

## EXECUTIVE SUMMARY



**To:** Jim Scholl, City Manager  
**Through:** Thaddeus Cohen, Planning Director  
**From:** Melissa Paul-Leto, Planner Analyst  
**Meeting Date:** November 15, 2016

**RE:** **Easement – 832 Caroline Street (RE # 00003100-000000; AK # 1003191)** – A request for an easement of approximately  $\pm 480.74$  square feet on the Caroline and Margaret Street right-of-way in order to maintain and renovate the existing awning overhang on property located within the Historic Neighborhood Commercial (HNC-2) zoning district pursuant to Section 2-938 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

### **ACTION STATEMENT:**

**Request:** To approve an easement request of approximately  $\pm 480.74$  square feet on the Caroline and Margaret Street right-of-way abutting the property.

**Applicant:** Adele V. Stones, Stones & Cardenas

**Property Owner:** Ronald K. Heck, Therese Heck, Cobb Family Limited Partnership

**Location:** 832 Caroline Street (RE # 00003100-000000; AK # 1003191)

**Zoning:** Historic Neighborhood Commercial (HNC-2) 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 easement request is for approximately  $\pm 480.74$  square feet on the Caroline and Margaret Street right-of-way in order to maintain and renovate an existing awning overhang, as shown on the attached specific purpose survey dated September 12, 2014. The awning overhang wraps the building on the north and east building façade and is part of the original construction as evidenced by the 1966 Monroe County Property Appraiser property card.

**City Actions:**

Development Review Committee:

July 24, 2014

**PLANNING STAFF ANALYSIS:**

As described in the Specific Purpose Survey drawn by Island Surveying Inc., dated September 12, 2014, the area of the easement request is for approximately  $\pm 480.74$  square feet on the Caroline and Margaret Street right-of-way.

Along with the existing awning overhang, the property has six existing French doors, a side entry door on Margaret Street and proposing a new set of French doors where the existing ATM is currently located. All doors open onto the City right-of-way and if left open must recess onto the subject property.

If the request for the 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 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 request of approximately  $\pm 480.74$  square feet on the Caroline and Margaret Street right-of-way in order to maintain an existing awning overhang, with the following conditions:

1. Prior to the easement becoming effective, the Grantee shall obtain Commercial General Liability insurance that extends coverage to the property that is governed by this easement with limits of no less than \$1,000,000. 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 Commercial General Liability form. Grantee shall furnish an original Certificate of Insurance indicating, and such policy providing coverage to, City of Key West named as "Additional Insured".
2. The easement shall terminate upon the removal of the awning.
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 awning overhang shall be the only 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.
8. The City reserves the right to construct surface or sub-surface improvements within the easement area.

**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.

**RECOMMENDATION: Option 1.**

Based on the existing conditions, the Planning Department recommends to the City Commission APPROVAL of the easement request for approximately ±480.74 square feet on the Caroline and Margaret Street right-of-way in order to maintain an existing awning overhang with the conditions listed above.

**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 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.