



## Travis County Commissioners Court Agenda Request

**Meeting Date:** December 20, 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 Daugherty, Precinct Three

**AGENDA LANGUAGE:** Approve setting a public hearing on Tuesday, January 14, 2014 to receive comments regarding a request to authorize the filing of an instrument to vacate two five foot wide public utility easements (PUEs) located along the common lot line of Lots 346 and 347 of Apache Shores, First Installment – Precinct Three.

### **BACKGROUND/SUMMARY OF REQUEST:**

TNR staff has received a request to authorize the filing of an instrument to vacate two five foot wide PUEs located along the common lot line of Lots 346 and 347 of Apache Shores, First Installment. The easements are dedicated per plat note. Lots 346 and 347 front on Red Feather Trail, a street not maintained by Travis County.

The utility companies operating in the area have stated they have no objection to vacating the 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 lots is requesting to vacate the easements so that he may build across the lot line utilizing both lots for a residence. Vacating these easements should prevent any potential encroachment issues pertaining to the easements.

### **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 of Development and Long Range Planning	TNR	(512) 854-7561

**CC:**

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

**SM:AB:ps**

**1101 - Development Services Long Range Planning - Apache Shores, First Installment**

**ORDER OF VACATION**

**STATE OF TEXAS                    §**

**COUNTY OF TRAVIS   §**

WHEREAS, the property owner requests the vacation of two five foot wide public utility easements located along the common lot line of Lots 346 and 347 of Apache Shores, First Installment as recorded at Book 43, Page 29 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 January 14, 2014 to consider the proposed action; and

NOW, THEREFORE, by unanimous vote, the Commissioners Court of Travis County, Texas, orders that the two five foot wide public utility easements located along the common lot line of Lots 346 and 347 of Apache Shores, First Installment, as shown and described in the attached field notes and sketch, are hereby vacated.

ORDERED THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2014.

\_\_\_\_\_  
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





EXHIBIT

PARTIAL RELEASE OF EASEMENTS

FIELD NOTES OF A PORTION OF EASEMENTS THAT HAVE A TOTAL WIDTH OF TEN FEET, BEING FIVE FEET WIDE ON EACH SIDE OF THE DIVIDING LINE OF LOTS 346 AND 347, OF APACHE SHORES FIRST INSTALLMENT, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN BOOK 43 PAGE 29, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAID LOTS 346 AND 347 BEING CONVEYED TO WILLAIM KRASSNER BY DEED OF RECORD UNDER DOCUMENT NUMBER 2013126841 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID EASEMENTS ARE DEDICATED BY STATEMENT ON THE PLAT OF APACHE SHORES FIRST INSTALLMENT AND DEDICATED IN THE DECLARATION OF COVENANTS RECORDED IN VOLUME 3554 PAGE 200, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, THE EASEMENTS, AS DEDICATED ON THE PLAT, ARE DESCRIBED HEREON AS "FIVE FEET WIDE UTILITY EASEMENTS RETAINED ALONG THE SIDES OF EACH LOT", THE EASEMENTS AS DEDICATED IN THE DECLARATION OF COVENANTS, ARE DESCRIBED THEREIN AS "FIVE FEET WIDE UTILITIES AND DRAINAGE EASEMENTS ALONG THE SIDE LINE OF EACH AND EVERY LOT", THE PERIMETER OF THE PART OF THE ABOVE SAID EASEMENTS THAT IS TO BE RELEASED IS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a ½" diameter iron rod with a plastic cap stamped Tri-Tech set at the Southeast corner of the above said Lot 346, same being the Northeast corner of the above said Lot 347, said iron rod is in the West margin of Red Feather Trail, same being the East line of a ten feet wide utility easement which is dedicated by a statement on the subdivision plat of Apache Shores, First Installment, said iron rod is also in the East line of the a 10 feet wide drainage and utility easement located along the front lines of each lot as reserved in the above said Declaration of Covenants;

THENCE N72°56'11"W, along the common dividing line of said Lots 346 and 347, for a distance of 10.00 feet to a point in the East line of the herein described easement area to be released, said East line is also the West line of the above said 10.00 feet wide drainage and utilities easements along the front line of all lots;

THENCE entering Lot 347 along the East line of the herein described portion of easements to be released, same being the West line of said easement 10 feet in width along the front line of all lots, along a curve to the left, the radius of which is 287.67 feet, the arc distance is 5.00 feet, the chord of which bears S16°37'56"W, 5.00 feet to the Southeast corner hereof and being the **PLACE OF BEGINNING** hereof;

THENCE N72°56'11"W, over and across a portion of said Lot 347, along the South line of the herein described easements to be released, for a distance of 296.01 feet to the Southwest corner hereof,

**THENCE** N03°58'21"E, along the West line of the herein described easement to be released, same being the East line of a six feet wide drainage and utility easement along the rear lines of all lots as reserved in said Declaration of Covenants, passing at 5.00 feet the dividing line of said Lots 346 and 347, and continuing for a total distance of 10.27 feet to the Northwest corner hereof;

**THENCE** S72°56'11"E, along the North line of the easements to be released, over and across a portion of Lot 346, for a distance of 298.35 feet to the Northeast corner hereof, said Northeast corner lies in the West line of the above said 10.00 feet wide drainage and utilities easements along the front of all lots;

**THENCE** along the East line of the herein described portion of the easements to be released, same being the West line of the above said "10.00 feet wide easement along the front of all lots", along a curve to the left, the radius of which is 287.67 feet, the arc distance is 10.00 feet, the chord of which bears S17°07'49"W, 10.00 feet returning to the **PLACE OF BEGINNING** and containing 2,971.52 square feet.

SEE ACCOMPANYING SKETCH



David Bell  
Registered Professional Land Surveyor No. 3994  
JOB # AUS-PL1575-13

8-20-13

Date



SCALE 1"=40'



SKETCH TO ACCOMPANY METES AND BOUNDS

A COVE OF LAKE AUSTIN  
(CALLED "LAKE APACHE" IN BOOK 43 PAGE 29)  
(N 03°59'E 195.75')  
(N 03°58'21"E 195.68')

APACHE SHORES SECTION TWO BOOK 48, PG. 58

LOT 848

LOT 845



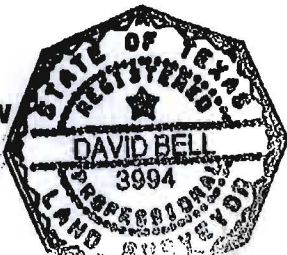
LEGEND	
●	1/2" IRON ROD FOUND
○	1/2" IRON ROD W/CAP SET
⊙	SPINDLE FOUND
( )	RECORD INFORMATION
B.L.	BUILDING LINE
U.E.	UTILITY EASEMENT
D.E.	DRAINAGE EASEMENT

**C1**  
**R= 277.67'**  
**DELTA= 10°19'**  
**L= 50.00'**  
**C= 49.94'**  
 (C= 49.93')  
**CB= S 22°17'32" W**  
 (CB= S 22°14' W)

APACHE SHORES SECTION TWO BOOK 48, PG. 58

LOT 847

**C2**  
**R= 277.67'**  
**DELTA= 10°19'**  
**L= 49.86'**  
**C= 49.80'**  
 (C= 49.93')  
**CB= S 11°59'18" W**  
 (CB= S 11°55' W)



Course	Bearing	Distance
L1	N 72°58'11" W	10.00'
L2	Rad: 287.87'	A: 5.00'
	Tan: 2.50'	CA: 0°58'45"
	Chd: S 18°37'58" W	5.00'
L3	N 72°58'11" W	298.01'
L4	N 03°58'21" E	10.27'
L5	S 72°58'11" E	298.35'
L6	Rad: 287.87'	A: 10.00'
	Tan: 5.00'	CA: 1°59'31"
	Chd: S 17°07'49" W	10.00'

(N 80°28'W 299.79')  
 N 80°28'16"W 299.62'

VACANT

LOT 347

VACANT

LOT 346

S 64°17'00"E 345.43'  
 (S 64°17'E 345.45')  
 BEARING BASIS

LOT 345

5' U.E. PER PLAT BK. 43 PG. 29 & 5' B.L., D.E. AND U.E. PER VOL. 3554 PG. 200  
 5' U.E. PER PLAT BK. 43 PG. 29 & 5' B.L., D.E. AND U.E. PER VOL. 3554 PG. 200

AREA OF EASEMENTS TO BE RELEASED = 2971.52 SQUARE FEET

10' U.E. PER PLAT BK. 43 PG. 29 & 10' D.E. AND U.E. PER VOL. 2554 PG. 200

PLACE OF BEGINNING

PLACE OF COMMENCEMENT

RED FEATHER TRAIL (50' R.O.W.)

