



City of Austin

Recommendation for Action

File #: 25-2554, **Agenda Item #:** 54.

12/11/2025

Posting Language

Approve 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 for Austin Energy 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, in exchange for an encroachment agreement 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 the property and a revocable license agreement for the canopy attached thereto, provided the fair market value of the electric easement exceeds the fair market value of the encroachment. Funding: This item has no fiscal impact.

Lead Department

Austin Financial Services.

Fiscal Note

This item has no fiscal impact.

Prior Council Action:

6/24/2004 - Council designated the Giese-Stark Building at 1211 San Bernard Street a historic structure.

For More Information:

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Additional Backup Information:

This proposed acquisition is desired to formally document the City's prescriptive aerial easement rights across a portion of the property located at 1211 San Bernard Street, being the westernmost ten feet of the property parallel and adjacent to the right-of-way of San Bernard Street (an area measuring approximately 801 square feet), for all areas above the elevation of 574 feet and 7 inches above sea level. The proposed aerial easement will run above the building and preserve the necessary clearances between the City's existing transmission line, which sits within the adjacent right-of-way, and the existing structure on the property.

The existing structure on the property, the Giese-Stark Building, appears to have been built in 1900, and it served as a general store or local grocery store until 1977. Council designated the building a historic landmark in 2004. The current owner intends to renovate the property and convert the building into a private residence. During permitting, City staff discovered the building encroaches up to 18 inches into the adjacent public right-of-way of East 13th Street for a distance of approximately 59.8 feet and up to 17 inches into the adjacent public right-of-way of San Bernard Street for a distance of approximately 29.4 feet, an unpermitted encroachment that

must be properly documented before a certificate of occupancy can be issued.

As consideration for the proposed aerial electric transmission easement, the property owner desires an encroachment agreement that authorizes the permanent encroachment of the existing historic structure no more than 18 inches into the East 13th Street right-of-way for a distance of up to 60 feet (an area measuring 90 square feet) and no more than 18 inches into the San Bernard Street right-of-way for a distance of up to 30 feet (an area measuring 45 square feet). The property owner also seeks a no-cost license agreement that authorizes the use of the adjacent rights-of-way of East 13th Street and San Bernard Street for a canopy.

State law authorizes cities to exchange land originally acquired for a street or right-of-way for other land to be used for streets, rights-of-way, easements, or other public purposes, provided 1) the fair market value of the interests exchanged are determined by an appraisal obtained by the city, and 2) Council adopts an ordinance directing the City Manager to execute the conveyance. Section 14-11-43 of the City Code also authorizes the Director of Austin Public Works to grant a no-cost license agreement for the use of City right-of-way by a historic structure, or if the license agreement authorizes overhead pedestrian cover.

The proposed ordinance authorizes the City Manager or his designee to grant the license agreement for the canopy and to execute the exchange of the encroachment agreement for the electric easement, provided the City Manager first obtains an appraisal, at the property owner's cost, that establishes the fair market values of the interests to be exchanged and confirms the fair market value of the aerial easement is greater than the value of the encroachment.