

Late Backup

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Proposed Language Establishing Conditions Upon Release of Demolition Permit:

PART 2. If the Council denies historic zoning of the Property and by such action releases the requested Demolition Permit, the applicant agrees to the following conditions:

- 1) the structure subject to the Demolition Permit must be dismantled and stored in a manner subject to the approval of the Historic Preservation Officer that allows the house to be reconstructed using the stored materials;
- 2) the dismantled structure will be donated by the applicant to the Fish family so they may store and reconstruct it;
- 3) if the Fish family is not able to receive the dismantled structure at the time it is dismantled, then the applicant will store the dismantled structure offsite, in a manner and at a location subject to the approval of the Historic Preservation Officer;
- 4) the Historic Preservation officer shall also have the right to approve the location at which the Fish family reconstructs the dismantled house; and
- 5) if the Fish family or their designee has not accepted the dismantled structure within six (6) months from the release of the Demolition Permit, then the applicant may offer it to the City or the City's designee. If neither the City nor the Fish family (or their respective designees) have accepted the dismantled structure within twelve (12) months, then the applicant shall be allowed to donate it to any person or entity who will accept it.

The conditions contained herein shall be enforceable by the City of Austin as a public restrictive covenant. These conditions shall be implemented solely by the Historic Preservation Officer of the City of Austin, operating in their administrative capacity consistent with the terms herein.

PART 3. This Ordinance takes effect on _____, 2009

PASSED AND APPROVED

Lee Leffingwell
Mayor

APPROVED:

David Allan Smith
City Attorney

ATTEST:

Shirley A Gentry
City Clerk