

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. ATTACHED THERETO, PROVIDED THE CITY FIRST OBTAINS AN APPRAISAL THAT CONFIRMS THE VALUE OF THE EASEMENT IS GREATER THAN THE VALUE OF THE ENCROACHMENT

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.

37 **PART 4.** As consideration for the aerial electric transmission easement, the City
38 Manager or his designee is authorized to negotiate and execute an encroachment
39 agreement, in a form acceptable to the City Attorney or her designee, authorizing the
40 permanent encroachment of no more than 90 square feet of the public right-of-way of
41 East 13th Street and no more than 45 square feet of the public right-of-way of San
42 Bernard Street by the existing historic structure located at 1211 San Bernard Street;
43 provided the City Manager first obtains an appraisal, at the property owner's cost, that
44 establishes the fair market values of the interests to be exchanged and confirms the fair
45 market value of the aerial electric transmission easement is greater than the value of the
46 encroachment.

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

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

53 **PASSED AND APPROVED**

54 _____, 2025

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Kirk Watson
Mayor

60 **APPROVED:** _____

61 Deborah Thomas
62 City Attorney

ATTEST: _____

Erika Brady
City Clerk