

Travis County Commissioners Court Agenda Request

Meeting Date: December 17, 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 Daugherty, Precinct Three

AGENDA LANGUAGE: Approve setting a public hearing on Tuesday, January 7, 2014 to receive comments regarding a request to authorize the filing of an instrument to vacate a five foot wide public utility easement located along the southeasterly lot line of Lot 48 of Hamilton Hills – Precinct Three.

BACKGROUND/SUMMARY OF REQUEST:

TNR staff has received a request to authorize the filing of an instrument to vacate a five foot wide public utility easement (PUE), located along the southeasterly lot line of Lot 48 of Hamilton Hills. The easement is dedicated per plat note and is more specifically noted as an electric power line easement. Lot 48 fronts on Martin Cove, a street not 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 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 Lot 48 is requesting to vacate the easement to resolve an encroachment issue with a neighboring dwelling and septic system. It seems the neighboring lot - Lot 51 - has improvements that cross the common lot line between Lot 48 and Lot 51 and encroaches into the subject easement. Vacating this easement will resolve this specific encroachment issue.

FISCAL IMPACT AND SOURCE OF FUNDING:

None.

ATTACHMENTS/EXHIBITS:

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

CC:

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

SM:AB:ps

1101 - Development Services Long Range Planning - Hamilton Hills

ORDER OF VACATION

STATE OF TEXAS

§

COUNTY OF TRAVIS §

WHEREAS, the property owner requests the vacation of a five foot wide public utility easement more specifically described as an electric power line easement located along the southeasterly lot line of Lot 48 of Hamilton Hills as recorded at Volume 58, Page 93 of the Real Property Records of Travis County, Texas;

WHEREAS, the utility company (electric) 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 January 7, 2014 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 (electric) easement located along the southeasterly lot line of Lot 48 of Hamilton Hills, as shown and described in the attached field notes and sketch, is hereby vacated.

ORDERED THIS THE	DAY OF2014.	
SAMUEL T. BISC	OE, COUNTY JUDGE	
COMMISSIONER RON DAVIS PRECINCT ONE	COMMISSIONER BRUCE TODD PRECINCT TWO	
COMMISSIONER GERALD DAUGHERTY PRECINCT THREE	COMMISSIONER MARGARET GOMEZ PRECINCT FOUR	

HOLT CARSON, INC.

PROFESSIONAL LAND SURVEYORS

1904 FORTVIEW ROAD AUSTIN, TEXAS 78704 TELEPHONE: (512) 442-0990 FACSIMILE: (512) 442-1084 www.hciaustin.com

FIELD NOTE DESCRIPTION OF 2,234 SQUARE FEET OF LAND, BEING A FIVE FEET (5') WIDE ELECTRIC POWER LINE EASEMENT, TO BE RELEASED, OVER AND ACROSS A PORTION OF LOT 48, HAMILTON HILLS, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 58 PAGE 93 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING FOR REFERENCE at a ½" iron rod found for the common corner of Lot 38, Lot 39, Lot 48 and Lot 51, Hamilton Hills, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 58 Page 93 of the Plat Records of Travis County, Texas, and from which a ½" iron rod found for the Northeast corner of Lot 48 and for the Southeast corner of Lot 49, of said Hamilton Hills, bears N 01 deg. 16' 15" E 79.99 ft., and also from which a ½" iron rod found for and angle corner in the common line of Lot 38 and Lot 51, of said Hamilton Hills, bears S 01 deg. 15' 04" W 284.85 ft.;

THENCE with the common line of said Lot 48 and Lot 51, S 33 deg. 37' 09" W 9.34 ft. to a point for the **PLACE OF BEGINNING** of the herein described easement to be released;

THENCE continuing with the common line of said Lot 48 and Lot 51, S 33 deg. 37' 09" W 442.36 ft. to a point for the most Southerly corner of this easement to be released, and from which a spindle set in the curving right-of-way line of Martin Cove for the southerly Southeast corner of said Lot 58 and for the westerly Northwest corner of said Lot 51 bears S 33 deg. 37' 09" W 10.31 ft.;

THENCE entering the interior of said Lot 48 with the curving Southwest line of this easement to be released along a curve to the left with a radius of 60.00 ft. for an arc length of 5.18 ft. and which chord bears N 71 deg. 35' 19" W 5.18 ft. to a point for the most Westerly corner of this easement to be released;

THENCE continuing across the interior of said Lot 48 with the Northwest line of this easement to be released, N 33 deg. 37' 09" E 451.61 ft. to a point for the most Northerly corner of this easement to be released;

end of Page 1

Page 2 of 2

2,234 SQUARE FEET – Electric Power Line Easement, to be released

THENCE continuing across the interior of said Lot 48 with the East line of this easement to be released, S 01 deg. 16' 15" W 9.34 ft. to the **PLACE OF BEGINNING**, containing 2,234 square feet of land.

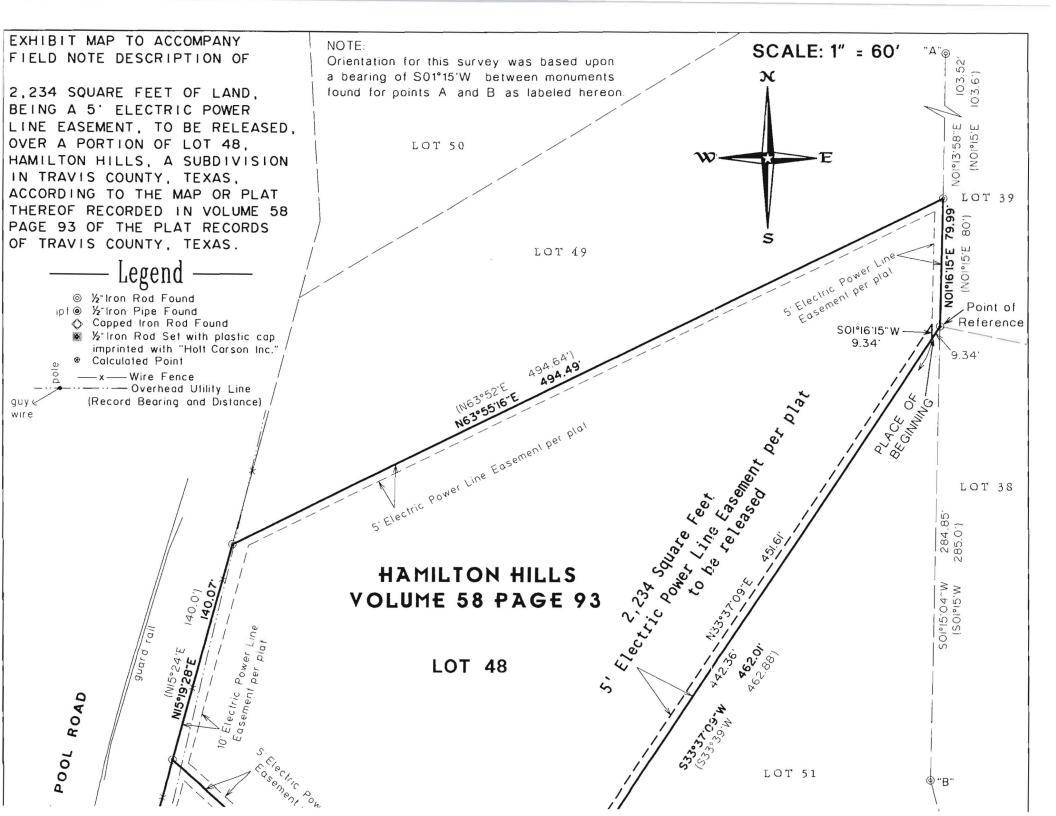
PREPARED: October 25, 2013

Holt Carson

Registered Professional Land Surveyor No. 5166

see accompanying exhibit map: A 890152







600 Congress, Suite 2200 Austin, TX 78701

Telephone: 512-305-4700 Fax: 512-305-4800

John W. Ellis

www.lockelard.com

Direct Telephone: 512-305-4733 Direct Fax: 512-391-4733 jellis@lockelord.com

October 25, 2013

Via U.S. Mail
Travis County, Transportation and Natural Resources
c/o Mr. Paul Scoggins
700 Lavaca Street
Travis County Administration Building
P.O. Box 1748
Austin, Texas 78767

