

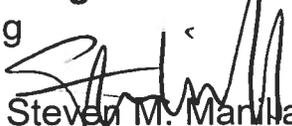


Travis County Commissioners Court Agenda Request

Meeting Date: September 23, 2014

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

Division Director/Manager: Anna Bowlin, Division Director Development Services
Long Range Planning

Department Head:  Steven M. Marina, P.E., County Executive-TNR

Sponsoring Court Member: Commissioner Daugherty, Precinct Three

AGENDA LANGUAGE: Approve setting a public hearing on Tuesday, October 14, 2014 to receive comments regarding a request to authorize the filing of an instrument to vacate two ten foot wide public utility easements located along the common lot line of Lots 1 and 2, Block A of Bee Creek Hill Estates – Precinct Three.

BACKGROUND/SUMMARY OF REQUEST:

TNR staff has received a request to authorize the filing of an instrument to vacate two ten foot wide public utility easements (PUEs) located along the common lot line of Lots 1 and 2, Block A of Bee Creek Hill Estates. The easements are dedicated by plat note. The proposed improvements to be constructed on Lots 1 and 2 will take access from Bee Hive Lane, 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 staff which finds that 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 this request is to facilitate the construction of a new single-family residence in Bee Creek Hill Estates. The new single-family residence will cross the common lot line of Lots 1 and 2, which has a two ten foot wide public utility easements dedicated along either side. Vacating the easements between these two lots 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 Development Services Long Range Planning	TNR	(512) 854-7561

CC:

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

SM:AB:ps

1101 - Development Services Long Range Planning - Bee Creek Hill Estates

ORDER OF VACATION

STATE OF TEXAS §

COUNTY OF TRAVIS §

WHEREAS, the property owner requests the vacation of two ten foot wide public utility easements located along the common lot line of Lots 1 and 2, Block A of Bee Creek Hill Estates as recorded at Document #200900088 of the Official Public 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 October 14, 2014 to consider the proposed action; and

NOW, THEREFORE, by unanimous vote, the Commissioners Court of Travis County, Texas, orders that the two ten foot wide public utility easements located along the common lot line of Lots 1 and 2, Block A of Bee Creek Hill Estates, 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



**METES AND BOUNDS DESCRIPTION OF A 0.132 ACRE – 20' WIDE EASEMENT
PART OF LOTS 1 AND 2, BLOCK A, BEE CREEK HILL ESTATES, TRAVIS COUNTY, TEXAS**

Being 0.132 acre – 20' wide easement, part of Lots 1 and 2, Block A of the Bee Creek Hill Estates, a subdivision recorded in Doc. No. 200900088 of the Official Public Records of Travis County, Texas. Said Lots 1 and 2, Block A were conveyed in a deed from Bee Creek Hill, Ltd. To Gary F. & Tracy A. Miller, dated July 25, 2012, recorded in Doc. No. 201212504 of the Official Pubic Records of Travis County, Texas. Said easement being more particularly described as follows:

Beginning at a point in the South margin of Bee Hive Lane and the North line of Lot 2, Block A, said point bears N 50°18'38"W a distance of 159.88 feet to a mag nail found for the Northwest corner of said Lot 2, and being the Northwest corner of the herein described easement;

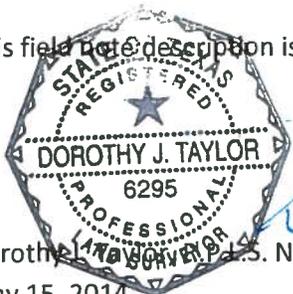
Thence with the South margin of Bee Hive Lane and the North line of Lots 2 and 1, S 50°18'38"E at 10.00 feet passing a ½" iron rod with cap "McAngus Surveying" for the Northeast corner of Lot 2 and the Northwest corner of Lot 1 and continuing in all 20.00 feet to a point in the North line of said Lot 1 for the Northeast corner of the herein described easement;

Thence with the East line of the herein described tract, parallel to and 10' Southeast of the common line between said Lots 1 and 2, S 39°41'11"W a distance of 292.87 feet to a point in the North margin of Bee Hollow Court and in Southwest line of Lot 1 for the Southeast corner of the herein described easement, said point bears S 20°14'12"E – 7.75 feet to a ½" iron rod with cap "McAngus Surveying" found for the Southernmost West corner of said Lot 1;

Thence with the North margin of Bee Hollow Court and the South line of Lots 1 and 2, along a curve whose radius is 296.70 feet at an arc length of 11.35 feet passing a ½" iron rod found for the Northernmost West corner of Lot 1 and the Southernmost West corner of Lot 2, continuing in all an arc length of 22.48 feet (chord bearing N 23°11'09"W – 22.47') to a point for the Southwest corner of the herein described easement;

Thence into and across said Lot 2, parallel to and 10' Northwest of the common line between Lots 1 and 2, N 39°41'11"E a distance of 282.62 feet to the point of beginning and containing 0.132 acre easement.

This field note description is made in conjunction with a plat of same date.



