpose of flood insurance. This Surveyor does not assume responsibility for the accuracy of said Flood Map.

SURVEYOR'S CERTIFICATION
 This survey substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications for a Category _____ Control _____ Survey. (Land Title, (topographic & tree survey) March 13, 2013)
Gregory E. West
 Gregory E. West, PLS No. 4188
 3-18-13



LEGAL DESCRIPTION
 Being all of Lots 3, 4, 5, 6, 7 and 8, Block "D", A RESUBDIVISION OF BALDWIN'S POINT, according to the plat recorded in Book 6, Page 174 of the Plat Records, Travis County, Texas. (all unimproved lots with no buildings)

TITLE REPORT
 The title report for this survey was provided by Independence Title Company, G.P. No. 1216051A-LAK with an effective date of February 28, 2013.

RESTRICTIVE COMMENTS (per title report):
 Recorded in Volume 6, Page 172, Plat Records, Vol. 783, Page 370 Deed Records, both of Travis County, Texas.

BASIS OF ELEVATIONS
 The elevations and contours shown hereon were obtained by an on-site-ground survey using a spot from an interpolated contour map of the G.I.S. Site of the City of Austin.



8405 Midway Avenue
 Austin, Texas 78737
 Ph. (512) 298-6942
 Fax. (512) 298-0748

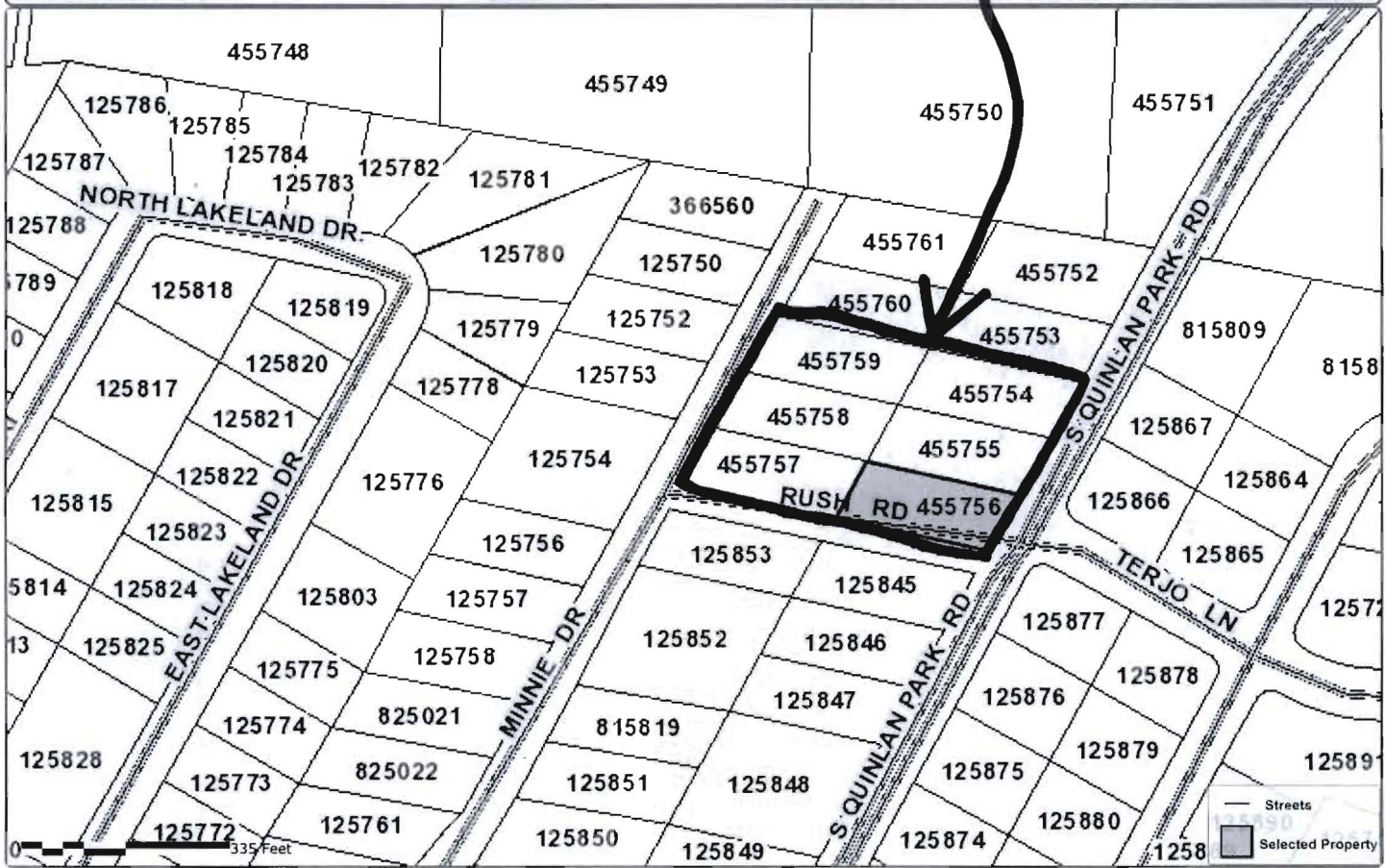
Land Title Survey
 Lots 3, 4, 5, 6, 7 & Block "D"
 Resub. of Baldwin's Point
 Travis County, Texas

