



## Travis County Commissioners Court Agenda Request

**Meeting Date:** January 7, 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 Daugherty, Precinct Three

**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 along the southeasterly lot line of Lot 48 of Hamilton Hills – Precinct Three.

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

TNR has received a request to authorize the filing of an instrument to vacate a five foot wide PUE, located along the southeasterly lot line of Lot 48 of Hamilton Hills. The easement is dedicated per plat note and is 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 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 recommends the request.

### **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. 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 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 Manager	TNR	(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 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

# HOLT CARSON, INC.

PROFESSIONAL LAND SURVEYORS

1904 FORTVIEW ROAD

AUSTIN, TEXAS 78704

TELEPHONE: (512) 442-0990

FACSIMILE: (512) 442-1084

[www.hciaustin.com](http://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



EXHIBIT MAP TO ACCOMPANY  
FIELD NOTE DESCRIPTION OF

2,234 SQUARE FEET OF LAND,  
BEING A 5' ELECTRIC POWER  
LINE EASEMENT, TO BE RELEASED,  
OVER 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.

NOTE:  
Orientation for this survey was based upon  
a bearing of S01°15'W between monuments  
found for points A and B as labeled hereon.

SCALE: 1" = 60'



Legend

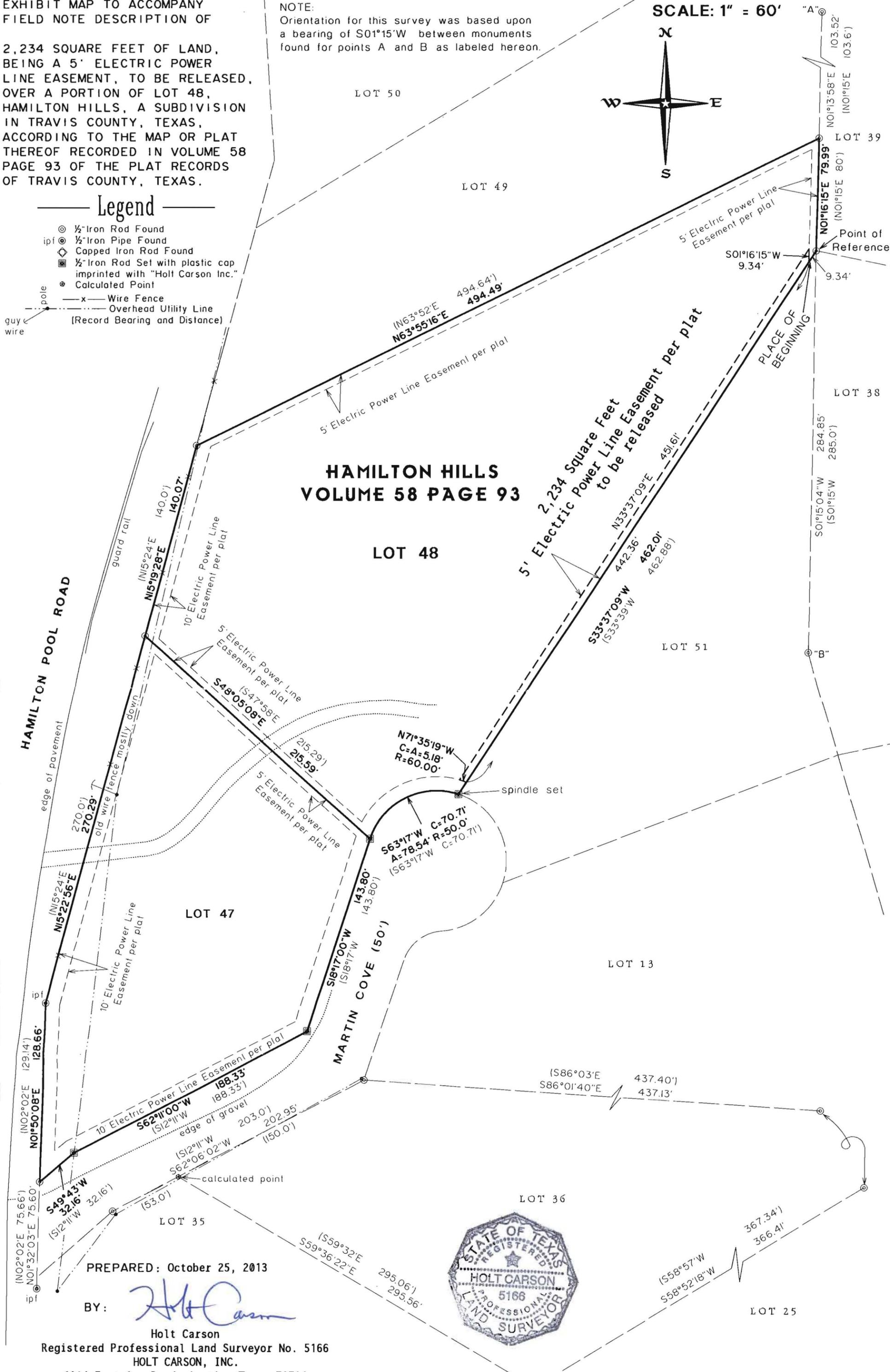
- ⊙ 1/2" Iron Rod Found
- ipf ⊙ 1/2" Iron Pipe Found
- ⊙ Capped Iron Rod Found
- ⊙ 1/2" Iron Rod Set with plastic cap imprinted with "Holt Carson Inc."
- ⊙ Calculated Point
- x— Wire Fence
- Overhead Utility Line
- (Record Bearing and Distance)
- pole
- guy wire

HAMILTON HILLS  
VOLUME 58 PAGE 93

LOT 48

2,234 Square Feet  
to be released  
5' Electric Power Line Easement per plat

HAMILTON POOL ROAD



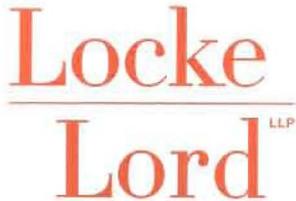
PREPARED: October 25, 2013

BY:

*Holt Carson*

Holt Carson  
Registered Professional Land Surveyor No. 5166  
HOLT CARSON, INC.  
1904 Fortview Road Austin, Texas 78704  
www.hciaustin.com





Attorneys & Counselors

600 Congress, Suite 2200  
Austin, TX 78701  
Telephone: 512-305-4700  
Fax: 512-305-4800  
www.lockelord.com

John W. Ellis  
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;

October 25, 2013

Page 2

- **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**

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.

**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

Pedro R. Estrada

Printed Name

District Engineering Supervisor

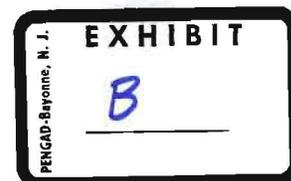
Title

Pedernales Electric Cooperative  
Utility Company or District

10/2/2013

Date

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  
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**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:**

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end of Page 1

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

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**PREPARED:** October 25, 2013



Holt Carson

Registered Professional Land Surveyor No. 5166

see accompanying exhibit map: A 890152



EXHIBIT MAP TO ACCOMPANY  
FIELD NOTE DESCRIPTION OF

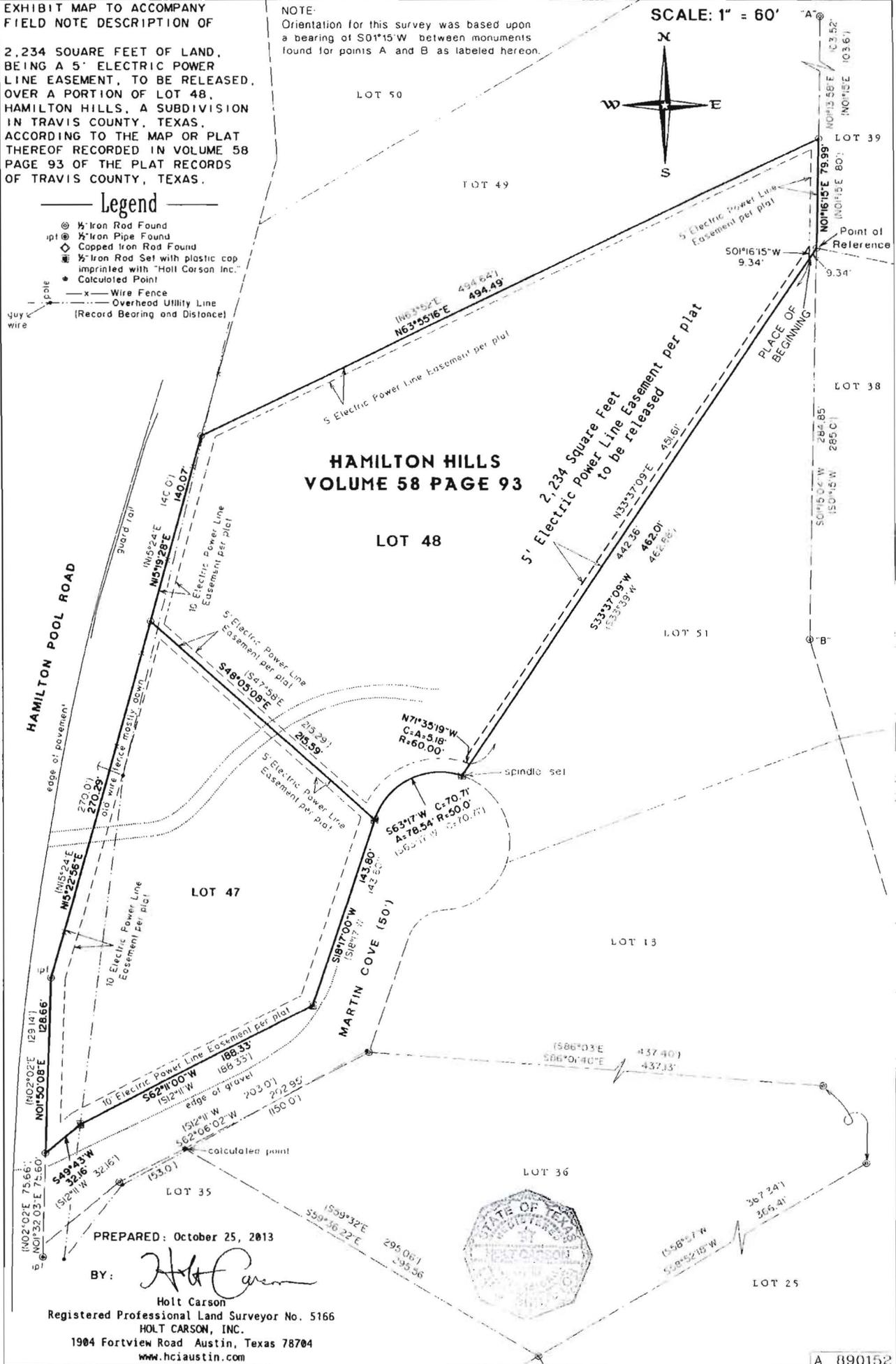
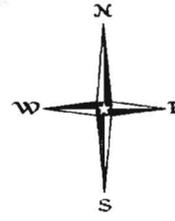
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OF TRAVIS COUNTY, TEXAS.

Legend

- ⊙ 1/2" Iron Rod Found
- ⊖ 1/2" Iron Pipe Found
- ◇ Capped Iron Rod Found
- 1/2" Iron Rod Set with plastic cap imprinted with "Holt Carson Inc."
- Calculated Point
- Wire Fence
- Overhead Utility Line [Record Bearing and Distance]
- Guy wire
- pole
- guard rail
- edge of pavement
- old wire fence mostly down

NOTE:  
Orientation for this survey was based upon  
a bearing of S01°15' W between monuments  
found for points A and B as labeled hereon.

SCALE: 1" = 60'



HAMILTON HILLS  
VOLUME 58 PAGE 93

LOT 48

LOT 47

LOT 13

LOT 36

LOT 25

PREPARED: October 25, 2013

BY:

*Holt Carson*

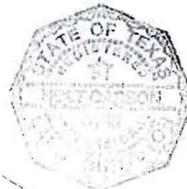
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A 890152



# HOLT CARSON, INC.

PROFESSIONAL LAND SURVEYORS

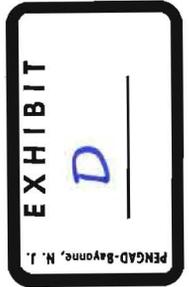
1904 FORTVIEW ROAD

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TELEPHONE: (512) 442-0990

FACSIMILE: (512) 442-1084

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**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:**

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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

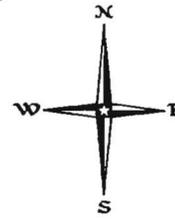
see accompanying exhibit map: A 890152

EXHIBIT MAP TO ACCOMPANY  
FIELD NOTE DESCRIPTION OF

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IN TRAVIS COUNTY, TEXAS,  
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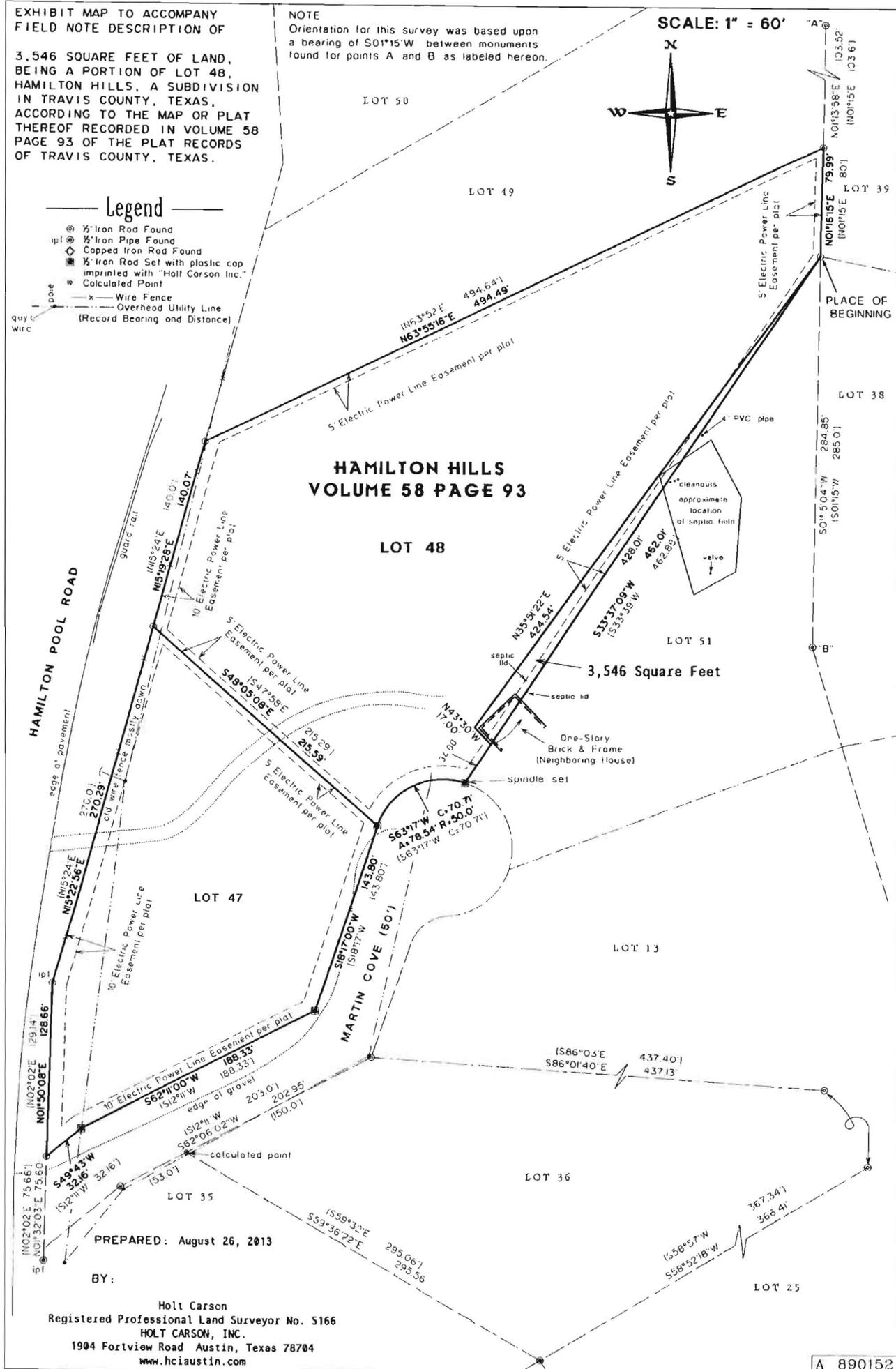
Legend

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- Calculated Point
- Wire Fence
- Overhead Utility Line (Record Bearing and Distance)
- pole
- guy wire

HAMILTON HILLS  
VOLUME 58 PAGE 93

LOT 48

3,546 Square Feet



PREPARED: August 26, 2013

BY:

Holt Carson  
Registered Professional Land Surveyor No. 5166  
HOLT CARSON, INC.  
1904 Fortview Road Austin, Texas 78704  
www.hciaustin.com

A 890152



**TRANSPORTATION AND NATURAL RESOURCES**

Steven M. Manilla, P.E., County Executive

411 West 13th Street

Executive Office 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 of a five foot wide public utility easement sign was posted on December 17, 2013, on the northerly side of the cul-de-sac of Martin Cove in front of Lot 48 Hamilton Hills 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)

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# **NOTICE OF PUBLIC HEARING**

**JANUARY 7 2014, AT 9 00 AM**

**PUBLIC UTILITY EASEMENT VACATION**

**TO APPROVE THE VACATION OF A FIVE FOOT  
WIDE PUBLIC UTILITY EASEMENT LOCATED  
ALONG THE SOUTHEASTERLY LOT LINE OF  
LOT 48 OF HAMILTON HILLS—  
A SUBDIVISION IN PRECINCT THREE**

**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**

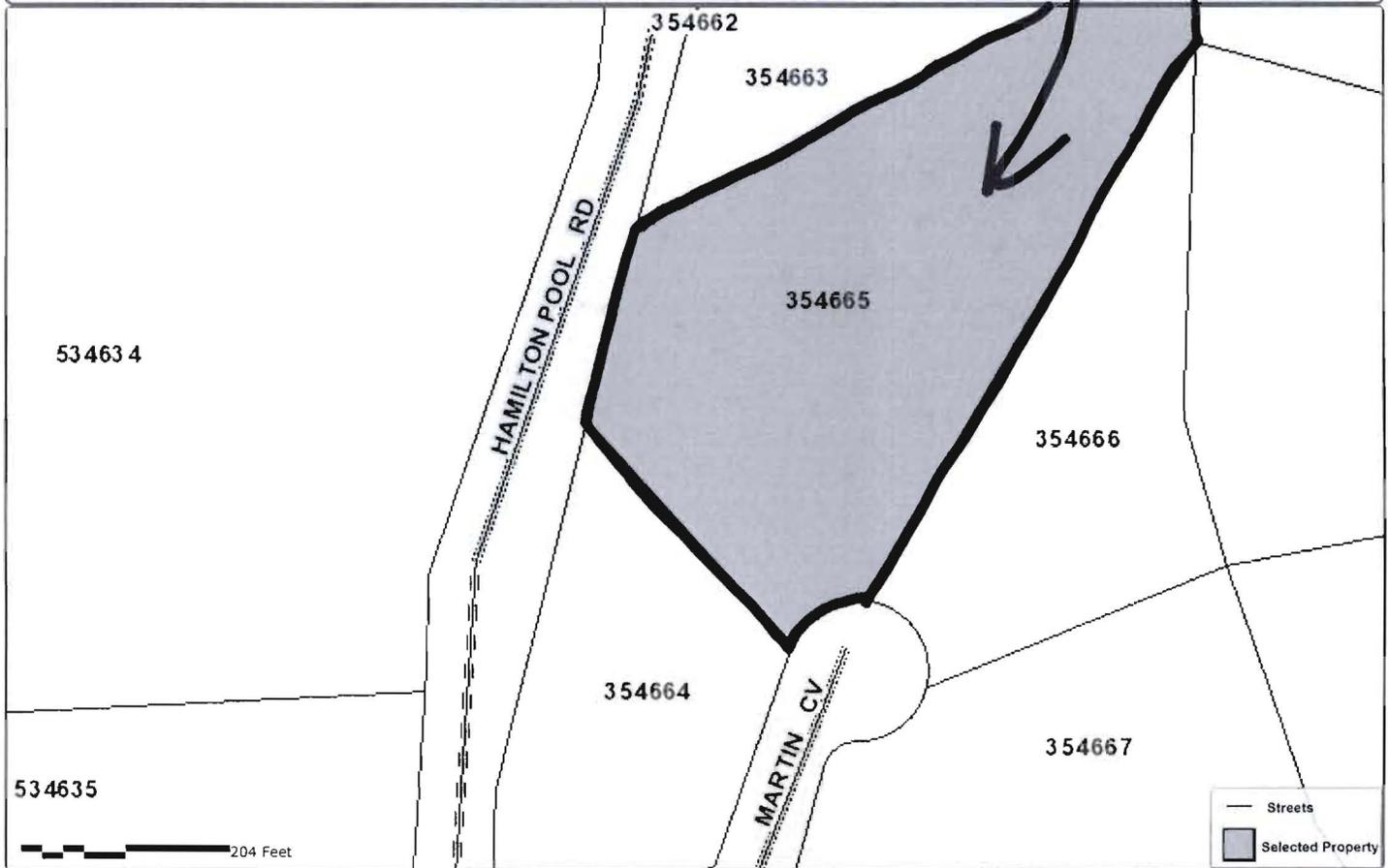
JANUARY 7 2014 AT 9:00 AM  
PUBLIC UTILITY EASEMENT VACATION

TO APPROVE THE VACATION OF A FIVE FOOT  
WIDE PUBLIC UTILITY EASEMENT LOCATED  
ALONG THE SOUTHEASTERLY LOT LINE OF  
LOT 48 OF HAMILTON HILLS—  
A SUBDIVISION IN PRECINCT THREE

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

# Site Location

## Travis CAD - Map of Property ID 354665 for Year 2013



### 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

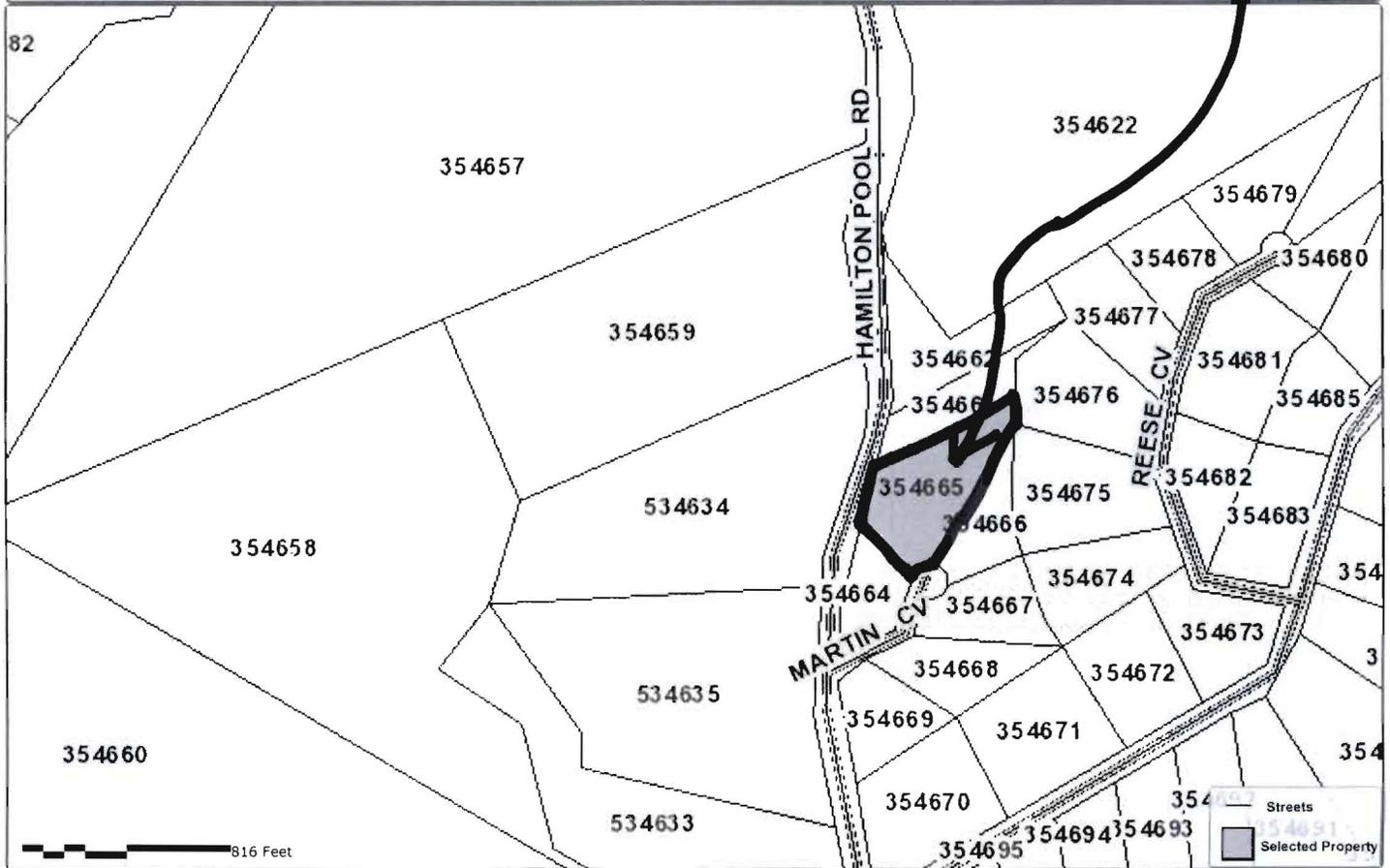
<http://propaccess.traviscad.org/Map/View/Map/1/354665/2013>

powered by:  
**PropertyACCESS**  
www.trueautomation.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 Location

## Travis CAD - Map of Property ID 354665 for Year 2013



### 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

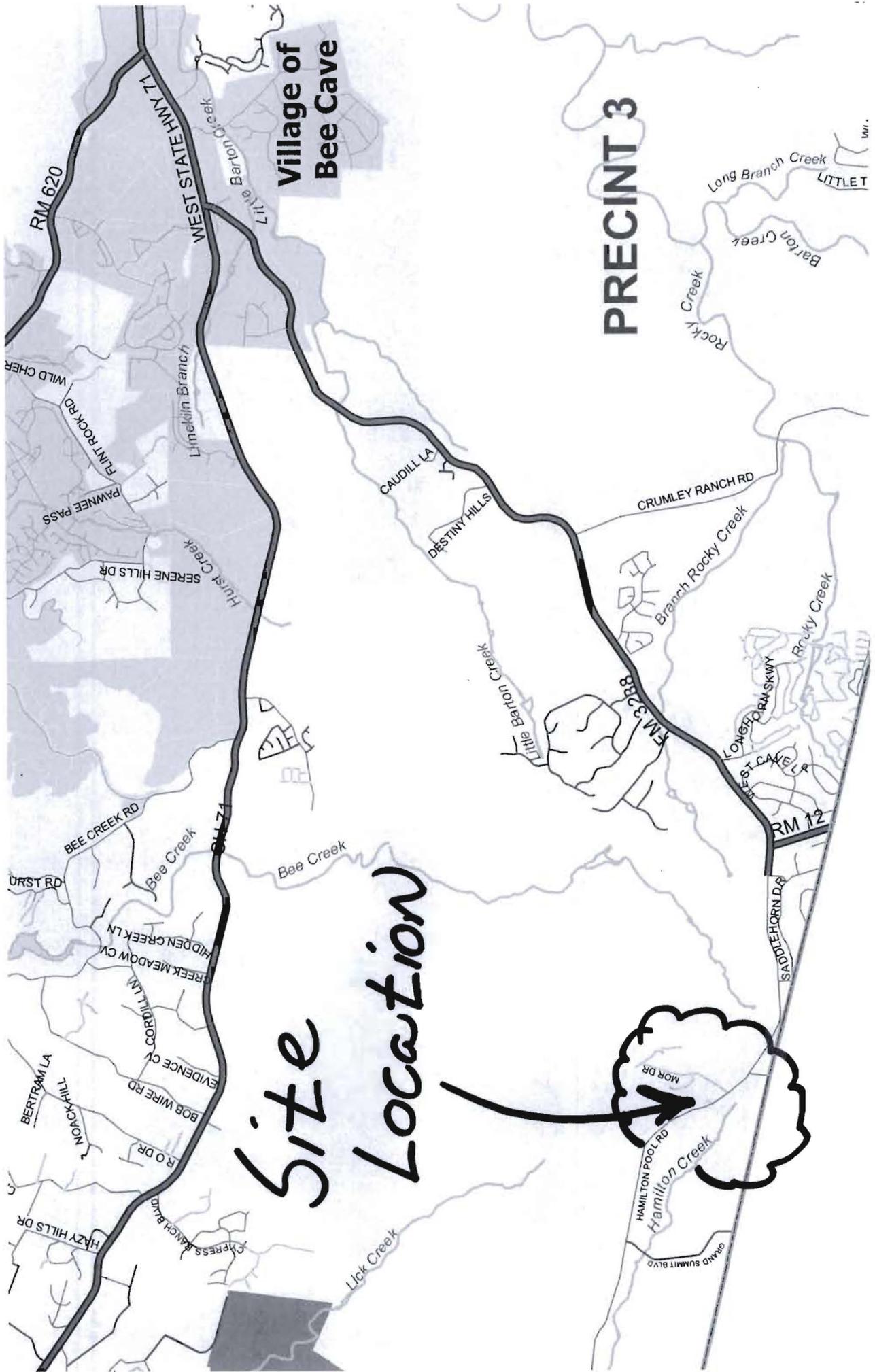
#### Property

Appraised Value: \$42,670.00

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

powered by  
**PropertyACCESS**  
www.trueautomation.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 Location

PRECINCT 3

Village of Bee Cave

MOR DR

HAMILTON POOL RD

Hamilton Creek

RM 620

WEST STATE HWY 71

CRUMLEY RANCH RD

FM 3288

RM 12

WILD CHER

FINT ROCK RD

PAWNEE PASS

SERENE HILLS DR

URST RD

BEE CREEK RD

HIDDEN CREEK LN

BREEK MEADOW CV

CORBITT LN

EVIDENCE CV

BOB WIRE RD

RO DR

BERTRAM LA

NOCKHILL

HAZY HILLS DR

CHERRY RANCH BLVD

CAUDILL LA

DESTINY HILLS

CRUMLEY RANCH RD

Branch Rocky Creek

LONGHORN SKWY

WEST CAVEL R

ADDLEHORN DR

Long Branch Creek

Barton Creek

Rocky Creek

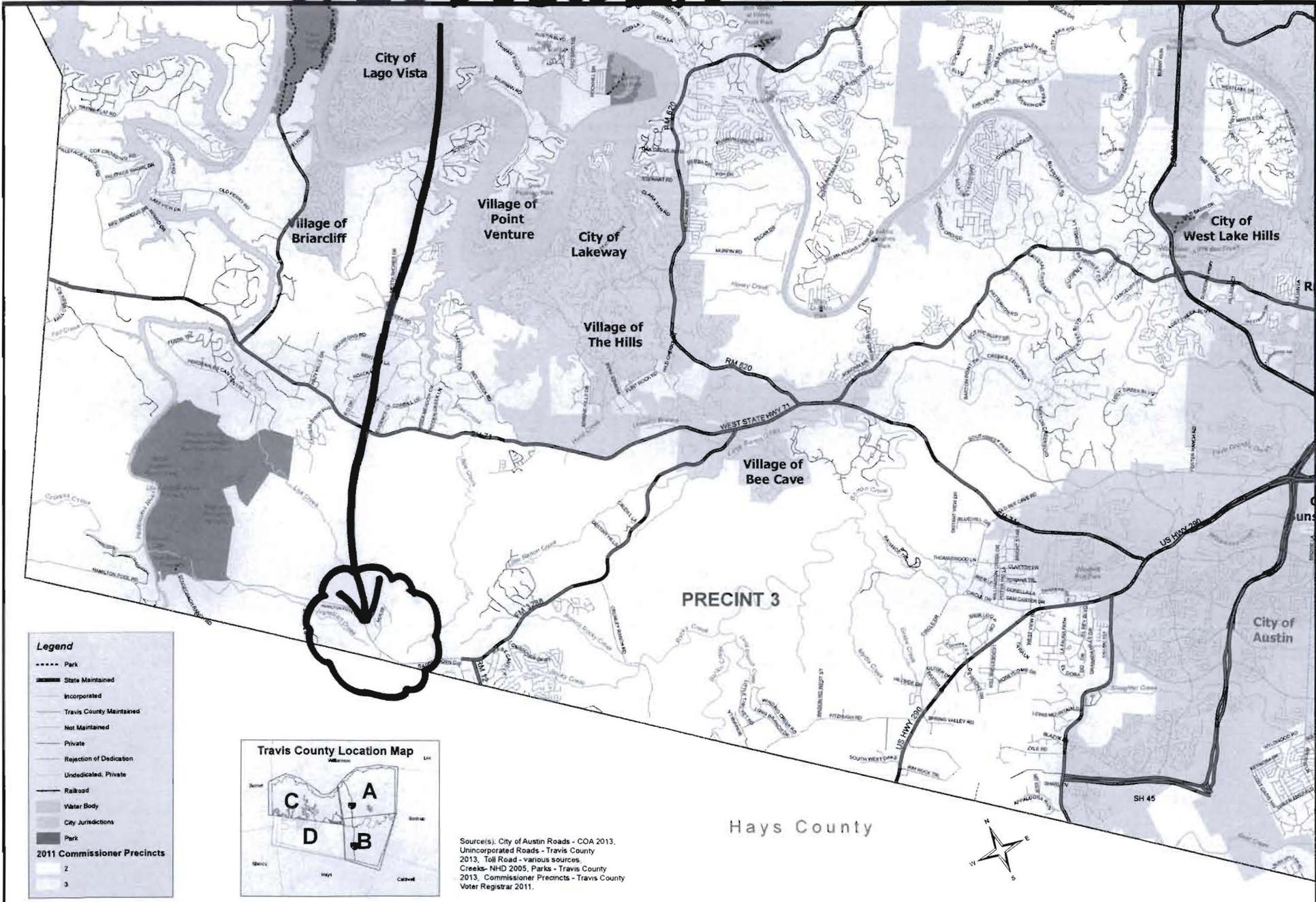
LITTLE

Rocky Creek

Lick Creek

GRAND SUMMIT BLVD

# Site Location

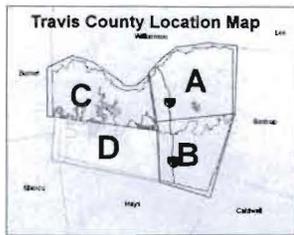


**Legend**

- 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

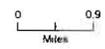


Source(s): City of Austin Roads - COA 2013.  
 Unincorporated Roads - Travis County  
 2013, Toll Road - various sources  
 Creeks- NHD 2005, Parks - Travis County  
 2013, Commissioner Precincts - Travis County  
 Voter Registrar 2011.



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## Travis County Roadways, Map D



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