Dorothy J. Taylor, P.S. No. 6295
May 15, 2014
Job No. SMS 102-14



August 4, 2014

TRAVIS COUNTY
TRANSPORTATION and NATURAL RESOURCES
Travis County Administration Building
700 Lavaca Street
Austin, Texas 78767

RE: Request to Vacate Public Utility Easements at Lots 1&2 in Bee Creek Hill Estates (20417 Bee Hive Lane)

Dear Madam or Sir,

In order to facilitate the construction of a new single family residence in Bee Creek Hill Estates, where the proposed building crosses the side setback between two adjacent lots owned and combined by Gary and Tracy Miller, we request to vacate the public utility easements between these two lots.

SUBMITTAL CHECKLIST:

- FULL LEGAL DESCRIPTION OF AFFECTED PROPERTY (below):
Lots 1 & 2, Block A, Bee Creek Hill Estates, A subdivision in Travis County according to the Plat recorded in Document 200900088 official public records Travis County, Texas, commonly known as 20417 Bee Hive Ln.
- REASON FOR REQUEST TO VACATE EASEMENT (below):
The lots are combined by the Millers to take advantage of the best building orientation with respect to topography, solar orientation, drainage, tree removal mitigation, and proximity to adjacent buildings.
- METES & BOUNDS DESCRIPTION (Separately attached)
of ONLY the Portion of the Easement Being Vacated, sealed by R.P.L.S.
- MAP (Appendix 1)
Road map to subdivision and subject lot (Google Maps).
- SKETCH OF PLAT (Appendix 2)
showing the PUE to be vacated in relation to the full subject property boundaries.
- ARCHITECTURAL SITE PLAN DRAWING (Appendix 3)
of proposed residence in relation to the setbacks and easements.
- LETTER FROM DEVELOPER approving the easement release (Separately attached)
The developer is the acting plan approval authority for this very small rural subdivision.

ENVE BUILDERS



LETTERS FROM AREA UTILITIES (Separately attached)

Letters from utilities serving (or known to serve in the future) the subdivision stating release of the aforementioned easement are attached. The subdivision is not supported by a natural gas, water or wastewater utilities. These services are provided by private onsite facilities for all homes (private well, private propane tank, and private OSSF (on-site septic). The following letters are provided by separate attachments:

- (i) Pedernales Electric Company (Power)
- (ii) ATT (Phone and fiber)

APPLICATION FEE

by check in the amount of \$315.00 is attached with this application.

CONTACT INFORMATION

for questions regarding this application:

David Burton, Enve Builders

Mobile: 512.431.8005, e-mail: david@enveofaustin.com

Thank you again for your consideration of this request, and please do not hesitate to contact me if there are any questions.



David D. Burton (512.431.8005)
Enve Builders

Gary Miller

From: Joni Langle <joni@jonilangle.com>
Sent: Sunday, January 26, 2014 10:10 AM
To: Gary Miller
Subject: FW: FW: Bee Hive Lots 1 & 2

Approval from Mac, the developer.

Joni

From: Meinfinger@aol.com [mailto:Meinfinger@aol.com]

i approve said variances per plans submitted. looks good and when will you start?

Mac Spellmann



From: Gary Miller [mailto:gmler@cpmtx.com]
Sent: Wednesday, January 08, 2014 10:47 AM
To: joni@jonilangle.com
Subject: RE: Bee Hive Lots 1 & 2

RELEASE OF EASEMENT

STATE OF TEXAS ∞
COUNTY OF TRAVIS ∞

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, Bee Creek Hill, LP as the previous owner of all lots in Bee Creek Hill Estates Subdivision, a subdivision in Travis County, Texas, according to the map or plat thereof, heretofore granted certain utility easements to Pedernales Electric Cooperative, Inc., a corporation for public utility purposes covering property situated within Bee Creek Hill Estates Subdivision, said plat being recorded in Document No. 200900088 of the Official Public Records of Travis County, Texas; and,

WHEREAS, said utility easements referred to hereinabove include and are comprised in part by a strip of land ten feet wide along the side lot lines of all lots within Bee Creek Hill Estates Subdivision, in Travis County, Texas; and,

WHEREAS, Gary Miller, as the current owner of Lots 1 and 2, Block A, in Bee Creek Hill Estates Subdivision, desires that the said ten foot utility easement on each side of the common property line between Lots 1 and 2, Block A, in Bee Creek Hill Estates Subdivision be abandoned and released in full; and,

WHEREAS, Pedernales Electric Cooperative, Inc. provides electric service to the aforementioned area and will continue to have adequate easements to said property through the remaining utility easements as granted on the above-mentioned plat in Bee Creek Hill Estates Subdivision; and,

NOW, THEREFORE, be it known that Pedernales Electric Cooperative, Inc., a corporation whose post office address is Johnson City, Texas, for and in consideration of One Dollar (\$1.00), does hereby release the said ten foot utility easement on each side of the common property line between Lots 1 and 2, Block A, Bee Creek Hill Estates Subdivision, Travis County, Texas, and referred to hereinabove.

EXECUTED: July 24, 2012

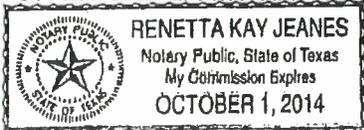
PEDERNALES ELECTRIC COOPERATIVE, INC.

BY: Virgil Maldonado
Virgil Maldonado
District Manager

THE STATE OF TEXAS ∞
COUNTY OF TRAVIS ∞

BEFORE ME, the undersigned authority, on this day personally appeared Virgil Maldonado, District Manager of Pedernales Electric Cooperative, Inc., a corporation, 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 consideration therein expressed, in the capacity therein stated and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on July 24.



Renetta Kay Jeanes
Notary Public in and for the State of Texas



SOUTHWESTERN BELL TELEPHONE COMPANY

RELEASE OF EASEMENT

THIS RELEASE OF EASEMENT, entered into by *SOUTHWESTERN BELL TELEPHONE COMPANY, a Missouri corporation, GRANTOR, AND Gary F. Miller and wife, Tracy A. Miller, GRANTEE(S)*, 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(S), as is, all or a specific portion of certain easements for telecommunication purposes hereinafter described that affects land owned by GRANTEE(S) situated in *Travis County, Texas*, and described as follows:

Being Lots One (1) and Two (2), Block A, of Bee Creek Hill Estates, Deed of record in Document 2012120504, Property Records of Travis County, Texas

Said land of GRANTEE(S) being subject to:

Easements recorded in Document No. 200900088, of Official Public Records of Travis County, Texas,

The portion of said easements to be hereby released is described as follows:

All of the 10 foot PUE on either side of the common property lines of said Lots 1 and 2, described above,

TO HAVE AND TO HOLD same, together with all rights and appurtenances to the same belonging, unto GRANTEE(S), 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 2nd day of August, 2012

SOUTHWESTERN BELL TELEPHONE COMPANY

[Signature]

Name : MARC POTTER

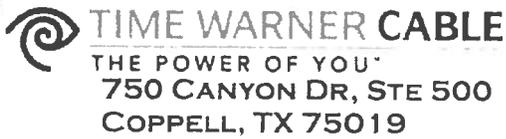
Title: MGR-ENG. DESIGN

THE STATE OF TEXAS
COUNTY OF TRAVIS

BEFORE ME, the undersigned authority, on this day personally appeared MARC POTTER, 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 Missouri 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 2nd day of August, 2012.

[Signature]
Notary Public in and for the State of TEXAS
My Commission Expires 03/20/2013
CHRISTOPHER E. BARHAM
Notary Public, State of Texas
My Commission Expires
March 20, 2013



August 21, 2014

David Burton
Enve Builders
4807 Spicewood Springs Rd Bldg 2 Ste 110
Austin, TX 78759

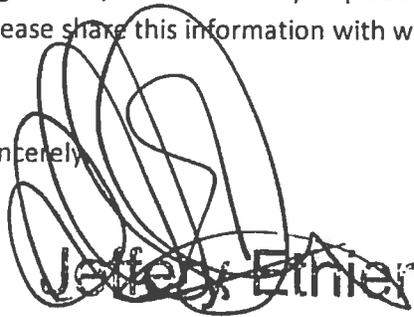
SUBJECT: Abandonment of 20417 Bee Hive Lane, Spicewood, TX 78669.

We have reviewed your request for the above referenced Utility Easement, and Time Warner Cable (TWC) hereby grants the abandonment of the ROW near 20417 Bee Hive Lane, located within the city of Spicewood, TX.

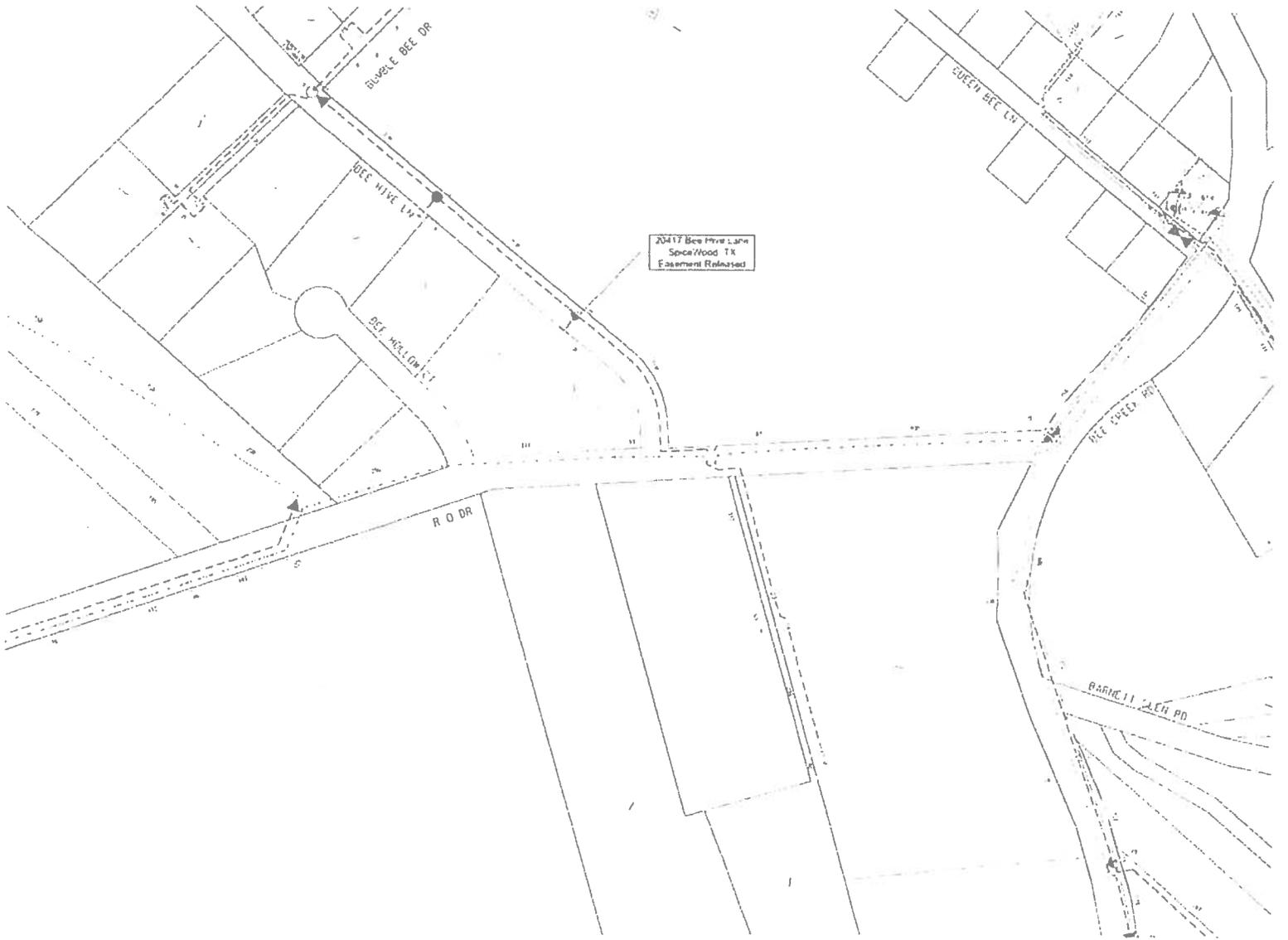
If applicable, please contact the Texas Excavation Safety System (Texas811) to have facilities marked & located within affected easements before any excavations are started.

