



Travis County Commissioners Court Agenda Request

Meeting Date: January 14, 2014

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 a five foot wide Public Utility Easement (PUE) located over and across a portion of Lot 15 of Travis Vista – Precinct Two.

BACKGROUND/SUMMARY OF REQUEST:

TNR has received a request to authorize the filing of an instrument to vacate a five foot wide PUE located over and across a portion of Lot 15 of Travis Vista. The easement is dedicated per plat note. Lot 15 fronts on Travis View Loop, a street 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 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 a portion of the existing home was constructed within the subject easement. Vacating this easement should resolve this encroachment issue.

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	Permit Program Manager	TNR	(512) 854-7565

SM:AB:ps
1101 - Development Services Long Range Planning - Travis Vista

ORDER OF VACATION

STATE OF TEXAS §

COUNTY OF TRAVIS §

WHEREAS, the property owner requests the vacation of a five foot wide public utility easement located over and across a portion of Lot 15 of Travis View as recorded at Volume 48, Page 19 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 five foot wide public utility easement located over and across a portion of Lot 15 of Travis Vista, as shown and described in the attached field notes and sketch, is 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

Precise Land Surveying, Inc.

4625 Eastover Drive
Mesquite, Texas 75149
(972) 681-7072 Fax (972) 279-1508

Exhibit "A"

BEING a portion of Lot 15, of Travis Vista, a subdivision in Travis County, Texas, according to the plat thereof recorded in Volume 48, Page 19, of the Plat Records of Travis County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at a found 1/2-inch iron rod on the west line of Travis View Loop, being the common east corner of Lot 14 and said Lot 15;

THENCE North 68° 00' 00" West, a distance of 116.79 feet along the common line of said Lots 14 and 15 to the POINT OF BEGINNING of the herein described tract;

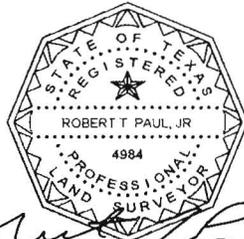
THENCE North 68° 00' 00" West, a distance of 5.00 feet along said common line to a set 1/2-inch iron rod;

THENCE North 20° 58' 00" East, a distance of 81.78 feet;

THENCE South 52° 23' 00" East, a distance of 5.22 feet;

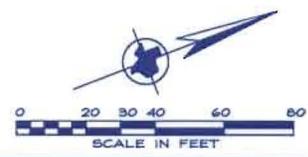
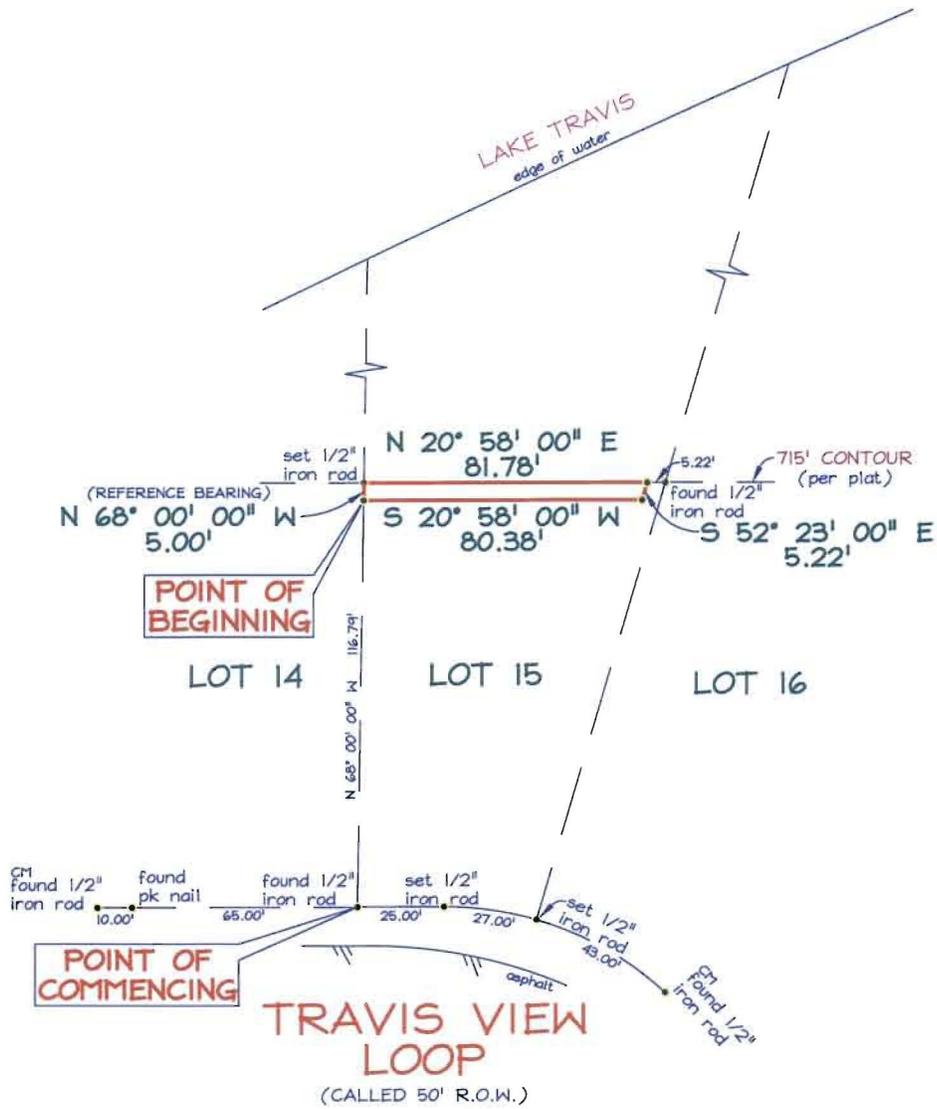
THENCE South 20° 58' 00" West, a distance of 80.38 feet to the POINT OF BEGINNING and containing 405 square feet or 0.01 of one acre of land.

