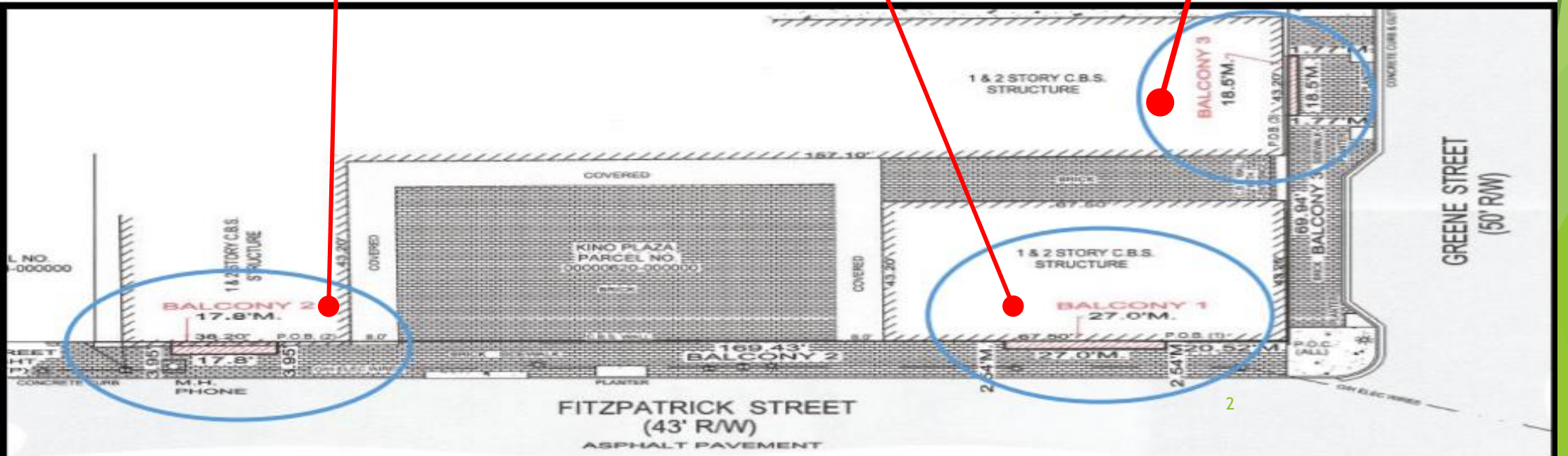


413 Greene Street Easement Agreement Request



Recommendation

Based on the existing conditions, Planning Staff recommends to the City Commission APPROVAL of the proposed Resolution granting the requested easement agreement with the following conditions:

1. The easement shall terminate upon the replacement of the structures.
2. The City may unilaterally terminate the easement upon a finding of public purpose by vote of the Key West City Commission.
3. The owner shall pay the annual fee of \$400.00 specified in Code Section 2-938(b)(3).
4. 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.
5. The easement shall terminate upon the failure of the property owner to maintain Commercial liability insurance in a minimum amount of \$1,000,000.00 per incident (or such other amount as may legislatively be determined to be the maximum extent of sovereign immunity waiver, naming the City as an additional insured for that portion of real property which is the subject of this easement.
6. The area to repair and maintain the existing three (3) balconies onto Greene Street and Fitzpatrick Street rights-of-way shall be the total allowed 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 improvements within the easement area.
9. The three (3) balconies shall be repaired to Florida Building Code requirements, certified by a licensed design professional, and shall be structurally sound allowing for ingress and egress.
10. Structural inspection of the three (3) balconies shall be performed annually.