



Travis County Commissioners Court Agenda Request

Meeting Date: November 25, 2014

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

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

Department Head: *Carol B. Jorgensen*
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 two portions of a drainage easement located along the north lot line of Lot 49, Block A of River Place, Section 11 – Precinct Two.

BACKGROUND/SUMMARY OF REQUEST:

TNR staff has received a request to authorize the filing of an instrument to vacate two portions of a drainage easement (DE) located along the north lot line of Lot 49, Block A of River Place, Section 11. The easement is schematically shown on the plat. The subject property fronts on Big View Drive, a street maintained by Travis County.

Excerpts from the professional engineer I. T. Gonzales' letter dated June 27, 2014 states that:

"1. I found that the drainage easement is essentially being utilized for an underground drainage pipe that drains from the curb inlet at the street and along the north property line of said property within a platted 15 ft Drainage Easement. Toward the rear of the lot the pipe discharges into a stone-lined channel that is contained within a 25 ft Drainage Easement...

4. The existing pipe adequately handles the street runoff that enters the curb inlet...

7. A covered patio encroaches by a few inches on the south edge of the 15 ft Drainage easement on the surface. This encroachment will not in any form or fashion affect the flows in the existing pipe.

8. A small narrow strip of steps approximately 24 inches in width encroaches at the high and top side (also, the south side) of the 25 ft Drainage Easement. This encroachment does not in any manner obstruct the discharge from the storm drain pipe.

9. Furthermore, once again there will never be any surface runoff, from the street, that would be restricted by the small encroachment because the easement will never be used for surface runoff."

Staff foresees no opposition to this request.

STAFF RECOMMENDATIONS:

The request has been reviewed by TNR staff which finds that the vacation request meets all Travis County standards. As of this memo, staff has not received any inquiries with regards to this request. As such, TNR staff recommends the request.

ISSUES AND OPPORTUNITIES:

According to the request letter about five years ago, the owner made improvements to his backyard which included a swimming pool, a cabana house, and retaining walls. The City of Austin later did an inspection and found the two encroachments needed to be addressed. Vacating the portions of the easement should resolve the encroachment issues and allow the home owner to receive their Certificate of Occupancy from the City.

FISCAL IMPACT AND SOURCE OF FUNDING:

None.

ATTACHMENTS/EXHIBITS:

Order of Vacation, Field Notes,
Request Letter, Engineer's Letter,
Siteplan Information, Maps,
Sign Affidavit and Picture

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	Permit Program Manager	TNR	(512) 854-7565
John Ellis	Engineer	TNR	(512) 854-9805

SM:AB:ps

1101 - Development Services Long Range Planning - River Place, Section 11

ORDER OF VACATION

STATE OF TEXAS §

COUNTY OF TRAVIS §

WHEREAS, the property owner requests the vacation of two portions of the drainage easement located along the north lot line of Lot 49, Block A of River Place, Section 11 as recorded at Volume 98, Page 314-318 of the Plat Records of Travis County, Texas;

WHEREAS, an independent professional engineer has submitted a letter recommending the vacation of the two portions of the subject easement;

WHEREAS, Travis County staff has stated there are no objections to the vacation of the two portions of the subject drainage easement as described in the attached field notes and sketch;

WHEREAS, the Travis County Transportation and Natural Resources Department recommends the vacation of the two portions of the subject drainage 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 November 25, 2014 to consider the proposed action; and

NOW, THEREFORE, by unanimous vote, the Commissioners Court of Travis County, Texas, orders that the two portions of the drainage easement located along the north lot line of Lot 49, Block A of River Place, Section 11, as shown on the attached sketch 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 GÓMEZ
PRECINCT FOUR

**FIELD NOTES
TO ACCOMPANY EXHIBIT**

BEING 38 SQUARE FEET OF LAND, MORE OR LESS, SITUATED IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 49, BLOCK A, RIVER PLACE SECTION 11, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOL. 98, PGS. 314-318, PLAT RECORDS, TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 1/2" iron rod found in the east line of that certain tract conveyed to First River Place Reserve, Ltd. by deed recorded in Vol. 11379, Pg. 379, Real Property Records, Travis County, Texas, at the Southwest corner of Lot 48, Block A, of said River Place Section 11, same being at the Northwest corner of said Lot 49, Block A;

THENCE: S 16°15'32" W 25.03 feet, along the east line of the said First River Place Reserve tract and the west line of said Lot 49, Block A, to a point for the intersection of the west line of said Lot 49 with the south line of a Drainage Easement varying from 25 feet to 15 feet in width as set forth per plat Vol. 98, Pgs. 314-318, Plat Records, Travis County, Texas;

THENCE: over and across said Lot 49, along the south line of the 25 foot wide portion of said Drainage Easement, S 76°26'24" E 27.45 feet to the point of intersection of said south line of said Drainage Easement with the west line of existing rock steps, for the Southwest corner and **POINT OF BEGINNING** of the herein described tract;

