

RESOLUTION NO. \_\_\_\_\_

302 AMELIA STREET EASEMENT

RESOLUTION OF THE CITY COMMISSION OF KEY WEST, FLORIDA, APPROVING AN EASEMENT OF APPROXIMATELY ONE-HUNDRED FORTY-EIGHT (148) SQUARE FEET, MORE OR LESS, AT A PROPERTY LOCATED AT 302 AMELIA STREET, IN ORDER TO REPAIR AN EXISTING WOOD FENCE THAT ENCROACHES ON THE AMELIA STREET AND THOMAS STREET RIGHTS-OF-WAY IN THE HISTORIC MEDIUM DENSITY RESIDENTIAL ZONING DISTRICT, PURSUANT TO SECTION 2-938(B)(3) OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; PROVIDING FEES AND CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE.

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

Section 1: That an Easement of one-hundred forty-eight (148) square feet, more or less, for the real property described in the attached specific purpose survey was prepared by Eric A. Isaacs, P.S.M. of Florida Keys Land Surveying, dated June 30, 2022, is granted subject to the execution of the attached Easement agreement, incorporating the minimum conditions described in Section 2 below.

Section 2: That the following conditions shall apply to the granting of the easement:

- (1) Ordinary repair and maintenance of the subject fence shall be permitted, which shall include repair and replacement of pickets and horizontal support beams. Replacement or

reconstruction of fence posts or vertical structural supports shall function to terminate this easement. The Easement shall terminate if the fence is enlarged, reconstructed, or replaced.

(2) A reconstructed fence shall be erected on the lot of the applicant and shall not extend into a public right-of-way.

(3) Grantee agrees that the improvements located on the Easement shall not be enlarged or expanded.

(4) The City may unilaterally terminate the Easement upon a finding of public purpose by a vote of the Key West City Commission.

(5) The Grantee shall pay the annual fee of \$400.00 specified in Code Section 2-938(b)(3).

(6) The Grantee shall irrevocably appoint the City Manager as its agent to permit the removal of the encroachments if the annual fee required by the Code of Ordinances is not paid.

(7) Prior to the easement becoming effective, the Owners shall obtain Commercial General Liability insurance that extends coverage to the property that is governed by this easement with limits of no less than \$300,000.00. 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. Grantees shall furnish an original

Certificate of Insurance indicating, and such policy providing coverage to, City of Key West named as "Additional Insured" or "Additional Interest".

(8) The Easement areas shall not be used in site size calculations such as lot, yard, and bulk calculations for site development.

(9) The City reserves the right to construct surface or sub-surface improvements within the Easement areas.

(10) The subject area includes a one-hundred forty-eight (148) square-foot, more or less, portion of the Thomas and Amelia Street rights-of-way bounded by a wood fence and shall be the total allowed within the Easement area.

(11) To the fullest extent permitted by law, the Grantee expressly agrees to indemnify and hold harmless the City of Key West, their respective officers, directors, agents and employees (herein called the "indemnities") from and all liability for damages.

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 \_\_\_\_\_, 2023.

Authenticated by the presiding officer and Clerk of the  
Commission on \_\_\_\_\_, 2023.

Filed with the Clerk \_\_\_\_\_, 2023.

Mayor Teri Johnston \_\_\_\_\_

Vice Mayor Samuel Kaufman \_\_\_\_\_

Commissioner Lissette Carey \_\_\_\_\_

Commissioner Mary Lou Hoover \_\_\_\_\_

Commissioner Clayton Lopez \_\_\_\_\_

Commissioner Billy Wardlow \_\_\_\_\_

Commissioner Jimmy Weekley \_\_\_\_\_

\_\_\_\_\_  
TERI JOHNSTON, MAYOR

ATTEST:

\_\_\_\_\_  
KERI O'BRIEN, CITY CLERK