Re: Request to Vacate Electric Power Line Easement

Dear Mr. Scoggins:

Enclosed please find the requested application materials to vacate a portion of the electric power line easement on my clients' property. My clients, Thomas J. Puryear and Carolyn Jean Puryear, are the owners of Lot 48 of the Hamilton Hills subdivision, as recorded in the map or plat thereof, recorded in Book 58, Page 93, Plat Records of Travis County, Texas. Lot 48 is commonly known as 9800 Martin Cove, Dripping Springs, Texas 78620. As indicated in the attachment marked Exhibit D, portions of a dwelling and septic system on the adjoining landowners' property, Lot 51, encroaches onto Lot 48. Because the neighbors' encroachments also encroach upon the five-foot power line easement—dedicated per plat—that runs along Lot 48's boundary line with Lot 51, the Puryears are submitting this application to vacate the power line easement on Lot 48 that runs along the boundary line with Lot 51. The portion of the power line easement the Puryears are requesting to vacate is described in the enclosed Exhibit A.

Per the County's instructions for vacating public utility easements, I have enclosed the following documents to support the Puryears' request:

- A check payable to Travis County Transportation and Natural Resources in the amount of \$315.00;
- Exhibit A: A metes and bounds description of only the portion of easement being vacated, sealed by a Registered Professional Land Surveyor;

- Exhibit B: A completed form entitled "Easement Requirement Statement for Vacation of Property" executed by Pedernales Electric Cooperative—the power company servicing—indicating it has no need for retention of the easement on Lot 48 that runs along the boundary line with Lot 51;
- Exhibit C: A copy of the plat with highlighting showing the portion of Lot 48's power line easement to be vacated;
- Exhibit D: A detailed survey of Lot 48 that shows the encroachments over the boundary line with Lot 51 and the five-foot power line easement on Lot 48's boundary line with Lot 51 that is to be vacated;
- Exhibit E: A certified copy of the Puryears' General Warranty Deed to Lots 47 and 48; and
- Exhibit F: A copy of the TNR's instructions for vacating public utility easements that I received from Mr. Paul Scoggins on September 16, 2013.

Please let me know if you have any questions or if you need any additional information to complete this request. I look forward to hearing from you, and thank you for your assistance with this matter.

Sincerely,

John W. Ellis For the Firm

Enclosures

Extra Email Copies to:

Thomas J. Puryear and Carolyn Jean Puryear Paul Scoggins, Travis County TNR Department Kay Jeanes, Pedernales Electric Cooperative, Inc. Stacy Scheffel, Travis County TNR Department



TRANSPORTATION AND NATURAL RESOURCES

STEVEN M. MANILLA, P.E., COUNTY EXECUTIVE

700 Lavaca Street Travis County Administration Building PO Box 1748 Austin, Texas 78767 (512) 854-9383 FAX (512) 854-4649

EASEMENT REQUIREMENT STATEMENT FOR VACATION OF PROPERTY

STATEMENT

An application is being made to Travis County for the vacation of property at 9800 Martin Cove, Dripping Springs, Texas 78620 and/or Lot 48, Hamilton Hills, a subdivision in Travis County, Texas, according to the map or plat thereof, recorded in Book 58, Page 93, Plat Records of Travis County, Texas 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.

We do have a 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 Pedro R. Estrada Printed Name District Engineering Supervisor Title Pedervales Electric Cooperative Utility Company or District

Please return this completed form to:
John W. Ellis
Locke Lord LLP
600 Congress Ave. Suite 2200
Austin, Texas 78701



HOLT CARSON, INC.