This is to declare that on this date a survey was made on the ground, under my direction and supervision, of the above and foregoing description.



A handwritten signature in black ink, appearing to read "Robert T. Paul, Jr.", written over the bottom portion of the seal.

Registered Professional Land Surveyor
October 24, 2013
613-1673A

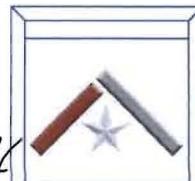
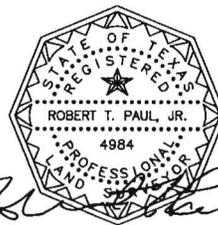


5' PUBLIC UTILITY EASEMENT RELEASE

LOT 15, TRAVIS VISTA
VOL. 48, PG. 19
P.R.T.C.T.

DATE: 10/31/13

JOB NO: 613-1673A
TECH: JAN



DALLAS: PHONE 972-881-7072 FAX 972-279-1508
FORT WORTH: PHONE 817-451-0522 FAX 817-496-3418

Mr. Scoggins,

We are requesting Travis County to vacate the easement on the subject property of:

David Simono
13108 Travis View Loop, Austin Tx 78732

Legal Description of "Lot 15 Travis Vista"

We are requesting this as the property has a PUE going through the back of the house. This PUE has been signed off by all parties:

Time Warner
AT&T
Austin Energy
WCID 17

Thanks for your consideration,

Sincerely
Kirk Lewis
kirklewis@austin.rr.com
512-422-2495

For David Simono



SOUTHWESTERN BELL TELEPHONE COMPANY

RELEASE OF EASEMENT

THIS RELEASE OF EASEMENT, entered into by *SOUTHWESTERN BELL TELEPHONE COMPANY, a Delaware corporation, GRANTOR, AND David M. Simono and spouse, Erika Simono, GRANTEES*, 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 GRANTEES, as is, all or a specific portion of certain easements for telecommunication purposes hereinafter described that affects land owned by GRANTEES situated in *Travis County, Texas*, and described as follows:

Lot 15, of Travis Vista, Deed of record in Document 2011126620, Property Records of Travis County, Texas

Said land of GRANTEES being subject to:

Easements recorded in Volume 48, Page 19, 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 crossing said Lot 15, described above,

TO HAVE AND TO HOLD same, together with all rights and appurtenances to the same belonging, unto GRANTEES, 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 11th day of NOVEMBER, 2013

SOUTHWESTERN BELL TELEPHONE COMPANY

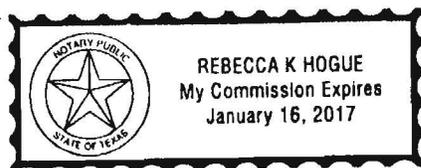
Name: DAVID A WILLIAMS

Title: VP CSP PLANS & 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 11th day of NOVEMBER, 2013

Notary Public in and for the State of TEXAS
My Commission Expires Jan 16, 2017



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: 11-1-13

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

Property Address: 13108 Travis View Loop

Legal Description: LOT 15 Travis Vista
VOL 48, 19

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

Applicant Name: KIRK Lewis

Address: _____

Reason for Request: VACATE EASEMENT PUE

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.

Henry Marley 11.5.13
Signature Date

Reviewer: Henry Marley

Deborah S. Gemes 11/5/2013
Signature Date

Printed Name Deborah S. Gemes

Title **Travis County WCID #17**

3812 Eck Lane

Austin, TX 78734

Please return this completed form to:

KIRK Lewis

Name

Phone: 512-422-2495

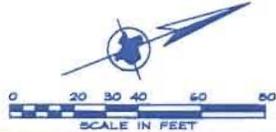
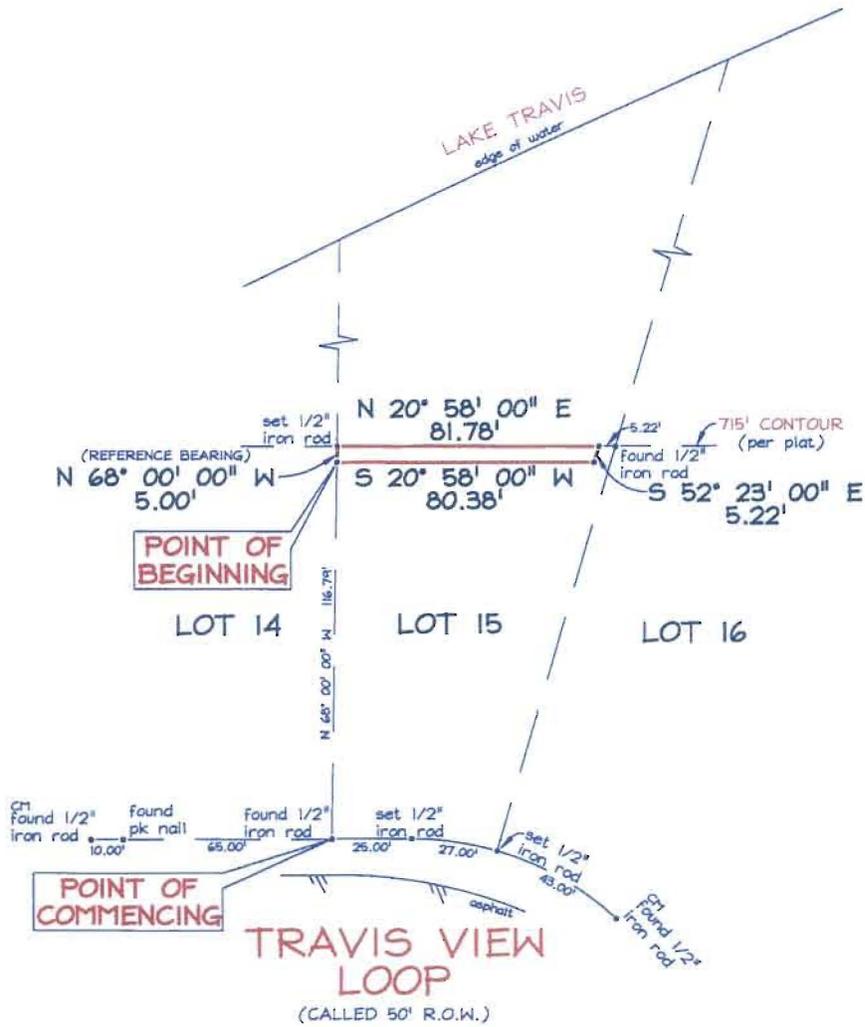
512-422-2495

Fax: _____

Address

Email: KIRKLEWIS
AUSTIN.PE.COM

City/State/Zip

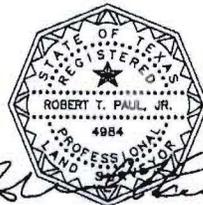


5' PUBLIC UTILITY
EASEMENT RELEASE

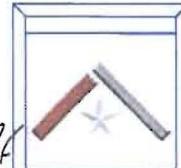
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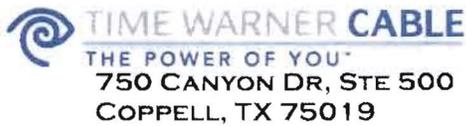
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This is to declare that on this date a survey was made on the ground, under my direction and supervision, of the above and foregoing description.



Robert Paul, Jr.

Registered Professional Land Surveyor
October 24, 2013
613-1673A



Vie

November 5, 2013

Debra Holloway
Gracy Title
1921 Lohmans Crossing Suite 200
Austin, TX 78734
debra@gracytitle.com

SUBJECT: Abandonment of the ROW at 13108 Travis View Loop, 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 13108 Travis View Loop and/or Lot 15, Travis Vista, located in 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. Please share this information with whoever needs these services.

Sincerely,

A handwritten signature in blue ink that reads 'Lisa N. Law'. The signature is written in a cursive, flowing style.



North Texas Area

2012 Project Authorization Form
Plant Construction (All Types)

Origination Date: 11/6/2013
Start Date: _____
Completion Date: _____

NODE: _____

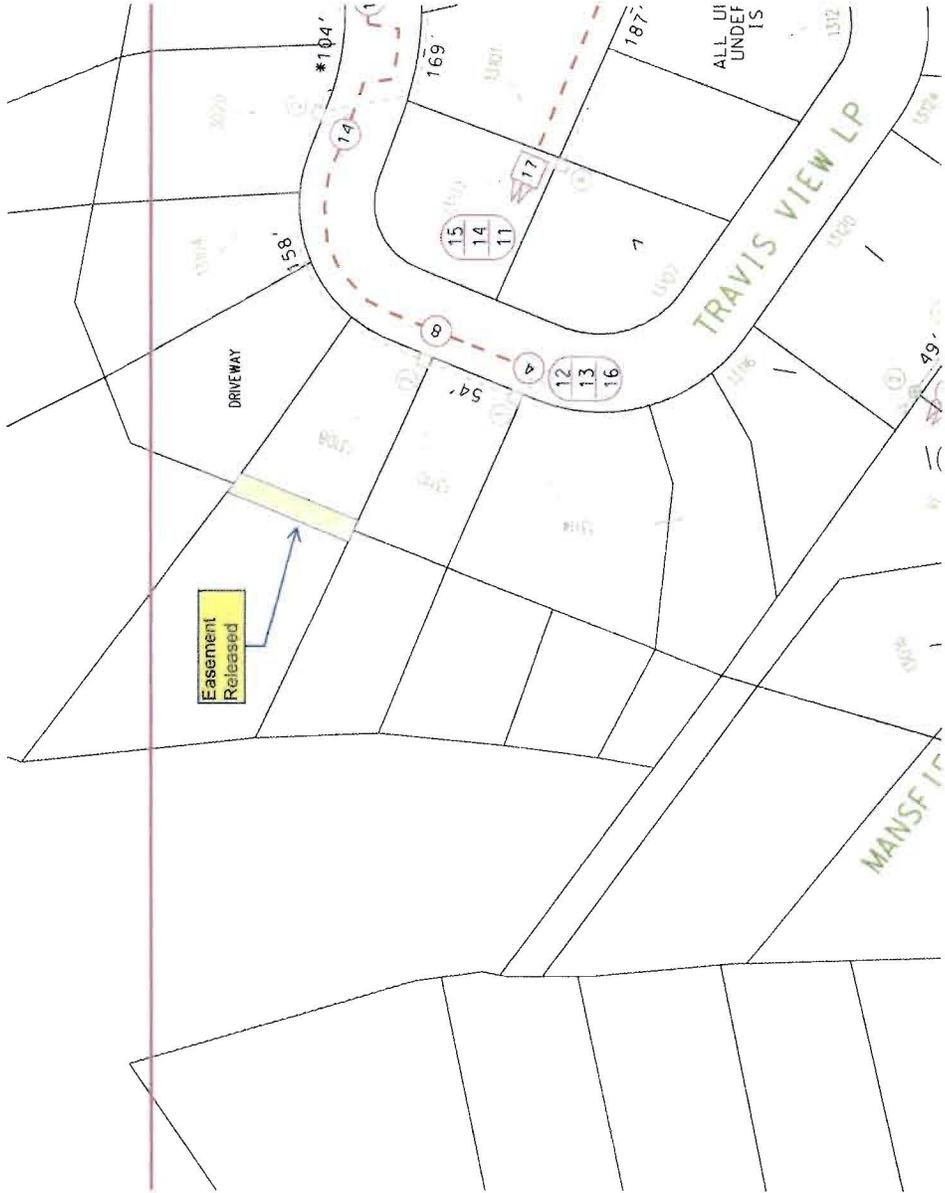
PROJECT INFORMATION	Location Name: <u>NTX Dallas</u>																																										
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	Activity Name: _____	Job/ DOCK #: _____																																									
	Line of Business: <u>Select LOB</u>	Project Driver: _____																																									
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PA Type: <u>Select Type</u>	Existing Bandwidth: _____																																										
Category:																																											
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Project Justification																																											
Construct fiber tie-point and distribution plant to service new MDU customers.....																																											

LEAVE BLANK

PURCHASE INFORMATION		Contract Labor	In-House Labor	Materials	Freight	Reimbursement	Total
Design - Aerial	601	_____	_____	_____	_____	_____	_____
Make Ready - Aerial	601	_____	_____	_____	_____	_____	_____
Strand & Hardware - Aerial	601	_____	_____	_____	_____	_____	_____
Splicing & Electronics - Aerial	601	_____	_____	_____	_____	_____	_____
Fiber Construction - Aerial	601	_____	_____	_____	_____	_____	_____
Coaxial Construction - Aerial	601	_____	_____	_____	_____	_____	_____
Capitalized Interest - Aerial	601	_____	_____	_____	_____	_____	_____
Design - UG	601	_____	_____	_____	_____	_____	_____
Make Ready - UG	601	_____	_____	_____	_____	_____	_____
Hardware - UG	601	_____	_____	_____	_____	_____	_____
Splicing & Electronics - UG	601	_____	_____	_____	_____	_____	_____
Fiber Construction - UG	601	_____	_____	_____	_____	_____	_____
Coaxial Construction - UG	601	_____	_____	_____	_____	_____	_____
Capitalized Interest - UG	601	_____	_____	_____	_____	_____	_____
EQHDE							
Fiber Optonics - Headend	601	_____	_____	_____	_____	_____	_____
INSTL							
Drops - New Connects	601	_____	_____	_____	_____	_____	_____
Make Ready - Replacements	_____	_____	_____	_____	_____	_____	_____
Total		_____	_____	_____	_____	_____	_____

PA TOTALS	Project #	Was this activity Budgeted? <u>Select Answer</u>	Budget	Outlook	YTD Authorized	Uncommitted
Budgeted Project Information (If Budget is "Borrowed" from another Project, Indicate that Project here):						
	Project ID	Activity ID	OU	BS	FA	Amount
						Total Requested Authorization _____

APPROVALS	Requester Information	Required Approvals	Date
	Name: _____	_____	_____
	Title: _____	_____	_____
	Phone: _____	_____	_____
	Signature: _____	_____	11/6/2013





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

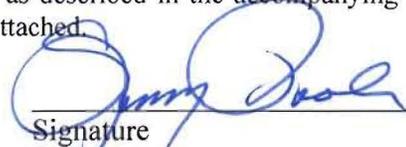
EASEMENT REQUIREMENT STATEMENT FOR VACATION OF PROPERTY

An application is being made to Travis County for the vacation of property at 13108 Travis view Loop, Austin, TX 78732 (address) and/or Lot 15 Travis Vista (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

X 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

October 30, 2013

Date

Please return this completed form to:

David Simond

Name

13108 Travis View Loop

Address

Austin TX 78732

City/State/Zip

cc: kirklewis@austin.rr.com



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 five foot wide public utility easement was posted on December 17, 2013, on the northerly side of Travis View Loop along the front lot line of Lot 15 of Travis Vista at a point as near as practical to the area being vacated, and was also posted at the Travis County Courthouse.

CERTIFIED THIS THE 18 DAY OF December, 2013.