THENCE: N 00°48' 40" W 2.06 feet, along the approximate west line of the existing rock steps, to a calculated point for the Northwest corner of the herein described tract;

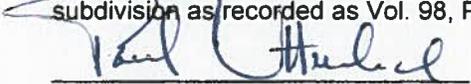
THENCE: along the approximate north line of the existing rock steps, the following two (2) courses:

1. S 75°58'35" E" E 15.36 feet, to a calculated point for an angle point hereof;
2. S 85°35'46" E 4.10 feet, to a calculated point for the Northeast corner of the herein described tract;

THENCE: S 13°33'36" W 2.52 feet, along the apparent 10 (ten) foot offset line of said Drainage Easement of varying width, to a calculated point for the Southwest corner of the herein described tract;

THENCE: over and across said Lot 49, along the south line of the 25 foot wide portion of said Drainage Easement, N 76°26'24" W 18.90 feet to the **POINT OF BEGINNING**, containing 38 square feet of land, more or less.

Bearings cited hereon are based on the recorded plat of RIVER PLACE SECTION 11, a subdivision as recorded as Vol. 98, Pgs. 314-318, Plat Records of Travis County, Texas.


Paul Utterback
Registered Professional Land Surveyor No. 5738
July 28, 2014

References:
TCAD Parcel ID: 438809; Austin Grid: D-30



**FIELD NOTES
TO ACCOMPANY EXHIBIT**

BEING 11 SQUARE FEET OF LAND, MORE OR LESS, SITUATED IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 49, BLOCK A, RIVER PLACE SECTION 11, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOL. 98, PGS. 314-318, PLAT RECORDS, TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 1/2" iron rod found in the west right-of-way line of Big View Drive, at the Southeast corner of Lot 48, Block A, of said River Place Section 11, same being at the Northeast corner of said Lot 49, Block A;

THENCE: S 13°39'22" W 15.00 feet, along the west right-of-way line Big View Drive, and the east line of said Lot 49, Block A, to a point for the intersection of the east line of said Lot 49 with the south line of a Drainage Easement varying from 25 feet to 15 feet in width as set forth per plat Vol. 98, Pgs. 314-318, Plat Records, Travis County, Texas;

THENCE: over and across said Lot 49, along the south line of the 15 foot wide portion of said Drainage Easement, N 76°26'24" W 72.22 feet to the point of intersection of said south line of said Drainage Easement with the east line of an existing aerial overhang of a wood shade canopy, for the Southeast corner and **POINT OF BEGINNING** of the herein described tract;

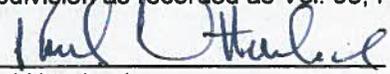
THENCE: N 76°26'24" W 13.07 feet, along the south line of the 15 foot wide portion of said Drainage Easement, to a calculated point for intersection of said south line of Drainage Easement with the west line of said existing aerial overhang of a wood shade canopy, for the Southwest corner of the herein described tract;

THENCE: along the approximate west line of the existing aerial overhang of a wood shade canopy, N 13°53'30" E 0.78 feet, to a calculated point for the Northwest corner hereof;

THENCE: along the approximate north line of the existing aerial overhang of a wood shade canopy, S 76°43'46" E 13.06 feet, to a calculated point for the Northwest corner hereof;

THENCE: along the approximate east line of the existing aerial overhang of a wood shade canopy, S 13°26'12" W 0.85 feet to the **POINT OF BEGINNING**, containing 11 square feet of land, more or less.

Bearings cited hereon are based on the recorded plat of RIVER PLACE SECTION 11, a subdivision as recorded as Vol. 98, Pgs. 314-318, Plat Records of Travis County, Texas.


Paul Utterback
Registered Professional Land Surveyor No. 5738
July 28, 2014

References:
TCAD Parcel ID: 438809; Austin Grid: D-30



EXHIBIT "A"

ATS Job # 130807085

Reference: 3D Remodeling

Address: 9717 Big View Drive, Austin, Texas
 Lot 49, Block A, RIVER PLACE SECTION 11, a
 subdivision in Travis County, Texas, according
 to the map or plat thereof recorded in Vol.
 98, Pgs. 314-318, Plat Records, Travis
 County, Texas.

