



Easement Release and Encroachment Agreement

Copies of this and other Development Packet Chapters are available online at:
<https://www.roundrocktexas.gov/departments/planning-and-development-services/land-development-permits/>

Contents:

- Easement Release/Encroachment Agreement Process
- Required Submittals
- Project Information Sheet
- Staff Contacts
- Utility Service Provider Contacts
- Easement Release/Encroachment Agreement Letter
- Sample Survey
- Charter Communications release form
- AT&T release form

**Planning and Development Services Department
City of Round Rock, Texas**

Updated June 2022

Easement Releases and Encroachment Agreements

This section of the Development Packet consists of information and required forms for requesting the release of or the encroachment of an easement. The Zoning & Development Code, [Ch. 10, Sec. 10-33](#) of the Round Rock Subdivision Ordinance allows a landowner to request the vacation of an easement established by a plat or a separate easement.

The purpose of an easement release or abandonment of an easement is to nullify and void all or a portion of a public easement, including but not limited to a public utility easement, drainage easement, conservation easement, public access easement, or combination public easement. This also includes right-of-way dedications, and includes easements established by a previously recorded plat or by separate instrument document. A release of easement may be initiated by the respective lot owner, owners or by the City.

An encroachment agreement does not nullify or void all or a portion of a public easement, including but not limited to a public utility easement, drainage easement, conservation easement, public access easement, or combination public easement. All utilities providers must agree to allow the encroachment for this document to be executed. Easements between two or more private parties cannot be released by the City.

Easement Release/Encroachment Agreement Process

Release or encroachment of an easement is a power granted to the City Manager and does not require consideration or approval by the Planning and Zoning Commission. Consequently, an application for the release or encroachment of an easement may be submitted at any time.

The Applicant must secure approval of the easement release or encroachment request from all appropriate entities and/or utility service providers prior to submitting the application. Staff will obtain the signatures of the Utility and Environmental Services Director and the Planning and Development Services Director.

Depending on the scope or complexity of the area of the released or encroachment, either the City of Round Rock or private utility providers may require field notes and a survey sketch prepared by a Registered Licensed Professional Surveyor.

After all the required materials have been submitted to Planning and Development Services (PDS) for review, and PDS has issued its final approval, the application is forwarded to the City's Attorney's Office to draft the easement release document or an encroachment agreement. That release document is then executed by the City Manager and recorded in the Official Public Records. A copy of the recorded release document will be sent to the applicant within two weeks after recordation.

The easement is considered released only after the easement release document has been signed by the City Manager and recorded in the Official Public Records of Williamson or Travis County. PDS staff will notify the Applicant and various city departments of the easement release. To the extent appropriate, PDS staff will work with other departments if the easement release is tied to a pending development permit.

*** * * IMPORTANT: The easement release process may take 30 calendar days from the date of submittal to the recordation of the release document. * * ***

Required Submittals

- Applications may be submitted in person by the applicant or applicant's agent, or sent via postal mail.
- Incomplete applications will not be forwarded for action.

The Applicant shall submit an application that contains all of the following:

- _____ 1. Completed Project Information Sheet.
- _____ 2. Signed Landowner's Letter - 1 copy of a signed letter from the owner(s) of the property encumbered by the easement. Original signature is required.
- _____ 3. A copy of the owner's deed to verify proof of ownership (unofficial copy is acceptable);
- _____ 4. A copy of the recorded Plat showing the area to be released and relevant plat notes, if any (unofficial copy is acceptable) OR official copy of the separate easement document that dedicated the easement;
- _____ 5. For a full release:
 - A description of the easement to be released, including the lot description and orientation to the nearest lot line;
 - A sketch of the lot, and the easement to be released. Show the entire lot on the sketch.
- _____ 6. For a partial release:
 - A survey sketch and metes and bounds description of the portion of the easement to be released, including the lot description and orientation to the nearest lot line. Show the entire lot on the survey sketch;
 - One CD containing PDF files of the field notes and the survey sketch.
- _____ 7. Signed release form(s) from each public or private utility service providers, as applicable. **Original signatures are required.**
 - ATMOS Energy-Round Rock District
 - Oncor Electric Delivery-Round Rock District
 - Pedernales Electric Cooperative
 - Charter Communications (formerly Time Warner Cable) requires a unique release form (see attached).
 - AT&T Texas requires a unique release form (see attached).
- _____ 8. Payment of fees. In accordance with the fee schedule adopted by City Council. Checks shall be made payable to the City of Round Rock.

