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October 25, 2019

Via Email: andrew.rice@austintexas.gov

Commission Members
c/o Andrew Rice
Historic Landmark Commission
One Texas Center, 505 Barton Springs Rd.
Austin, Texas 78704

Via Email: steve.sadowsky@austintexas.gov

Steve Sadowsky
Historic Preservation Officer
One Texas Center, 505 Barton Springs Rd.
Austin, Texas 78704

Re: 1705 Haskell Street – Rendon House

Dear Commissioners and Mr. Sadowsky:

As you know, I represent Rose Rubio with respect to her ownership interest in the property located at 1705 Haskell Street, Austin, Texas 78702 (the “Property”). Mrs. Rubio is opposed to any effort to initiate a historic zoning case related to the Property.

I have seen the recent news stories regarding the Property and that the Commission is considering “bending the rules” to recommend that the Property be designated as a historic landmark. The article included a quote from Mr. Sadowsky from a recent Commission meeting in which he stated:

Staff would argue that despite the modifications to the house, this house represents the person being commemorated and that the changes to the house should definitely be considered as an exception to our normal operating procedure.

Section 25-2-335 of the Land Development Code provides that the Commission “shall consider the criteria under Section 25-2-352 (Historic Designation Criteria)” when considering a recommendation for historic zoning. Section 25-2-352 is clear. It does not allow the Commission to make “exceptions” or simply ignore the criteria in the statute. Instead, the Commission is tasked with determining whether the property meets the criteria. In this case, the Property does not meet the criteria. In fact, there is no dispute that it does not, because Mr. Sadowsky already acknowledged that it does not. Accordingly, the Commission does not have the legal authority or discretion to make an exception to section 25-2-352.

Additionally, as you know, the Property is currently under contract to be sold and the sale can take place immediately once the Commission releases the buyer’s demolition permit. Therefore, my client is incurring damages each day that the Commission continues to refuse to release the permit. Moreover, if the Property were to be designated as a historic landmark (despite the clear acknowledgement that it does not meet the criteria), my client will incur significant damages because the Court appointed Receiver and will be forced to sell the Property for a lower price. If that occurs,

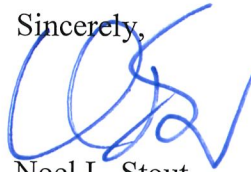
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my client will have no choice but to file a lawsuit based on inverse condemnation and the full amount of her damages from the City.

I appreciate your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to be 'NLS', written over the word 'Sincerely,'.

Noel L. Stout

NLS:xob