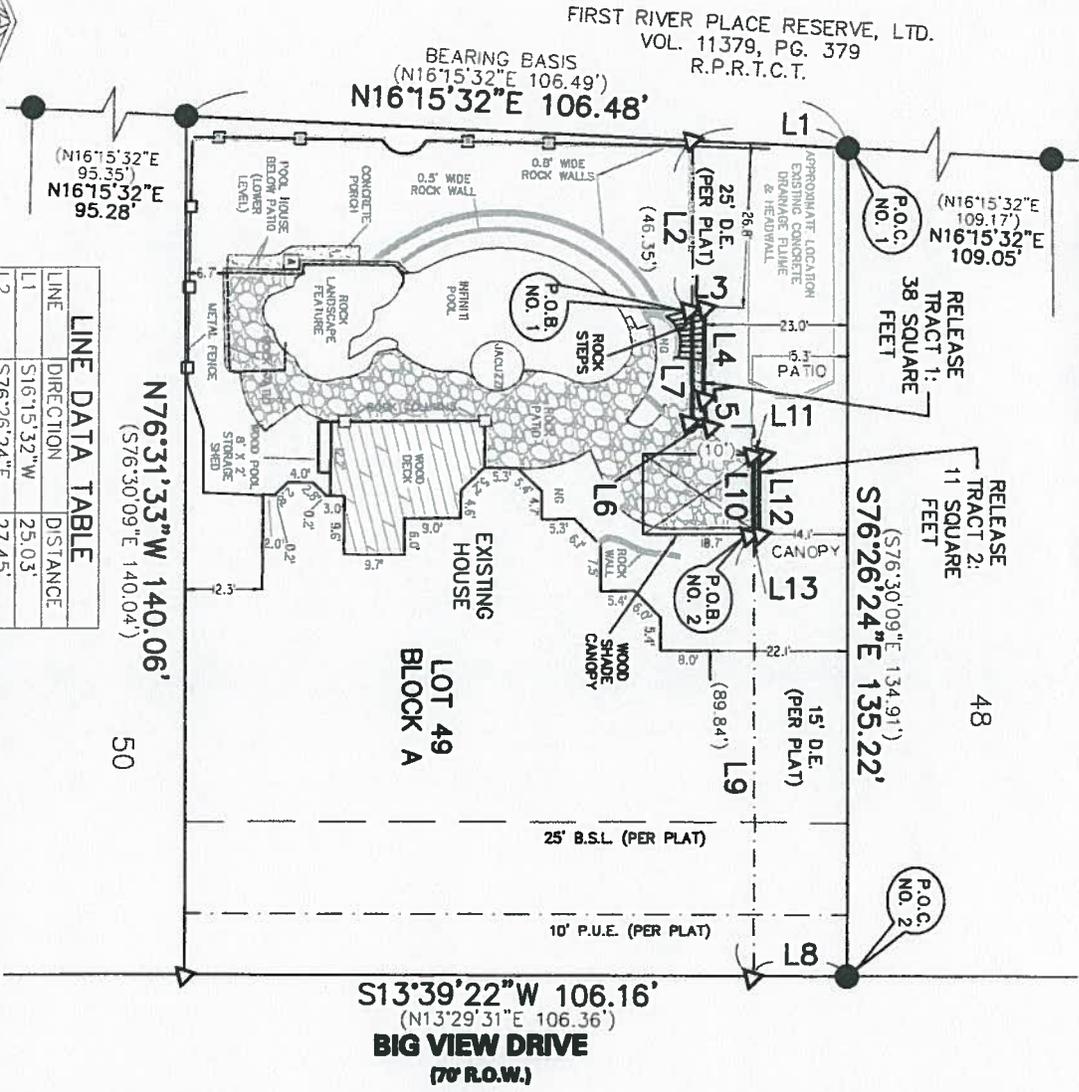
LEGEND	
●	1/2" (IRF) IRON ROD FOUND
▲	CALCULATED POINT
—	B.S.L. BUILDING SETBACK LINE
- - -	P.U.E. PUBLIC UTILITY EASEMENT
()	DRAINAGE EASEMENT
()	RECORD INFORMATION
()	COVERED AREA
□	METAL FENCE
—	NATURAL GROUND
- - -	R.O.W. RIGHT OF WAY
- - -	P.O.C. POINT OF COMMENCEMENT
- - -	P.O.B. POINT OF BEGINNING

SCALE: 1"=30'



I, Paul Utterback, HEREBY CERTIFY that a survey was made on
 the ground of the property shown hereon; that there are no
 visible discrepancies, conflicts, shortages in area, boundary line
 conflicts, encroachments, overlapping of improvements, easements
 or right-of-way, except as shown; that said property has access
 to and from a public roadway, and that this plat is an accurate
 representation of the property to the best of my knowledge.

Paul Utterback
 Paul Utterback, RPLS No. 5738
 Client: 3D Remodeling
 Date of Field Work: 8/19/13, 8/21/13, & 10/29/13
 Field: JCurrie
 Tech: MBolton
 Date Drawn: 8/22/13, 10/31/13 & 7/28/14
 Path: Projects\BULK\BigView9717\Production\Dwgs\Exhibit_140725.dwg



LINE DATA TABLE		
LINE	DIRECTION	DISTANCE
L1	S16°15'32"W	25.03'
L2	S76°26'24"E	27.45'
L3	N00°48'40"W	2.06'
L4	S75°58'35"E	15.36'
L5	S85°35'46"E	4.10'
L6	S13°33'56"W	2.52'
L7	N76°26'24"W	18.90'
L8	S13°39'22"W	15.00'
L9	S76°26'24"E	72.22'
L10	N76°26'24"W	13.07'
L11	N13°53'50"E	0.78'
L12	S76°43'46"E	13.06'
L13	S13°26'12"W	0.85'

ATS Engineers Inspectors & Surveyors
 www.ats-engineers.com
 3008 EXECUTIVE CENTER DRIVE, SUITE 100
 AUSTIN, TEXAS 78721
 (512) 329-8995
 FAX: (512) 329-8998

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ATS iSchedule App
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3-D Remodeling

8403 Grayledge Dr
Austin, TX 78753

04/12/14

Transportation and Natural Resources

700 Lavaca Street
Travis County Administration Building
PO Box 1748
Austin, TX 78767

Attn: Mr. Paul Scoggins
(paul.scoggins@co.travis.tx.us)

9717 Big View Drive
Austin Texas 78730

Lot 49, Block A, RIVER PLACE SECTION 11, a subdivision in Travis County, Texas, according to the map or plat thereof Vol. 98, Pgs. 314-318, Plat Records, Travis County, Texas

I have been retained by the home owner at 9717 Big view Drive to facilitate in getting his property up to code and final inspection passed. Some 5 years ago he made improvements to his backyard including a swimming pool, cabana house and retaining walls.

The company he had hired has gone out of business and never final inspected the project. The city followed up years later and has identified many items that needed to be addressed to get this property up to code and passed. One of the last requests the city has indicated an encroachment into the drainage easement on the north side and west back corner of the property. (see attached partial "as built" survey)

Some flat work, steps, handrails, retaining walls and patio surface encroach into the easement. I am requesting a "partial vacation of easement" to correct this last non-compliance issue so that we might final the property and the home owner receive the Certificate of Occupancy.

My contact information;

Rick DeCrescenzo
3-D Remodeling
512-945-0413 cell
(threedremodeling@gmail.com)

Thank you.

**I T GONZALEZ
ENGINEERS**
www.itgonzalezengineers.com

Drainage Easement Study, Page 1 of 1
9717 Big View, Austin, Texas

June 27, 2014

Travis County
Transportation and Natural Resources
P O Box 1748
Austin, Texas 78767

RE: Drainage Easement Study, 9717 Big View, Austin, Texas

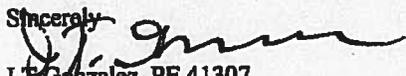
Dear Sir/Madam:

Our firm was recently retained by Mr. Rick Decrescenzo, with 3-D Remodeling to study the drainage associated with the Drainage Easement that traverses the property located at 9717 Big View, Austin, Texas.

I, I. T. Gonzalez PE 41307, registered in the State of Texas, visited the 917 Big View property on June 26, 2014, to evaluate drainage conditions at said property.

1. I found that the drainage easement is essentially being utilized for an underground drainage pipe that drains from curb inlet at street and along the north property line of said property within a platted 15 ft Drainage Easement. Toward the rear of the lot the pipe discharges into a stone-lined channeled that is contained within a 25 ft Drainage Easement.
2. Be advised that the 15 ft Drainage Easement extends through and runs parallel to and along the north property line. Toward the end of the lot, the Drainage Easement converts to a 25 ft width to allow for discharge at the bottom end of the storm drain pipe.
3. The entire subdivision is built out, with no possibility of any additional land draining into the existing drainage pipe.
4. The existing pipe adequately handles the street runoff that enters the curb inlet.
5. The 15 ft Drainage Easement was not meant to serve as a drainage easement for surface runoff.
6. The surface area of the easement is several feet higher than the curb inlet. The differential in elevation appears to represent the original topography.
7. A covered patio encroaches by a few inches on the south edge of the 15 ft Drainage Easement on the surface. This encroachment will not in any form or fashion affect the flows in the existing pipe.
8. A small narrow strip of steps, approximately 24 inches in width encroaches at the high and top side (also, the south side) of the 25 ft Drainage Easement. This encroachment does not in any manner obstruct the discharge from the storm drain pipe.
9. Furthermore, once again there will never be any surface runoff, from the street, that would be restricted by the small encroachment because the easement will never be used for surface runoff.

Sincerely,


I T Gonzalez, PE 41307
Registered in State of Texas.

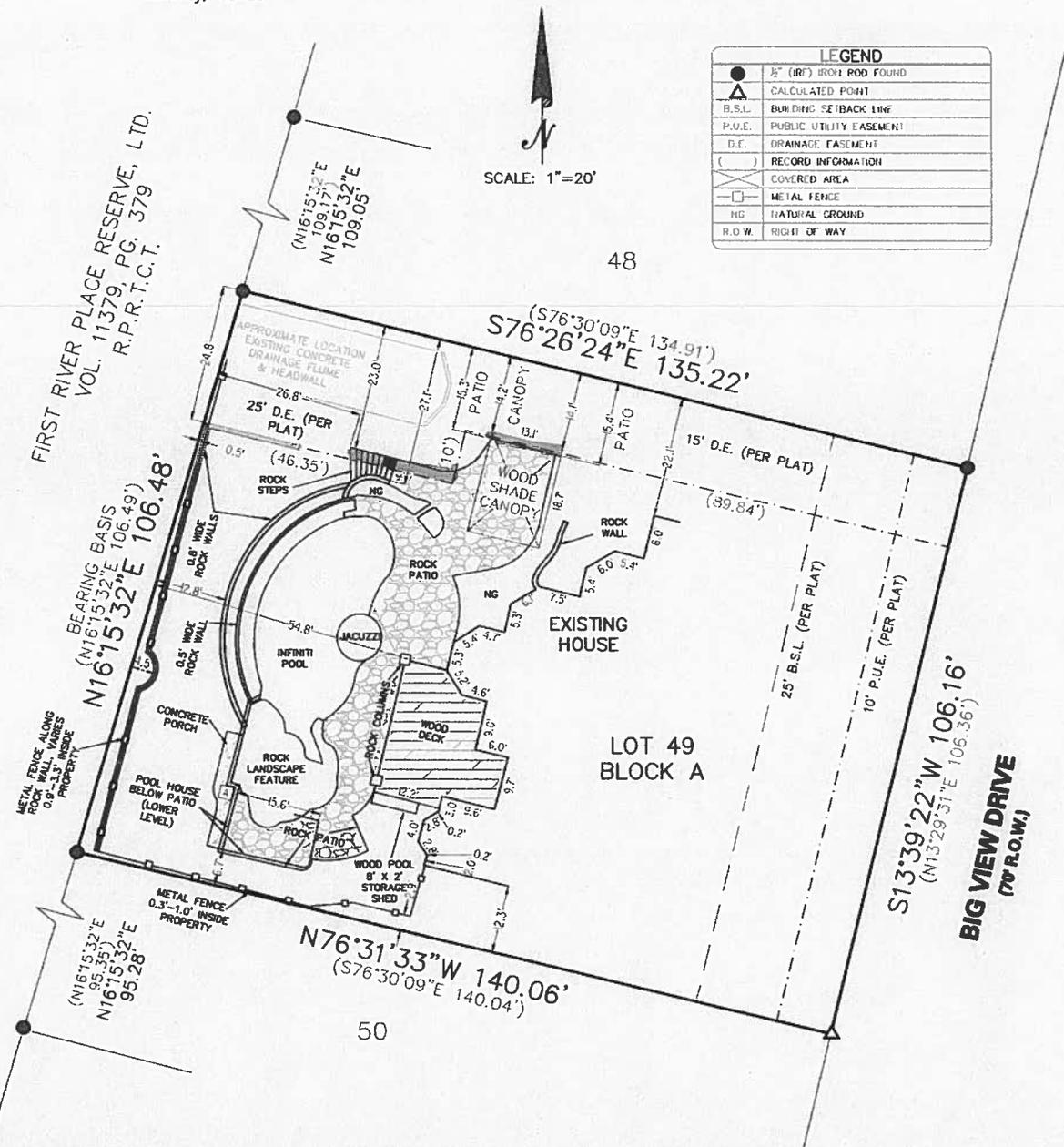
7-23-14



PARTIAL AS-BUILT SURVEY

ATS Job # 13080708s

Reference: 3D Remodeling Address: 9717 Big View Drive, Austin, Texas
 Lot 49, Block A, RIVER PLACE SECTION 11, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Vol. 98, Pgs. 314-318, Plat Records, Travis County, Texas.



Surveyor's Note:
 Bearings shown hereon are based on RIVER PLACE SECTION 11, as recorded in Vol. 98, Pgs. 314-318, Plat Records, Travis County, Texas.

- Notes:**
- 1) This map and the survey on which it is based have been prepared without the benefit of a title report and are not intended to reflect all easements, encumbrances or other circumstances affecting the title to the property shown hereon.
 - 2) Easements and building setback lines are per the recorded subdivision plat.

I, Paul Utterback, HEREBY CERTIFY that a survey was made on the ground of the property shown hereon; that there are no visible discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, easements or right-of-way, except as shown; that said property has access to and from a public roadway; and that this plat is an accurate representation of the property to the best of my knowledge.

Paul Utterback, RPLS No. 5738
 Client: 3D Remodeling
 Date of Field Work: 8/19/13, 8/21/13, & 10/29/13
 Field: JCurrie
 Tech: MBalton
 Date Drawn: 8/22/13 Revised: 10/31/13
 Path: Projects\BULK\BigView9717\Production\Dwgs\PAB_131030.dwg



ATS Engineers Inspectors & Surveyors
 www.ats-engineers.com
 812 S CAPITAL OF TX HWY, STE 480 AUSTIN, TEXAS 78748
 (512) 328-8888 FAX: (512) 328-8888

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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 two portions of a drainage easement was posted on November 4, 2014, on the west ROW line of Big View Drive along the front lot line of Lot 49, Block A of River Place, Section 11 at a point as near as practical to the area being vacated, and was also posted at the Travis County Courthouse.

