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/

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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: $50
   - TOTAL $300
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)

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

<table>
<thead>
<tr>
<th>Name</th>
<th>date</th>
<th>Name</th>
<th>date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oncor-Round Rock District</td>
<td></td>
<td>AT&amp;T (formerly SBC)</td>
<td></td>
</tr>
<tr>
<td>ATMOS Energy-Round Rock District</td>
<td></td>
<td>Pedernales Electric Cooperative</td>
<td></td>
</tr>
</tbody>
</table>

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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
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. A GRAVE 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.

COMMENCING at the Northwest corner of Lot , Block , same being the Northeast corner of Lot , Block ,
THENCE North 58°28’14” East, 7.83 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 86°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.
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 e003803@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.