COPYRIGHT 2013 TRI-TECH SURVEYING COMPANY, L.P.



**TRI-TECH SURVEYING COMPANY, L.P.**

Formerly Point-Line Services, Inc.  
 Formerly D. Seelig Land Surveyors, PC  
 Formerly Brandt Surveying, PC

WWW.SURVEYINGCOMPANY.COM

3802 Manchaca Road  
 Austin, Texas 78704

Phone: (512) 440-0222  
 Fax: (512) 440-0224

Phone: (512) 339-0808

Use of this survey for any other purpose or other parties shall be at their risk and undersigned is not responsible to others for any loss resulting therefrom.

Dated this the 20th day of August, 2013

Job No. AUS-PLI575-13

DAVID BELL, R.P.L.S. 3994



11/12/13

Travis County  
Transportation & Natural Resources  
Planning & Engineering Services  
700 Lavaca  
Austin, TX 78701

Attention: Paul Scoggins

RE: Easement Vacation for 14318 & 14320 Red Feather Trail

Mr. Scoggins,

Please let this letter serve as a request to vacate the easement running between lots 346 and 347 of Apache Shores 1<sup>st</sup> Installment, also known as 14318 and 14320 Red Feather Trail. The vacation is being requested so that the owner, William Krassner, may build across the lot line utilizing both lots for a residence. Attached to this request are metes and bounds survey, a drawing showing the easement and the following releases from utility companies.

Austin Energy

WCID #17

AT&T

Time Warner

After speaking with several providers, the following utilities do not serve the area and indicated that a release from them was not necessary:

COA Water & Waste Water Utility

Texas Gas Service

TXU Electric & Gas



Please let me know if there is anything else required to obtain an approval for the easement vacation at 14318 and 14320 Red Feather Trail.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jeb Barmish', with a long horizontal flourish extending to the right.

**Jeb Barmish**

**Slipknot Construction Services**

**1304 E. 7<sup>th</sup> Street**

**Austin, TX 78702**

**(512) 771-8503**

**[Jeb.barmish@att.net](mailto:Jeb.barmish@att.net)**

For: William Krassner

1540 Cypress Creek Road

Cedar Park, TX 78613

(512) 577-0075





**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 14318 & 14320 Red Feather Trail, Austin (address) and/or Lots 346 & 347 Apache Shores, 1st Installmen(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

10/29/13

Date

Please return this completed form to:

William Krassner

Name

N/A

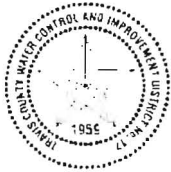
Address

N/A

City/State/Zip

INT. *SP*  
DATE *10-31-13*

cc: jeb.barmish@att.net



TRAVIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT 17

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

UTILITY EASEMENT RELEASE APPLICATION
Date: 10/24/13

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

Property Address: 14318 + 14320 Red Feather Trail

Legal Description: Lots 346 + 347 of Apache Shores, First Installment

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

Applicant Name: Jeb Barmish

Address: 1304 E. 7th St. Austin, TX 78702

Reason for Request: property owner has purchased two adjacent lots, 346 + 347, and would like to vacate the existing P.U.E. dividing the lots in order to build across the 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) (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.

