

EXECUTIVE SUMMARY



To: James K. Scholl, City Manager
Through: Patrick Wright, Planning Director
From: Melissa Paul-Leto, Planner Analyst
Meeting Date: October 2, 2018

RE: **Easement – Easement – 618-620 Duval Street (RE # 00012510-000000)**
– A request for an easement in order to maintain a portion of the building including: two existing second floor framed balconies, stepped parapets, cornices, and a one story canvas awning that encroaches onto the Duval Street right-of-way 76.9 square feet more or less located within the Duval Street Gulfside (HRCC-1) Zoning District pursuant to section 2-938(b) (2) of the Land Development Regulations.

ACTION STATEMENT:

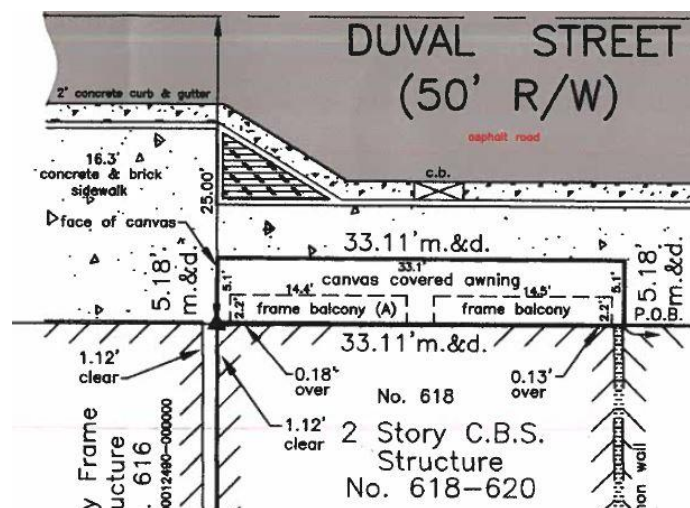
Request: To grant an easement in order to maintain a portion of the building including: two existing second floor balconies, stepped parapets, cornices, and a one story canvas awning that encroaches approximately 76.9 square feet more or less within the Duval Street right-of-way.

Applicant: Old Town Key West Development, Ltd.

Property Owner: Old Town Key West Development, Ltd.

Location: 618-620 Duval Street (RE # 00012510-000000)

Zoning: Duval Street Gulfside (HRCC-1) Zoning District



BACKGROUND:

The subject property is a two story altered contributing structure circa 1924. A portion of the building includes: two existing second floor framed balconies, stepped parapets, cornices, and a one story canvas awning which are not historic and encroach into the Duval Street right-of-way are the subject of this easement request.

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 a total of 76.9 square feet of encroachment onto Duval Street in order to maintain a portion of the building including: two existing second floor balconies, stepped parapets, cornices, and a one story canvas awning.

City Actions:

Development Review Committee:	August 23, 2018
City Commission:	September 20, 2018

PLANNING STAFF ANALYSIS:

As described in the Specific Purpose Survey drawn by Eddie A. Martinez, PSM of Monroe County Surveying & Mapping, dated August 7, 2018, to maintain a portion of the building including: two existing second floor balconies, stepped parapets, cornices, and a one story canvas awning that encroaches approximately 76.9 square feet more or less onto the Duval Street right-of-way.

The encroachment does not impede public passage on the City sidewalks. The encroachment allows for access to the elevated commercial building.

If the request for an easement over City-owned land is granted, then the owner would be required to pay an annual fee of \$300.00 to the City for the use of the 76.9 square feet, more or less, of city property pursuant to Code Section 2-938(b)(2). 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 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 a portion of the building including: two existing second floor balconies, stepped parapets, cornices, and a one story canvas 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 \$300.00 specified in Code Section 2-938(b) (2).
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 portion of the building including: two existing second floor balconies, stepped parapets, cornices, and a one story canvas awning 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 \$300.00 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.