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,



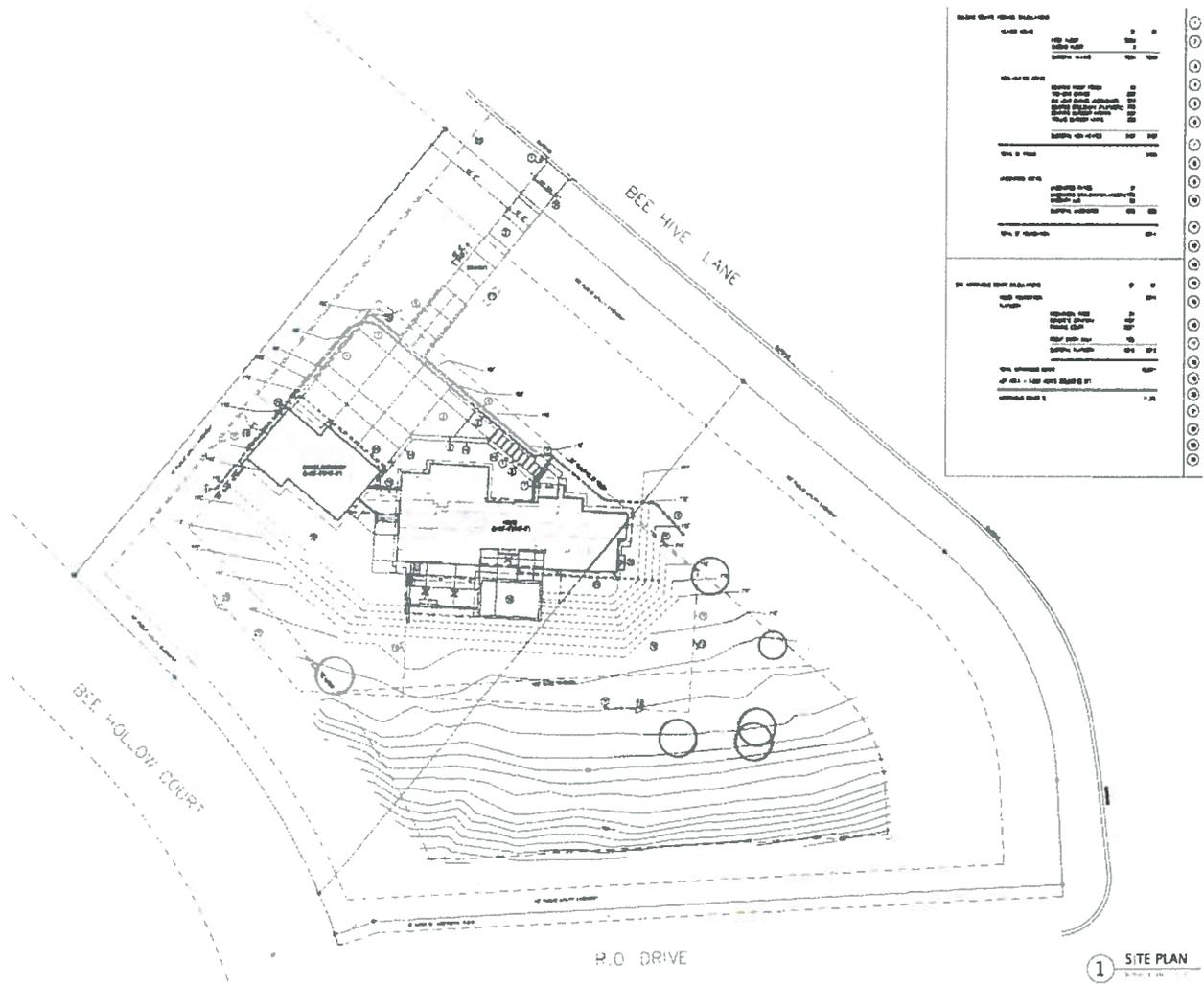
Jeffrey Ethier





APPENDIX 3

Architectural Site Plan with Proposed New Single Family Residence Location





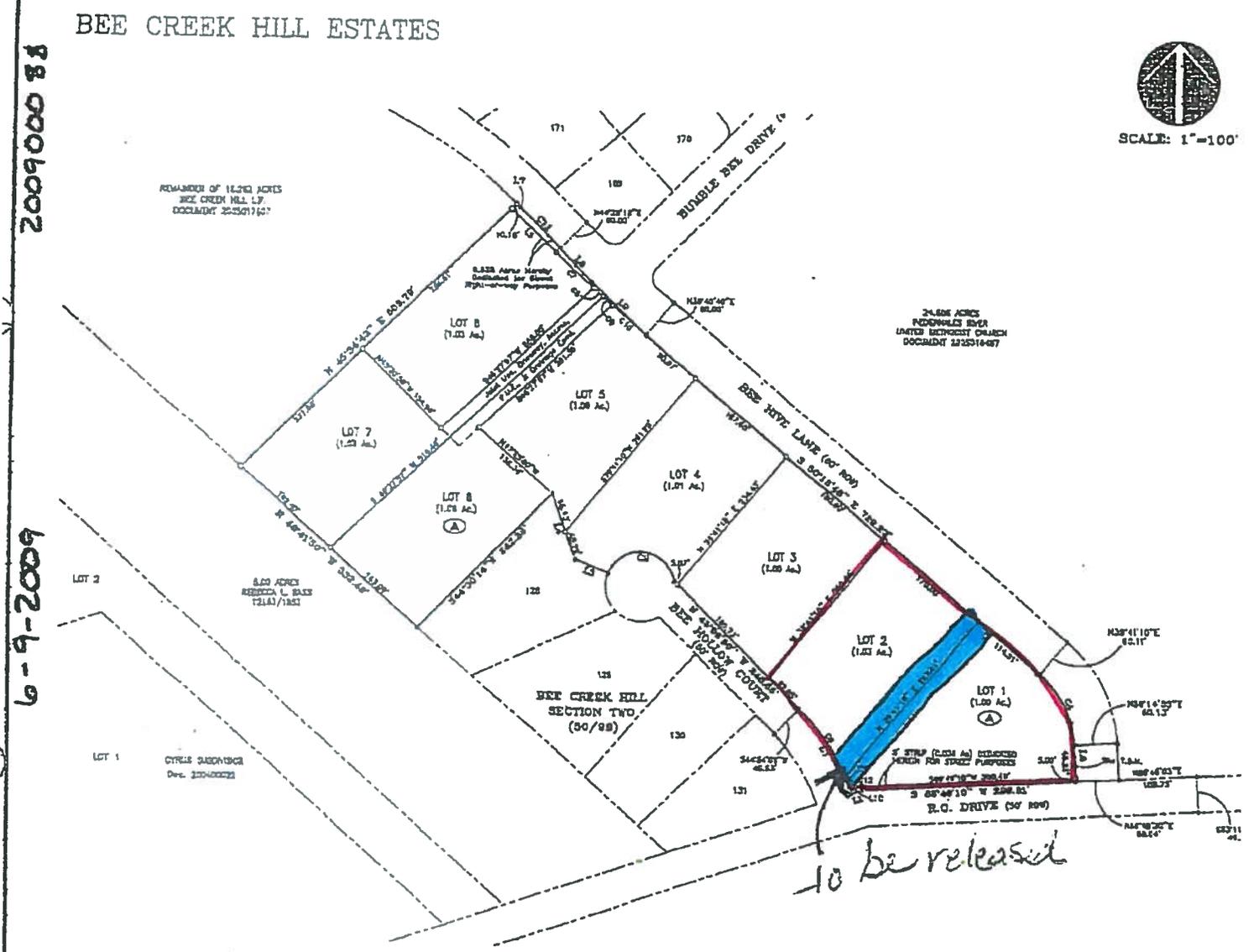
APPENDIX 2

Survey Sketch of Easement to be Vacated

BEE CREEK HILL ESTATES



SCALE: 1"=100'



200900088
 6-9-2009
 50.94

LINE TABLE

NUMBER	BEARING	DISTANCE
L1	S82°30'00"W	16.35
L2	S88°27'20"W	148.89
L3	S70°00'00"W	88.23
L4	S62°00'00"W	82.87
L5	S62°15'00"E	50.11
L6	S42°00'00"E	52.70
L7	S42°00'00"E	88.81
L8	S48°27'28"E	107.00
L10	S72°21'00"W	17.87

CURVE TABLE

NUMBER	ANGLE	CURVE BEARING	CHORD	ARC
C1	28°30'00"	S73°00'00"W	128.00	127.24
C2	140°30'00"	S10°00'00"W	143.00	143.00
C3	47°00'00"	S13°30'00"E	110.00	113.17
C4	98°10'00"	S28°00'00"E	24.00	23.67
C5	221°15'00"	S62°15'00"W	114.00	113.20
C6	82°30'00"	S62°15'00"E	72.00	72.00
C7	100°00'00"	S62°15'00"E	17.25	17.25
C8	50°27'00"	S62°15'00"E	17.25	17.25
C9	107°27'00"	S62°15'00"E	44.50	44.50
C10	180°00'00"	S48°27'28"E	78.24	78.24
C11	100°27'00"	S62°15'00"W	8.00	8.00

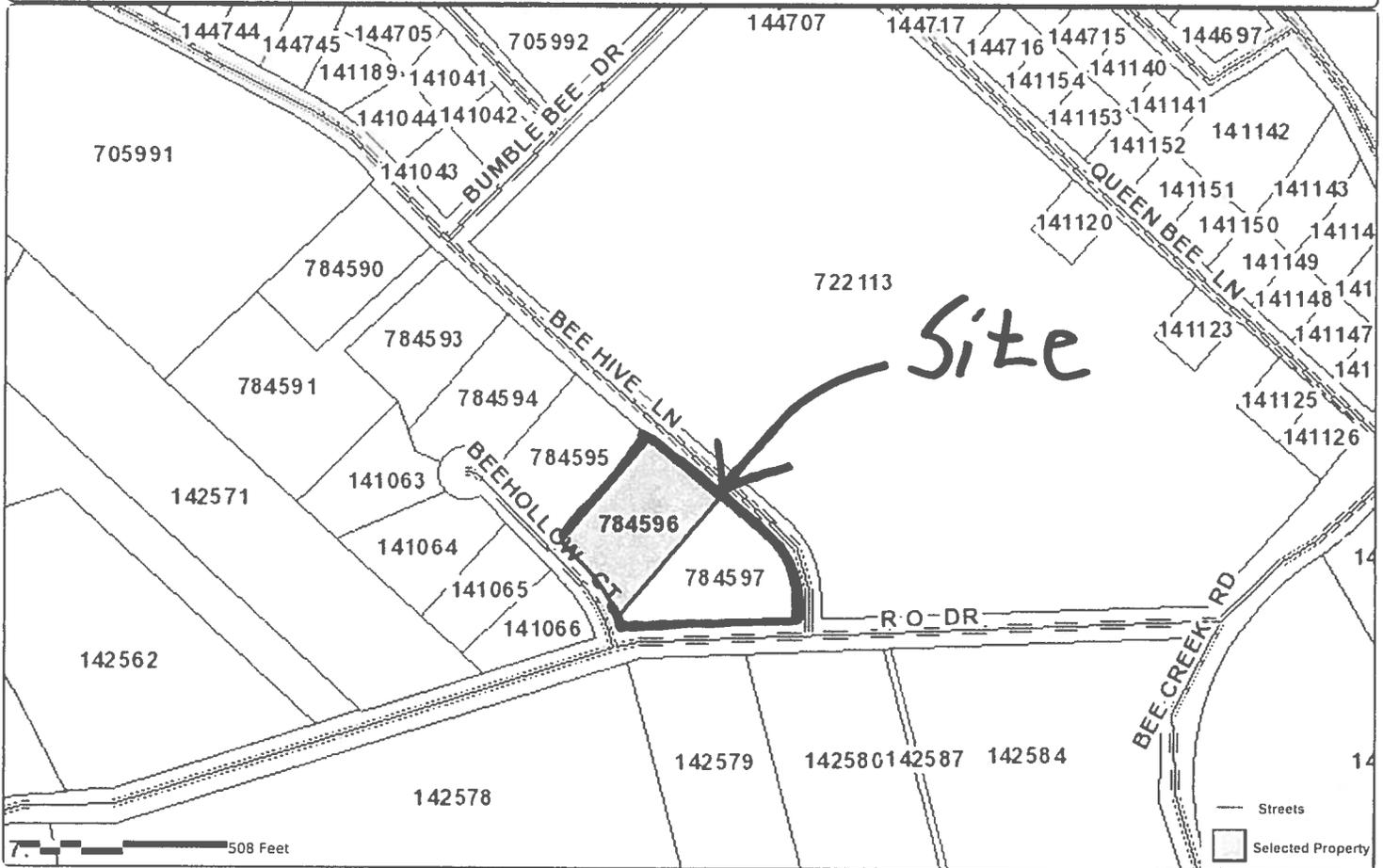


APPENDIX 1 Road Map to Subdivision 20417 Bee Hive Lane

FWY 71-W to Right on R.O. Drive to Left on Bee Hive Lane



Travis CAD - Map of Property ID 784596 for Year 2014



Property Details

Account

Property ID: 784596
Geo ID: 0141950429
Type: Real
Legal Description: LOT 2 BLK A BEE CREEK HILL ESTATES

