

POLICIES AND PROCEDURES FOR REQUESTING AN EASEMENT RELEASE

**City of Austin
Office of Real Estate Services
Effective: February 1, 2016**

Please mark and include this checklist to insure that all materials are submitted, in order to help expedite your request:

- _____ Please verify and ensure that the area to be released lies within the City's full purpose jurisdiction, if the easement was dedicated by plat. **The easement release application fee is non-refundable** once the application is processed.
- _____ Travis County handles the release of those easements which have been dedicated by plat within the City's Extra Territorial Jurisdiction (**ETJ**). Please contact the Travis County Transportation & Natural Resources Department at **(512) 854-9383** for more information.
- _____ If your property is served by Pedernales Electric Cooperative (PEC), they require an additional \$300 application review fee. Please contact Kay Jeanes, PEC Right of Way Agent, at **(512) 394-9136, x7924**. If the release is approved, PEC will mail their easement release document to you. Please provide the original or a copy of that PEC release document to the City to be recorded in public records together with the City's easement release document. An easement release by the City will not be complete without this documentation.
- _____ S.M.A.R.T. Housing Projects: If you believe your project to be eligible for application fee waivers, please provide a copy of your S.M.A.R.T. Housing Certification (Neighborhood Housing 4-10-07) for consideration.
- _____ If an easement was originally dedicated to the City by one landowner, and the property was subsequently resubdivided into multiple lots (multiple landowners), then a release will require multiple applications. The easement will not be released under one application in these circumstances.
- _____ **Provide a transmittal letter explaining in detail the purpose and justification for the easement release request.** This letter should also explain how the easement was dedicated to the City (i.e., by plat or by separate instrument).
- _____ Provide a fully completed application (see attached example). (If any sections of the application do not apply, simply mark N/A.)
- _____ Parcel ID number information can be found on your tax bill, or by calling the appropriate Appraisal District:
 - Travis Central Appraisal District: (512) 834-9138
 - Hays Central Appraisal District: (512) 268-2522
 - Williamson Central Appraisal District: (512) 930-3787
- _____ Provide a \$435.00 non-refundable processing fee, payable to "City of Austin". If paying by personal check, please include date of birth and driver's license number on the check. This fee was established by Ordinance No. 910110-J (Section 13-1-952) to be paid by all applicants, including governmental entities.
- _____ Provide original signed and sealed survey – metes and bounds description, or preamble and sketch. Please see Instructions for Surveyor (see **EXHIBIT A**).
- _____ Provide a copy of the recorded easement document to be released (if applicable).

- _____ Provide a copy of the recorded Deed (Warranty Deed, Special Warranty Deed, or General Warranty Deed) documenting the current property owner.
- _____ Provide a copy of the recorded Subdivision Plat including Plat Notes. If the Plat has been resubdivided, please provide both a copy of the original recorded Plat, as well as a copy of the recorded Resubdivision Plat.
- _____ If a new easement is to be dedicated to replace the existing easement being released, please provide all required information shown on **EXHIBIT B**. Our office will record the new easement along with the easement release document..
- _____ **Public Utility Easements (PUEs) in the Floodplain:** Please refer to Austin FloodPro at www.austintexas.gov/floodpro. You may also contact floodpro@austintexas.gov or (512) 974-2843 for more floodplain information. **PUEs in the floodplain will not be released.** Please verify the floodplain status of the easement before preparing a survey or submitting your application.
- _____ **Restrictive Covenants or Amendments to Restrictive Covenants:** Please contact Amber Mitchell, Planner Senior, at (512) 974-3428.
- _____ **Release of Declaration of Easements:** Please contact Lynda Courtney, Development Services, at (512) 974-2810.
- _____ **Release of Drainage Easements or Public Utility & Drainage Easements (or any other combination of easements with a Drainage Easement):**

The Watershed Protection Department and Planning & Development Review Department require the following items to be submitted to perform the review of your request for the release of a Drainage Easement.

Non-submittal of the following information may delay the review of the easement release request:

- 1) Provide or demonstrate the original justification for the existing Drainage Easement.
- 2) Provide proof, from a licensed civil engineer, that the release of said easement will not create adverse impacts to surrounding properties.
- 3) Provide a solution, replacement or relocation of the existing drainage and utility facility.
- 4) Provide **3 sets of legible copies of the necessary backup for the items listed above.** This includes but is not limited to: building plans, engineering calculations and reports, floodplain maps, site plans, and subdivision plans.

Please refer to Land Development Code 25-7-152 and the Drainage Criteria Manual Section 1 regarding general requirements for Drainage Easements. For assistance with researching or obtaining the above information, please contact the Development Assistance Center at (512) 974-6370.

PLEASE NOTE:

Upon receipt of all required information, staff will forward all requests for easement releases to stakeholder departments and franchise holders for a **two-week review period**. Assuming favorable comments, the easement release document will be prepared for execution by the Officer of Real Estate Services, and will be recorded with the County Clerk of the appropriate County. **Applicant is responsible for and shall incur all costs associated with the recording of this and any related documents** (effective September 1, 2014).

In the event of negative reviewer comments on your release request, applicants will be notified immediately to clear the comments. Upon receiving comments from the final reviewer(s), Applicant is given a four-week deadline to clear any outstanding negative comments or objections. If an extension is required, a request must be provided to the City in writing. **If Applicant's response is not received by this deadline, the file will be automatically closed, the application will be considered null and void, and the application fee will be retained by the City.**

NOTE: The City of Austin will no longer place files on hold indefinitely. Inactive files will be closed and the application fee will be retained by the City if deadlines are not met. These applications shall be considered null and void.

Please schedule an appointment to discuss your easement release request. Appointments may be scheduled for between the hours of 9:00 a.m. and 3:00 p.m. Please contact:

Kim Vasquez, (512) 974-9241, or
Eric Hammack, (512) 974-7079
landmanagement@austintexas.gov

Submit all applications to:

City of Austin
Office of Real Estate Services
505 Barton Springs Road, Suite 1350
Austin, Texas 78704
Attn: Land Management Division

APPLICATION FOR EASEMENT RELEASES

File No. _____
Department Use Only

DATE: _____
Department Use Only

TYPE OF EASEMENT TO BE RELEASED

Type of Release: Full or Partial: SF: _____ or Acreage: _____ By: Document or Plat
Type of Easement: _____
Recorded in: Volume: _____, Page: _____, Document No.: _____
County Records: _____; Deed Plat Real Property or Official Public (circle one)
Property address: _____
Purpose for release: _____

PROPERTY DESCRIPTION OF AREA TO BE RELEASED

Appraisal District Parcel #: _____
Survey & Abstract No.: _____
Lot(s): _____ Block: _____ Outlot: _____
Subdivision Name: _____
Plat Book/Volume: _____ Page No.: _____ Document No.: _____
Conveyed to: _____
Conveyed by (type of deed): _____ Dated: _____
Volume: _____ Page No.: _____ Document No.: _____
County Records: _____; Deed Plat Real Property or Official Public (circle one)

RELATED CASES

FILE NUMBERS

Existing Site Plan (circle one): YES / NO
Subdivision: Case (circle one): YES / NO

PROJECT NAME, if applicable:

Is this a S.M.A.R.T. Housing Project (circle one): YES / NO
Name of Development Project: _____

OWNER INFORMATION

Name: _____ (as shown on Deed)
Contact Person/Title: _____
Address: _____ City: _____
County: _____ State: _____ Zip: _____ Phone: (____) _____
Fax: (____) _____ EMAIL: _____
(If multiple owners own the property to be released, please provide complete names and addresses for each owner, a separate sheet may be attached.)

APPLICANT INFORMATION

Name: _____
Firm Name: _____
Address: _____ City: _____
County: _____ State: _____ Zip: _____ Phone: (____) _____
Fax: (____) _____ EMAIL: _____

The undersigned Landowner/Applicant understands: **1)** This application will be handled in accordance with standard City policies and procedures. **2)** No action will be taken without (a) payment of the nonrefundable application fee, or (b) necessary documentation. **3)** The application and fee in no way obligate the City to release the subject area.

Signed By: _____
Landowner/Applicant

EXAMPLE

APPLICATION FOR EASEMENT RELEASES

File No. _____
Department Use Only

DATE: _____
Department Use Only

TYPE OF EASEMENT TO BE RELEASED

Type of Release: Full or Partial SF: 538 Acreage: 0.012 By: Document or Plat
Type of Easement: Drainage
Recorded in: Volume 4236, Page 12, Document No.: _____
County/Records: Travis; Deed Plat Real Property or Official Public (circle one)
Property address: 2500 N. Lamar
Purpose for release: To clear an encroachment of a swimming pool and deck into the drainage easement.

PROPERTY DESCRIPTION OF AREA TO BE RELEASED

Appraisal District Parcel #: 05-2345-1234
Survey & Abstract No.: John Applegate Survey No. 58
Lot(s): 5 Block: 10 Outlot: _____
Subdivision Name: North Lamar Park Annex
Plat Book/Volume: 56 Page Number: 98 Document Number: _____
Conveyed to: Lamar Jack, Inc.
Conveyed by (type of deed): Special Warranty Deed Dated: January 10, 1999
Volume: _____ Page No.: _____ Document No.: 199902341
County/Records: Travis; Deed Real Property or Official Public (circle one)

RELATED CASES

	FILE NUMBERS
Existing Site Plan (circle one): <u>YES</u> / NO	<u>SP-00-0000</u>
Subdivision: Case (circle one): YES / <u>NO</u>	<u>CA-00-0000</u>

PROJECT NAME, if applicable:

Is this a S.M.A.R.T. Housing Project (circle one): YES / NO
Name of Development Project: The Vistas at Hollow Creek

OWNER INFORMATION

Name: Lamar Jack, Inc. (as shown on Deed)
Contact Person/Title: Jack Doe, Vice President
Address: 1234 Browning St. Phone: (512) 555-5555 Fax No.: (512) 555-5551
City: Austin County: Travis State: TX Zip Code: 78745-1245
EMAIL: ljack@sbcglobal.com
(If multiple owners own the property to be released, please provide complete names and addresses for each owner, a separate sheet may be attached.)

APPLICANT INFORMATION

Name: Joe Freebird
Firm Name: Freebird Consulting, Inc.
Address: 3456 34th Street Phone: (512) 555-5553 Fax No.: (512) 555-5554
City: Austin State: TX Zip Code: 78745
EMAIL: jfreebird@austin.rr.com

The undersigned Landowner/Applicant understands: **1)** This application will be handled in accordance with standard City policies and procedures. **2)** No action will be taken without (a) payment of the nonrefundable application fee, or (b) necessary documentation. **3)** The application and fee in no way obligate the City to release the subject area.

Signed By: _____/S/
Landowner/Applicant

EXHIBIT "A"

INSTRUCTIONS FOR SURVEYORS

EASEMENT RELEASE DESCRIPTIONS

It is the responsibility of the owner and/or applicant for the easement release to provide the surveyor with the following guidelines and requirements. Copies of the application for easement release, including these guidelines, are available on the City of Austin website: <http://www.austintexas.gov/realstate>

1. Partial Easement Releases:

- A. Metes and bounds description (see **Exhibit A-1**) of the proposed easement release area, signed (in blue ink), dated and sealed by a Texas Registered Professional Land Surveyor. Metes and bounds description should be in accordance with current City of Austin Field Note Guidelines (copy available upon request).
- B. Preamble must include (i) current ownership information, (ii) County Clerk recording information, and (iii) easement recording information (i.e., how the easement was dedicated). If the easement in question has been retained by both Ordinance and Deed (Quitclaim Deed or Deed without Warranty), then reference to recording information for both documents must be included in the preamble.
- C. A surveyor's sketch (see **Exhibit A-2**) documenting the area of the easement to be released with all improvements, including but not limited to: roof overhangs, concrete slabs, storage buildings, visible utilities, or any other improvements of a permanent nature. Sketch must be signed (in blue ink), dated and sealed by a Texas Registered Professional Land Surveyor. Sketch must include all improvements within ten feet of the proposed easement release area. Two sketches at the same scale may be provided, one sketch to include improvements and one sketch to show only the proposed easement release area.
- D. Please provide language in the granting clause specific to the type of easement to be released (e.g., electric and telephone line easement, electric transmission and/or distribution easement, drainage and public utility easement, etc.).
- E. All survey documents provided must be originals, prepared on 8½" x 11" white bond paper.
- F. **Certification:**

Witness my hand this (To the City of Austin):

I, _____(printed name)____, licensed to practice Land Surveying in the State of Texas, hereby certify that the foregoing metes and bounds legal description and sketch were based on an on the ground survey, that all visible and apparent protrusions and encroachments into the easement area are accounted for, including but not limited to building footprint, eaves and roof overhangs and all visible improvements whatsoever.

Witness my hand and seal this _____(date)_____, 20__.

[Seal and signature]

2. Entire Easement Releases:

- A. A preamble release description (see **Exhibit A-3**) may be used for requests to release the entire defined area of the easement in question. Preamble must include (i) current ownership information, (ii) County Clerk recording information, and (iii) easement recording information (i.e., how the easement was dedicated). If the easement in question has been retained by both Ordinance and Deed (Quitclaim Deed or Deed without Warranty), then reference to recording information for both documents must be included in the preamble. Preamble must be signed (in blue ink), dated and sealed by a Texas Registered Professional Land Surveyor.
- B. A surveyor's sketch (see **Exhibit A-4**) documenting (i) the location of the easement area within the parent tract; (ii) record calls; (iii) information regarding all other dedicated easements affecting the parent tract/lot, including easement recording information (i.e., how the easement was dedicated); and (iv) all improvements within or adjacent (within ten feet) to the proposed easement release area.
- C. All survey documents provided must be originals, prepared on 8½" x 11" white bond paper.

3. Trust for Public Land (TPL) Easement Releases: Please contact our office for more information.

EXHIBIT "A-1"

PARTIAL EASEMENT RELEASE EXAMPLE

FILE # 9234-1307
EXHIBIT "A"

65 SQUARE FOOT
PARTIAL RELEASE OF PUBLIC UTILITY EASEMENT

EXHIBIT "A"

BEING 65 SQUARE FEET OF LAND, OUT OF LOT 17, BLOCK B, CASTLEWOOD FOREST SECTION 9, A SUBDIVISION RECORDED IN VOLUME 67, PAGE 82, PLAT RECORDS, TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF A 7.5 FOOT PUBLIC UTILITY EASEMENT ALONG THE NORTHWESTERLY LINE OF SAID LOT 17, SAME BEING THAT CERTAIN STEVEN CRAIG MILLS AND DONNA RENEE MILLS TRACT RECORDED IN DOCUMENT NUMBER 2012139905, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, SAID 65 SQUARE FEET OF LAND TO BE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING at an iron pipe found in the easterly line of Castlewood Forest, Section 1, a subdivision recorded in Volume 42, Page 27, Plat Records, said county, at the northwest corner of Lot 16, of said Castlewood Forest Section 9, same being the southwest corner of said Lot 17, and said Public Utility Easement (herein called PUE), for the southwest corner hereof;

THENCE North 30 degrees 20 minutes 00 seconds East, along the easterly line of said Castlewood Forest Section 1, and the westerly line of said Lot 17 and said PUE, 27.10 feet to a point in said line, from which an iron rod found at the northwest corner of said Lot 17 bears, North 30 degrees 20 minutes 00 seconds East, 123.50 feet;

THENCE South 59 degrees 40 minutes 00 seconds East, through said Lot 17 and said PUE, 7.50 feet to a point in the easterly line of said PUE, for the POINT OF BEGINNING and being the most northerly corner hereof;

THENCE South 30 degrees 20 minutes 00 seconds West, continuing through said Lot 17, along the easterly line of said PUE, 23.57 feet to a point in said line, for the southeast corner hereof;

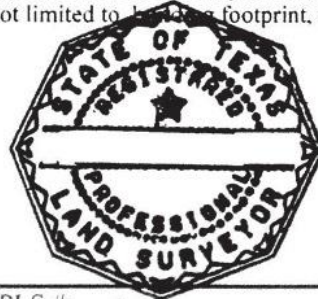
THENCE North 45 degrees 58 minutes 16 seconds West, continuing through said Lot 17, through said PUE, 5.64 feet to a point, for the southwest corner hereof;

THENCE North 44 degrees 10 minutes 39 seconds East, continuing through said Lot 17 and said PUE, 22.90 feet to the POINT OF BEGINNING.

WITNESS MY HAND THIS (PARTIAL EASEMENT RELEASE)

I, _____, licensed to practice Land Surveying in the State of Texas, hereby certify that the foregoing metes and bounds legal description and sketch were based on an on the ground survey, that all protrusions and encroachments into the easement area are accounted for including but not limited to building footprint, eaves and roof overhangs and all visible improvements whatsoever.

Witness my hand and seal this, 6th day of November, 2013.



TX. RPLS #

JOB #

- TCAD PROP ID #

- AUSTIN GRID E-15

FIELD NOTES REVIEWED

By Charles DANIEL Date 11-07-2013

PAGE 1 OF 2

Engineering Support Section
Department of Public Works
and Transportation

65 SQUARE FOOT PARTIAL RELEASE OF PUBLIC UTILITY EASEMENT

LINE TABLE

L1
N 30°20'00" E, 27.10'
L2
S 59°40'00" E, 7.50'
L3
S 30°20'00" W, 23.57'
L4
N 45°58'16" W, 5.64'
L5
N 44°10'39" E, 22.90'



11-05-2013

CASTLEWOOD FOREST
SECTION I
(VOL. 42, PG. 27)

CASTLEWOOD FOREST
SECTION I
(VOL. 42, PG. 27)

65 SQ. FT.

OUT OF
LOT 17, BLOCK B
CASTLEWOOD FOREST SECTION 9
(VOL. 67, PG. 82)
STEVEN CRAIG MILLS and
DONNA RENEE MILLS
(DOC. 2012139905)

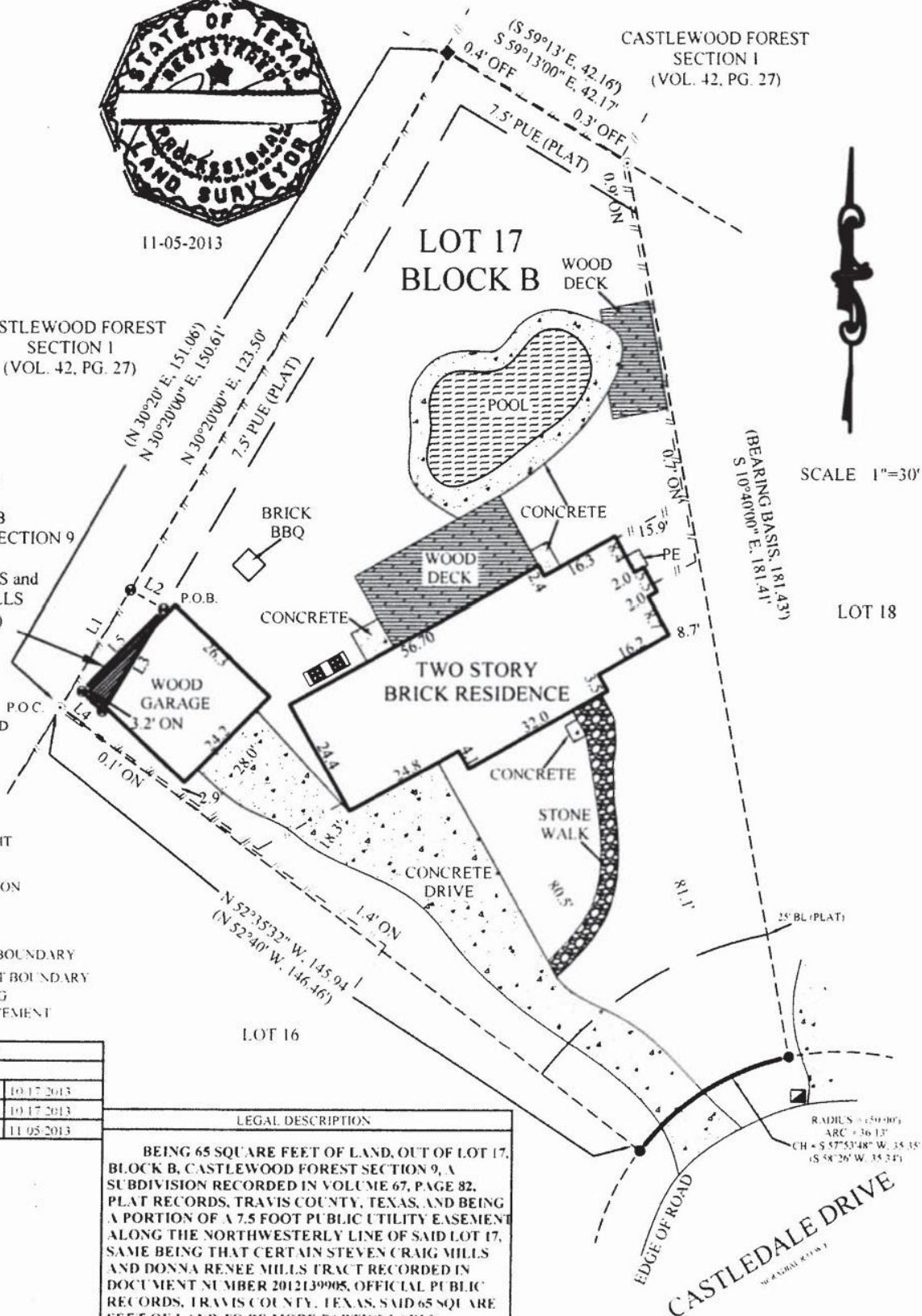
LEGEND

- 1-2" IRON PIPE FOUND
- 1-2" REBAR FOUND
- 1-2" REBAR SET
- - - WOOD FENCE
- BL BUILDING LINE
- PUE PUBLIC UTILITY ESMT
- PE POOL EQUIPMENT
- () RECORD INFORMATION
- ☐ WATER METER
- ☐ AIR CONDITIONER
- ON INSIDE OF SUBJECT BOUNDARY
- OFF OUTSIDE OF SUBJECT BOUNDARY
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT

SURVEY DATE	NOVEMBER 05, 2013
JOB NO	A0215813
CALC BY	CHRIS ZOTTER 10-17-2013
DRAWN BY	CHRIS ZOTTER 10-17-2013
RPLS CHECK	EDWARD RUMSEY 11-05-2013

LEGAL DESCRIPTION

BEING 65 SQUARE FEET OF LAND, OUT OF LOT 17, BLOCK B, CASTLEWOOD FOREST SECTION 9, A SUBDIVISION RECORDED IN VOLUME 67, PAGE 82, PLAT RECORDS, TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF A 7.5 FOOT PUBLIC UTILITY EASEMENT ALONG THE NORTHWESTERLY LINE OF SAID LOT 17, SAME BEING THAT CERTAIN STEVEN CRAIG MILLS AND DONNA RENEE MILLS TRACT RECORDED IN DOCUMENT NUMBER 2012139905, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, SAID 65 SQUARE FEET OF LAND TO BE MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN EXHIBIT "A", ATTACHED HERE TO AND MADE A PART HEREOF.



ENTIRE EASEMENT RELEASE EXAMPLE

25' Electric Easement
to be released from Lot 14, Block A
The Summit at West Rim on Mount Larson Block A

Job No.

FN1068(ktm)
Page 1 of 2

LEGAL DESCRIPTION

BEING ALL OF THAT 25 FOOT WIDE ELECTRIC EASEMENT ALONG THE REAR OF LOT 14, BLOCK A, AS SHOWN ON THE SUMMIT AT WEST RIM ON MOUNT LARSON BLOCK A, A SUBDIVISION OF A PORTION OF THE WILKENS SPARKS SURVEY NO. 4, ABSTRACT NO. 21 AND OTHERS, IN TRAVIS COUNTY, TEXAS ACCORDING TO THE PLAT OF RECORD IN DOCUMENT NO. 199900144, OFFICIAL PUBLIC (PLAT) RECORDS OF TRAVIS COUNTY, TEXAS, SAID LOT 14, BLOCK A, BEING CONVEYED IN A SPECIAL WARRANTY DEED WITH VENDOR'S LIEN FROM PENTA DEVELOPMENT, LTD TO WILDE CUSTOM HOMES, INC. IN DOCUMENT NO. 2000179902, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 25 FOOT WIDE ELECTRIC EASEMENT IS TO BE RELEASED FROM SAID LOT 14, BLOCK A, AS SHOWN ON THE ACCOMPANYING SKETCH.

WORD FILE: FN1068 (ktm)

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

KNOW ALL MEN BY THESE PRESENTS

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas on this 20th day of July 2010, A.D.



Registered Professional Land Surveyor
No. - State of Texas
 Partners, Inc.
 Ste. 100
Austin, TX

References:

Austin Grid G-26
TCAD: Ref ID2 01-21110236

Reviewed: 08-02-10
[Signature]

EXHIBIT "A-4"

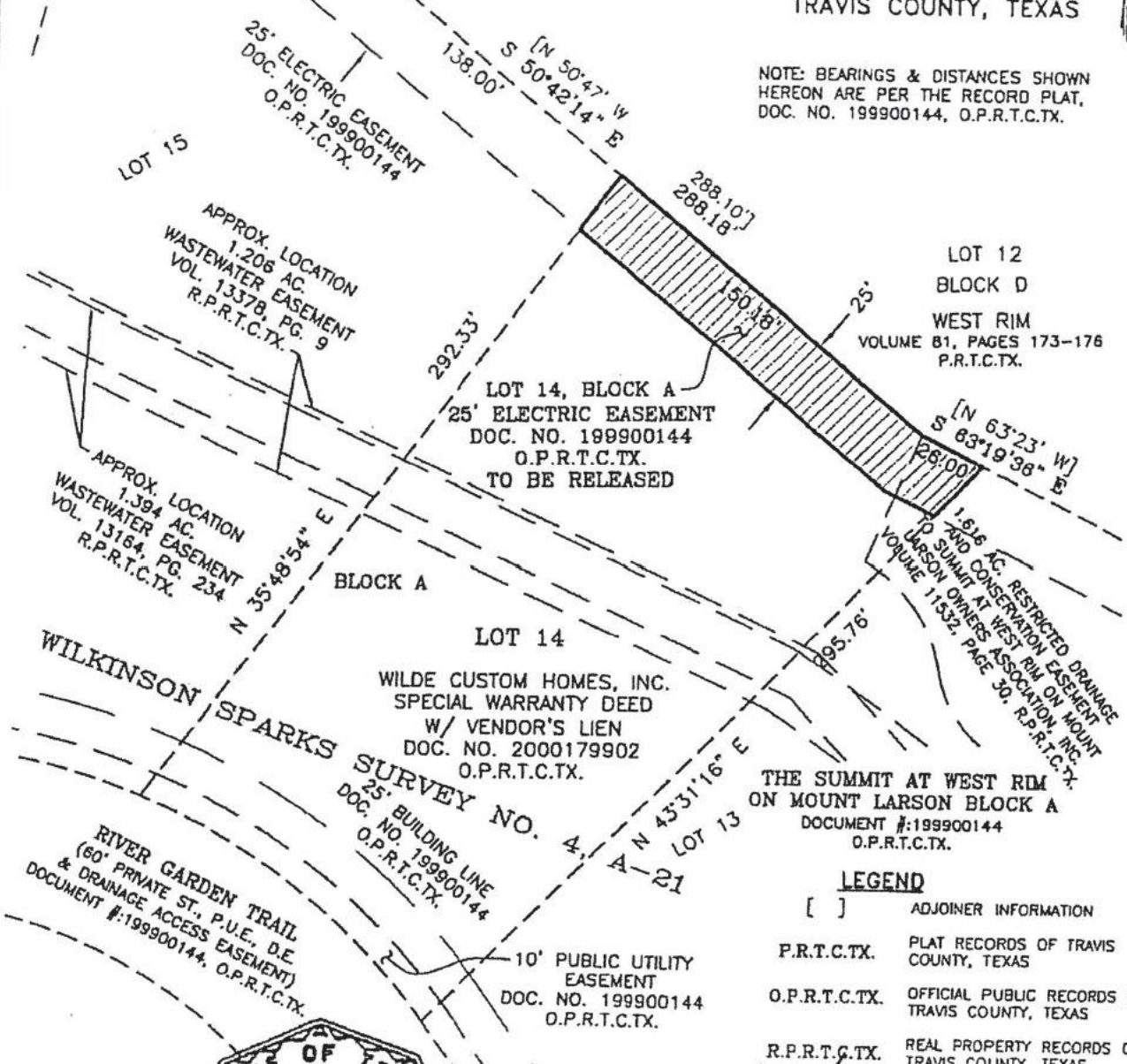
0 60



SCALE: 1"=60'

FEBRUARY & JULY 2010
TRAVIS COUNTY, TEXAS

NOTE: BEARINGS & DISTANCES SHOWN
HEREON ARE PER THE RECORD PLAT,
DOC. NO. 199900144, O.P.R.T.C.TX.



LEGEND

[]	ADJOINER INFORMATION
P.R.T.C.TX.	PLAT RECORDS OF TRAVIS COUNTY, TEXAS
O.P.R.T.C.TX.	OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS
R.P.R.T.C.TX.	REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS



REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 100,000 - STATE OF TEXAS
S PARTNERS, INC.
AUSTIN, TEXAS

7/20/2010
DATE

SHEET 2 OF 2

EXHIBIT TO ACCOMPANY
LEGAL DESCRIPTION FN1068

EXHIBIT "B"

EASEMENT DEDICATION INFORMATION

If an easement is to be dedicated in conjunction with the easement release, please submit the following:

- _____ A Lien Search Certificate **not more than 2 weeks old** on the property being dedicated to the City. (The lien search certificate includes the current owners, the legal description of property to be dedicated, lienholder information or a statement that there are no liens, and copies of all documents shown on the lien search certificate.)
- _____ Signed & sealed field notes and sketch of the area to be dedicated, prepared by a registered surveyor.
- _____ A Corporate Resolution, Partnership Agreement or Sole Proprietor document showing who is authorized to execute the dedication. If a Corporate Resolution form is needed, please contact our office and we will provide one.

Upon the City review of the Lien Search Certificate, the following will apply:

- City will prepare the dedication document.
- City will prepare a Consent of Lienholder to be executed by any/all lienholder(s) listed on the Lien Search Certificate, if applicable.
- Grantor is responsible for and shall incur all costs associated with obtaining the Lienholder's release or consent.
- If there are no liens or tenants, City will prepare an Affidavit as to Debts, Liens, and Occupancies.
- City will notify the applicant once the documents for execution are available for pickup.
- Do not execute any documents if changes are required. The City Attorney must review and approve any changes.
- Upon receipt of the executed easement dedication and Consent of Lienholder or Affidavit, said document(s) will be forwarded to the City Department requesting the easement for their approval and acceptance of the dedication.
- The executed documents (easement dedication, Lienholder Consent or Affidavit, and easement release) must be recorded in the real property records of the Texas county where the easement area is located. Grantor is responsible for and shall incur all costs associated with recording the executed easement release and dedication.
- IF AN EASEMENT IS RECORDED WITHOUT CITY OF AUSTIN APPROVAL AND ACCEPTANCE, AN AFFIDAVIT OF NON-ACCEPTANCE WILL BE FILED BY THE CITY.

Please call our office if you have any questions regarding this information.