

EXECUTIVE SUMMARY



To: Patti McLauchlin, City Manager
Through: Katie P. Halloran, Planning Director
From: Jordan Mannix-Lachner, Planner I
Meeting Date: February 7, 2023

RE: **Easement – 1103 Watson Street (RE #00033480-000000)** – A request for an easement for existing encroachment of portions of a concrete wall, and the overhang of a framed shed, consisting of approximately one hundred twenty-two (122) square-feet, more or less, at a property located at 1103 Watson Street in the Historic Medium Density Residential 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.

ACTION STATEMENT:

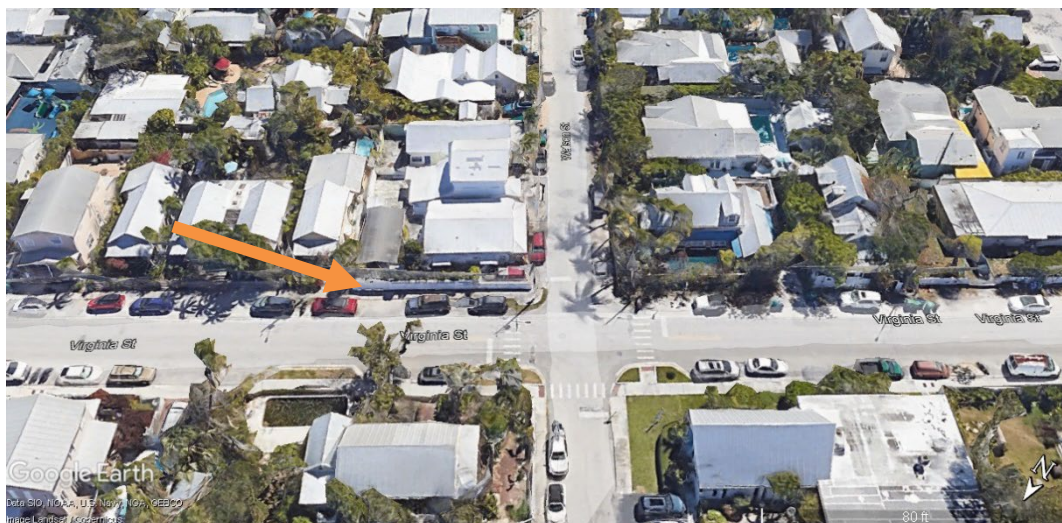
Request: To grant an easement for a one hundred twenty-two (122) square foot portion of an existing concrete wall and overhang of a shed that encroaches on the Virginia Street right-of-way.

Applicant: Carlos Rojas

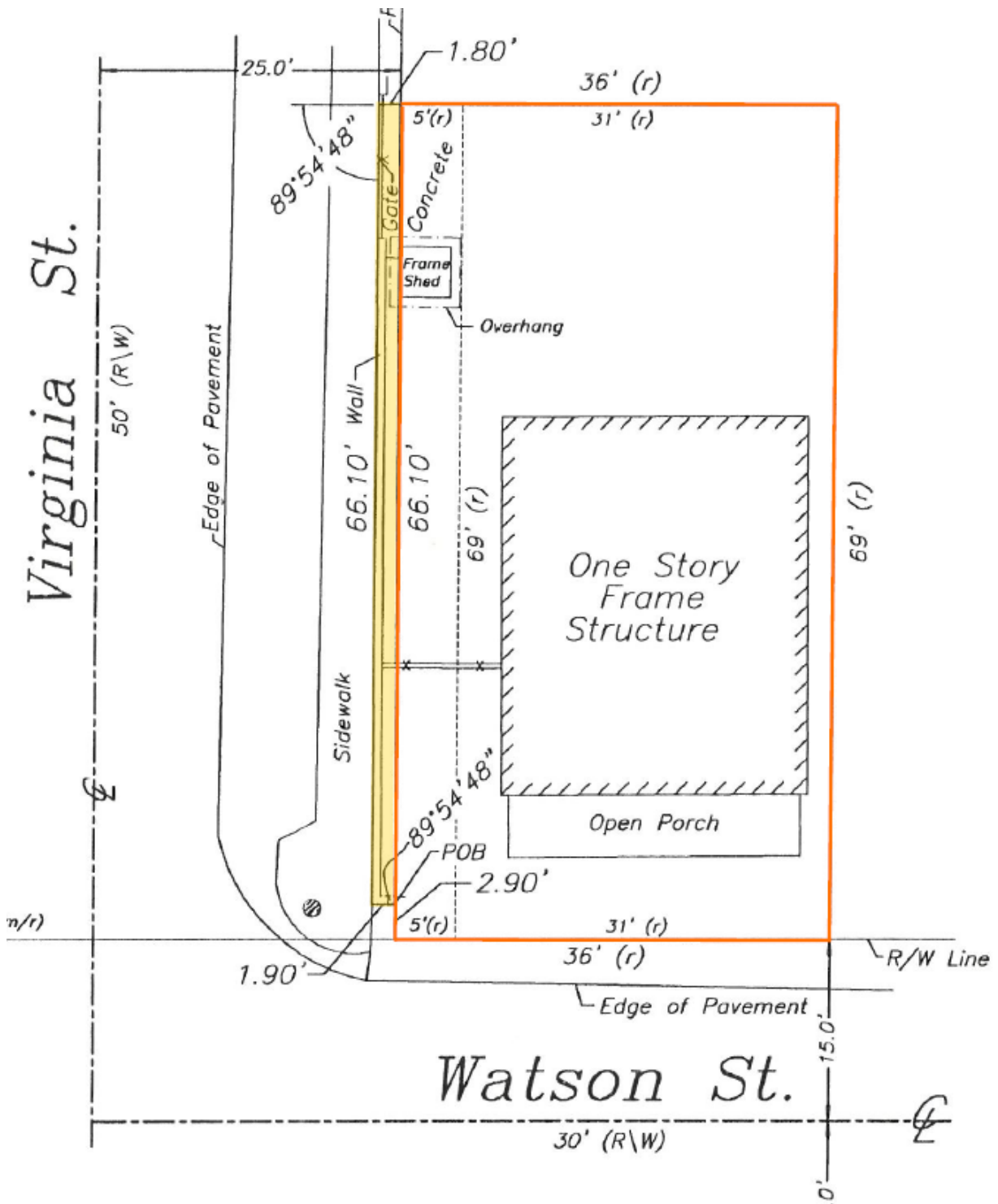
Property Owners: Joanne Shannon & Robert Shannon

Location: 1103 Watson (RE #00033480-000000)

Zoning: Historic Medium Density Residential (HMDR)



1103 WATSON STREET SPECIFIC PURPOSE SURVEY. REQUESTED EASEMENT IS HIGHLIGHTED IN YELLOW.



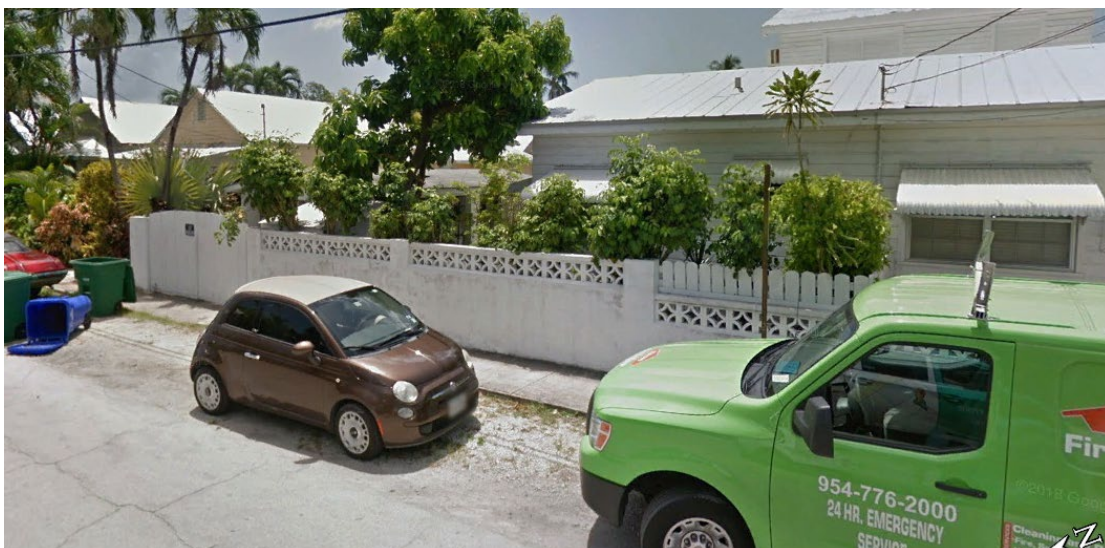
BACKGROUND:

