

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, 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) IS 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 THE PROPOSED REPLACEMENT ARE ENCUMBERED WITH OTHER RECREATION, CONSERVATION, GRANT OR ANY OTHER TYPE OF RESTRICTIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the relocation of Atlantic Boulevard between Reynolds Street and White Street will enhance the approach to White Street Pier, the AIDS Memorial and Rest Beach, and is an essential part of the Higgs Beach Master Plan; and

WHEREAS, to facilitate the realignment of the City-owned portion of Atlantic Boulevard between White Street and Bertha Street, the City must establish recreational restrictive covenants within the 0.29 acre former right-of-way footprint of Atlantic Boulevard (Parcel A - Replacement Property on attached survey) in exchange for releasing recreational restrictive covenants within the proposed 0.07 acre roadway right-of-way on abutting property (Parcel B - Exchange Property); and

WHEREAS, the Exchange Replacement Parcel (Parcel AB) is primarily a part of the parking lot at the southern end of Indigenous Park, which is property which was transferred from the U.S. Department of the Interior to the City of Key West on April 21, 1973, with restrictive covenants requiring the property to be used as a park and recreation area for public purposes; and

WHEREAS, to effect a land exchange in the context of the Federal Lands to Parks Program, the U.S. Department of the Interior, through the National Park Service (NPS) requires the fulfillment of certain requirements, including the statements contained in this Resolution; and

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

Section 1: That the City Commission hereby states that the public purpose of establishing recreational restrictive covenants within a 0.29 acre right-of-way footprint of Atlantic Boulevard (the Replacement Property - Parcel A) is in exchange for releasing said covenants within a proposed new 0.07 acre roadway right-of-way (the Exchange Property - Parcel B) to facilitate realignment of Atlantic Boulevard for transition within the Monroe County Higgs Beach Project.

Section 2: That the City Commission hereby states that all applicable restrictions contained in the Original Conveyance Deed shall be applied to the Replacement Property, and neither the Original

Property nor the proposed Replacement Property are encumbered with other recreation, conservation, grant or any other type of restrictions.

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 _____, 2018.

Authenticated by the Presiding Officer and Clerk of the Commission on _____ day of _____, 2018.

Filed with the Clerk on _____, 2018.

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

CRAIG CATES, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK