RESOLUTION NO. _____

0 GO LANE EASEMENT

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING AN EASEMENT AGREEMENT FOR PROPOSED ENCROACHMENTS TOTALING 165.0 SQUARE FEET, MORE OR LESS, TO CONSTRUCT ONE (1) BOAT LIFT ONTO CITY OWNED SUNRISE CANAL ABUTTING PROPERTY LOCATED WITHIN THE SINGLE-FAMILY (SF) ZONING DISTRICT, PURSUANT TO SECTION 2-938 (b) (3) OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; PROVIDING FEES AND CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: That an easement that would extend a total of 165.0 square feet, more or less, for the real property described in the attached specific purpose survey prepared by Reece & Associates dated February 15, 2022, for the proposed 165.0 square foot encroachment onto Sunrise Canal, is granted subject to the execution of the attached easement agreement, incorporating the minimum conditions described in section 2 below.

Section 2: That the following conditions shall apply to the granting of the easement:

(1) The easement shall terminate with the removal of the boat lift.

(2) The City may unilaterally terminate the easement upon a finding of public purpose by vote of the Key West City Commission.

(3) The Grantee shall pay the annual fee of $400.00 specified in code Section 2-938(b)(3).

(4) Grantee shall irrevocably appoint the City Manager as its agent to permit the removal of the encroachment if the annual fee required by the Code of Ordinances is not paid.

(5) Prior to the easement becoming effective, the Grantee shall obtain Commercial General

Liability insurance that extends coverage to the property that is governed by this easement with limits of no less than $300,000.00. Coverage must be provided by an insurer authorized to conduct business in the State of Florida and with terms and conditions consistent with the latest version of the Insurance Service Office's (ISO) latest filed Commercial General Liability form. Grantee shall furnish an original Certificate of Insurance indicating, and such policy providing coverage to, City of Key West named as "Additional Insured".

(6) The easement areas shall not be used in site size calculations such as lot, yard, and bulk calculations for site development.

(7) The City reserves the right to construct surface or sub-surface improvements within the easement areas.

(8) The areas to construct one (1) boat lift on the Sunrise Canal right-of-way shall be the total allowed within the easement area.

(9) To the fullest extent permitted by law, the Grantee expressly agrees to indemnify and hold harmless the City of Key West, their respective officers, directors, agents and employees (herein called the "indemnitees") from any and all liability for damages caused by or resulting from the Grantee's improvement in the easement area.

Section 3: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held this _____ day of _____, 2022.

Authenticated by the presiding officer and Clerk of the Commission on _____, 2022.

Filed with the Clerk _____, 2022.

Mayor Teri Johnston	_____
Vice Mayor Samuel Kaufman	_____
Commissioner Gregory Davila	_____
Commissioner Mary Lou Hoover	_____
Commissioner Clayton Lopez	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____

_____
TERI JOHNSTON, MAYOR

ATTEST:

_____
CHERYL SMITH, CITY CLERK