Location

Situs Address: BEE HIVE LN TX 78669
Neighborhood: Q2200
Mapsc0: 487Z
Jurisdictions: 03, 77, 0A, 2J, 07

Owner

Owner Name: MILLER GARY F & TRACY A
Mailing Address: , 110 HIGHLANDER, LAKEWAY, TX 78734

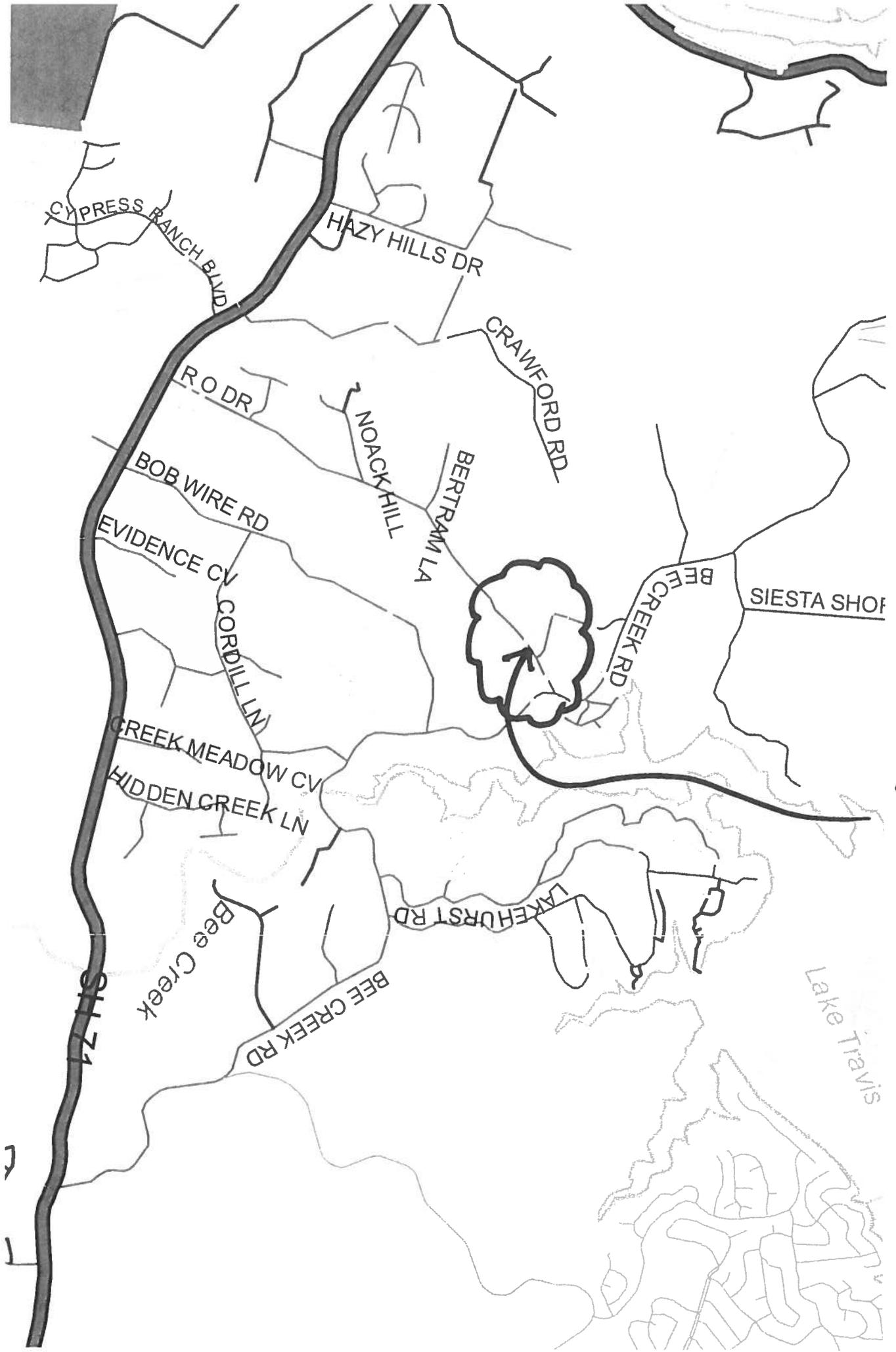
Property

Appraised Value: \$42,000.00

<http://propaccess.traviscad.org/Map/View/Map/1/784596/2014>

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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.



CYPRESS RANCH BLVD

HAZY HILLS DR

CRAWFORD RD

R.O DR

NOACK HILL

BERTRAM LA

BOB WIRE RD

EVIDENCE CV

CORBILL LN

BEECREEK RD

SIESTA SHOP

CREEK MEADOW CV

HIDDEN CREEK LN

LAKEHURST RD

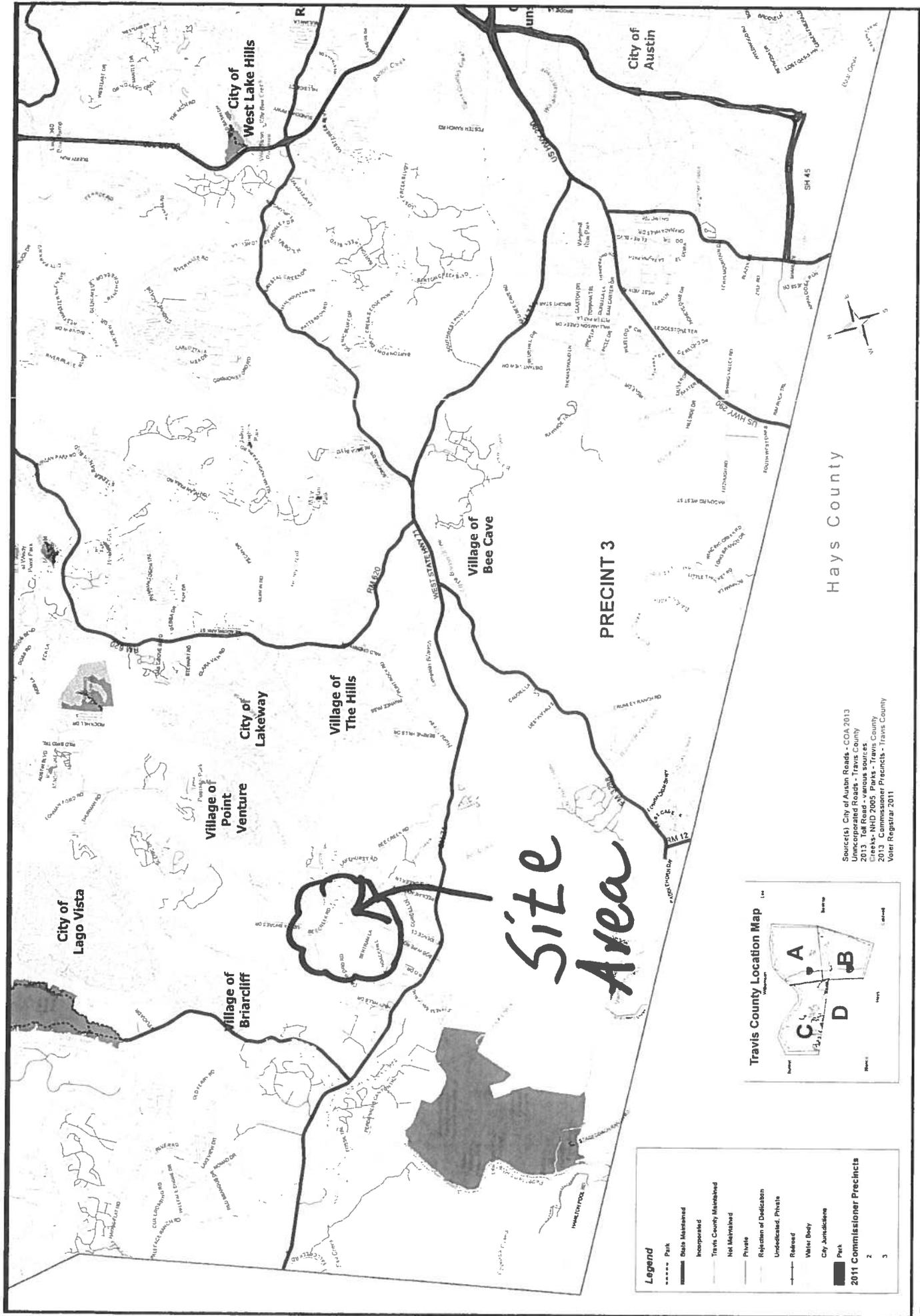
Bee Creek

BEE CREEK RD

SI 171

Lake Travis

Site Area

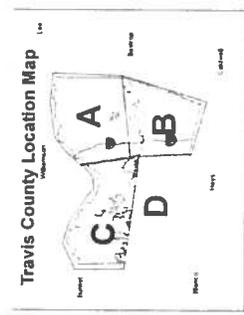


Map Prepared by Travis County
 Dept. of Transportation & Natural
 Resources. Date 5/21/2013



Hays County

Sources: City of Austin Roads - COA 2013
 Incorporated Roads - Travis County
 2005 Parks - Travis County
 2013 Commissioner Precincts - Travis County
 Voter Registrar 2011



Legend

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

2011 Commissioner Precincts

- 2
- 3

Travis County Roadways, Map D

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.