This is a request for an easement pursuant to Section 2-938 (b) (3) of the Code of Ordinances of the City of Key West. The easement request is for the 66-foot long by 1.85-foot-wide portion of a concrete wall as shown on the attached specific purpose survey, and in the images below. The overhang of a frame shed also extends into the right of way but does not extend past the concrete wall. The property contains a one-story single family residential structure. The principal structure on the site is a historic contributing structure built in 1948; the concrete block wall is not contributing to the district.

FRONT VIEW



SIDE VIEW



CITY ACTIONS:

Development Review Committee:

December 19, 2022

City Commission:

February 7, 2023

PLANNING STAFF ANALYSIS:

As described in the Specific Purpose Survey drawn by J. Lynn O'Flynn, P.S.M. of J. Lynn O'Flynn, Inc., dated July 27, 2022, the area of the easement request is for a total of 122 square feet more or less. The existing encroachment does not impede public passage.

If the request for the easement over City-owned land is granted, then the Owners would be required to pay an annual fee of \$400.00 to the City for the use of 122 square feet, more or less, of city property pursuant to Code Section 2-938(b)(3). The annual fee would be pro-rated based on the effective date of the easement.

OPTIONS / ADVANTAGES / DISADVANTAGES:

OPTION 1: Approve the easement request of approximately 122-square-feet on the Virginia Street right-of-way in order to maintain a portion of the existing concrete wall and frame shed overhang, with the following conditions:

1. The easement shall terminate upon the removal of the 122-square-feet, more or less, of portions of a concrete wall and shed overhang on the Virginia Street right-of-way.
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. The 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 Owners shall obtain Homeowner or Personal 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 Homeowner or Personal General Liability form. Grantees shall furnish an original Certificate of Insurance indicating, and such policy providing coverage to, City of Key West named as "Additional Insured" or "Additional Interest".
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 subject area includes one hundred twenty-two (122) square feet, more or less, of a portion of the concrete wall and shed overhang on the Virginia Street right-of-way and 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.

Consistency with the City's Strategic Plan, Vision and Mission: Granting the requested easement would not be inconsistent with the City of Key West Comprehensive Plan or Strategic Plan.

Financial Impact: The City would collect \$400.00 annually as part of the approval of the requested easement.

OPTION 2: Deny the easement request with the following conditions:

1. The Owner will obtain the appropriate permits for the removal of all items that encroach onto the City right-of-way.
2. All encroachments on the City right-of-way will be removed within 90 days.

Consistency with the City's Strategic Plan, Vision and Mission: Denial of the requested easement would not be inconsistent with the Comprehensive Plan or Strategic Plan.

Financial Impact: There would be no cost to the City for denying the easement. The City would however lose the potential to collect the revenue of the easement agreement and would not be covered with appropriate insurance.

RECOMMENDATION

Based on the existing conditions, the Planning Department recommends to the City Commission **APPROVAL** of the proposed Resolution granting the requested easement with conditions as outlined above.