Application Fee:	\$250
Legal Fee:	<u>\$50</u>
TOTAL	\$300



Easement Release

Project Information Sheet

Planning & Development Services Department (PDS) 512-218-5428

Subdivision Name: _____

Original Easement Record Information Cabinet/Slide or Document #: _____

Property & Legal Description

Tax Appraisal Dist. ID# (s): _____

Subdivision: _____

Phase: _____ Section: _____ Block: _____ Lot: _____

- OR -

Survey Name & Abstract #: _____

To be released: Square feet: _____ Acres: _____

Owner Information

Name: _____ Title: _____

Firm name (if applicable); _____

Firm address: _____

Ph: _____ Email: _____

Applicant/Agent Contact Information

Name: _____ Title: _____

Firm name (if applicable); _____

Firm address: _____

Ph: _____ Email: _____

Staff use Only: Application No: _____ Date: _____

City of Round Rock Development Contacts

Planning and Development Services Department (PDS)

301 W. Bagdad, Suite 210, Round Rock, TX 78664	512-218-5428	Fax: 512-218-3286
Easement Dedications/Vacations and Fiscal Posting		
Roxanne Flores, Senior Engineering Technician	512-218-6658	rflores@roundrocktexas.gov
Encroachment Agreements		
Veronica Chandler, Planner	512-341-3320	vchandler@roundrocktexas.gov
Floodplain and Drainage Requirements		
Jeff Brooks, Staff Engineer	512-341-3363	jbrooks@roundrocktexas.gov
Forestry and Landscaping		
Lindsay Darden, Senior Planner	512-218-5429	ldarden@roundrocktexas.gov
Historic Preservation		
Joelle Jordan, Principal Planner	512-218-5422	jjordan@roundrocktexas.gov
Platting Application Requirements, Review and Approval Process, and Plat Recordation		
Matt Johnson, Senior Planner	512-341-3327	mjohnson@roundrocktexas.gov
Cecilia Chapa, Development Technician	512-671-2727	cchapa@roundrocktexas.gov
Presubmittal Meetings	512-218-5428	pdsintake@roundrocktexas.gov
Savina McCarter, Development Technician Jasmine Macias, Development Technician		
Project Closeout		
Hazel Sherrod, Development Technician	512-341-3161	hsherrod@roundrocktexas.gov
Signs		
Veronica Chandler, Planner	512-341-3320	vchandler@roundrocktexas.gov
Utilities and Subdivision Improvements		
Jeff Brooks, Staff Engineer	512-341-3363	jbrooks@roundrocktexas.gov
Zoning and PUD Applications, Annexation		
Clyde von Rosenberg, Senior Planner	512-341-3174	cvonrosenberg@roundrocktexas.gov
<u>Fire Department</u>		
203 Commerce Blvd, Round Rock, TX 78664	512-218-5590	Fax: 512-218-5594
Fire Code		
Dennis Kincheloe, Battalion Chief/Fire Marshal	512-218-6632	dkincheloe@roundrocktexas.gov
<u>Parks and Recreation Department (PARD)</u>		
301 W. Bagdad, Suite 250, Round Rock, TX 78664	512-218-5540	Fax: 512-218-5548
Parkland Dedication and Trails		
Katie Baker, Park Development Mgr.	512-341-3355	kbaker@roundrocktexas.gov
<u>Transportation Department</u>		
3400 Sunrise Road, Round Rock, TX 78664	512-218-7044	Fax: 512-218-3242
Transportation Requirements		
Ed Polasek, Transportation Senior Planner	512-341-3167	epolasek@roundrocktexas.gov

Landowner's Letter

Date: _____

To: Brad Wiseman
Planning & Development Services Director
City of Round Rock, Texas

Re: Easement release/Encroachment Agreement for property located at:

Dear Mr. Wiseman:

The purpose of this request is to release the referenced easement, or portion thereof, as described in Exhibit A, attached to this letter. The reason for this request is: _____

After a thorough examination, the respective suppliers of utility service have no objection to this proposal and have indicated their agreement by signing below. Thank you for considering this request.

Sincerely,

Landowner *date*

I have reviewed the above proposal for utility service purposes, and I have no objections.

Name date
Oncor-Round Rock District

Name date
AT&T (formerly SBC)

Name date
ATMOS Energy-Round Rock District

Name date
Pedernales Electric Cooperative

Utility Service Provider Contacts

NOTE: Contact information is provided as a courtesy only and is subject to change.

