

RESOLUTION NO. _____

711 DUVAL STREET

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING AN EASEMENT OF APPROXIMATELY 82 SQUARE FEET IN ORDER TO MAINTAIN AN EXISTING MARQUEE THAT ENCROACHES OVER DUVAL STREET ON CITY RIGHT OF WAY LOCATED AT 711 DUVAL STREET, KEY WEST, FLORIDA (RE#000015760-000000, AK #1016136); 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 of approximately 82 square feet for the real property described in the attached specific purpose survey prepared by Reece & White Land Surveying, dated February 8, 2014, 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 grant of easement: (1) The easement shall be signed by Karen Daniels, Managing Partner of FEG Co-Tenants, and Sam G. Dickson, Manager of Mirador Del Mar, LLC; (2) That the easement will be effective until September 30, 2052; (3) That the easement shall terminate upon the replacement of the structure; (4) The City

may unilaterally terminate the easement upon a finding of public purpose by a vote of the Key West City Commission. (5) The Managing Partner of FEG Co-Tenants, and Manager of Mirador Del Mar, LLC shall pay the annual fee of \$300.00, specified in Code Section 2-938(b). (6) The Managing Partner of FEG Co-Tenants, and Manager of Mirador Del Mar, LLC shall irrevocably appoint the City Manager as its agent to permit the removal of the encroachment(s) if the annual fee required by the Code of Ordinances is not paid. (7) The easement shall terminate upon the failure of the Managing Partner of FEG Co-Tenants, and Manager of Mirador Del Mar, LLC to maintain liability insurance in a minimum amount of \$200,000.00 per person and \$300,000.00 per incident, or such other amount as may legislatively be determined to be the maximum extent of sovereign immunity waiver, naming the City as an additional insured for that portion of real property which is the subject of this easement. (8) The existing marquee shall be the only total allowed construction within the easement area. (9) The easement area shall not be used in site size calculations such as lot, yard, and bulk calculations for site development. (10) The City reserves the right to construct surface or sub-surface improvements within the easement area. (11) The applicant will obtain a structural report on the existing marquee.

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 _____, 2014.

Authenticated by the presiding officer and Clerk of the Commission on _____, 2014.

Filed with the Clerk _____, 2014.

Mayor Craig Cates	_____
Vice Mayor Mark Rossi	_____
Commissioner Teri Johnston	_____
Commissioner Clayton Lopez	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____
Commissioner Tony Yaniz	_____

CRAIG CATES, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK