



Travis County Commissioners Court Agenda Request

Meeting Date: March 4, 2014

Prepared By: Paul Scoggins **Phone #:** (512) 854-7619

Division Director/Manager: Anna Bowlin, Division Director of Development Services 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, March 25, 2014 to receive comments regarding a request to authorize the filing of an instrument to vacate two five foot wide public utility easements located along the common lot line of Lots 755 and 756 of Apache Shores, Section 3 – 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 public utility easements (PUEs) located along the common lot line of Lots 755 and 756 of Apache Shores, Section 3. The easements are dedicated per plat note. Lots 755 and 756 front on Tishomingo Trail, a street not maintained by Travis County.

The utility companies operating in the area have stated that 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 staff which finds the vacation requests meet all Travis County standards. As such, TNR staff recommends setting the public hearing.

ISSUES AND OPPORTUNITIES:

According to the request letter the owner would like to vacate the two subject easements in order to build over the property lot line. Vacating the easements should resolve any potential encroachment issues.

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 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 - Apache Shores, Section 3**

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 755 and 756 of Apache Shores Section 3 as recorded at Book 50, Page 81 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 two 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 two 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 March 25, 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 755 and 756 of Apache Shores, Section 3, 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

8405 Delavan Ave
Austin, Tx 78717



Off: (512) 258-8842
Cell: (512) 659-4266

'westsurveyors@austin.rr.com'

FIELD NOTE DESCRIPTION

Partial Release of Easements

Lots 755 & 756 Apache Shores, Section 3

BEING TWO 5 FOOT WIDE PUBLIC UTILITY EASEMENTS, FIVE FEET ON EITHER SIDE OF THE COMMON LINE OF LOTS 755 AND 756 OF APACHE SHORES, SECTION NUMBER 3, SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, SAID SUBDIVISION BEING RECORDED BY PLAT IN BOOK 50, PAGE 81 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, LOCATED AT 2103 TISHOMINGO TRAIL, THE BOUNDARY OF SAID EASEMENTS BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS (See attached plat of survey on legal sized sheet prepared by West Surveyors, Inc. dated January 6, 2014);

COMMENCING at a cottongin spindle set in the South Right-of-Way line of Tishomingo Trail for the Northern most common corner of above mentioned Lots 755 and 756;

THENCE departing the said South R.O.W. line of Tishomingo Trail and along the said common lot line, South 09d 59' 43" West, a distance of 10.00 feet to a point in the centerline and at the Northern most edge of said 5 foot wide P.U.E.'s, also being on the South edge of an existing 10 foot wide P.U.E.;

THENCE along the said Northern edge of said 5' foot wide P.U.E. and crossing into Lot 756, South 80d 06' 00" East, a distance of 5.00 feet to the **POINT OF BEGINNING** and Northeast corner of the herein described easements to be released;

THENCE parallel to and 5 feet East of said common lot line and through said Lot 756, South 09d 59' 43" West, a distance of 135.07 feet to a point for the Southeast corner of the herein described easement, for a point on the Northern edge of an existing 5 foot wide Utility Easement;

THENCE along the said Northern edge of the Utility Easement and crossing from said Lot 756 into Lot 755, North 80d 04' 04" West, a distance of 10.00 feet to a point for the Southwest corner of the herein described easement;

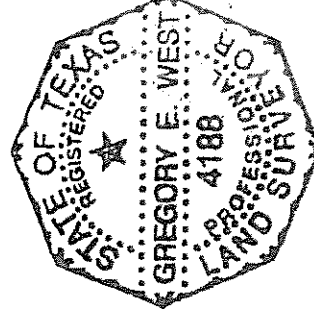
THENCE departing the said Northern edge of said 5 foot easement, running parallel to and 5 feet West of the aforesaid common lot line and through aforementioned Lot 755, North 09d 59' 43" East, a distance of 135.07 feet to the point for the Northwest corner of the herein described easement, said corner being on the South edge of aforementioned 10 foot P.U.E.;

THENCE running along the South edge of said 10 foot P.U.E., South 80d 06' 00" East, a distance of 10.00 feet to the **POINT OF BEGINNING** and containing a calculated area of **1,351 Square Feet** of land subject to easements, conditions or restrictions of record, if any.

I hereby certify that the foregoing Field Notes were prepared from a survey on-the-ground, under my supervision and are true and correct to the best of my knowledge and belief.

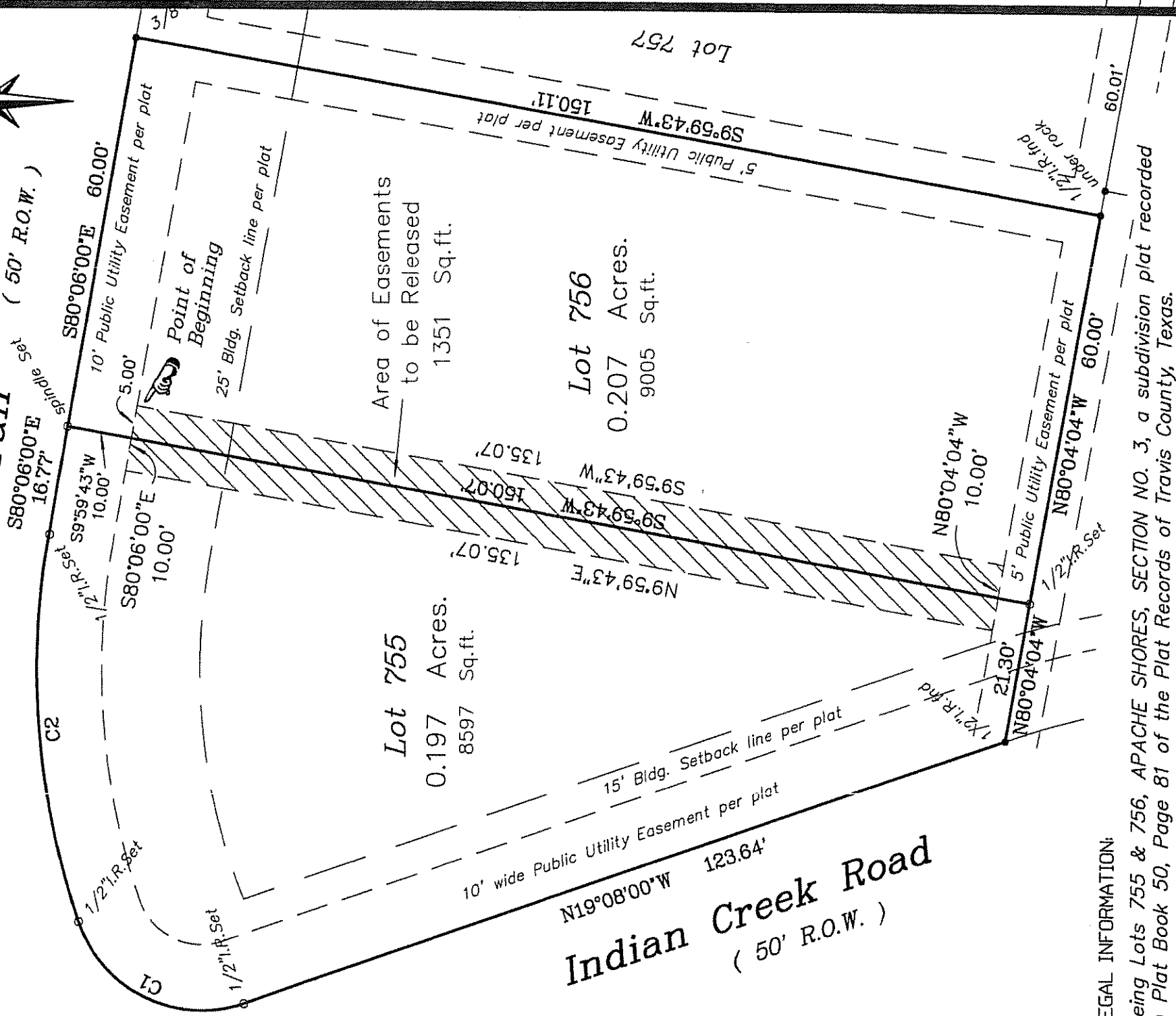
Witness my hand and seal this the 6th day of January 2014.

Gregory E. West, R.P.L.S. No. 4188
West Surveyors, Inc.
8405 Delavan Avenue
Austin, Texas 78717
Project No. L042-01



Tishomingo Trail

(50' R.O.W.)



Being Lots 755 & 756, APACHE SHORES, SECTION NO. 3, a subdivision plat recorded in Plat Book 50, Page 81 of the Plat Records of Travis County, Texas.

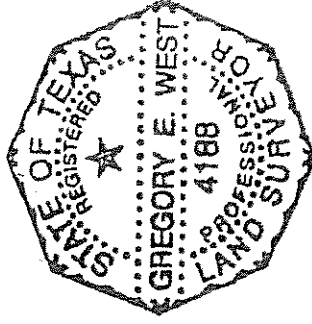
none provided.

Field Book 56 Page 02

This Survey substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications for a Category 1B, Condition III Survey.

This Survey substantially complies with the current standards of the
Professional Surveyors Standards and Specific
1B, Condition III Survey.
(Survey performed: April 26, 2012)

8405 Delavan Avenue
Austin, Texas 78717
Ph. (512) 258-0842
"westsurveyors@austin.rr.com"



Carl D. Luce

2103 Tishomingo Trail

Austin, TX 78734

512-289-7591

January 9, 2014

To Whom It May Concern:

Concerning: Easement vacating at center line adjoining Lot 755-756 Apache Shores Section 3 Amende D

I would like the easement between these two lots removed to enable me to build over the property lot line.

Carl Luce

A handwritten signature in black ink, appearing to read "Carl Luce". The signature is fluid and cursive, with the first name "Carl" written in a larger, more prominent script than the last name "Luce".



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: 6/27/13

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

Property
Address:

2103 Tishomingo Tr

Legal Description:

lots 755 and 756
Apache Shores Section 3

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

Applicant Name:

Carl D Luce

Address:

2103 Tishomingo Tr
Austin Tx 78734

Reason for Request:

To cancel. Note lots for
construction

☒ 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.

Gary H. Bennett 6/28/13
Signature Date

Reviewer: Gary Bennett

Deborah S. Gernes 7/1/2013
Signature Date

Deborah S. Gernes

Printed Name

Travis County WCID #17

General Manager

3812 Eck Lane

Title

Austin, TX 78734

Please return this completed form to:

Phone: 512-467-2241

Fax:

Email: Carl.Luce@

Gmail.com.

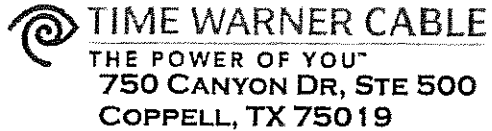
Name

2103 Tishomingo Tr

Address

Austin Tx 78734

City/State/Zip



July 16, 2013

2103 Tishomingo Trail
Austin, TX 78734

SUBJECT: Easement Release for 2103 Tishomingo Trail, Austin TX

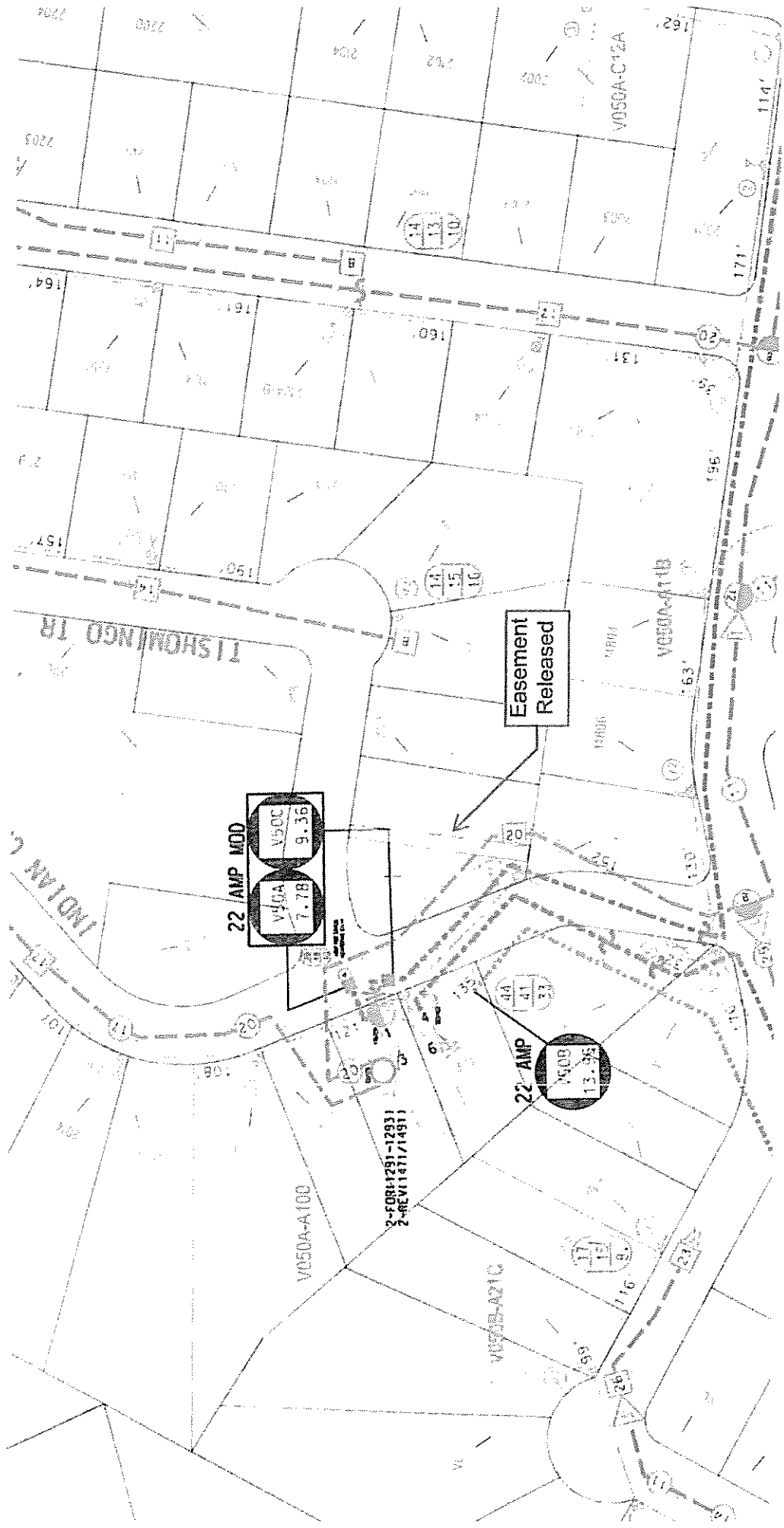
We have reviewed your request for the above referenced Utility Easement, and Time Warner Cable (TWC) hereby grants the abandonment of the ROW between Lot 755 and Lot 756 for 2103 Tishomingo Trail within the city of Austin TX, 78734.

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 large, stylized handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke at the bottom.



Easement Released

22 AMP MOD
V10A 7.78
V50C 9.36

22 AMP
V40B 13.26



SOUTHWESTERN BELL TELEPHONE COMPANY

RELEASE OF EASEMENT

THIS RELEASE OF EASEMENT, entered into by SOUTHWESTERN BELL TELEPHONE COMPANY, a Delaware corporation, GRANTOR, AND Carl Luce, 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 755 and 756, Apache Shores, Section 3, Deed of record in Document 2010114746, Property Records of Travis County, Texas

Said land of GRANTEE being subject to:

Easements recorded in Volume 50, Page 81, 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 along the common property lines of said Lots 755 and 756, 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 15th day of JULY, 2013

SOUTHWESTERN BELL TELEPHONE COMPANY

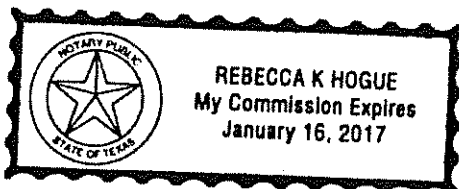
Name: DAVID A. WILLIAMS

Title: MANAGER

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 15th day of JULY, 2013.



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



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 2103 Tishomingo Trail, Austin, TX 78734 (address) and/or Lots 755 & 756, Apache Shores Section Three (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.

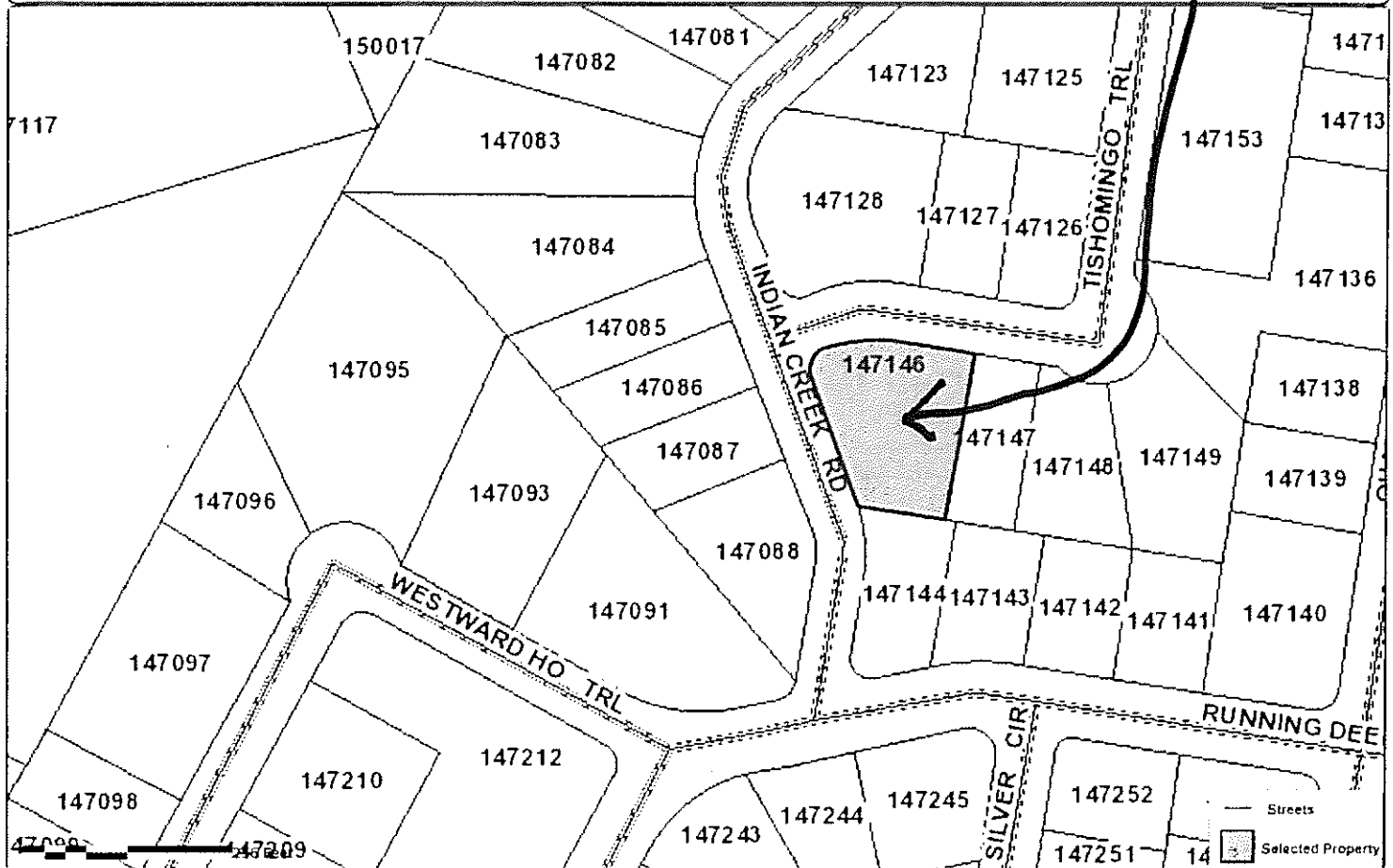

Signature
Sonny Poole
Printed Name
Mgr., PIRES
Title
Austin Energy
Utility Company or District
July 10, 2013
Date

Please return this completed form to:

Carl D. Luce
Name
2103 Tishomingo Trail
Address
Austin, TX 78734
City/State/Zip

Site Area

Travis CAD - Map of Property ID 147146 for Year 2014



Property Details

Account

Property ID: 147146

Geo ID: 0145600519

Type: Real

Legal Description: LOT 755-756 APACHE SHORES SEC 3 AMENDED

Location

Situs Address: 2103 TISHOMINGO TRL TX 78734

Neighborhood: R4110 APACHE SHORES

Mapsc0: 490U

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

Owner

Owner Name: LUCE CARL DEAN

Mailing Address: , 2103 TISHOMINGO TRL, , AUSTIN, TX 78734-2866

Property

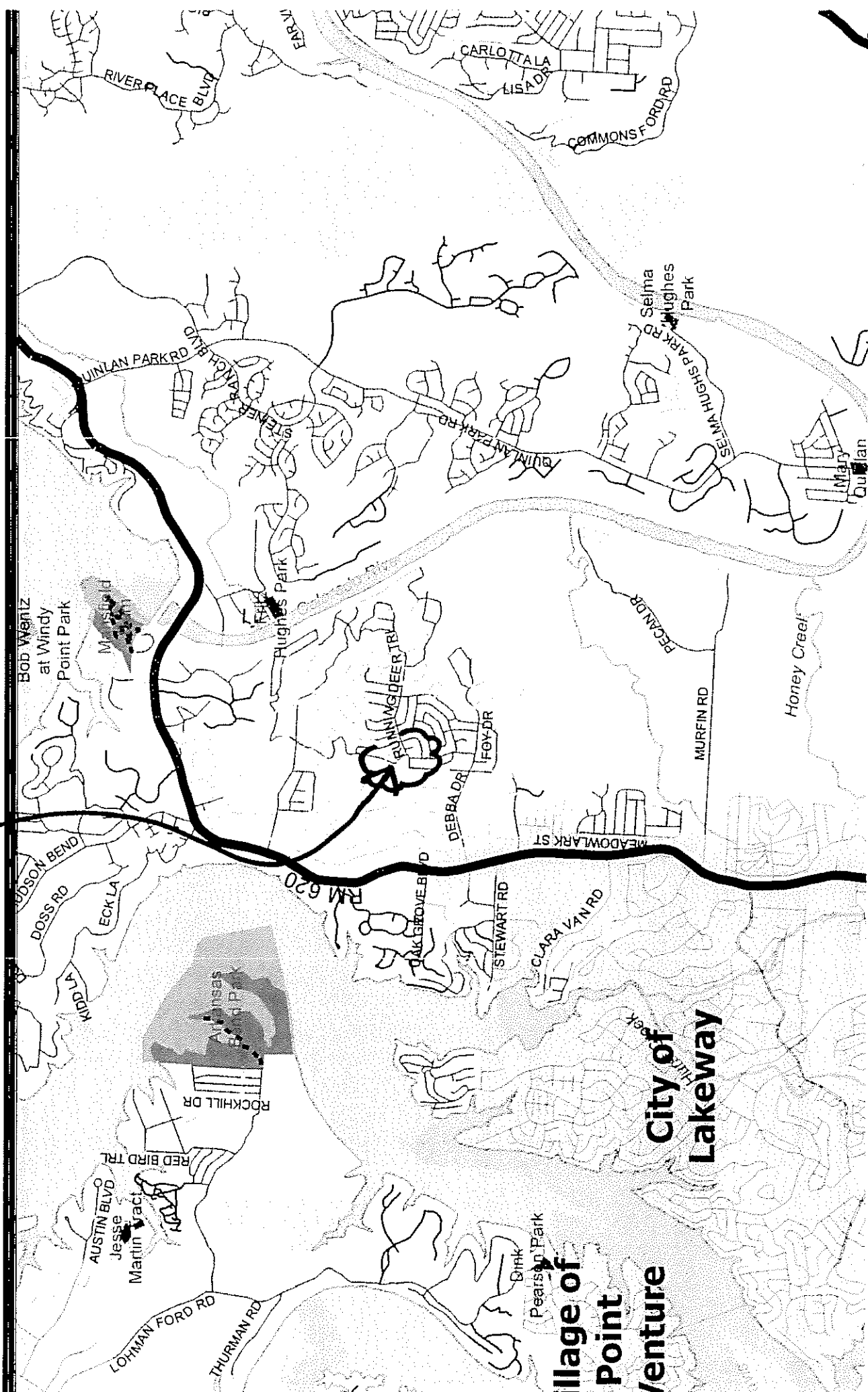
Appraised Value: N/A

<http://propaccess.traviscad.org/Map/View/Map/1/147146/2014>

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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.

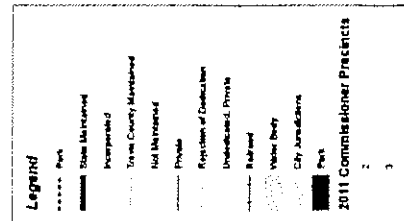
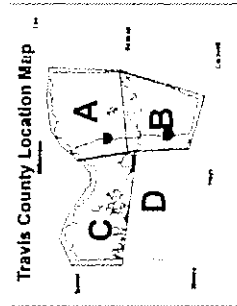
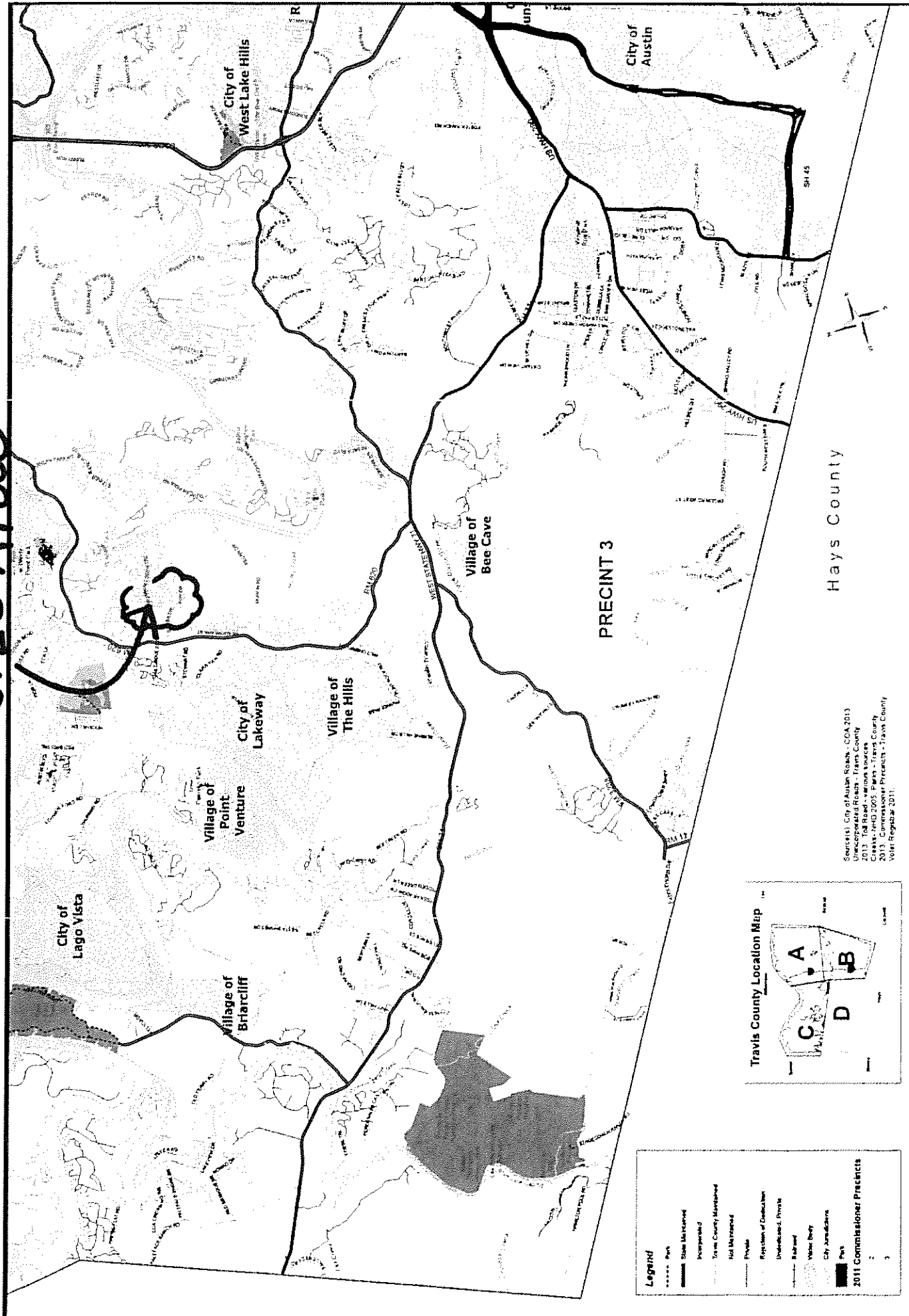
Site Area



**City of
Lakeway**

**Village of
Point
Venture**

Site Area



Sources: City of Austin Roads - COA 2013
 Unincorporated Roads - Travis County
 2013 Toll Road - Various Sources
 City of Lago Vista - City of Lago Vista
 2013 Commissioner Precincts - Travis County
 Voter Register 2011.

This product is for informational purposes only 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 provided this product for reference purposes only and offers no warranties for the product's accuracy or completeness.



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

Travis County Roadways, Map D