



THE CITY OF KEY WEST

3140 Flagler Ave, Key West, FL 33040 (305) 809-3792

EXECUTIVE SUMMARY

To: Jim Scholl, City Manager

From: Jim Bouquet, P.E., Engineering Director

RE: Restrictive Public Park Covenant Exchange to Support Atlantic Boulevard Relocation

Date: March 12, 2018

ACTION STATEMENT

A resolution stating that the public purpose of establishing recreational restrictive covenants within a 0.29-acre right-of-way footprint of Atlantic Boulevard (the Replacement Property) in exchange for releasing said covenants within a proposed new 0.07-acre roadway right-of-way (the Exchange Property) to facilitate realignment of Atlantic Boulevard for transition with the Monroe County Higgs Beach Park project. All applicable restrictions contained in the original conveyance deed shall be applied to the Replacement Property, and neither the original property nor proposed replacement are encumbered with other recreation, conservation, grant or any other type of restrictions.

BACKGROUND

Monroe County is relocating Atlantic Boulevard from Reynolds Street to White Street as part of the planned Higgs Beach Master Plan. The proposed White Street intersection is located approximately 100 feet north of the current alignment of Atlantic Boulevard (see attached T.Y. Lin drawing). To transition with the County project requires relocation of approximately 300 feet of the City owned portion of Atlantic Boulevard (from White Street to Bertha Street). Primary impacts of the proposed relocation will be to the southern end of the existing Indigenous Park parking lot. The parking lot is part of the 6.91-acre Indigenous Park. Indigenous Park property was transferred from the Department of Interior to the City of Key West with restrictive covenants via quit claim deed dated April 21, 1973. The covenant requires the property to be used as a park and recreation area and that the property shall be used and maintained for the public purposes.

To facilitate realignment of Atlantic Boulevard for transition with the Higgs Beach Park project, the City of Key West is proposing to establish recreational restrictive covenants within the 0.29-acre former right-of-way footprint of the boulevard (Parcel A on attached survey – Replacement Property) in exchange for releasing said covenants within the new/proposed 0.07-acre roadway right-of-way (Parcel B – Exchange Property). Recreational use of this area (Parcel A) will be consistent with the

abutting E.B. Knight (formerly White Street) Pier to the south, Higgs Beach Park to the west and Rest Beach to the east. Rest Beach is managed and maintained under a Florida Department of Environmental Protection Conservation Management Plan.

A land exchange in the context of the Federal Lands to Parks Program involves the release of restrictive public park covenants on one piece of land (the exchange property) and the placement of those restrictive covenants on another piece of land provided by the grantee as future replacement parkland for the land being released. As a first step before fulfilling further requirements, the National Park Service (NPS) required the grantee (City of Key West) to state the purpose and justification for the proposed land exchange. This statement was submitted on February 14, 2018 (attached) and approval to proceed with the exchange process was received from NPS on March 6, 2018.

Following approval of this purpose and justification statement, the City is required to formally submit required documentation to support the land exchange as stated in the attached *Land Exchange Overview – Documentation Requirements* including:

5. An adopted resolution, ordinance or certification that states the public purpose of the proposed exchange. This should include an acknowledgement that all applicable restrictions contained in the original conveyance deed shall be applied to the proposed replacement parcel(s).

6. A disclosure statement that either: a) the original property and the proposed replacement are not encumbered with other recreation, conservation, grant or any other type of restrictions, or b) an explanation of any encumbrances/restriction(s) that exist on the original property and the proposed replacement property. This statement may be part of the cover letter, part of the resolution or a separate document, but it must be signed.

Other documentation requirements including survey, appraisal, environmental, title reports and future developments plans have previously been obtained by the City.

As indicated on the attached drawings prepared by EDSA, relocation of Atlantic Boulevard and resulting landscape and hardscape improvements will enhance the approach to White Street Pier, the AIDS Memorial and Rest Beach.

PURPOSE AND JUSTIFICATION

Monroe County is relocating Atlantic Boulevard from Reynolds Street to White Street as part of the planned Higgs Beach Park Project. To transition with the County project requires relocation of a short section of the City owned portion of Atlantic Boulevard right-of-way. The proposed relocation is within property transferred from the Department of Interior to the City of Key West with restrictive covenants requiring the property to be used as a park and recreation area. As an exchange, establishment of recreational restrictive covenants within the current right-of-way footprint of the boulevard is required in exchange for releasing said covenants within the proposed new roadway right-of-way.

Relocation of Atlantic Boulevard and the Higgs Beach Park Project is consistent with Key West Strategic Plan Infrastructure Goal # 3: *Parks and recreation area are accessible to all residents and visitors* and Government Goal #3: *Cooperative planning efforts among organizations, businesses, and all government agencies.*

FINANCIAL IMPACT

There is no direct or current financial impact of approving this resolution. Costs to relocate Atlantic Boulevard and implement hardscape and landscape improvements (currently estimated at \$650,000) will be proposed in the FY2018/2019 budget under Project #IS19001603 for City Commission for approval.

RECOMMENDATION

Staff recommends approving a resolution stating the public purpose of establishing recreational restrictive covenants within the 0.29-acre former right-of-way of Atlantic Boulevard is in exchange for releasing said covenants within a new 0.07-acre roadway right-of-way to facilitate realignment of Atlantic Boulevard for transition with the Higgs Beach Park project.