

## EXECUTIVE SUMMARY



**To:** James K. Scholl, City Manager  
**Through:** Thaddeus Cohen, Planning Director  
**From:** Melissa Paul-Leto, Planner Analyst  
**Meeting Date:** September 7, 2016

**RE:** **Easement – 1413 Grinnell Street (RE # 00039200-000000, AK # 1039942)** – A request for an easement in order to maintain an existing wood fence which encroaches onto the Grinnell Street Right-of-Way approximately 602.7 square feet more or less, located within the Historic Medium Density Residential (HMDR) Zoning District.

### ACTION STATEMENT:

**Request:** To grant an easement of approximately 602.7 square feet more or less within City right-of-way abutting the property.

**Applicant:** Wayne LaRue Smith

**Property Owner:** David E. Dunn and Amy L. Bondurant

**Location:** 1413 Grinnell Street (RE # 00039200-000000, AK # 1039942)

**Zoning:** Historic Medium Density Residential (HMDR) Zoning District



**BACKGROUND:**

This is a request for an easement pursuant to Section 2-938 of the Code of Ordinances of the City of Key West. The current property owners are requesting an easement for the existing wood fence. The wood fence encroaches onto the Grinnell Street Right-of-Way, as shown on the attached specific purpose survey. A Revocable License, Resolution # 14-158 was granted to the previous property owners for the existing fence encroachment.

**City Actions:**

Development Review Committee:

June 23, 2016

**PLANNING STAFF ANALYSIS:**

As described in the Specific Purpose Survey drawn by Frederick H. Hildebrandt of Island Surveying Inc., dated November 21, 2013, the area of the easement request is for 602.7 square feet more or less. The wood fence encroaches 602.7 square feet onto the Grinnell Street Right-of-Way (ROW).

If the request for an easement over City-owned land is granted, then the owner would be required to pay an annual fee of \$400.00 to the City for the use of the 602.7 square feet, more or less, of city property pursuant to Code Section 2-938(b)(3). The annual fee would be prorated based on the effective date of the easement.

**Options / Advantages / Disadvantages**

**Option 1.** Approve the easement with the following conditions:

1. Prior to the easement becoming effective, the Grantee shall obtain Personal Liability insurance that extends coverage to the property that is governed by this easement with limits of no less than \$300,000. 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 Homeowners or Personal Lines form.
2. The easement shall terminate upon the replacement of the structure.
3. The City may unilaterally terminate the easement upon a finding of public purpose by vote of the Key West City Commission.
4. The owner shall pay the annual fee of \$400.00 specified in Code Section 2-938(b) (3).
5. The owner 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.
6. The existing wood fence shall be the total allowed construction within the easement area.
7. The easement area shall not be used in site size calculations such as lot, yard, and bulk calculations for site development.

**Consistency with the City's Strategic Plan, Vision and Mission:** Granting the requested easement would not be inconsistent with the Strategic Plan.

**Financial Impact:** The City would collect \$400.00 annually as part of the approval of the easement. There would be no cost to the City for granting the easement.

**Option 2.** Deny the easement based on findings that the City's needs outweigh the request.

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 Strategic Plan.

**Financial Impact:** There would be no cost to the City for denying the easement, however the City would lose the potential to collect the annual revenue of the easement agreement

**RECOMMENDATION: Option 1.**

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.