

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, RESCINDING THE EASEMENT GRANTED IN CITY COMMISSION RESOLUTION NO. 11-193 OF 307.26 SQUARE FEET ON A PUBLIC ALLEYWAY FOR PROPERTY LOCATED AT THE END OF CARABALLO LANE, AND AT THE REAR OF 327 WILLIAM STREET, KEY WEST, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on June 21, 2011, the City Commission approved an easement request for property located at the rear of 327 William Street which allowed the property owner at 327 William Street to maintain a proposed security gate and then existing fence encroaching by approximately 307.26 square feet on to a public alleyway; and

WHEREAS, the property owner constructed a new fence surrounding a portion of the easement area, landscaped the easement area, installed landscape lighting and in ground irrigation improvements in the easement area and demolished a rear fence to incorporate the easement area into the rear yard of 327 William Street, all in derogation of the restrictions set forth in the Easement Agreement; and

WHEREAS, the owners of the real property located at 309-Left Caraballo Lane have been cut off from access to any public right of way as a result of the improvements made in the easement area,

as well as the easement itself, thus making it impossible to have ingress to and egress from a public right of way except by crossing over private property. The owners of 309-Left Caraballo Lane are in need of ingress to and egress from Caraballo Lane because no other boundary of 309-Left Caraballo Lane fronts on or has access to a public right of way; and

WHEREAS, the City of Key West emergency service personnel may require access through the easement area, all of which is a public right of way that is inaccessible as a result of the improvements made in the easement area, as well as the easement itself, in the event of an emergency situation; and

WHEREAS, the City of Key West finds that, for the foregoing reasons, it is in the public interest that the easement area be restored as a public right of way.

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

Section 1: That Resolution No. 11-193, which granted an easement of 307.26 square feet for property located at the rear of 327 William Street, is hereby rescinded.

Section 2: 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 _____, 2016.

Authenticated by the Presiding Officer and Clerk of the Commission on _____, 2016.

Filed with the Clerk on _____, 2016.

Mayor Craig Cates	_____
Vice Mayor Clayton Lopez	_____
Commissioner Richard Payne	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____
Commissioner Margaret Romero	_____
Commissioner Samuel Kaufman	_____

CRAIG CATES, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK