

## **ORDINANCE NO. 23-07-06-01**

**AN ORDINANCE OF THE CITY COUNCIL OF LAGO VISTA, TEXAS, VACATING AND ABANDONING ALL EXISTING DEDICATED PUBLIC UTILITY AND ACCESS EASEMENTS WITHIN THE EMERALD POINTE SUBDIVISION IN ORDER TO ACCOMMODATE A PENDING APPLICATION TO VACATE THE ENTIRETY OF THAT EXISTING SUBDIVISION PLAT; AND PROVIDING FOR RELATED MATTERS.**

**WHEREAS**, the City of Lago Vista, Texas is a home rule city in Travis County, Texas; and

**WHEREAS**, the City Council of the City of Lago Vista, following a recommendation for approval by the Planning and Zoning Commission, approved the plat of the Emerald Pointe subdivision on May 21, 1986; and

**WHEREAS**, the plat of the Emerald Pointe subdivision was subsequently recorded with the Travis County Clerk on May 27, 1986; and

**WHEREAS**, the Emerald Pointe subdivision includes the dedication of a ten-foot deep public utility easement on the front and side property lines adjacent to a public or private street on all residential lots within the subdivision; and

**WHEREAS**, the private streets within that recorded subdivision were designated as Lot 185 and dedicated as a public utility easement; and

**WHEREAS**, those same private streets are also dedicated for access by any government agency or public utility for the purpose of providing municipal and utility services; and

**WHEREAS**, the current owners of all the property within the Emerald Pointe subdivision have requested that the existing plat be vacated in accordance with the procedures and requirements of Section 2.21 of Chapter 10, the Lago Vista Subdivision Regulations; and

**WHEREAS**, the Lago Vista Public Works Department has confirmed their consent to vacate the existing public utility and access easements within the Emerald Pointe subdivision; and

**WHEREAS**, the current owners of all the property within the Emerald Pointe subdivision have submitted notarized letters from the other public utility providers consenting to the vacation of the existing public utility and access easements within the Emerald Point subdivision; and

**WHEREAS**, the Development Services Department has reviewed and verified those release letters executed by duly authorized representatives of Pedernales Electric Cooperative, Inc., Southwestern Bell Telephone (AT&T), and Charter Communications, Inc. (Spectrum); and

**WHEREAS**, the current owners of all the property within the Emerald Pointe subdivision have submitted an application to vacate the existing recorded plat pending the adoption of an ordinance by the Lago Vista City Council vacating and abandoning all existing dedicated public utility and access easements; and

**WHEREAS**, Section 272.001(b) of the *Texas Local Government Code* authorizes political subdivisions to convey easements not necessary to serve the abutting landowners.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, THAT:**

**SECTION 1. FINDINGS OF FACT.** The foregoing recitals are hereby found to be true and correct legislative findings of the City and are incorporated herein as findings of fact.

**SECTION 2. ENACTMENT.** The City Council of the City of Lago Vista, Texas, does hereby vacate and abandon all existing dedicated public utility and access easements within the boundaries of the existing Emerald Point subdivision as more particularly described in the attached Exhibit “A.”

**SECTION 3. SEVERABILITY.** Should any section or part of this Ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegal, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

**SECTION 4. EFFECTIVE DATE.** This Ordinance shall be in force and effect from and after its passage on the date shown below in accordance with the provisions of the *Texas Local Government Code* and the City's Charter.

**SECTION 5. OPEN MEETINGS.** It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public, and public notice of the time, place, and purpose of said meeting was given, all as required by the Open Meetings Act, *Chapter 551, Texas Local Government Code.*

**AND, IT IS SO ORDERED.**

**PASSED AND APPROVED** this 6th day of July 2023.

Ed Tidwell

Ed Tidwell, Mayor

ATTEST:

Lucy Aldrich  
Lucy Aldrich, City Secretary



On a motion by Councilor Durbin, seconded by Councilor Robert S, the above and foregoing ordinance was passed and approved.

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**BEING** approximately 64.064 acres of land out of and a part of the H & O.B. Railroad Company Survey No. 96 situated in Travis County, Texas, said 64.064-acre tract being more particularly described as being a portion of that certain tract of land conveyed to J. Wiley McIlwain, Trustee in Volume 8623, Page 413 of the Deed Records of Travis County, Texas, said 64.064-acre tract being more fully described by metes and bounds as follows:

**BEGINNING** at a 1-inch iron pipe found at the northwest corner of the intersection of Patriot Drive and Azure Avenue for the southeast corner of the tract herein described;

**THENCE**, with the south line of this survey, along the north line of said Azure Avenue N83°45'32"W, 908.46 feet to an iron pipe found at the beginning or a curve to the left whose radius is 75.89 feet, a sub-chord bears S72°23'49"W, 61.36 feet to a steel pin set for the northeast corner of Lot 1, Block P, Emerald Bend Section One, a subdivision of record in Plat Book 36, Page 2 of the Plat Records of Travis County, Texas;

**THENCE**, leaving said Azure Avenue and with the north line of said Lot 1, N83°47'17"W, at 226.67 feet past a steel pin found, continue for an approximate total distance of 777.99 feet to the west bank of the Colorado River for the northwest corner of the tract herein described, this point being under the waters of Lake Travis;

**THENCE**, along the Bank of the Colorado River, this line being under the waters of Lake Travis, the following four (4) courses:

- 1) N06°23'E, 262.34 feet;
- 2) N13°08'E, 761.00 feet;
- 3) N22°16'E, 828.70 feet; and
- 4) N30°23'E, 199.06 feet to a point at the southwest corner of that certain tract of land conveyed to B. Withers by deed of record in Volume 5599, Page 1736 of the Deed Records of Travis County, Texas, for the northwest corner of the tract herein described;

**THENCE**, leaving said river and with the south line of said Wither's tract S71°27'23"E, at approximately 540.03 feet past a 1/4-inch iron pipe found, continue for an approximate total distance of 758.17 feet to an iron pipe found in the curving west line of Lot 24013, Highland Lake Estates, Section 24, a subdivision of record in Plat Book 79, Page 179 of the Plat Records of Travis County, Texas, for the northeast corner of the tract herein described;

**THENCE**, with the west or southwest line of said Highland Lake Estates, Section 24, along a curve to the left whose radius is 135.44 feet, a sub-chord bears S12°56'05"E, 76.78 feet to a steel pin found at the end of said curve;

**THENCE**, continue with the southwest line of said Highland Lake Estates, Section 24, S12°56'05"E, 76.78 feet to a steel pin found for the beginning of a curve to the left whose radius is 185.97 feet, and whose long chord bears S29°59'28"E, 109.10 feet to a steel pin found at the end of said curve;

**THENCE**, continue with the southwest line of said Highland Lake Estates, Section 24, S47°02'51"E, 295.94 feet to a steel pin found at the beginning of a curve to the right whose radius is 417.95 feet, and whose long chord bears S34°24'01"E, 183.02 feet to a steel pin found at the end of said curve;

#### **LEGAL DESCRIPTION (CONTINUED)**

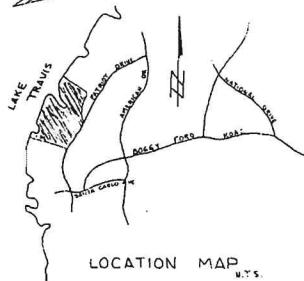
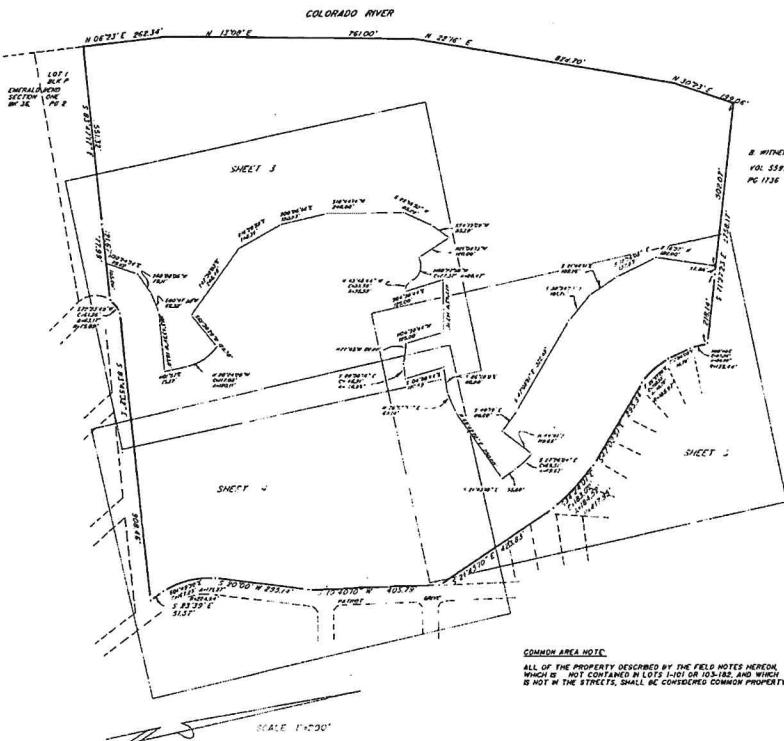
**THENCE**, continue with the southwest line of said Highland Lake Estates, Section 24, S21°45'10"E, 423.83 feet to a steel pin found at the south corner of Lot 24001, in the west line of the aforementioned Patriot Drive;

**THENCE**, with the west line of the said Patriot Drive the following two (2) courses:

- 1) S10°40'10"W, 409.79 feet to a steel pin found; and
- 2) S20°00'00"E, 295.14 feet to a steel pin found at the beginning of a curve to the left;

**THENCE**, along the curve to the left whose radius is 224.94, and whose long chord bears S01°49'30"E, 51.57 feet to the place of **BEGINNING** containing 64.064 acres of land, more or less.





## EMERALD POINTE

LOCATION MAP U.T.S.

ROBERT MORRISS, INC. CONSULTING ENGINEERS  
P.O. BOX 1605 CEDAR PARK, TEXAS 78613 (512) 230-3314

Project #84-06-06

Field Notes describing approximately 64.064 acres of land out of and a part of the B. & O.B. Railroad Company Survey No. 35, situated in Travis County, Texas, and B. & O.B. Railroad Company Survey No. 36, situated in Travis County, Texas, that certain tract of land conveyed to J. Wiley McElwain, Trustee in Volume 8623, Page 413 of the Deed Records of Travis County, Texas, said 64.064 Acre tract being more fully described by notes and bounds as follows:

BEGINNING at a 1" Iron pipe found at the northwest corner of the intersection of Patriot Drive and Azure Avenue for the southeast corner of the tract herein described;

THENCE, with the south line of this survey, along the north line of said Azure Avenue N 83°45'32" W, 908.46 feet to an Iron pipe found at the beginning of a curve to the left whose radius is 75.89 feet, a sub-chord bears S 72°23'49" W, 6.00 feet to a steel pin set for the northeast corner of Lot 1, Block P, Emerald Bend Section One, a subdivision of record in Plat Book 36, Page 2 of the Plat Records of Travis County, Texas;

THENCE, leaving said Azure Avenue and with the north line of said Lot 1, N 83°47'11" W, at 226.67 feet pass a steel pin found, continue for an approximate total distance of 777.99 feet to the west bank of the Colorado River for the northwest corner of the tract herein described, this point being under the waters of Lake Travis;

THENCE, along the Bank of the Colorado River, this line being under the waters of Lake Travis, the following four (4) courses:

1. N 06°23' E, 262.34 feet;
2. N 13°09' E, 761.00 feet;
3. N 22°16' E, 828.70 feet;
4. N 31°21' E, 139.70 feet to a point at the southwest corner of that certain tract of land conveyed to B. Wither by deed of record in Volume 5595, Page 1736 of the Deed Records of Travis County, Texas, for the northwest corner of the tract herein described;

THENCE, leaving said river and with the south line of said Wither's tract S 73°27'23" E, at approximately 540.03 feet pass a 1/4" iron pipe found, continue for an approximate total distance of 758.37 feet to an Iron pipe found in the curving west line of lot 2401, Highland Lakes Estates, Section 24, a subdivision of record in Plat Book 37A, Page 574 of the Plat Records of Travis County, Texas, for the northeast corner of the tract herein described;

THENCE, continuing with the west or southwest line of said Highland Lakes Estates, Section 24, along a curve to the left whose radius is 125.44 feet, a sub-chord bears S 00°40' E, 57.56 feet to a steel pin found at the end of said curve;

THENCE, continue with the southwest line of said Highland Lakes Estates Village Section 24, S 12°56'05" E, 76.76 feet to a steel pin set for the beginning of a curve to the left whose radius is 185.97 feet, and whose long chord bears S 29°59'28" E, 109.41 feet to a steel pin found at the end of said curve;

THENCE, continue with the southwest line of said Highland Lakes Estates Section 24, S 47°02'51" E, 295.94 feet to a steel pin found at the beginning of a curve to the right whose radius is 417.95 feet, and whose long chord bears S 34°24'01" E, 183.01 feet to a steel pin set for the end of said curve;

THENCE, with the west line the said Patriot Drive the following two (2) courses:

1. S 10°40'10" W, 405.79 feet to a steel pin found;
2. S 20°40'00" E, 295.14 feet to a steel pin found at the beginning of a curve to the left;

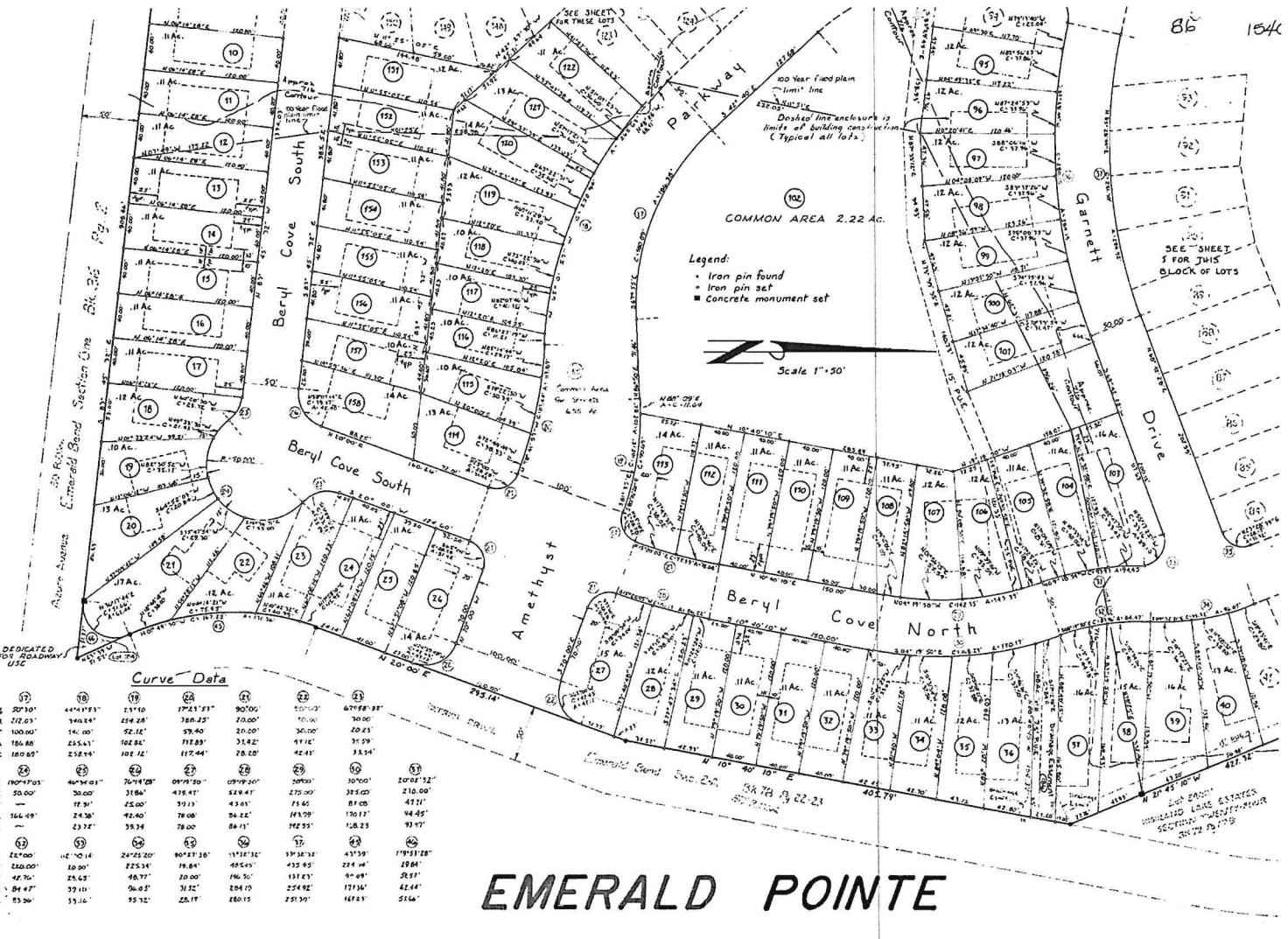
THENCE, along the curve to the left whose radius is 224.94 feet, and whose long chord bears S 01°49'30" E, 167.25 feet to a nail found in the root of a tree for the end of said curve;

THENCE, continue with the east line of this survey, along the west line of said Patriot Drive, S 23°39' E, 51.57 feet to the place of BEGINNING containing 64.064 acres of land, more or less.

I hereby certify that the foregoing notes represent the results of a survey made on the ground under my supervision according to law, they are true and correct to the best of my ability, this the 15th day of February, 1985.

P.H. Patterson, RPS #257

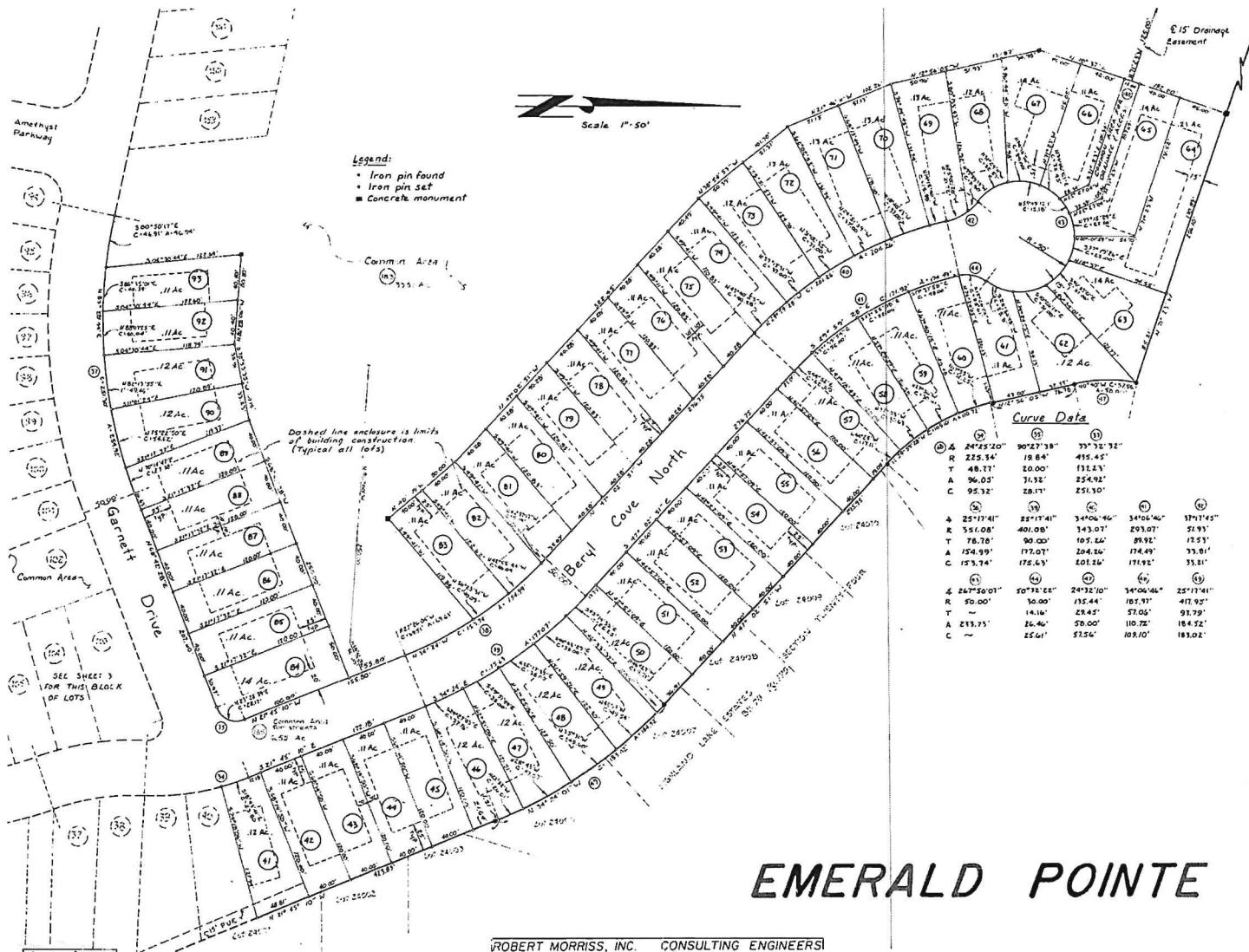




# EMERALD POINTE

**ROBERT MORRISS, INC. - CONSULTING ENGINEERS**  
P.O. BOX 1688 CEDAR PARK TEXAS 78613 (512) 250-1316

PROJECT: 8A-06-0



## RELEASE OF EASEMENT

STATE OF TEXAS

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§  
§

COUNTY OF TRAVIS

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, JWM Development Company, Inc., as previous owner of all lots in Emerald Pointe, a subdivision in Travis County, Texas according to the map or plat thereof, heretofore granted certain easements to Pedernales Electric Cooperative, Inc., a corporation for public utility purposes covering property situated within Emerald Pointe Subdivision, said easement being recorded in Volume 86, Page 153D of the Plat Records of Travis County, Texas, and;

WHEREAS, said dedicated easements referred to herein above include and are comprised in part by strips of land ten feet (10') in width along the fronts and sides adjacent to all streets of all lots within Emerald Pointe Subdivision, in Travis County, Texas; and,

WHEREAS, Emerald Habitat, LLC and Robert J. Wilson, Trustee, as current owners of all lots in Emerald Pointe Subdivision, desire that the said ten foot (10') public utility easements along the fronts and sides adjacent to all streets in Emerald Pointe 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 an adequate easement to said property;

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 (10') public utility easements along the fronts and sides adjacent to all streets in Emerald Pointe Subdivision, in Travis County, Texas, and referred to hereinabove.

EXECUTED: May 10, 2023

PEDERNALES ELECTRIC COOPERATIVE, INC.

BY: DiAnn Hamilton  
DiAnn Hamilton  
Electrical Distribution Planning & Design Mgr.

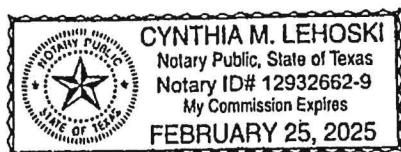
THE STATE OF TEXAS

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§  
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COUNTY OF WILLIAMSON