Henry W. Marley Signature Date 10.29.13

Deborah S. Gemes Signature Date 10/28/13

Printed Name: Travis County WCID #17
General Manager: 3812 Eck Lane
Title: Austin, TX 78734

Please return this completed form to:

Phone: (512) 771-8503
Fax: (512) 474-4557
Email: jeb.barmish@att.net

Jeb Barmish Name
1304 E. 7th St. Address
Austin, TX 78702
City/State/Zip

SCALE 1"=40'

SKETCH TO ACCOMPANY METES AND BOUNDS

A COVE OF LAKE AUSTIN  
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APACHE SHORES  
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BOOK 48, PG. 58

LOT 848

LOT 845

(91.40')

5' U.E. PER PLAT BK. 43 PG. 29  
6' D.E. & U.E. PER VOL. 3554 PG. 200  
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LOT 847

VACANT

VACANT

LOT 345

LOT 347

LOT 346

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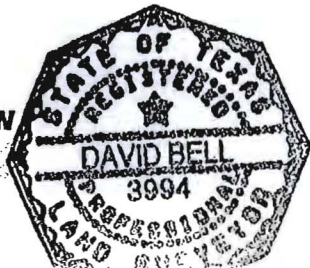
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VOL. 2554 PG. 200

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SURVEYING COMPANY, L.P.

Use of this survey for any other purpose or  
other parties shall be at their risk and  
undersigned is not responsible to others for  
any loss resulting therefrom.

Dated this the 20th day of August, 2013

Job No. AUS-PLI575-13



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Phone: (512) 339-0808

DAVID BELL, R.P.L.S. 3994





**SOUTHWESTERN BELL TELEPHONE COMPANY**

**RELEASE OF EASEMENT**

THIS RELEASE OF EASEMENT, entered into by *SOUTHWESTERN BELL TELEPHONE COMPANY, a Delaware corporation, GRANTOR, AND William Krassner, 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 346 and 347, Apache Shores First Installment, Deed of record in Document 2013126841, Property Records of Travis County, Texas*

Said land of GRANTEE being subject to:

*Easements recorded in Volume 43, Page 29, 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/DE along the common property lines of said Lots 346 and 347, 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 11<sup>th</sup> day of NOVEMBER, 2013

SOUTHWESTERN BELL TELEPHONE COMPANY

*David A. Williams*

Name: DAVID A. WILLIAMS

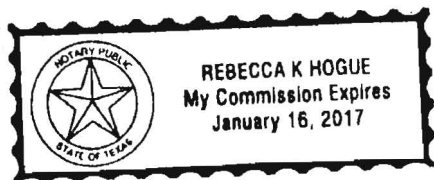
Title: Lead OSP Plan & Survey Design

THE STATE OF TX  
COUNTY OF TRAVIS

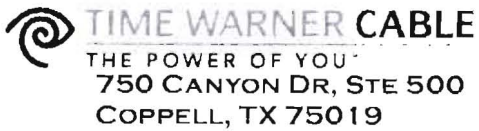
BEFORE ME, the undersigned authority, on this day personally appeared DAVID WILLIAMS, known to me to be the person whose name is subscribed to the foregoing instrument as Manager, Engineering-Design of Southwestern Bell Telephone Company, a Delaware corporation, and acknowledged to me that he/she executed 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 11<sup>th</sup> day of NOVEMBER, 2013.

*Rebecca K Hogue*  
Notary Public in and for the State of TEXAS  
My Commission Expires Jan 16 2017







October 28, 2013

Jeb Barmish  
Slipknot Construction Services  
7205 Guava Cove  
Austin, TX 78750

SUBJECT: Abandonment of the ROW between 14318 and 14320 Red Feather Trail, Austin, TX

We have reviewed your request for the above referenced Utility Easement, and Time Warner Cable (TWC) hereby grants the abandonment of the ROW between 14318 and 14320 Red Feather Trail, located within the city of Austin, TX.

If applicable, please contact the Texas Excavation Safety System (Texas811) to have facilities marked & located within affected easements before any excavations are started.

For future reference, please send all utility coordination, abandonments, encroachments, plat signatures, or serviceability requests, or notices of relocation to [west-engineering-relo@twcable.com](mailto:west-engineering-relo@twcable.com). Please share this information with whoever needs these services.