PETERAK

Book 1" = 20'	Date: 03/27/13
Drawn by: G.E. West	Checked by: G.E. West
Client No.	Project No.
Sheet 1	of 1

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

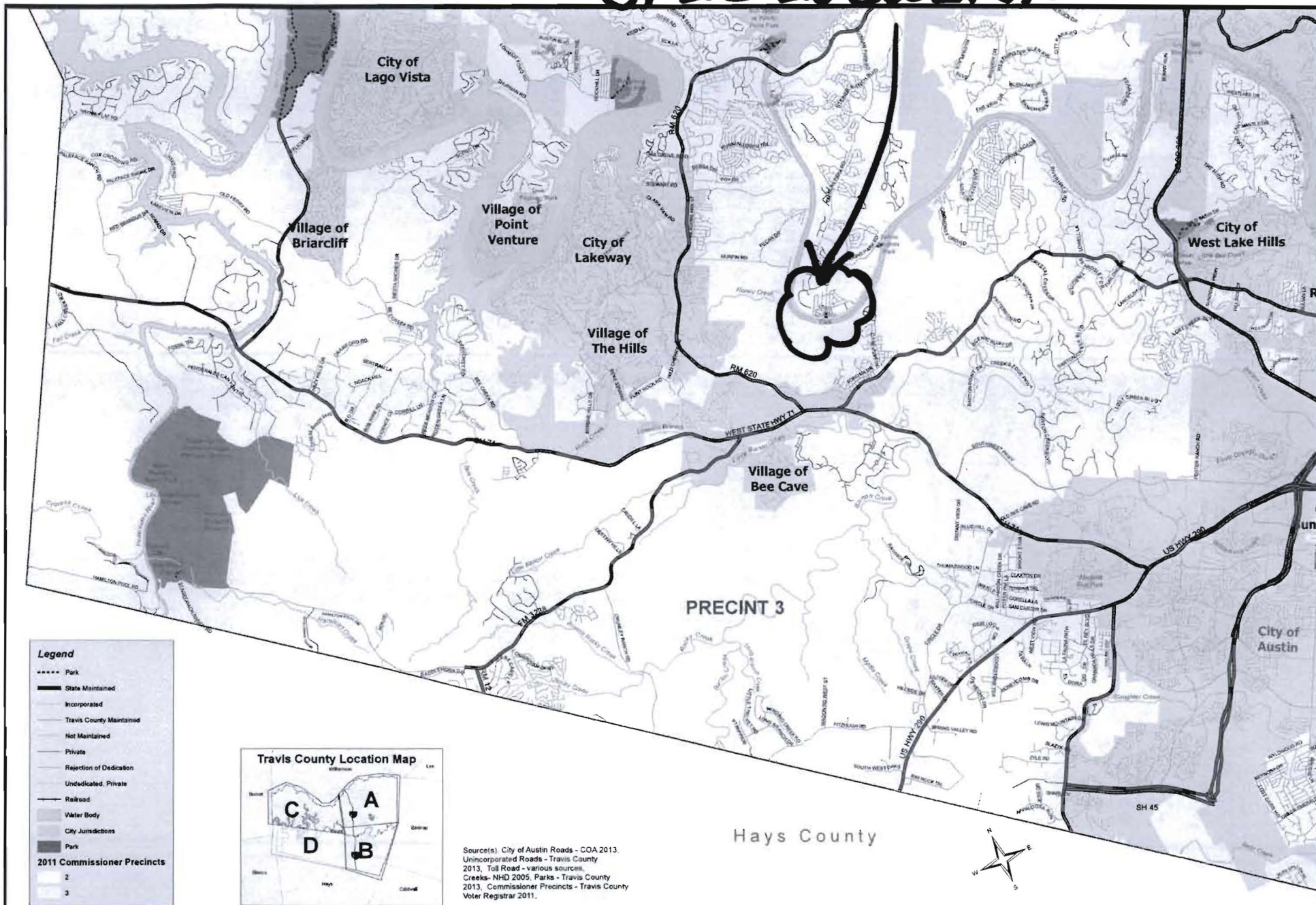
Property
Appraised Value: \$60,000.00

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



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

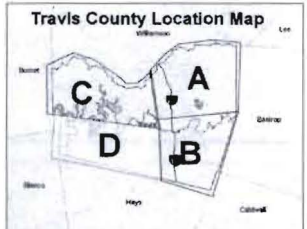


Legend

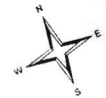
- Park
- State Maintained
- Incorporated
- Travis County Maintained
- Not Maintained
- Private
- Rejection of Dedication
- Undedicated, Private
- Railroad
- Water Body
- City Jurisdictions
- Park

2011 Commissioner Precincts

- 2
- 3



Sources: 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.



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



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

Site Location

