



Travis County Commissioners Court Agenda Request

Meeting Date: November 26, 2013

Prepared By: Anna Bowlin, Division Director of Development Services and Long Range Planning

Phone #: (512) 854-7561

Division Director/Manager: Steven M. Manilla, P.E., County Executive- TNR

Department Head: Steven M. Manilla, P.E., County Executive-TNR

Sponsoring Court Member: Commissioner Daugherty, Precinct Three

AGENDA LANGUAGE: Consider and take appropriate action the total vacation of Live Oak Acres Subdivision, Thomas Springs Road - 3 Lots. City of Austin Limited Purpose ETJ and full purpose jurisdiction in Precinct Three.

BACKGROUND/SUMMARY OF REQUEST:

The applicant proposes to totally vacate the recorded subdivision, Live Oak Acres. The land will be replatted into a new subdivision, Preserve at Thomas Springs Road. This vacation request needs to be approved prior to, or concurrently with the court's approval of the new final plat for the Preserve at Thomas Springs Road.

STAFF RECOMMENDATIONS:

This vacation request meets the requirements of Title 30 and has been approved by the City of Austin Planning Commission. Staff recommends this item.

ISSUES AND OPPORTUNITIES:

Staff has received no opposition from surrounding neighborhoods and the final plat was approved by the City of Austin Planning Commission.

FISCAL IMPACT AND SOURCE OF FUNDING:

n/a

ATTACHMENTS/EXHIBITS:

Location map

Final plat

Precinct map

Vacation document

REQUIRED AUTHORIZATIONS:

Cynthia McDonald	Financial Manager	TNR	(512) 854-4239
Steven M. Manilla	County Executive	TNR	(512) 854-9429

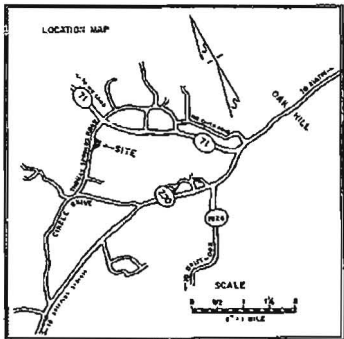
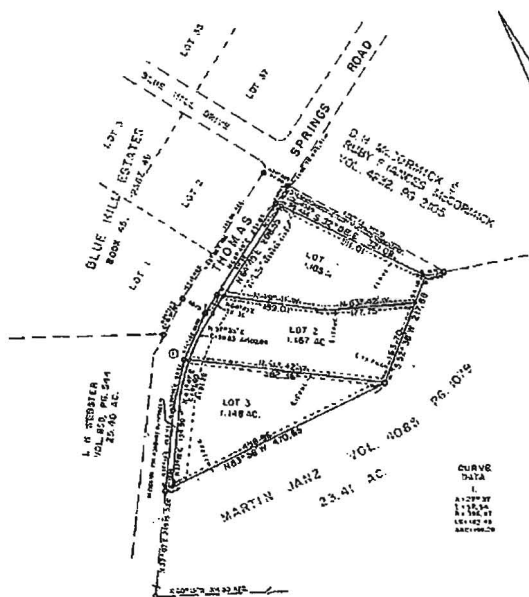
CC:

Don Perryman	Planner	City of Austin	(512) 974-2786

AB:AB:ab

1101 - Development Services Long Range Planning - Preserve at Thomas Springs Road

"LIVE OAK ACRES"



STATE OF TEXAS:
 COUNTY OF TRAVIS: KNOW ALL MEN BY THESE PRESENTS,
 THAT WE, THE UNDERSIGNED, WITH OUR HANDS AND SEALS HERETOFORE, HAVE GRANTED, SIGNED AND DELIVERED TO THE PUBLIC, BY THE HAND OF OUR ATTORNEY AT LAW, THE FOLLOWING PUBLIC SURVEY, TO WIT: THE PUBLIC SURVEY OF TRAVIS COUNTY, TEXAS, BEING THE PUBLIC SURVEY OF THE LIVE OAK ACRES, WITH THE ATTACHED PLAT, TO BE KNOWN AS

"LIVE OAK ACRES"

AND DO HEREBY CERTIFY TO THE PUBLIC, ALL TERMS AND CONDITIONS AS SHOWN HEREON.

WITNESS OUR HANDS THIS 11TH DAY OF SEPTEMBER, A.D. 1977.

Robert Francis McWhorter *Rita Mae Vandeal*
 ROBERT FRANCIS McWHORTER RITA MAE VANDEAL
 AND RITA MAE VANDEAL S.W. McWHORTER
 S.W. McWHORTER

APPROVED FOR ACCEPTANCE: DATE SEPTEMBER 27TH 1977
 BY *Richard Sini*
 HOWARD A. LINDSEY, DIRECTOR OF PLANNING

ACCEPTED AND AUTHORIZED FOR RECORD BY THE PLANNING COMMISSION OF THE CITY OF AUSTIN, TEXAS
 ON THIS 27TH DAY OF SEPTEMBER, A.D. 1977.

John W. ... *Margaret ...*
 SECRETARY CLERK

FILED FOR RECORD BY THE CLERK OF THE COUNTY OF TRAVIS COUNTY, TEXAS
 ON THIS 3RD DAY OF OCTOBER, A.D. 1977 AT 11:40 AM
Mike ...
 CLERK

STATE OF TEXAS:
 COUNTY OF TRAVIS:
 I, BOBBI ... CLERK OF COUNTY COURT, HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT WAS FILED FOR RECORD IN THE PUBLIC RECORDS OF THIS COUNTY, TEXAS, ON THE 3RD DAY OF OCTOBER, A.D. 1977 AT 11:40 AM. I HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT WAS FILED FOR RECORD IN THE PUBLIC RECORDS OF THIS COUNTY, TEXAS, ON THE 3RD DAY OF OCTOBER, A.D. 1977 AT 11:40 AM.

WITNESS MY HAND AND SEAL OF THE COUNTY OF TRAVIS COUNTY, TEXAS
 ON THIS 3RD DAY OF OCTOBER, A.D. 1977.

Mike ...
 CLERK

STATE OF TEXAS:
 COUNTY OF TRAVIS:
 I, BOBBI ... CLERK OF COUNTY COURT, HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT WAS FILED FOR RECORD IN THE PUBLIC RECORDS OF THIS COUNTY, TEXAS, ON THE 3RD DAY OF OCTOBER, A.D. 1977 AT 11:40 AM. I HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT WAS FILED FOR RECORD IN THE PUBLIC RECORDS OF THIS COUNTY, TEXAS, ON THE 3RD DAY OF OCTOBER, A.D. 1977 AT 11:40 AM.

WITNESS MY HAND AND SEAL OF THE COUNTY OF TRAVIS COUNTY, TEXAS
 ON THIS 3RD DAY OF OCTOBER, A.D. 1977.

John ...
 CLERK

STATE OF TEXAS:
 COUNTY OF TRAVIS:
 BEFORE ME, THE UNDERSIGNED, NOTARY PUBLIC, ON THIS DAY PERSONALLY APPEARED *Robert Francis McWhorter*, known to me to be the person whose name is subscribed to the foregoing instrument, and he acknowledged to me that he executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 11TH DAY OF SEPTEMBER, A.D. 1977.

Bob ...
 NOTARY PUBLIC IN AND FOR TRAVIS COUNTY, TEXAS

STATE OF TEXAS:
 COUNTY OF TRAVIS:
 BEFORE ME, THE UNDERSIGNED, NOTARY PUBLIC, ON THIS DAY PERSONALLY APPEARED *Rita Mae Vandeal*, known to me to be the person whose name is subscribed to the foregoing instrument, and she acknowledged to me that she executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 11TH DAY OF SEPTEMBER, A.D. 1977.

Bob ...
 NOTARY PUBLIC IN AND FOR TRAVIS COUNTY, TEXAS

STATE OF TEXAS:
 COUNTY OF TRAVIS:
 BEFORE ME, THE UNDERSIGNED, NOTARY PUBLIC, ON THIS DAY PERSONALLY APPEARED *Robert Francis McWhorter*, known to me to be the person whose name is subscribed to the foregoing instrument, and he acknowledged to me that he executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 11TH DAY OF SEPTEMBER, A.D. 1977.

Bob ...
 NOTARY PUBLIC IN AND FOR TRAVIS COUNTY, TEXAS

IN WITNESS WHEREOF, I, THE CLERK OF COUNTY COURT OF TRAVIS COUNTY, TEXAS, HAVE CAUSED THIS INSTRUMENT TO BE PLACED IN THE PUBLIC RECORDS OF THIS COUNTY, TEXAS, AND I HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT WAS FILED FOR RECORD IN THE PUBLIC RECORDS OF THIS COUNTY, TEXAS, ON THE 3RD DAY OF OCTOBER, A.D. 1977 AT 11:40 AM.