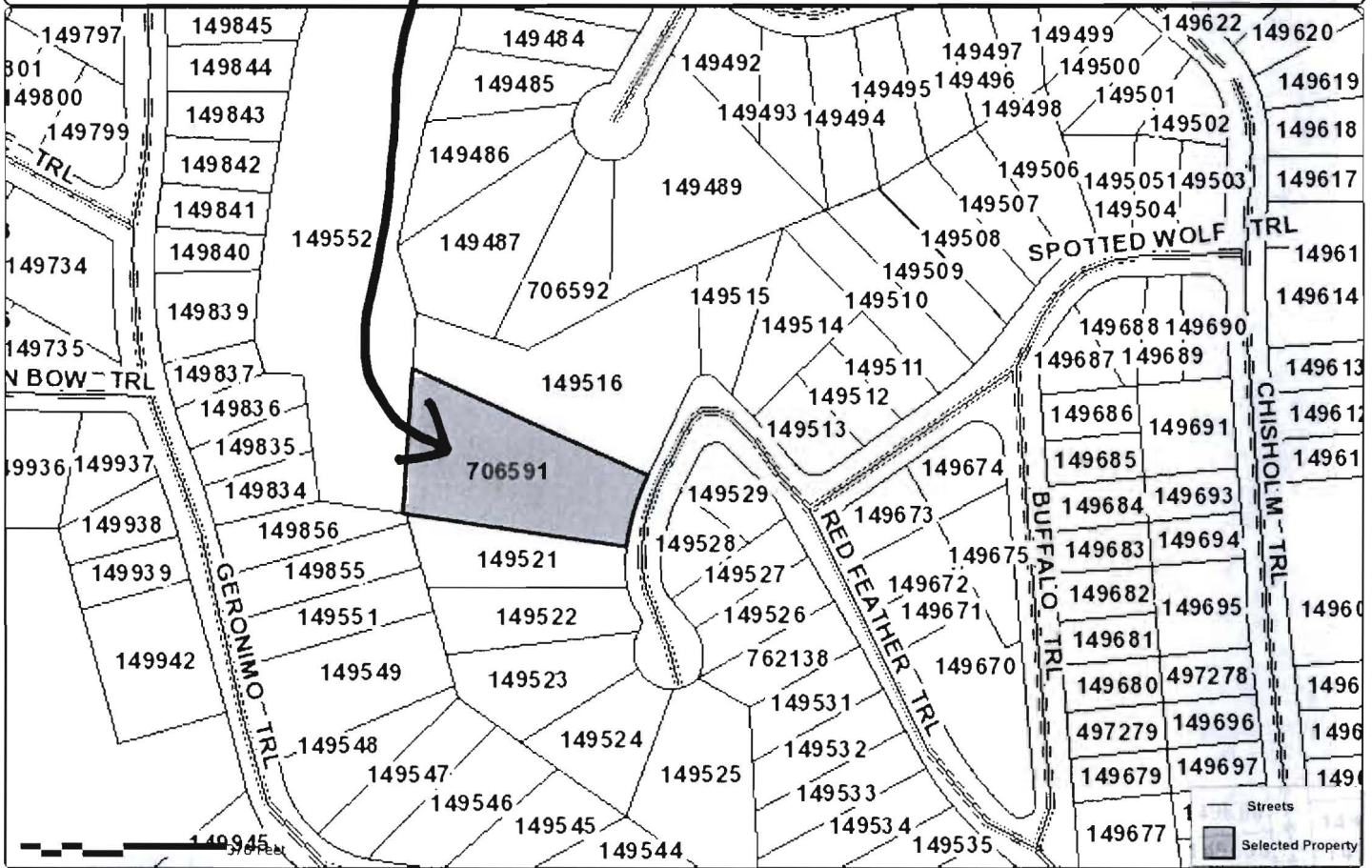
Sincerely,

A handwritten signature in black ink that reads "Lisa M. Law". The signature is written in a cursive, flowing style.