PROFESSIONAL LAND SURVEYORS

1904 FORTVIEW ROAD AUSTIN, TEXAS 78704 TELEPHONE: (512) 442-0990 FACSIMILE: (512) 442-1084 www.hciaustin.com

FIELD NOTE DESCRIPTION OF 2,234 SQUARE FEET OF LAND, BEING A FIVE FEET (5') WIDE ELECTRIC POWER LINE EASEMENT, TO BE RELEASED, OVER AND ACROSS A PORTION OF LOT 48, HAMILTON HILLS, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 58 PAGE 93 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING FOR REFERENCE at a ½" iron rod found for the common corner of Lot 38, Lot 39, Lot 48 and Lot 51, Hamilton Hills, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 58 Page 93 of the Plat Records of Travis County, Texas, and from which a ½" iron rod found for the Northeast corner of Lot 48 and for the Southeast corner of Lot 49, of said Hamilton Hills, bears N 01 deg. 16' 13" E 79.99 ft., and also from which a ½" iron rod found for and angle corner in the common line of Lot 38 and Lot 51, of said Hamilton Hills, bears S 01 deg. 15' 04" W 284.85 ft.:

THENCE with the common line of said Lot 48 and Lot 51, S 33 deg. 37' 09" W 9.34 ft. to a point for the PLACE OF BEGINNING of the herein described easement to be released;

THENCE continuing with the common line of said Lot 48 and Lot 51, S 33 deg. 37' 09" W 442.36 ft. to a point for the most Southerly corner of this easement to be released, and from which a spindle set in the curving right-of-way line of Martin Cove for the southerly Southeast corner of said Lot 58 and for the westerly Northwest corner of said Lot 51 bears S 33 deg. 37' 09" W 10.31 ft.;

THENCE entering the interior of said Lot 48 with the curving Southwest line of this easement to be released along a curve to the left with a radius of 60.00 ft. for an arc length of 5.18 ft. and which chord bears N 71 deg. 35' 19" W 5.18 ft. to a point for the most Westerly corner of this casement to be released;

THENCE continuing across the interior of said Lot 48 with the Northwest line of this easement to be released, N 33 deg. 37' 09" E 451.61 ft. to a point for the most Northerly corner of this easement to be released;

end of Page 1

Page 2 of 2 2,234 SQUARE FEET – Electric Power Line Easement, to be released

THENCE continuing across the interior of said Lot 48 with the East line of this easement to be released, S 01 deg. 16' 15" W 9.34 ft. to the PLACE OF BEGINNING, containing 2,234 square feet of land.

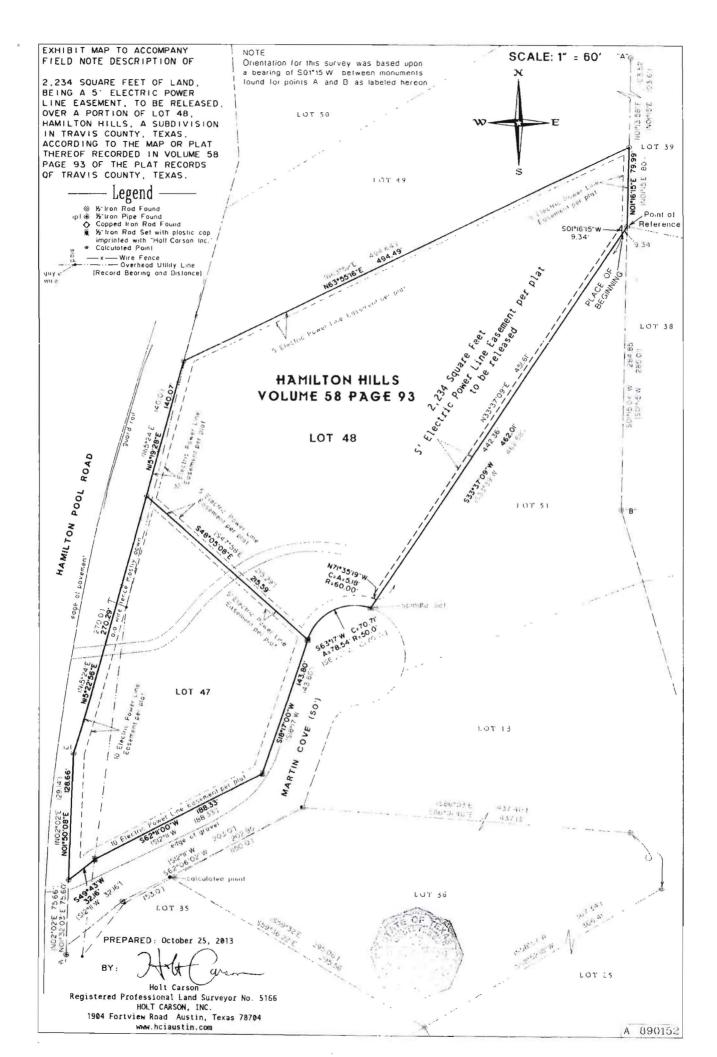
PREPARED: October 25, 2013

Holt Carson

Registered Professional Land Surveyor No. 5166

see accompanying exhibit map: A 890152







HOLT CARSON, INC.

PROFESSIONAL LAND SURVEYORS

1904 FORTVIEW ROAD AUSTIN, TEXAS 78704 TELEPHONE: (512) 442-0990 FACSIMILE: (512) 442-1084 www.hciaustin.com

FIELD NOTE DESCRIPTION OF 3,546 SQUARE FEET OF LAND, BEING A PORTION OF LOT 48, HAMILTON HILLS, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 58 PAGE 93 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½" iron rod found for the common corner of Lot 38, Lot 39, Lot 48 and Lot 51, Hamilton Hills, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 58 Page 93 of the Plat Records of Travis County, Texas, for the Northeast corner and PLACE OF BEGINNING of the herein described tract of land, and from which a ½" iron rod found for the Northeast corner of Lot 48 and for the Southeast corner of Lot 49, of said Hamilton Hills, bears N 01 deg. 16' 15" E 79.99 ft., and also from which a ½" iron rod found for and angle corner in the common line of Lot 38 and Lot 51, of said Hamilton Hills, bears S 01 deg. 15' 04" W 284.85 ft.;

THENCE with the common line of said Lot 48 and Lot 51, S 33 deg. 37' 09" W 428.01 ft. to a point for the most Southerly corner of this tract of land, and from which a spindle set in the curving right-of-way line of Martin Cove for the southerly Southeast corner of said Lot 58 and for the westerly Northwest corner of said Lot 51 bears S 33 deg. 37' 09" W 34.00 ft.;

THENCE entering the interior of said Lot 48 with the Southwest line of this tract, N 43 deg. 30' W 17.00 ft. to a point for the most Westerly corner of this tract;

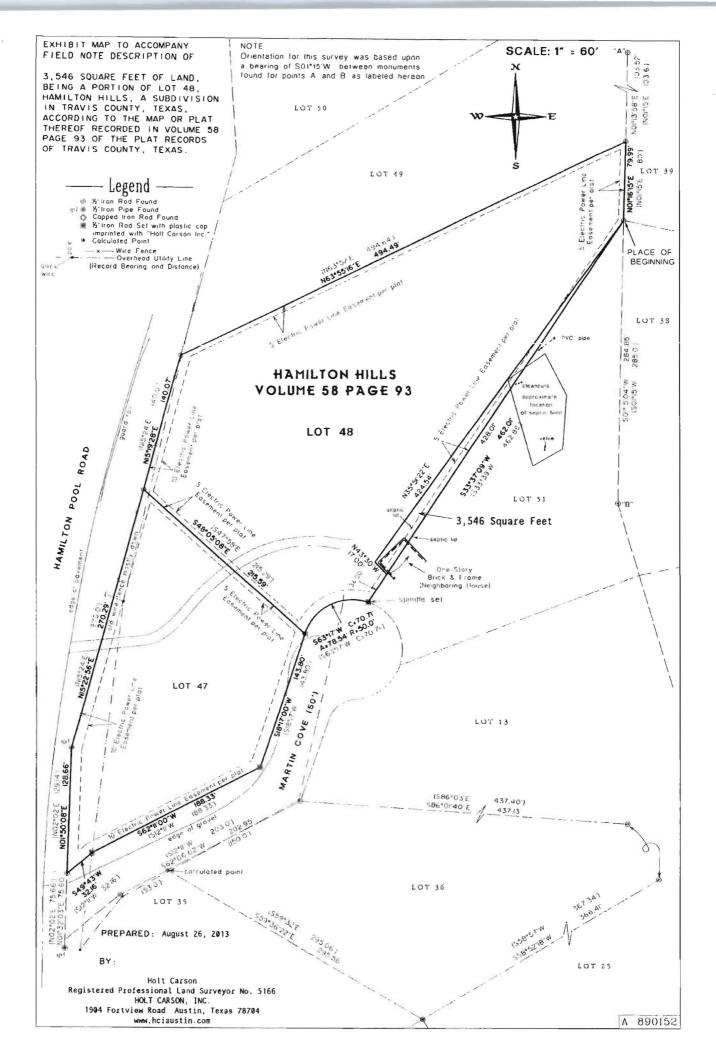
THENCE continuing across the interior of said Lot 48 with the Northwest line of this tract, N 35 deg. 51' 22" E 424.54 ft. to the PLACE OF BEGINNING, containing 3,546 square feet of land.