CERTIFIED THIS THE 5 DAY OF November, 2014.

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

cc: Garcia (sign shop)

M:\PERMITS\Vacate\14-DE\02-BigView\SignRequest-BigViewDr.doc



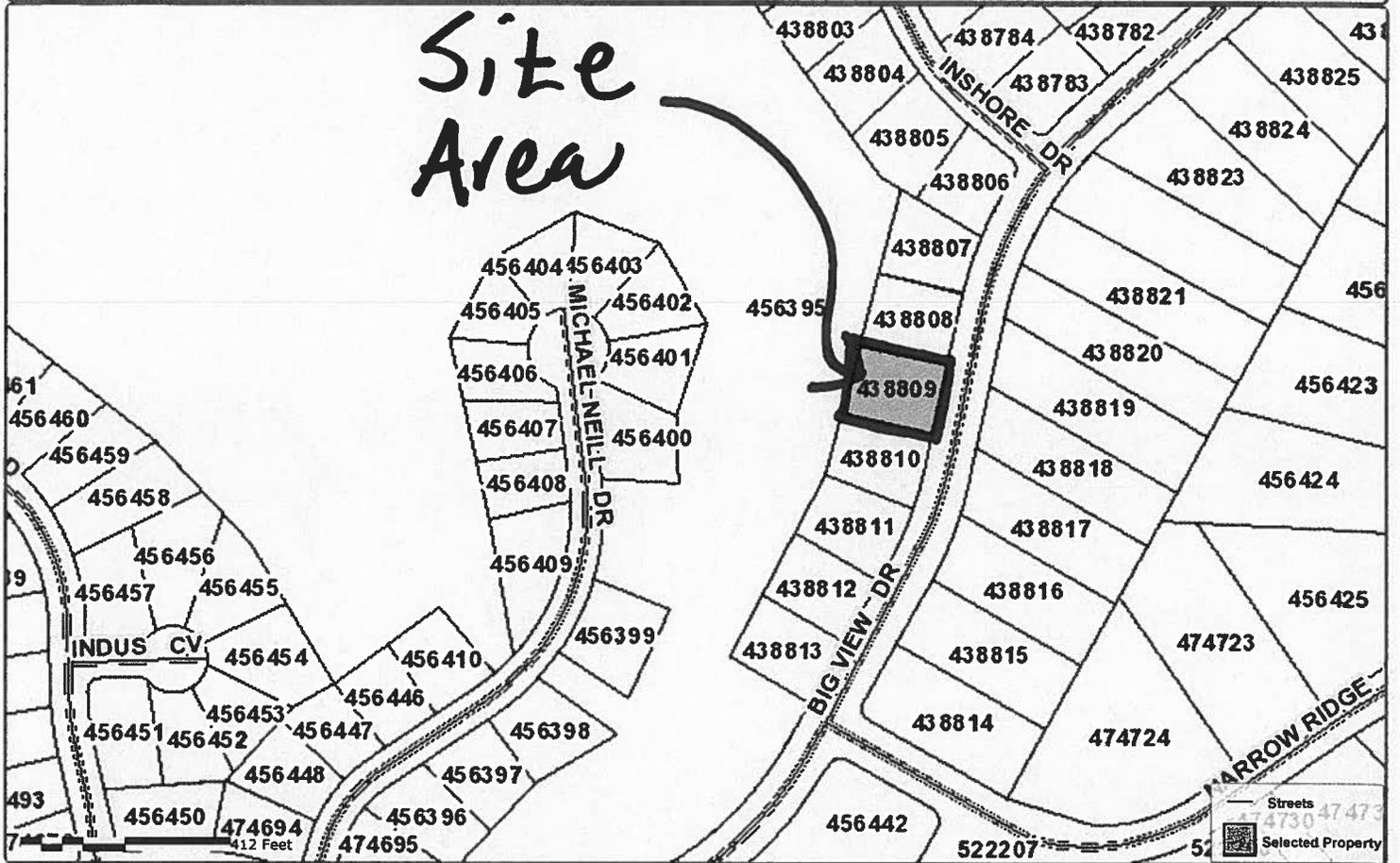
NOTICE OF PUBLIC HEARING

**NOVEMBER 25, 2014, AT 9:00 AM
DRAINAGE EASEMENT VACATION**

**TO APPROVE THE VACATION OF
TWO PORTIONS OF A DRAINAGE
EASEMENT LOCATED ALONG
THE NORTH LOT LINE OF LOT 49,
BLOCK A OF RIVER PLACE,
SECTION 11 — 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**