BEFORE ME, the undersigned authority, on this day personally appeared DiAnn Hamilton, Electrical Distribution Planning and Design 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 May 10, 2023



Cynthia M. Lehoski  
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 *Delaware corporation*, GRANTOR, AND, **EMERALD HABITAT LLC**, GRANTEE 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:

**ALL OF THE LOTS SHOWN ON THE PLAT OF EMERALD POINT, A SUBDIVISION RECORDED IN VOLUME 86, PAGE 153D, IN THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS**

Said land of GRANTEE being subject to:

The said easements to be released

*All lots as 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 25<sup>th</sup> day of May 2023

SOUTHWESTERN BELL TELEPHONE COMPANY

Pamela Johnson

Name: Pamela Johnson

Title: OSP PLNG & ENRG DESIGN

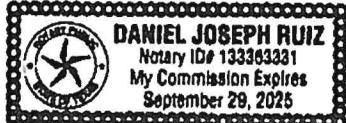
THE STATE OF TX  
COUNTY OF Travis

BEFORE ME, the undersigned authority, on this day personally appeared Pamela Johnson, 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 25 day of May, 2023.

Daniel Joseph Ruiz

Notary Public in and for the State of TX  
My Commission Expires 09/29/25





810 W. Howard Lane Suite 100  
512.682.8510 (Robert Saucedo)

Austin, TX 78753  
Robert.Saucedo@charter.com

### EASEMENT RELEASE STATEMENT FOR VACATION OF PROPERTY

A request for release of the P.U.E. easement(s) has been made on the property legally described as:

Subdivision or Section: **Emerald Pointe**

Lot and Block Numbers: **All lots on Emerald Pointe,**

Street Address: **Emerald Pointe Subdivision, said easement being  
Recorded in Volume 86, Page 153D of the Plat Recordsof Travis County**

Property Owner: **Robert J. Wilson**

### STATEMENT

Charter Communications **does not** have a need for an easement on the property as described in the accompanying document.

Charter Communications **does** have a need for an easement on the property as described in the accompanying document.

Charter Communications Inc

Supervisor

Title

Robert Saucedo

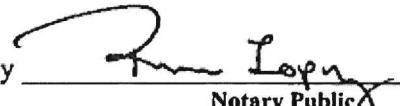
Print Name



Signature

State of Texas County of Travis

This instrument was acknowledged before me on May 23, 2023

By   
Notary Public

