RESOLUTION NO.	
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A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING AND OWNER OF THE MARRIOTT ALLOWING SH5 LTD, BEACHSIDE HOTEL TO APPLY FOR AN EASEMENT AGREEMENT FOR APPROXIMATELY 1,753 SQUARE FEET, OF ACCRETED LAND ADJACENT TO THE HOTEL AND TO NORTH ROOSEVELT BOULEVARD ("DINGHY BEACH"); AUTHORIZING THE CITY MANAGER TO NECESSARY DOCUMENTS UPON CONSENT OF THE CITY ATTORNEY; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, over a period of years, tidal and storm forces built a parcel of accreted land alongside North Roosevelt Blvd. as it curves toward the northeast shore of Key West; and

WHEREAS, this property has been referred to as "Dinghy Beach"; and

WHEREAS, the owner of the hotel property adjacent to the property, SH5 LTD, dba Key West Marriott Beachside Hotel and Beachside Key West Resort Condominium ("SH5"), has provided City Commissioners and staff with correspondence and legal memoranda that assert "accreted land inures to the ownership of the upland owner" and that the hotel owns the area known as Dinghy Beach; and

WHEREAS, the Florida Department of Transportation (FDOT)

which owns the North Roosevelt Boulevard right-of-way/sidewalk also adjacent to the parcel of interest, has denied interest in the accreted land; and

WHEREAS, City staff recommends allowing SH5 to apply for an easement with the City, due to significant administrative and financial costs that would be required to make "Dinghy Beach" a functional pocket park or public beach; and

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

Section 1: That SH5 is encouraged and authorized to apply for an easement agreement with the City of approximately 1,753 square feet of accreted lands for the area known as Dinghy Beach.

Section 2: That the City Manager is authorized to execute necessary documents upon the advice and consent of the City Attorney.

the	signature	of	the	Presiding	Officer	and	the	Clerk	of	the
Comm	ission.									
	Passed and	d ad	opte	d by the Ci	lty Commi	ssion	at	a meeti	_ng	held
this	da	ay o	f		_, 2022.					
	Authentica	ated	by	the Presi	ding Off	icer	and	Clerk	of	the
Comm	ission on _			day of _		_, 20	022.			
	Filed with	n the	e Cle	erk on				_, 2022	2.	
		Мау	or Te	eri Johnsto	n			<u></u>		
	Vice Mayor Sam Kaufman									
		Comr	missi	oner Grego	ry Davila	l				
		Comr	missi	oner Mary	Lou Hoove	er _				
		Comr	missi	oner Clayt	on Lopez					
		Comr	missi	oner Billy	Wardlow					
		Comr	missi	oner Jimmy	Weekley					
					I JOHNSTO	 )N. M	AYOR			
ATTE	ST:				_ 00111010					
CHER	YL SMITH, (	CITY	CLEF	 RK						

Section 3: That this Resolution shall go into effect

immediately upon its passage and adoption and authentication by