Travis CAD - Map of Property ID 438809 for Year 2014



Property Details

Account

Property ID: 438809
Geo ID: 0141300212
Type: Real
Legal Description: LOT 49 BLK A RIVER PLACE SEC 11

Location

Situs Address: 9717 BIG VIEW DR TX
Neighborhood: RIVER PLACE INTERIOR
Mapsc0: 522C
Jurisdictions: 59, 69, 52, 68, 0A, 2J, 03

Owner

Owner Name: TACK ROBERT JEFFREY
Mailing Address: , 9717 BIG VIEW DR, , AUSTIN, TX 78730-3591

Property

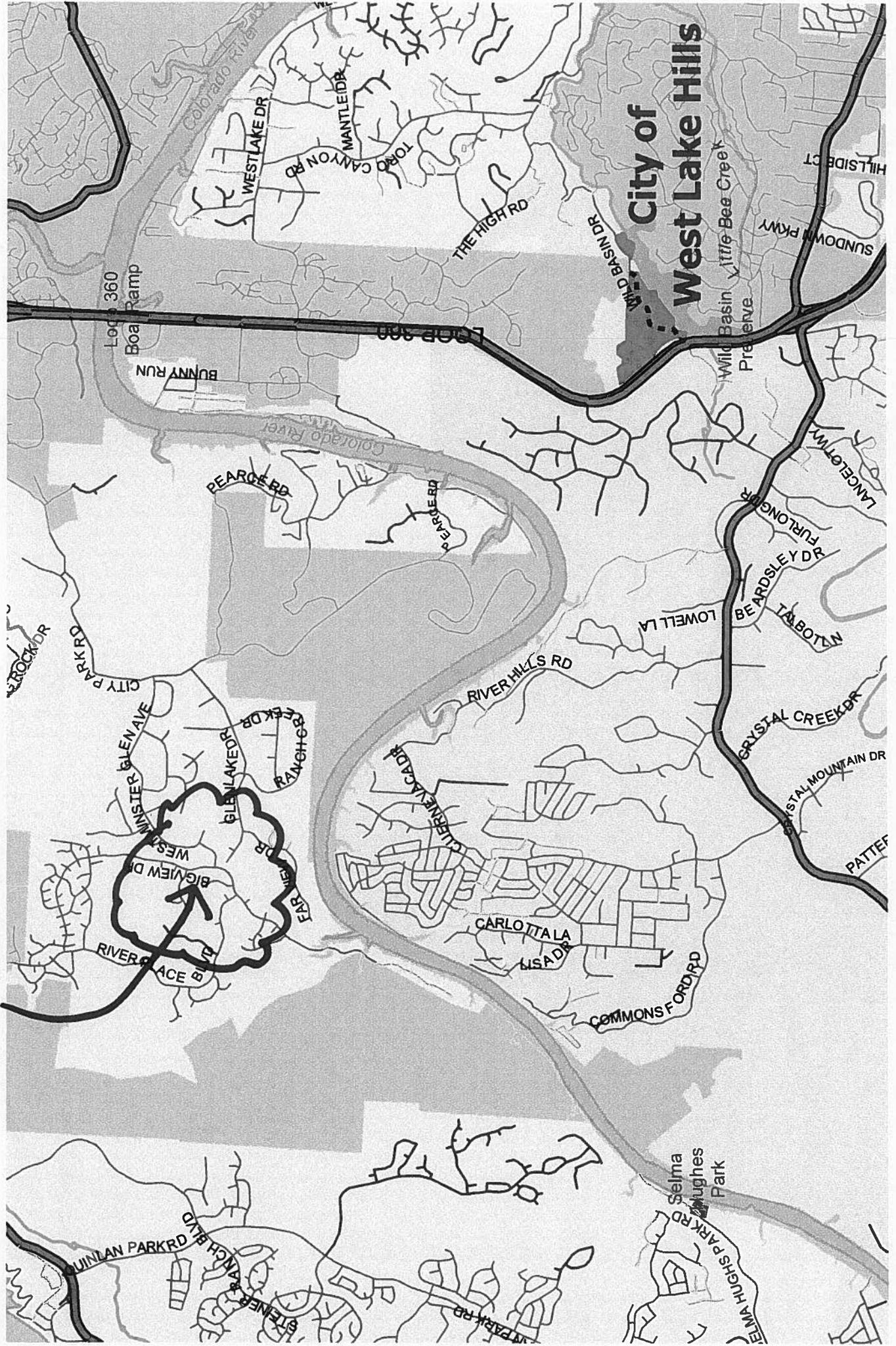
Appraised Value: \$630,051.00

<http://propaccess.traviscad.org/Map/View/Map/1/438809/2014>

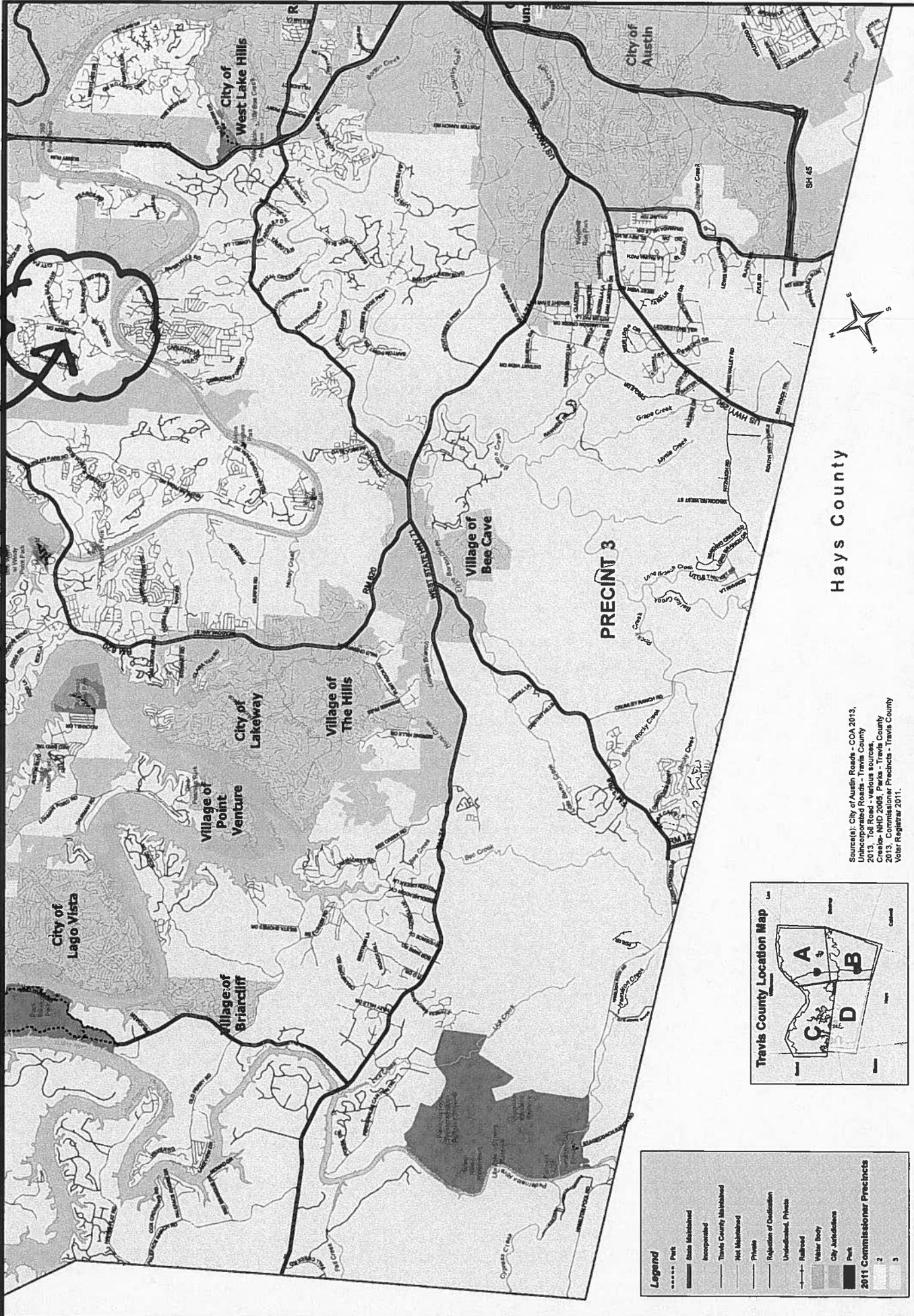
powered by:
PropertyACCESS
www.trueautomation.com

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 Area



Site Area

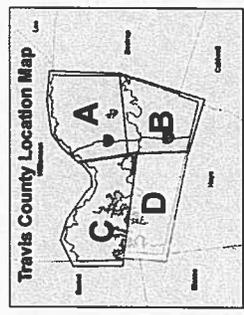


Map Prepared by: Travis County
 Dept. of Transportation & Natural
 Resources. Date: 5/2/2013



Hays County

Sources: City of Austin Roads - COA 2013,
 Unincorporated Roads - Travis County
 2013, Toll Road - various sources,
 Create- NHD 2008, Parks - Travis County
 2013, Commissioner Precincts - Travis County
 Voter Registrar 2011.



Legend

- Park
- State Maintained
- Incorporated
- Travis County Maintained
- Not Maintained
- Private
- Right-of-Way Dedication
- Unincorporated Precinct
- Railroad
- Water Body
- City Jurisdiction
- Park

2011 Commissioner Precincts

- 2
- 3

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 prepared this product for reference purposes only and offers no warranties for the product's accuracy or completeness.

Travis County Roadways, Map D