AT&T Texas/SW Bell

Applicants should email requests to: g03803@att.com

For questions, applicants should contact:

Lucy M. Cabading LR2878@att.com 254-757-7818
925 Washington Ave, Room 202, Waco, TX 76701

Anita Frank AF2416@att.com 254-773-8527
117 North 1st St, Temple, TX 76501

Oncor Electric Delivery, Round Rock District

350 Texas Ave., Round Rock, TX 78664 fax: 512-244-5689

Justin Jacks Justin.Jacks@Oncor.com 512-244-5616

ATMOS Energy, Round Rock District

3110 North IH 35, Round Rock TX 78681 fax: 512-310-3819

Martin Perez Martin.Perez@atmosenergy.com 512-415-8426

Charter Communications (formerly Time Warner Cable)

750 Canyon Drive, Suite 500, Coppell, TX 75019

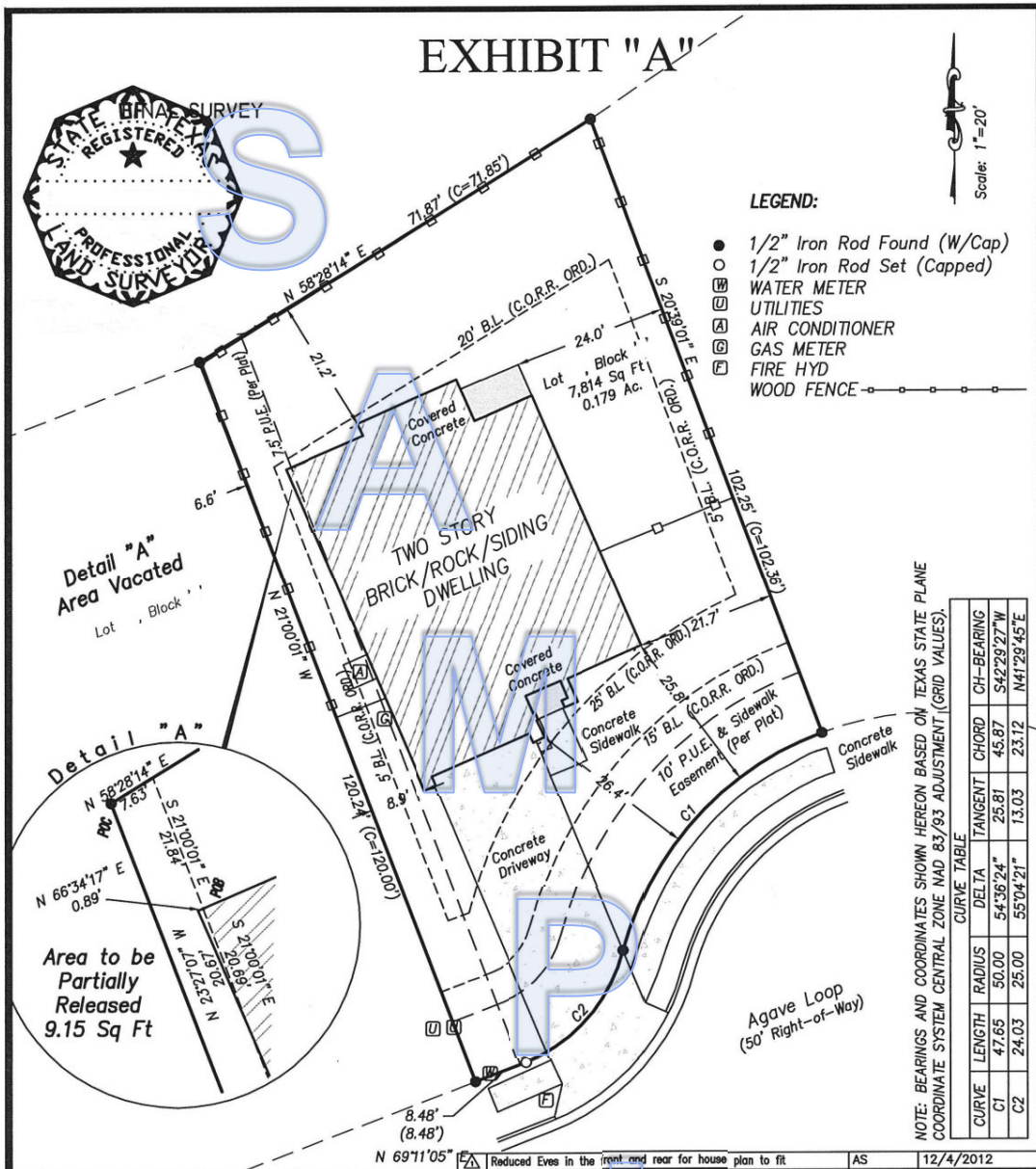
Julio Franco Julio.Franco@charter.com
Fred McElmurry Fred.McElmurry@charter.com

Pedernales Electric Cooperative

PO Box 2620, Cedar Park TX 78630 fax: 512-257-2643

Diann Hamilton Diann.hamilton@PECI.com 800-868-4791 ext7422

Sample Survey



THIS IS TO CERTIFY THAT, ON THIS DATE, A TRUE AND ACCURATE SURVEY WAS MADE ON THE GROUND UNDER MY SUPERVISION OF PROPERTY LOCATED AT NO. _____ AGAVE LOOP IN WILLIAMSON COUNTY, TEXAS, DESCRIBED AS FOLLOWS: LOT _____, BLOCK _____, BEHRENS RANCH PHASE _____, SECTION _____, A SUBDIVISION IN WILLIAMSON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT RECORDED IN CABINET FF, SLIDES 26-27 OF THE PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS.

9.15 Sq Ft

THESE NOTES DESCRIBE A PORTION OF LAND IN BEHRENS RANCH PHASE _____, SECTION _____, LOT _____, BLOCK _____, SITUATED IN WILLIAMSON COUNTY, AS RECORDED IN CABINET FF, SLIDES 26-27 OF THE PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS (PRWC); SUBJECT BEING SURVEYED ON THE GROUND UNDER THE DIRECT SUPERVISION OF _____, REGISTERED PROFESSIONAL LAND SURVEYOR No. _____ ON June _____, 2013, AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING at the Northwest corner of Lot _____, Block _____, same being the Northeast corner of Lot _____, Block _____, THENCE North 58°28'14" East, 7.63 feet, and South 21°00'01" East, 21.84 feet to the POINT OF BEGINNING;

THENCE South 21°00'01" East, for a distance of 20.69 feet to a point;

THENCE North 23°27'07" West, for a distance of 20.67 feet to a point;

THENCE North 66°34'17" East, for a distance of 0.89 feet to the POINT OF BEGINNING containing according to the dimensions herein stated and area of 9.15 Sq Ft of Land.



Troy Smith
Troy.Smith1@Charter.com
(512)748-1425

810 W. Howard Ln, Ste #100, Austin TX 78753

Jerry Doyle
Jerry.Doyle@Charter.com
(512)485-6016

APPLICATION FOR VACATION OF EASEMENT

Please Print. Application is hereby made for the release of the following easement(s) as described below.

The easement is on property legally described as:

Subdivision: _____ Section: _____ Block: _____

Lot Numbers: _____

Address: _____
Number & Street City State Zip

As recorded in Volume _____, Page _____, of the Plat Records of _____ County, Texas

Provide common description of the easement requested for release, indicating the amount of the easement to be released.
Example: Five foot P.U.E. & D.E. on either side of the common lot line between lots X and X. Please provide a survey or plat of the area with the easement to be released highlighted.

Reason for requesting release (Example: Single Family Residence, Accessory Building, etc):

Please note: If multiple owners are making this request, complete name, address, phone must be provided for each/all.

Property Owner's name(s): _____

Mailing Address: _____
Number & Street City State Zip

Phone: _____
Day Time Cell Fax

I authorize the following person/company to act in my behalf as my designated agent:

Name of agent/company: _____
Name of Company Name of Contact

Mailing Address: _____
Number & Street City State Zip

Phone: _____
Day Time Cell Fax

The undersigned Owner/Applicant/Agent understands that the processing of the Easement Release Application will be handled in accordance with procedure for requesting release of easements established by Charter Communications. It is further understood that acceptance of this application does not obligate Charter Communications to release the subject easement

Signature of Applicant/Agent

Date

APPLICATION FOR EASEMENT RELEASE

To be sent to AT&T Texas at
925 Washington Ave, Room 202, Waco, TX 76701
Email g003803@att.com
Lucy Cabading, FAX 254-757-7821, Anita Frank FAX 254-773-8574

Application is hereby made for the release of the following easement(s) as described below:

The easement(s) is on property legally described as:

Subdivision / Section: _____

Lot and Block No: _____

Deed book volume/page
or Document # _____

Street Address: _____

Provide common description of the easement requested for release, indicating the amount of the easement to be released (ex: X' x X'=XYZ SF). Provide a survey of the property with the easements to be released highlighted and the purpose for this release.

Property Owner's Name: _____

Mailing Address: _____

Telephone No.: _____

(Note: if multiple owners are joining in this request, the complete names, addresses and phone numbers on each must be attached.)

APPLICANT/AGENT'S NAME: _____

APPLICANT'S ADDRESS: _____

PHONE: _____ **FAX :** _____

The undersigned Land Owner understands that the processing of this Easement Release Application will be handled in accordance with the Procedure for Requesting Release of Easements established by each utility company.

Signed by _____
Land Owner

To be sent to 925 Washington Ave. Room 202, Waco, TX 76701 along with survey plat of property showing easement(s), and legal description with the volume and page or the document # from recording of the property deed in County Records.