# Site

## Travis CAD / Map of Property ID 706591 for Year 2013



### Property Details

#### Account

Property ID: 706591

Geo ID: 0147550179

Type: Real

Legal Description: LOT 346&347 APACHE SHORES FIRST INSTALLMENT

#### Location

Situs Address: RED FEATHER TRL TX 78734

Neighborhood: APACHE SHORESS(Obsolete-MERGED INTO R4120)

Mapsco: 490R

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

#### Owner

Owner Name: DECKER JAY & MARY

Mailing Address: , 171 WOODLAND DR, , DRIFTWOOD, TX 78619-4246

#### Property

Appraised Value: \$46,000.00

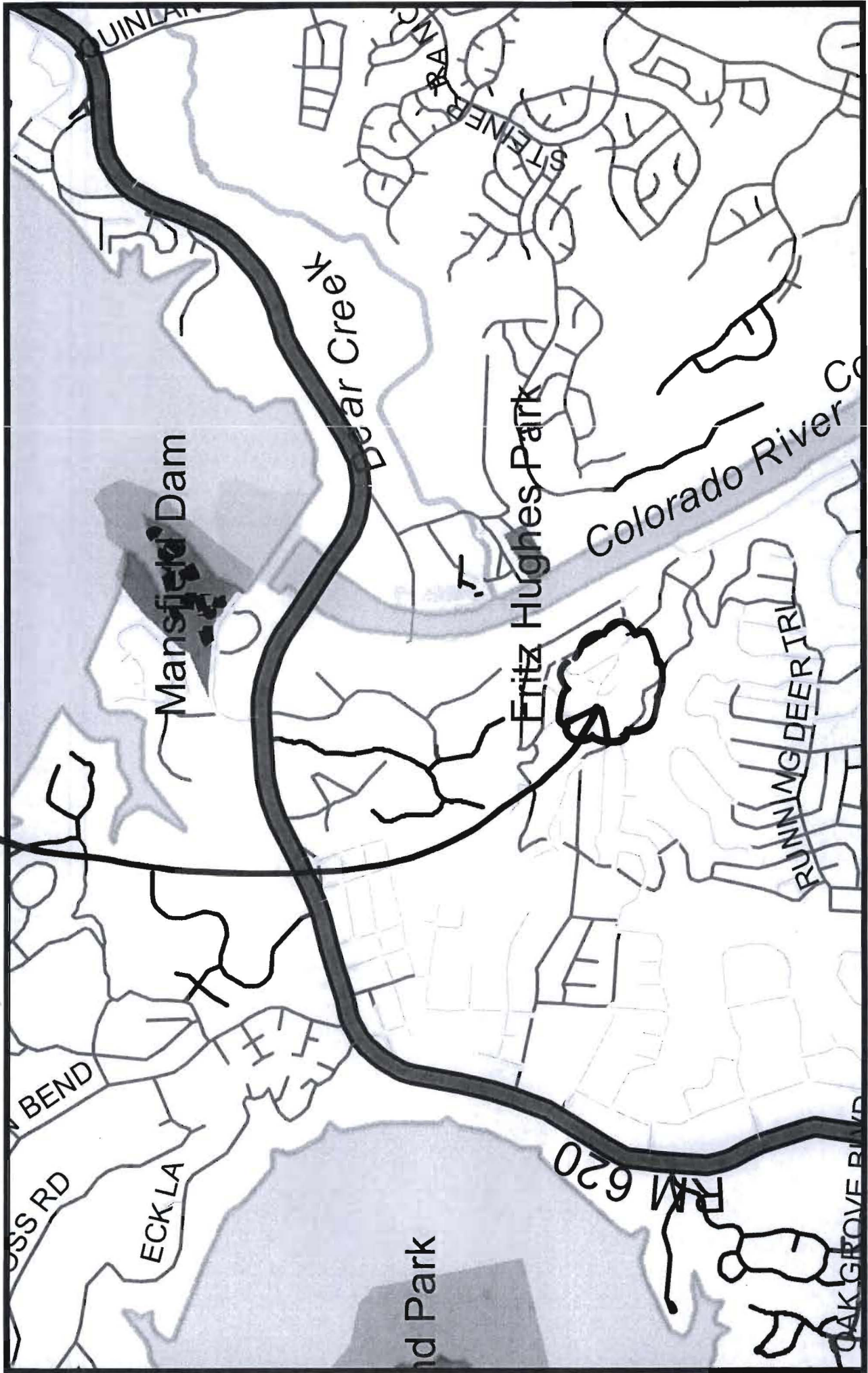
<http://propaccess.traviscad.org/Map/View/Map/1/706591/2013>

powered by  
**PropertyACCESS**  
www.truautomation.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.