IT IS HEREBY ORDERED BY THE CLERK OF COUNTY COURT OF TRAVIS COUNTY, TEXAS, THAT THE FOREGOING INSTRUMENT BE RECORDED IN THE PUBLIC RECORDS OF THIS COUNTY, TEXAS, AND THAT THE FOREGOING INSTRUMENT BE RECORDED IN THE PUBLIC RECORDS OF THIS COUNTY, TEXAS, ON THE 3RD DAY OF OCTOBER, A.D. 1977 AT 11:40 AM.

SEPTIC TANK APPROVAL: THIS INSTRUMENT HAS BEEN APPROVED BY THE TRAVIS COUNTY HEALTH DEPARTMENT AND IS SUBJECT TO THE FOLLOWING CONDITIONS:

Eric ... DATE: 9-11-77
 SECRETARY

THIS IS TO CERTIFY THAT INSTRUMENT CODE CHAPTER 23.22 OF 1984 HAS BEEN COMPLIED WITH.

"I, WILLIAM M. BROOKS, REGISTERED PUBLIC SURVEYOR, BY INSTRUMENT UNDER THE LAWS OF THE STATE OF TEXAS DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT WAS FILED FOR RECORD IN THE PUBLIC RECORDS OF THIS COUNTY, TEXAS, ON THE 3RD DAY OF OCTOBER, A.D. 1977 AT 11:40 AM. I HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT WAS FILED FOR RECORD IN THE PUBLIC RECORDS OF THIS COUNTY, TEXAS, ON THE 3RD DAY OF OCTOBER, A.D. 1977 AT 11:40 AM."

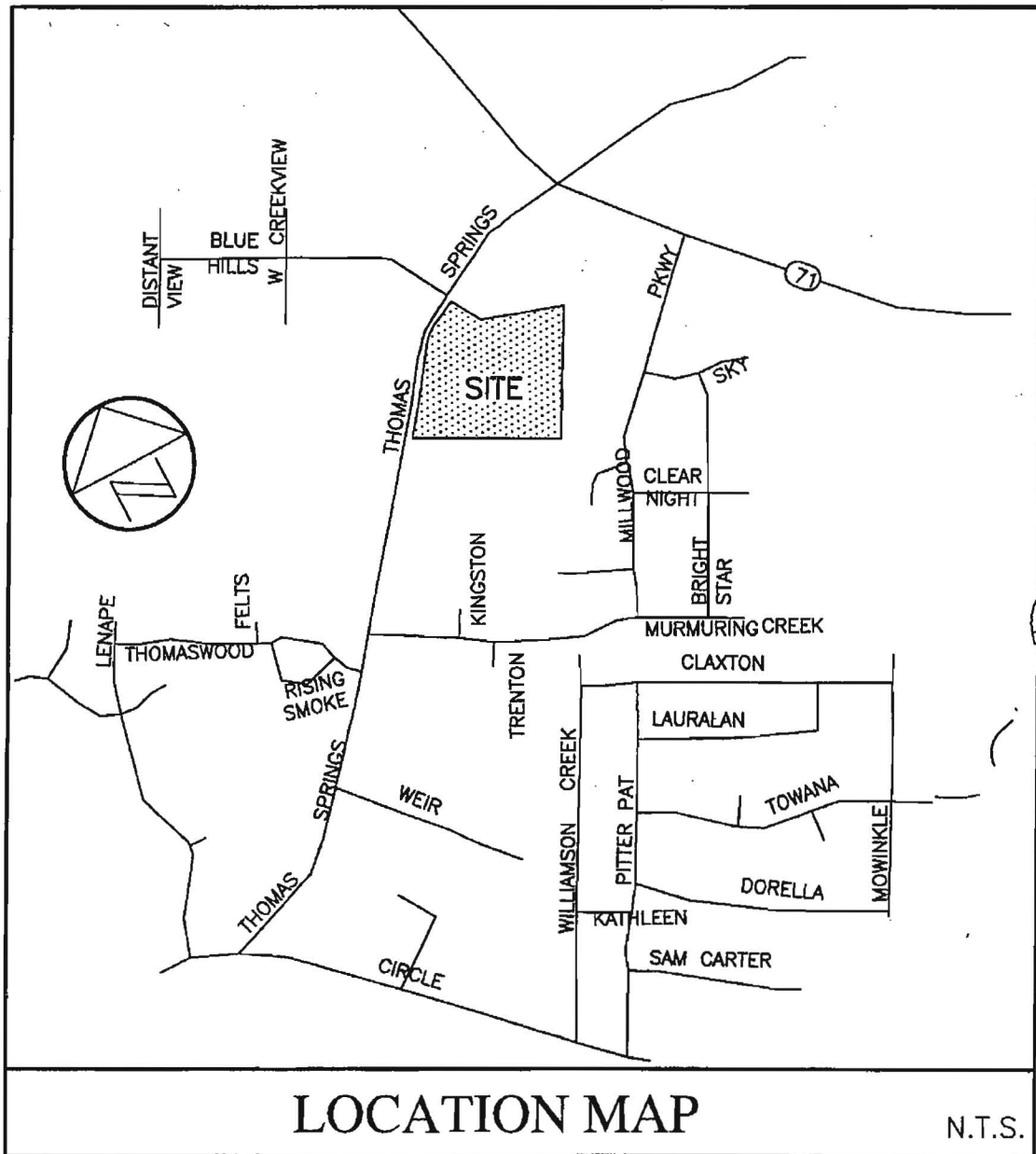
SURVEY COMPLETED SEPTEMBER 9, 1977
 BY *William M. Brooks*
 WILLIAM M. BROOKS
 REGISTERED PUBLIC SURVEYOR
 TEXAS REGISTRATION NO. 1388