PREPARED: August 26, 2013

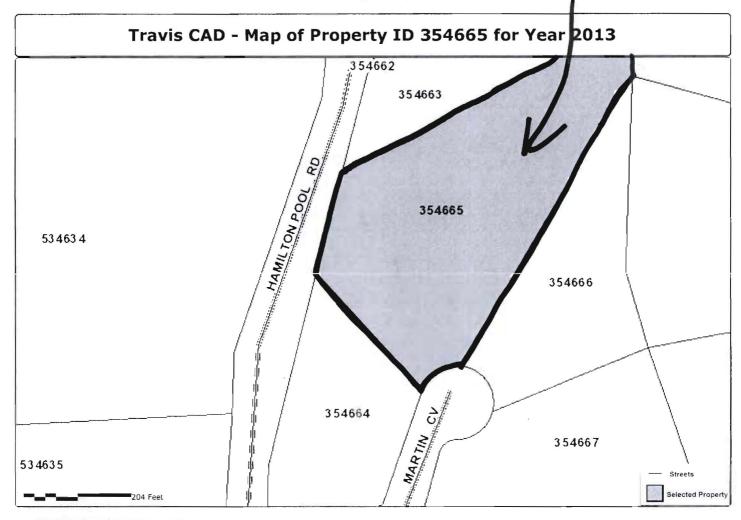
Holt Carson Registered Professional Land Surveyor No. 5166

see accompanying exhibit map: A 890152





Site Location



Property Details

Account

Property ID: 354665 Geo ID: 0518160206

Type: Real

Legal Description: LOT 48 HAMILTON HILLS

Location

Situs Address: 9800 MARTIN CV TX 78620

Neighborhood: P5724 Mapsco: 546V

Jurisdictions: 0A, 03, 07, 2J, 52

Owner

Owner Name: PURYEAR THOMAS J & CAROLYN JEA

Mailing Address: CAROLYN JEAN PURYEAR, 11605 SILMARILLION TRL, , AUSTIN, TX 78739-5607