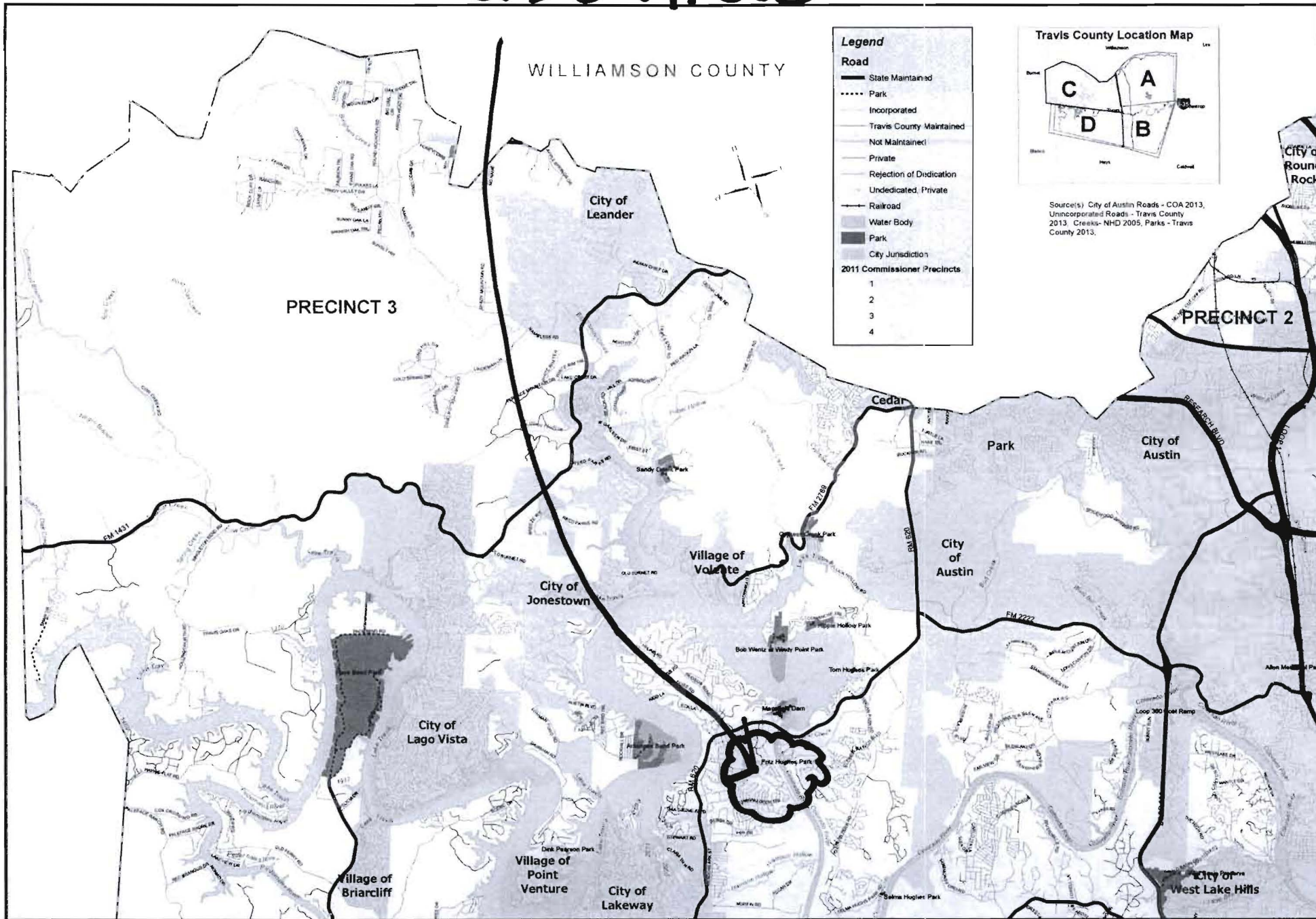


# Site Area



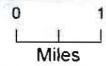


# Site Area



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