ORDINANCE NO.

AN ORDINANCE AUTHORIZING THE NEGOTIATION AND EXECUTION OF ALL DOCUMENTS AND INSTRUMENTS NECESSARY OR DESIRABLE TO ACQUIRE APPROXIMATELY 801 SQUARE FEET OF AERIAL ELECTRIC TRANSMISSION EASEMENT AT 1211 SAN BERNARD STREET FROM TODD PICCUS, TRUSTEE OF THE TODD PICCUS LIVING TRUST DATED SEPTEMBER 17, 2012, IN EXCHANGE FOR AN ENCROACHMENT AGREEMENT AUTHORIZING THE ENCROACHMENT OF UP TO 90 SQUARE FEET OF EAST 13TH STREET AND UP TO 45 SQUARE FEET OF SAN BERNARD STREET BY THE EXISTING HISTORIC STRUCTURE AND A LICENSE AGREEMENT FOR THE CANOPY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The Giese-Stark Building at 1211 San Bernard Street, designated a historic structure by the City of Austin in 2004, is a 125-year-old structure that served as a neighborhood grocery store for over 65 years, and the building's wraparound picket-style canopy represents a rare surviving example of the means of shading the entry. The revitalization of vacant, historic structures such as the Giese-Stark Building is vital to both the continued economic vibrancy of Austin and the preservation of the city's history.

PART 2. Austin Energy electric transmission infrastructure plays an important role in facilitating the city's continued growth. Acquiring an aerial electric transmission easement will preserve the required clearance between the transmission line and the historic structure, preserving the life and safety of its residents while allowing the structure to remain in its current configuration.

PART 3. Council authorizes the negotiation and execution of all documents and instruments necessary or desirable to acquire approximately 801 square feet of aerial electric transmission easement out of Lot 12-A, Resubdivision of Lots 11 and 12, Block 2 of O'Reilly's Subdivision, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Book 32, Page 15, Plat Records, Travis County, Texas, located at 1211 San Bernard Street, Austin, Texas 78702, from Todd Piccus, Trustee of the Todd Piccus Living Trust dated September 17, 2012, said aerial easement being the westernmost ten feet of the property running parallel and adjacent to the right-of-way of San Bernard Street, for all areas above the elevation of 574 feet and 7 inches above sea level.

PART 4. As consideration for the aerial electric transmission easement, the City Manager or his designee is authorized to negotiate and execute an encroachment

agreement, in a form acceptable to the City Attorney or her designee, authorizing the permanent encroachment of no more than 90 square feet of the public right-of-way of East 13th Street and no more than 45 square feet of the public right-of-way of San Bernard Street by the existing historic structure located at 1211 San Bernard Street.

PART 5. The City Manager or his designee is additionally authorized to grant the property owner a revocable license agreement, in a form acceptable to the City Attorney or her designee, authorizing the private use of portions of the rights-of-way of San Bernard Street and East 13th Street by the canopy attached to Giese-Stark Building, so that the building can continue to provide overhead pedestrian cover.

PART 6. This ordinance takes effect on _____, 2025.

PASSED AND APPROVED

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§
_____, 2025 § _____
Kirk Watson
Mayor

APPROVED: _____ **ATTEST:** _____
Deborah Thomas
City Attorney

Erika Brady
City Clerk

DRAFT