Property

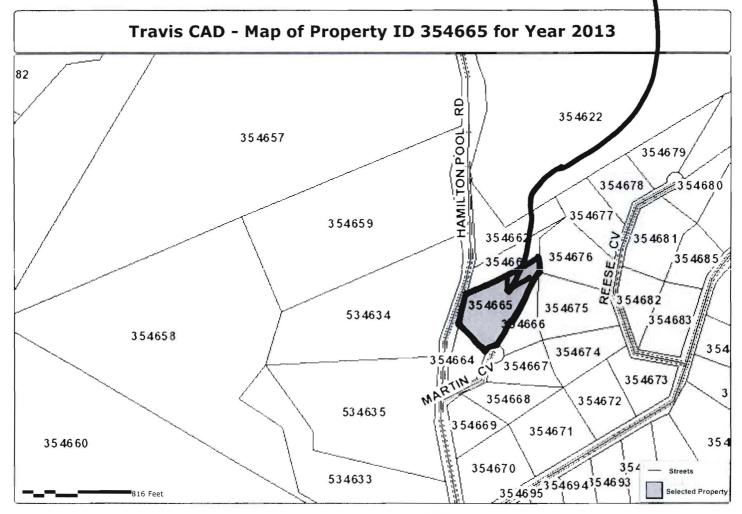
Appraised Value: \$42,670.00

http://propaccess.traviscad.org/Map/View/Map/1/354665/2013

PropertyACCESS

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



Property Details

Account

Property ID: 354665 Geo ID: 0518160206

Type: Real

Legal Description: LOT 48 HAMILTON HILLS

Location

Situs Address: 9800 MARTIN CV TX 78620

Neighborhood: P5724 Mapsco: 546V

Jurisdictions: 0A, 03, 07, 2J, 52

Owner

Owner Name: PURYEAR THOMAS J & CAROLYN JEA

Mailing Address: CAROLYN JEAN PURYEAR, 11605 SILMARILLION TRL, , AUSTIN, TX 78739-5607

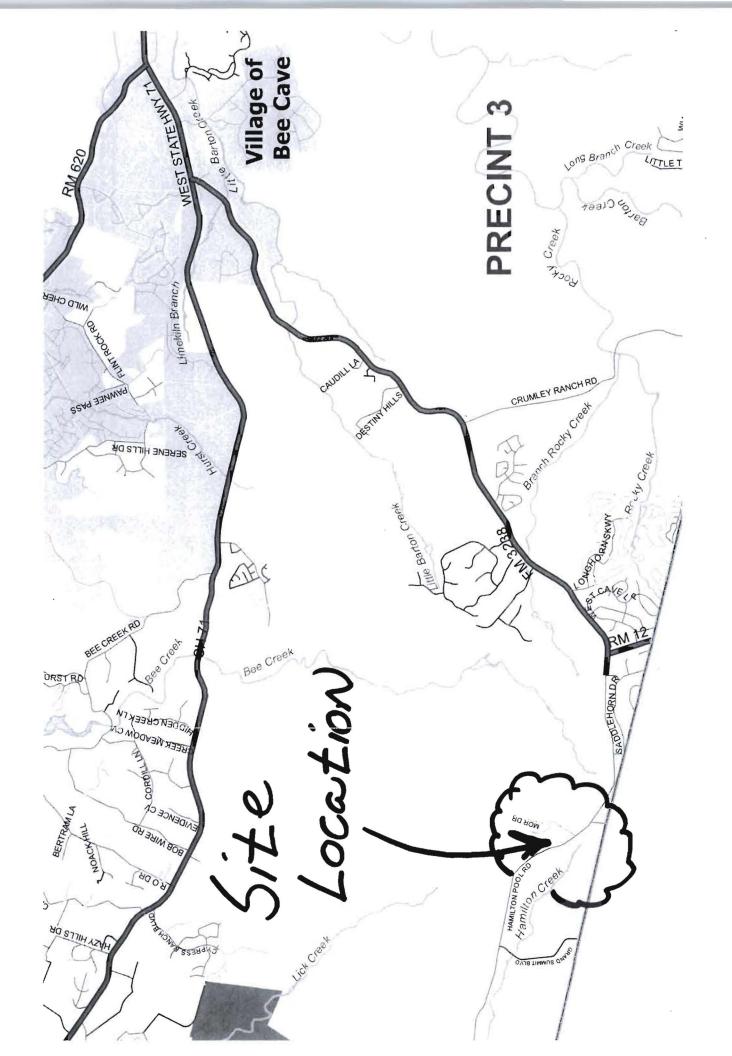
Property

Appraised Value: \$42,670.00

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PropertyACCESS

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Site Location City of Lago Vista Point City of illage of Venture Briarcliff City of **West Lake Hills** Lakeway Village of The Hills Village of **Bee Cave** PRECINT 3 City of Austin Legend Travis County Location Map Hays County Source(s) 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 Travis County Roadways, Map D 🛶 🚱 Map Prepared by Travis County, Dept. of Transportation & Natural product's accuracy or completeness.