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

cc: Garcia (sign shop)

M:\PERMITS\Vacate\13PUE\18-TravisViewLoop\SignRequest-TravisViewLoop.doc



NOTICE OF PUBLIC HEARING

JANUARY 14, 2014, AT 9:00 AM

PUBLIC UTILITY EASEMENT VACATION

**TO APPROVE THE VACATION OF A PUBLIC
UTILITY EASEMENT LOCATED OVER AND
ACROSS A PORTION OF LOT 15 OF TRAVIS
VISTA — A SUBDIVISION IN PRECINCT TWO**

**A HEARING WILL BE HELD AT
THE TRAVIS COUNTY
COMMISSIONERS' COURTROOM
700 LAVACA ST. AUSTIN, TEXAS**

FOR MORE INFORMATION CALL 854-9383

**NOTICE OF
PUBLIC HEARING**

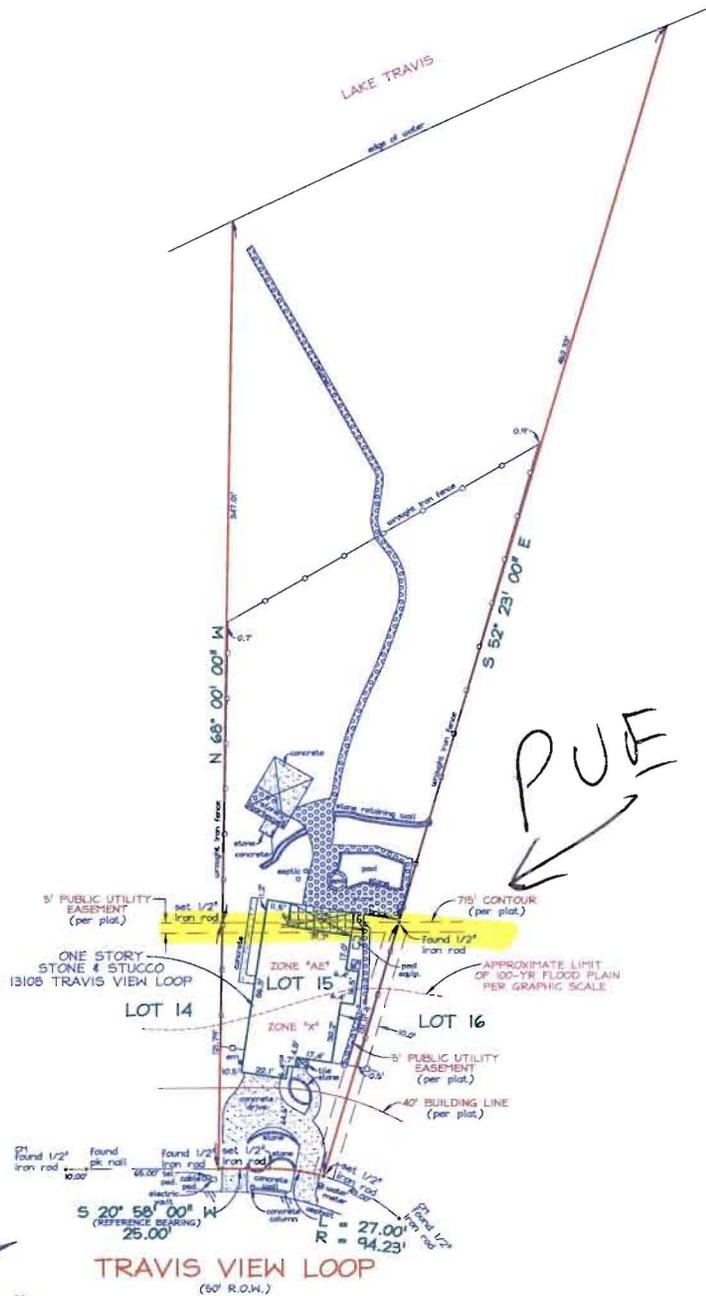
JANUARY 14, 2014 AT 9:00 AM

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TO APPROVE THE VACATION OF A PUBLIC
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VISTA — A SUBDIVISION IN PRECINCT TWO

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

IES1990528



PROPERTY DESCRIPTION

Being Lot 15, of Travis Vista, a subdivision in Travis County, Texas, according to the map or plat of record in Volume 48, Page 19, of the Plat Records of Travis County, Texas.

THIS IS TO DECLARE that on this date a survey was made on the ground, under my supervision of the above described tract of land.

On this date the easements, rights-of-way or other locatable matters of record of which the undersigned has knowledge or has been advised are as shown or noted hereon.

A portion of the subject property appears to lie within the limits of a 100-year flood hazard zone according to the Flood published by the Federal Emergency Management Agency, and has a Zone "AE", X Rating as shown by Map No. 48453G0220 14, dated SEPTEMBER 26, 2008. The statement that the property does or does not lie within a 100-year flood zone is not to be taken as a representation that the property will or will not flood. This survey is not to be used for construction purposes and is for the exclusive use of Gracy Title Company only and this survey is made pursuant to that one certain title commitment under the GF number 0247-14816, provided by the title company named herein.

NOTES:

CM = CONTROLLING MONUMENT.

THIS PROPERTY IS AFFECTED BY THE FOLLOWING:
RELEASE OF EASEMENT, VOL. 5465, PG. 2224, D.R.T.C.T.

THIS PROPERTY IS SUBJECT TO THE FOLLOWING:
EASEMENT, VOL. 554, PG. 539, D.R.T.C.T.

THIS PROPERTY IS NOT AFFECTED BY THE FOLLOWING:
EASEMENT, VOL. 632, PG. 164, VOL. 632, PG. 166,
VOL. 644, PG. 19, PG. 649, PG. 128, D.R.T.C.T.
EASEMENT, VOL. 480, PG. 305, D.R.T.C.T.

BEARINGS ARE BASED ON THE RECORDED PLAT REFERENCED ABOVE.

LAKE FRONT LOT LINES EXTEND TO THE OLD BANK OF THE COLORADO RIVER,
AS NOTED ON PLAT.



REVISION	BY

Precise Land Surveying, Inc.

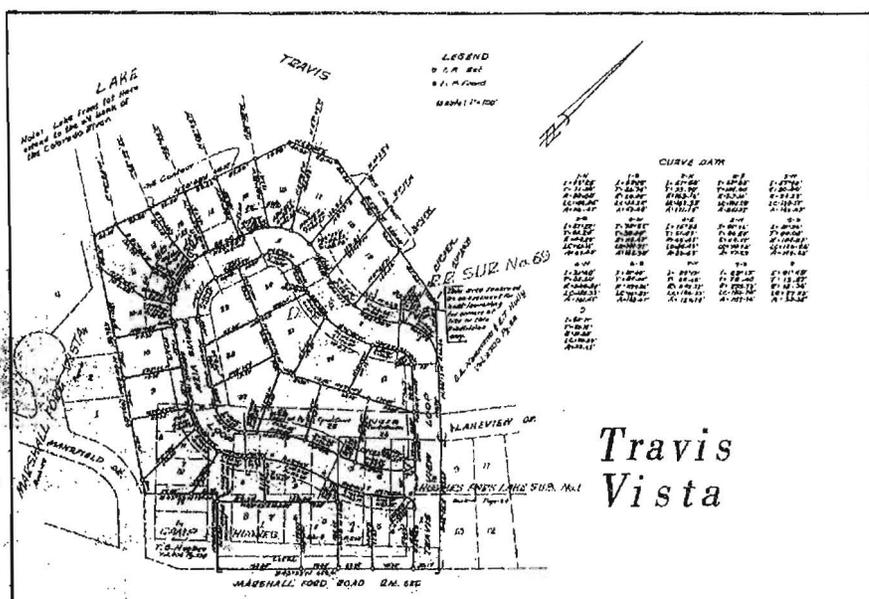
4625 EASTOVER DRIVE - MESQUITE, TEXAS 75149
(972) 681-7072 FAX (972) 279-1508

BOUNDARY SURVEY
13108 TRAVIS VIEW LOOP
TRAVIS COUNTY, TEXAS



SURVEYOR	RT
DATE	10/28/13
TECH	JAN
FIELD DATE	10/24/13
DRAWING FILE	P\13-PLATS\13108-1673
INVOICE #	481-6
SCALE	1" = 40'
JOB NUMBER	613-1673
SHEET	1





Travis Vista

STATE OF TEXAS
 COUNTY OF TRAVIS: KNOW ALL MEN BY THESE PRESENTS:
 That we E.T. Holly and E.E. Neuman, owners of the certain tract of land out of the DAW Railroad Co. Survey No. 63 in Travis County, Texas, including lots 11 & 12 and part of lot 13, according to a plat of record in Book 3 of Deeds, Travis County, Texas, and lots 11 & 12 of HUGHES PARK LAKE SUBDIVISION No. 1, according to a plat of record in Book 4 of Deeds, Travis County, Texas, and a certain street known as Lakeview Drive, and an undivided area of said DAW Railroad Co. Survey No. 63 and conveyed to us by deed of record in Vol. 8700 at page 54 of the Deed Records of Travis County, Texas, do hereby subdivide said tract in accordance with the attached plat, said subdivision to be known as TRAVIS VISTA, and we do hereby dedicate to the public the streets and easements shown thereon.
 WITNESS OUR HANDS, this 15th day of September, A.D. 1969.

E.T. Holly
 E.T. Holly
E.E. Neuman
 E.E. Neuman

STATE OF TEXAS
 COUNTY OF TRAVIS:
 Before me, the undersigned authority, on this day personally appeared E.T. Holly, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed.
 GIVEN UNDER MY HAND and seal of office, this 15th day of September, A.D. 1969.

W. M. ...
 Notary Public in and for Travis Co., Tex.

In honoring this plat by the Commissioners Court of Travis County, Texas, it is understood that the building of all streets, roads or other public thoroughfares and the responsibility of the owner and/or developer of the tract of land covered by this plat, in accordance with plans and specifications approved by the Commissioners Court of Travis County, Texas, and the Commissioners Court of Travis County, Texas, are no obligation to build any of streets, roads or other public thoroughfares shown on this plat, or any bridges or culverts in connection therewith.

NOTE:
 No lot in this subdivision shall be occupied until water satisfactory for human consumption is available from a source on the land, a community source, or a public utility source in adequate supply for family use, and operation of a septic tank, field septic tank system or other capacity of not less than 500 gallons with a drain field of not less than 100 feet, and shall be installed in accordance with the regulations of the City-County Health Officer and shall be inspected and approved by such officer. This restriction is enforced by the City of Austin-Travis County Health Unit under the Subdivision.
 This is to certify that Section 23.27 of the City Code of 1969 has been complied with.

Special Note:
 An easement of the lot for all the lot and easement of all lots in this subdivision to have dedicated for public utilities.

STATE OF TEXAS
 COUNTY OF TRAVIS
 Before me, the undersigned authority on this day personally appeared E.E. Neuman, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed.
 GIVEN UNDER MY HAND and seal of office, this 15th day of September, A.D. 1969.

Miss Emily Limberg
 County Clerk
 Filed for record on the 7 day of October, A.D. 1969 at 2:30 o'clock P.M.
 Miss Emily Limberg, Clerk Co. Cl. Travis Co. Texas
By: ...

STATE OF TEXAS
 COUNTY OF TRAVIS:
 I, Miss Emily Limberg, County Clerk of Travis County, Texas, do hereby certify that the foregoing instrument of writing with its certificate of authentication was filed for record in my office on the 7 day of October, A.D. 1969 at 2:30 o'clock P.M. and duly recorded on the 7 day of October, A.D. 1969 at 2:30 o'clock P.M. in the Plat Records of said county in Book 48 at page 19.
 WITNESS MY HAND and seal of the court of said county, this 15th day of October, A.D. 1969.

Miss Emily Limberg
 County Clerk
 By: *...*

STATE OF TEXAS
 COUNTY OF TRAVIS:
 I, Miss Emily Limberg, clerk of the county court within and for the County and State aforesaid, do hereby certify that on the 7 day of October, A.D. 1969 the Commissioners Court of Travis County, Texas, passed an order authorizing the filing for record of this plat, and that said order has been duly entered in the Minutes of said court in Book 3 at page 318.
 WITNESS MY HAND, and seal of the County Court of said County, this 15th day of October, A.D. 1969.

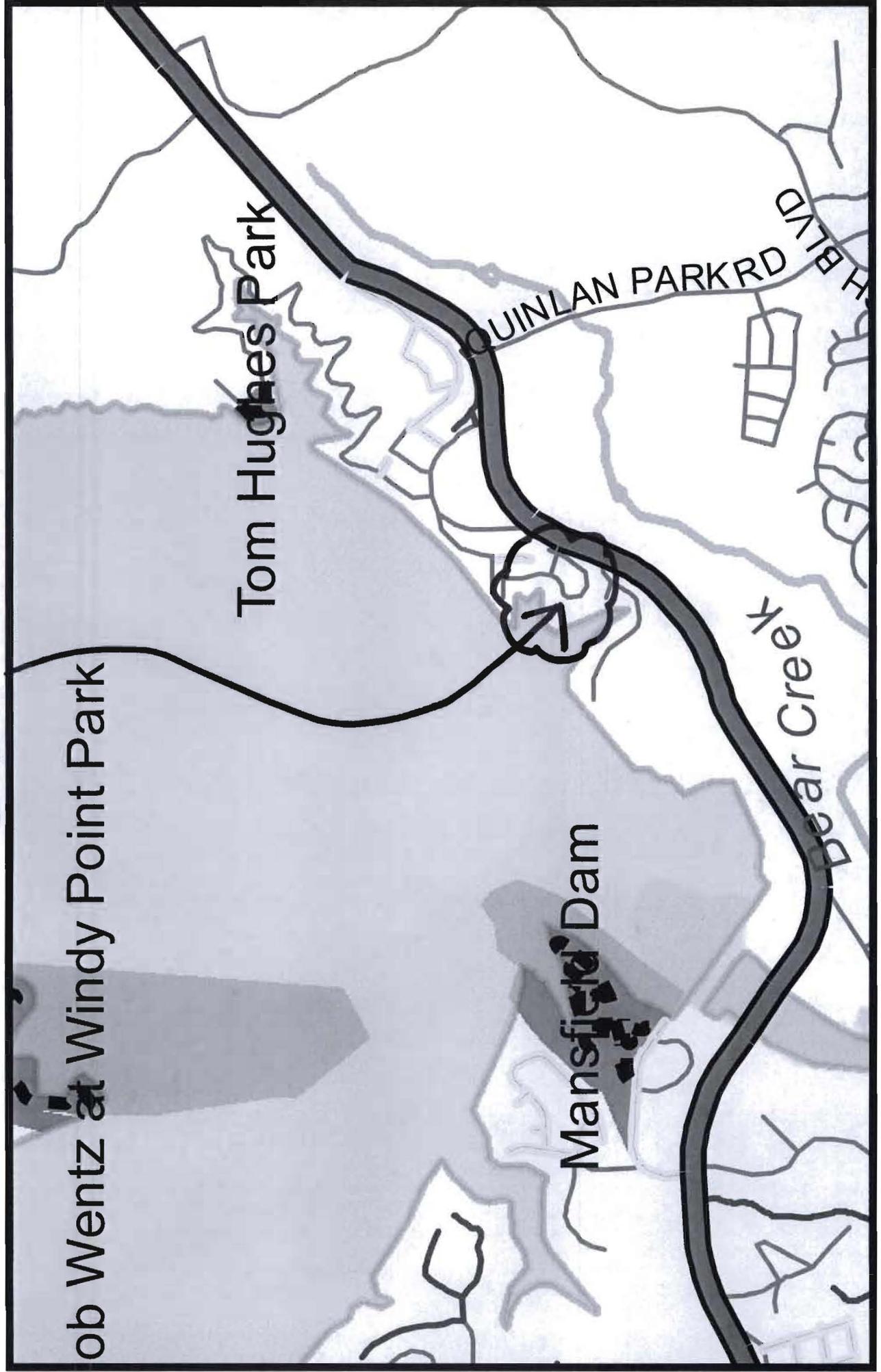
Miss Emily Limberg
 County Clerk
 APPROVED FOR ACCEPTANCE
Wayne M. Osborne
 Director of Planning

ACCEPTED AND AUTHORIZED FOR RECORD by the Planning Commission of the City of Austin, Texas, on the 15th day of October, A.D. 1969.
...

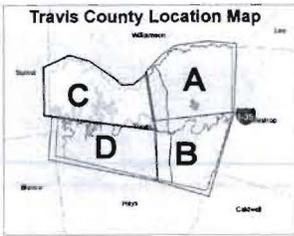
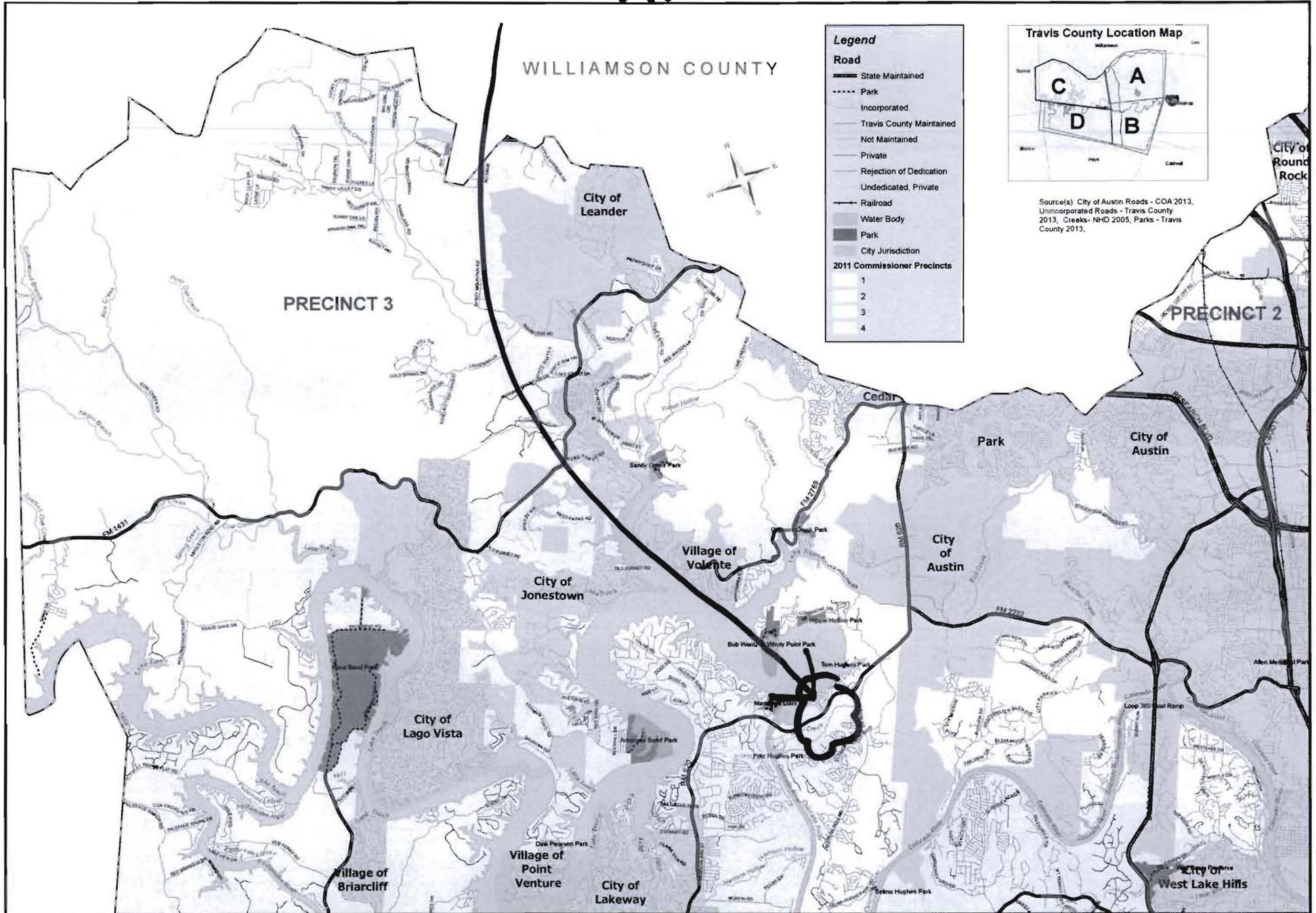
Surveyed By: *S. J. ...* Date: May, 1969
 S.A. First Top. Plat. Surveyor

CB-69-40

Site Area



Site Area



Source(s) City of Austin Roads - COA 2013, Unincorporated Roads - Travis County 2013, Creeks - NHD 2005, Parks - Travis County 2013.

Legend

Road

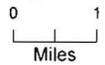
- State Maintained
- Park
- Incorporated
- Travis County Maintained
- Not Maintained
- Private
- Rejection of Dedication
- Undedicated, Private
- Railroad
- Water Body
- Park
- City Jurisdiction

2011 Commissioner Precincts

- 1
- 2
- 3
- 4

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