FB 85, PG 25
 FB 68, PG 27
 PLAN 4157

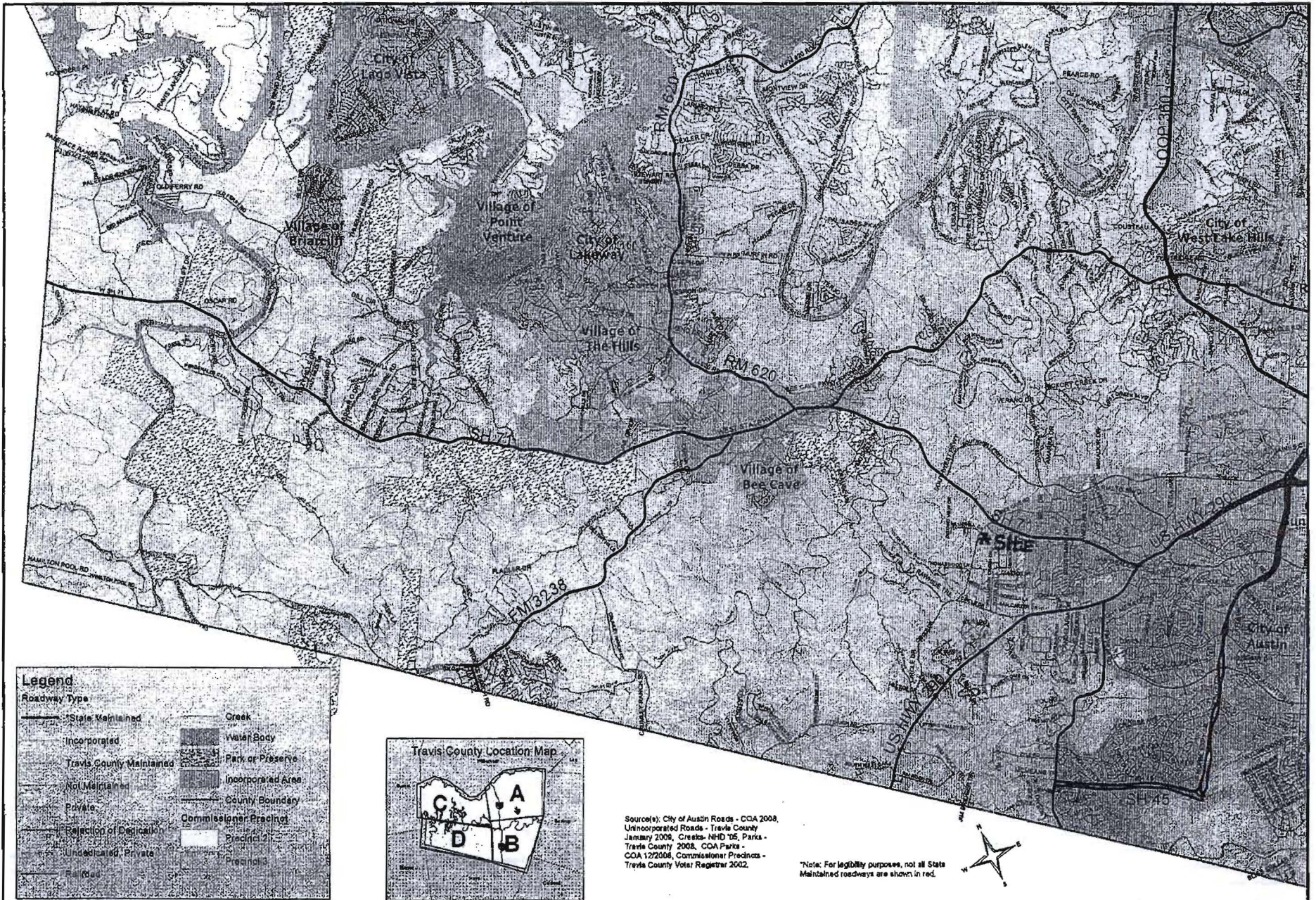
LEGEND
 CURVED LINE FORM
 BY JOHN DEANE PLANNED
 P.L.E. - PUBLIC UTILITY EASEMENT
 SCALE 1" = 100'

RECEIVED
 1977
 COUNTY CLERK

SCANNED



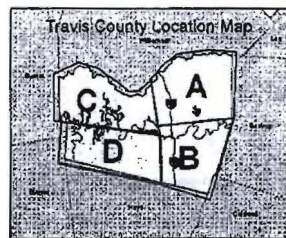
SCANNED



Legend

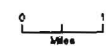
Roadway Type

State Maintained	Creek
Incorporated	Water Body
Travis County Maintained	Park or Preserve
Not Maintained	Incorporated Area
Private	County Boundary
Rejection of Electrical	Commissioner Precinct
Unincorporated, Private	Precinct 2
	Precinct 3



Sources: City of Austin Roads - COA 2008, Unincorporated Roads - Travis County January 2008, Creeks - NHD '05, Parks - Travis County 2008, COA Parks - COA 12/2008, Commissioner Precincts - Travis County Voter Register 2002.

*Note: For legibility purposes, not all State Maintained roadways are shown in red.



Map Disclaimer: This map was created for the Travis County Sign Crew for identifying Travis County's maintained roadways. The data is provided "as is" with no warranties of any kind. For questions, contact the Travis County GIS Coordinator at (512) 854-6263.

Travis County Roadways, Map D

Map Prepared by: Travis County, Dept. of Transportation & Natural Resources. Date: 1/7/2008
<http://www.co.travis.tx.us/maps>

EXHIBIT A

TOTAL VACATION OF LIVE OAK ACRES

THE STATE OF TEXAS

COUNTY OF TRAVIS

WHEREAS, RUBY FRANCES McCORMICK, RETA MAE VANDEL AND DAN OTIS MORSE, owners of that certain 3.420 acres of land out of the Antone Heppin Survey No. 600, did heretofore subdivide the same into the subdivision designated Live Oak Acres, the plat of which is recorded in Volume 76, Page 12 of the Plat Records of Travis County, Texas, and WHEREAS, the following lots in said subdivision are now owned by the parties indicated, to wit:

LOTS
1, 2 & 3

OWNER
Classic Neighborhood-FC Holdings, LLC

WHEREAS, Classic Neighborhood-FC Holdings, LLC who collectively constitute the owners of all original, intact lots in Live Oak Acres are desirous of vacating said subdivision plat so as to destroy the force and effect of the recording of such subdivision plat insofar and only insofar as the same pertains to Lots 1, 2 & 3.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

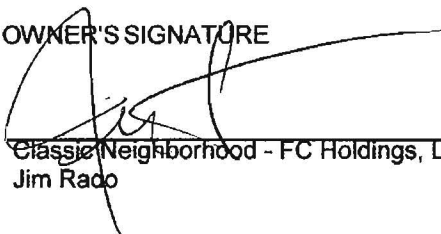
That Classic Neighborhood-FC Holdings, LLC for and in consideration of the premises and pursuant to the provisions of Chapter 212.013 of the Local Government Code, does hereby vacate Lots 1, 2 & 3.

EXECUTED THE DAYS HEREAFTER NOTED.

DATE

7/1/13

OWNER'S SIGNATURE

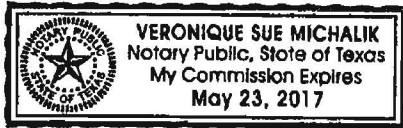


Classic Neighborhood - FC Holdings, LLC by
Jim Rado

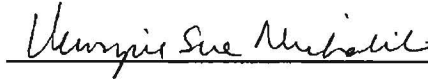
THE STATE OF TEXAS
COUNTY OF TRAVIS

THIS INSTRUMENT was acknowledged before me on this 1st day of July, 2013, by Jim Rado, in the capacity of Owner of Classic Neighborhood-FC Holdings, LLC, a Texas limited liability corporation, on behalf of said partnership and he acknowledged to me that he executed the same for the purpose and consideration therein expressed and in the capacity therein stated.

Given under my hand and seal of office, this 1st day of July, 2013 A.D.



Seal



Printed name: Veronique Sue Michalik
Notary Public in and for the State of Texas
My commission expires: