

**DEVELOPMENT PLAN AND CONDITIONAL USE APPLICATION**

City of Key West Planning Department  
 1300 White Street, Key West, FL 33040  
 (305) 809-3764



**RECEIVED**  
 SEP 09 2019  
 BY: NLH

**Development Plan & Conditional Use Application**

Development Plan	
Minor:	
Within Historic District	\$ 2,500.00
Outside Historic District	\$ 2,000.00
Conditional Use	\$ 1,000.00
Extension	\$ 400.00
Major:	
Conditional Use	\$ 3,500.00
Extension	\$ 1,000.00
Minor Deviation	\$ 400.00
Major Deviation	\$ 1,000.00
Conditional Use	\$ 2,000.00
Extension (not part of a development plan)	\$ 400.00
Advertising/Noticing & Fire Review Fee (to all above projects)	\$ 150.00

**Applications will not be accepted unless complete**

<u>Development Plan</u>	<u>Conditional Use</u>	<u>Historic District</u>
Major _____	<u>X</u>	Yes _____
Minor _____		No _____

Please print or type:

- 1) Site Address 210 Simonton St
- 2) Name of Applicant ISTYAN ISENTGORYI
- 3) Applicant is: Owner \_\_\_\_\_ Authorized Representative X  
 (attached Authorization and Verification Forms must be completed)
- 4) Address of Applicant 209 ANN STR
- 5) Applicant's Phone # 305-896-8271 Email LUTYESZ@YAHOO.COM
- 6) Email Address: \_\_\_\_\_
- 7) Name of Owner, if different than above \_\_\_\_\_
- 8) Address of Owner \_\_\_\_\_
- 9) Owner Phone # 305-896-5734 Email \_\_\_\_\_
- 10) Zoning District of Parcel \_\_\_\_\_ RE# \_\_\_\_\_
- 11) Is Subject Property located within the Historic District? Yes X No \_\_\_\_\_

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If Yes: Date of approval \_\_\_\_\_

HARC approval # \_\_\_\_\_

OR: Date of meeting \_\_\_\_\_

- 12) Description of Proposed Development and Use. Please be specific, list existing and proposed buildings and uses, number of dwelling units, parking, restaurant seats, vehicles proposed, etc. If there is more than one use, describe in detail the nature of each use (Give concise description here and use a separate sheet if necessary).

20 scooters for rent, no development  
one scooter will be displayed at the front  
at lot 7 with a rent sign next to  
it. 19 scooters will be displayed to rear  
of lot six (6) and employee next to 19 scooters  
There will be a porta potty for the employee at  
lot 4.

- 13) Has subject Property received any variance(s)? Yes \_\_\_\_\_ No \_\_\_\_\_

If Yes: Date of approval \_\_\_\_\_ Resolution # \_\_\_\_\_

Attach resolution(s).

- 14) Are there any easements, deed restrictions or other encumbrances on the subject property?

Yes \_\_\_\_\_ No \_\_\_\_\_

If Yes, describe and attach relevant documents.

- A. For both *Conditional Uses* and *Development Plans*, provide the information requested from the attached **Conditional Use and Development Plan** sheet.
- B. For *Conditional Uses* only, also include the **Conditional Use Criteria** required under Chapter 122, Article III, Sections 122-61 and 122-62 of the Land Development Regulations (see attached copy of criteria).
- C. For *Major Development Plans* only, also provide the **Development Plan Submission Materials** required under Chapter 108, Article II, Division 7, Sections 108-226 through 108-248 of the Land Development Regulations (see attached copy of criteria) and any additional information as determined by the Planning Staff.
- D. For both *Conditional Uses* and *Development Plans*, one set of plans MUST be signed & sealed by an Engineer or Architect.

**Please note, development plan and conditional use approvals are quasi-judicial hearings and it is improper to speak to a Planning Board member or City Commissioner about the project outside of the hearing.**



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**Required Plans and Related Materials for both a Conditional Use and  
Minor/Major Development Plan**

**I. Existing Conditions.**

- A) Recent Survey of the site by a licensed Surveyor showing all dimensions including distances from property lines, and including:
  - 1) Size of site;
  - 2) Buildings, structures, and parking;
  - 3) FEMA Flood Zone;
  - 4) Topography;
  - 5) Easements; and
  - 6) Location of Utility Lines (sewer, water, electric, cable) adjacent and extending into the site.
- B) Existing size, type and location of trees, hedges, and other features.
- C) Existing stormwater retention areas and drainage flows.
- D) A sketch showing adjacent land uses, buildings, and driveways.

**II. Proposed Development: Plans at 11" X 17" (10,000 Sq. ft. or less); 24" X 36" if site is over 10,000 sq. ft.**

- A) Site Plan to scale of with north arrow and dimensions by a licensed architect or engineer.
  - 1) Buildings
  - 2) Setbacks
  - 3) Parking:
    - a. Number, location and size of automobile and bicycle spaces
    - b. Handicapped spaces
    - c. Curbs or wheel stops around landscaping
    - d. Type of pavement
  - 4) Driveway dimensions and material
  - 5) Location of Utility Lines (sewer, water, electric, cable) adjacent and extending into the site.
  - 6) Location of garbage and recycling
  - 7) Signs
  - 8) Lighting
  - 8) Project Statistics:
    - a. Zoning
    - b. Size of site
    - c. Number of units (or units and Licenses)
    - d. If non-residential, floor area & proposed floor area ratio
    - e. Consumption area of restaurants & bars
    - f. Open space area and open space ratio
    - g. Impermeable surface area and impermeable surface ratio
    - h. Number of automobile and bicycle spaces required and proposed
- B) Building Elevations
  - 1) Drawings of all building from every direction. If the project is in the Historic District please submit HARC approved site plans.
  - 2) Height of building.
  - 3) Finished floor elevations and bottom of first horizontal structure
  - 4) Height of existing and proposed grades
- C) Drainage Plan: Existing & Proposed retention areas and calculations approved by the City Engineer. See one of the attached commercial and residential use Stormwater Retention Forms.
- D) Landscape Plan: Size, type, location and number of plants to be removed, kept, and installed. The plan must be approved by the City Landscape Coordinator through a letter of approval. If the project is a Major Development Plan a landscape design prepared by a licensed Landscape Architect is required per Section 108-511(b) of the Land Development Regulations.

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- III. **Solutions Statement.** Aspects of the design that address community issues including but not limited to water pollution from stormwater runoff, potable water conservation, waste disposal, recycling, energy conservation, affordable housing, and impacts on neighbors such as lighting, noise, traffic and parking.

**Development Plan Submission Materials**

**Sec. 108-226. Scope.**

A development plan, for the purposes of this division, shall include but not necessarily be limited to the requirements in this division. With the exception of sections 108-227 through 108-229, the city planner may waive or modify requirements, information and specific performance criteria for development plan review after rendering a finding in writing that such requirements:

- (1) Are not necessary prior to development plan approval in order to protect the public interest or adjacent properties;
- (2) Bear no relationship to the proposed project or its impacts; and
- (3) Are found to be impractical based on the characteristics of the use, including the proposed scale, density/intensity, and anticipated impacts on the environment, public facilities and adjacent land uses.

**Sec. 108-227. Title block.**

The development plan shall contain the following pertaining to the title block:

- (1) Name of development.
- (2) Name of owner/developer.
- (3) Scale.
- (4) North arrow.
- (5) Preparation and revision date.
- (6) Location/street address of development.

**Sec. 108-228. Identification of key persons.**

The development plan shall contain the following pertaining to identification of key persons:

- (1) Owner.
- (2) Owner's authorized agent.
- (3) Engineer and architect.
- (4) Surveyor.
- (5) Landscape architect and/or environmental consultant.
- (6) Others involved in the application.
- (7) A verified statement showing each and every individual person having a legal and/or equitable ownership interest in the subject property, except publicly held corporations whose stock is traded on a nationally recognized stock exchange, in which case the names and addresses of the corporation and principal executive officers together with any majority stockholders will be sufficient.

**Sec. 108-229. Project description.**

Project description should be included on the site plan sheet. The development plan shall contain the following pertaining to the project description:

- (1) Zoning (include any special districts).
- (2) Project site size (acreage and/or square footage).
- (3) Legal description.
- (4) Building size.
- (5) Floor area ratio, permitted and proposed.
- (6) Lot coverage, permitted and proposed.
- (7) Impervious surface.
- (8) Pervious surface.
- (9) Landscape areas.



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- (10) Parking spaces, permitted and proposed.
- (11) Delineation of location of existing and proposed structures.
- (12) Existing and proposed development type denoted by land use including density/intensity.
- (13) Setbacks.

**Sec. 108-230. Other project information.**

A general outline of the proposed development shall include the following criteria where applicable:

- (1) Proposed stages or phases of development or operation and facility utilization.
- (2) Target dates for each phase.
- (3) Expected date of completion.
- (4) Proposed development plan for the site.
- (5) A written description of characteristics of the proposed development (i.e., number and type of residential units; floor area by land use; number of tourist accommodations units; seating or parking capacities; number of hospital beds; any proposed outside facilities or areas to be used for storage, display, outside sales, waste disposal or similar use; and any other proposed uses).
- (6) For planned unit developments, indicate design techniques (i.e., clustering, zero lot line, or other techniques) used to reduce public facility costs, reduce disturbance of natural resources, and preserve scenic quality of the site.
- (7) Buildings and sitting specifications which shall be utilized to reduce damage potential and to comply with federal flood insurance regulations.
- (8) Protection against encroachment together with proposed mitigation measures to be employed within environmentally sensitive areas.

**Sec. 108-231. Residential developments.**

- (a) If the development includes residential units, the following characteristics shall be discussed in the written description:
  - (1) A breakdown of the proposed residential units by number of bedrooms;
  - (2) Tenure (i.e., owner-occupied or rental); and
  - (3) Structure type, such as single-family, duplex, multiple-family, mobile home.
- (b) Refer to division 10 of article V of chapter 122 for information and legal instruments needed to satisfy the city's affordable housing requirements.

**Sec. 108-232. Intergovernmental coordination.**

The development plan shall contain the following pertaining to intergovernmental coordination:

- (1) Provide proof of coordination with applicable local, regional, state and federal agencies, including but not limited to the following agencies that will be involved in the project:
  - a. South Florida Regional Planning Council (SFRPC).
  - b. City electric system (CES).
  - c. State department of environmental protection (DEP).
  - d. Army Corps of Engineers (ACOE).
  - e. South Florida Water Management District (SFWMD).
  - f. State department of transportation (DOT).
  - g. State department of community affairs (DCA).
  - h. Florida Keys Aqueduct Authority (FKAA).
  - i. State fish and wildlife conservation commission (F&GC).
  - j. The county.
- (2) Provide evidence that any necessary permit, lease or other permission from applicable local, regional, state and federal agencies has been obtained for any activity that will impact wetland communities or submerged land.
- (3) When intergovernmental coordination efforts are incomplete, the applicant shall provide evidence of good faith efforts towards resolving intergovernmental coordination issues.

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**CONDITIONAL USE CRITERIA**

**Sec. 122-61. Purpose and intent.**

The purpose of this article is to ensure that a conditional use shall only be permitted on specific sites where the proposed use may be adequately accommodated without generating adverse impacts on properties and land uses within the immediate vicinity. This article sets forth provisions and criteria for consideration of conditional uses on specific sites. Conditional uses shall be permitted only upon a finding that the proposed use satisfies this article.

**Sec. 122-62. Specific criteria for approval.**

- (a) Findings. A conditional use shall be permitted upon a finding by the planning board that the proposed use, application and, if applicable, development plan comply with the criteria specified in this section, including specific conditions established by the planning board and or the city commission during review of the respective application in order to ensure compliance with the comprehensive plan and land development regulations. If the proposed conditional use is a major development pursuant to sections 108-165 and 108-166, the city commission shall render the final determination pursuant to section 122-63. A conditional use shall be denied if the city determines that the proposed use does not meet the criteria provided in this section and, further, that the proposed conditional use is adverse to the public's interest. An application for a conditional use shall describe how the specific land use characteristics proposed meet the criteria described in subsection (c) of this section and shall include a description of any measures proposed to mitigate against possible adverse impacts of the proposed conditional use on properties in the immediate vicinity.
- (b) Characteristics of use described. The following characteristics of a proposed conditional use shall be clearly described as part of the conditional use application:
- (1) Scale and intensity of the proposed conditional use as measured by the following:
    - a. Floor area ratio;
    - b. Traffic generation;
    - c. Square feet of enclosed building for each specific use;
    - d. Proposed employment;
    - e. Proposed number and type of service vehicles; and
    - f. Off-street parking needs.
  - (2) On- or off-site improvement needs generated by the proposed conditional use and not identified on the list in subsection (b)(1) of this section including the following:
    - a. Utilities;
    - b. Public facilities, especially any improvements required to ensure compliance with concurrency management as provided in chapter 94;
    - c. Roadway or signalization improvements, or other similar improvements;
    - d. Accessory structures or facilities; and
    - e. Other unique facilities/structures proposed as part of site improvements.
  - (3) On-site amenities proposed to enhance site and planned improvements. Amenities including mitigative techniques such as:
    - a. Open space;
    - b. Setbacks from adjacent properties;
    - c. Screening and buffers;
    - d. Landscaped berms proposed to mitigate against adverse impacts to adjacent sites; and
    - e. Mitigative techniques for abating smoke, odor, noise, and other noxious impacts.



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- (c) Criteria for conditional use review and approval. Applications for a conditional use shall clearly demonstrate the following:
- (1) Land use compatibility. The applicant shall demonstrate that the conditional use, including its proposed scale and intensity, traffic-generating characteristics, and off-site impacts are compatible and harmonious with adjacent land use and will not adversely impact land use activities in the immediate vicinity.
  - (2) Sufficient site size, adequate site specifications, and infrastructure to accommodate the proposed use. The size and shape of the site, the proposed access and internal circulation, and the urban design enhancements must be adequate to accommodate the proposed scale and intensity of the conditional use requested. The site shall be of sufficient size to accommodate urban design amenities such as screening, buffers, landscaping, open space, off-street parking, efficient internal traffic circulation, infrastructure (i.e., refer to chapter 94 to ensure concurrency management requirements are met) and similar site plan improvements needed to mitigate against potential adverse impacts of the proposed use.
  - (3) Proper use of mitigative techniques. The applicant shall demonstrate that the conditional use and site plan have been designed to incorporate mitigative techniques needed to prevent adverse impacts to adjacent land uses. In addition, the design scheme shall appropriately address off-site impacts to ensure that land use activities in the immediate vicinity, including community infrastructure, are not burdened with adverse impacts detrimental to the general public health, safety and welfare.
  - (4) Hazardous waste. The proposed use shall not generate hazardous waste or require use of hazardous materials in its operation without use of city-approved mitigative techniques designed to prevent any adverse impact to the general health, safety and welfare. The plan shall provide for appropriate identification of hazardous waste and hazardous material and shall regulate its use, storage and transfer consistent with best management principles and practices. No use which generates hazardous waste or uses hazardous materials shall be located in the city unless the specific location is consistent with the comprehensive plan and land development regulations and does not adversely impact wellfields, aquifer recharge areas, or other conservation resources.
  - (5) Compliance with applicable laws and ordinances. A conditional use application shall demonstrate compliance with all applicable federal, state, county, and city laws and ordinances. Where permits are required from governmental agencies other than the city, these permits shall be obtained as a condition of approval. The city may affix other conditions to any approval of a conditional use in order to protect the public health, safety, and welfare.
  - (6) Additional criteria applicable to specific land uses. Applicants for conditional use approval shall demonstrate that the proposed conditional use satisfies the following specific criteria designed to ensure against potential adverse impacts which may be associated with the proposed land use:
    - a. Land uses within a conservation area. Land uses in conservation areas shall be reviewed with emphasis on compliance with section 108-1 and articles III, IV, V, VII and VIII of chapter 110 pertaining to environmental protection, especially compliance with criteria, including land use compatibility and mitigative measures related to wetland preservation, coastal resource impact analysis and shoreline protection, protection of marine life and fisheries, protection of flora and fauna, and floodplain protection. The size, scale and design of structures located within a conservation area shall be restricted in order to prevent and/or minimize adverse impacts on natural resources. Similarly, public uses should only be approved within a wetland or coastal high hazard area V zone when alternative upland locations are not feasible on an upland site outside the V zone.
    - b. Residential development. Residential development proposed as a conditional use shall be reviewed for land use compatibility based on compliance with divisions 2 through 14 of article IV and divisions 2 and 3 of article V of this chapter pertaining to zoning district regulations, including size and dimension regulations impacting setbacks, lot coverage, height, mass of building, building coverage, and open space criteria. Land use compatibility also shall be measured by appearance, design, and land use compatibility criteria established in chapter 102; articles III, IV and V of chapter 108; section 108-956; and article II of chapter 110; especially protection of historic resources; subdivision of land; access, internal circulation, and off-

Mr. Roy Bishop  
Planning Director  
City of Key West Planning Department

2 September 2019

RE: Traffic Impact Statement - Moped Rental  
Key West, FL  
Rooster Rental, LLC

Dear Mr. Bishop,

Traffic Impact Group, LLC has been retained to prepare a traffic impact statement for the proposed recreational rental vehicle company located at 210 Simonton Street on Key West. The site is in the southwest corner of Simonton Street & Greene Street. Refer to the attached project location map.

The existing parcel is vacant and is used for parking. The proposed development would consist of a recreational moped scooter rental business. The operation will initially include 20 scooters.

Access to the site will be provided by the existing driveways to Simonton Street.

### Study Area Roadways

Simonton Street and Greene Street are both two-lane undivided roadways functionally classified as local streets.

### Trip Generation

There are no trip generation categories from the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 10th Edition* that fit the recreational rental vehicle operation. Trip generation for this analysis is estimated based on the following information provided by the owner:

Twenty vehicles will be available for rental, and it is assumed an average two-hour rental period during a 8-hour rental day (10 AM to 6 PM). This would total 80 average daily trips in and out of the business. (20 vehicles x 4 rental periods per 8-hour day = 80 trips).



## Roadway Segment Capacity

Roadway segment capacity analysis uses the FDOT *Generalized Level of Service Tables*. The screenshot below is for generalized daily volumes for urbanized areas.

INTERRUPTED FLOW FACILITIES					
STATE SIGNALIZED ARTERIALS					
Class I (40 mph or higher posted speed limit)					
Lanes	Median	B	C	D	E
2	Undivided	*	16,600	17,700	**
4	Divided	*	37,900	39,800	**
6	Divided	*	58,400	59,900	**
8	Divided	*	78,800	80,100	**
Class II (35 mph or slower posted speed limit)					
Lanes	Median	B	C	D	E
2	Undivided	*	7,300	14,800	15,900
4	Divided	*	14,500	31,400	33,900
6	Divided	*	23,300	50,000	50,900
8	Divided	*	31,000	67,300	68,100
Non-State Signalized Roadway Adjustment:					
<small>(After corresponding state volumes by the indicated percent.)</small>					
Non-State Signalized Roadways -10%					
Median & Turn Lane Adjustments					
Lanes	Median	Exclusive Left Lanes	Exclusive Right Lanes	Adjustment Factor	
2	Divided	Yes	No	+5%	
2	Undivided	No	No	00%	
Multi	Undivided	Yes	No	-5%	
Multi	Undivided	No	No	-25%	
-	-	-	Yes	+5%	
One-Way Facility Adjustment					
<small>Multiply the corresponding two-directional volumes in this table by 0.5</small>					

Both Simonton Street and Greene Street are non-state roadways with a posted speed limit below 35 mph and without turn lanes. Using the above table, the threshold for LOS D on both roadways is 4,672 vehicles per day, and the threshold for LOS F is 9,984 vehicles per day.

It is assumed that the new trips would be evenly split between Simonton Street and Greene Street.

- Simonton Street - 25% northbound and 25% southbound = 40 daily trips
- Greene Street - 25% eastbound and 25% westbound = 40 daily trips

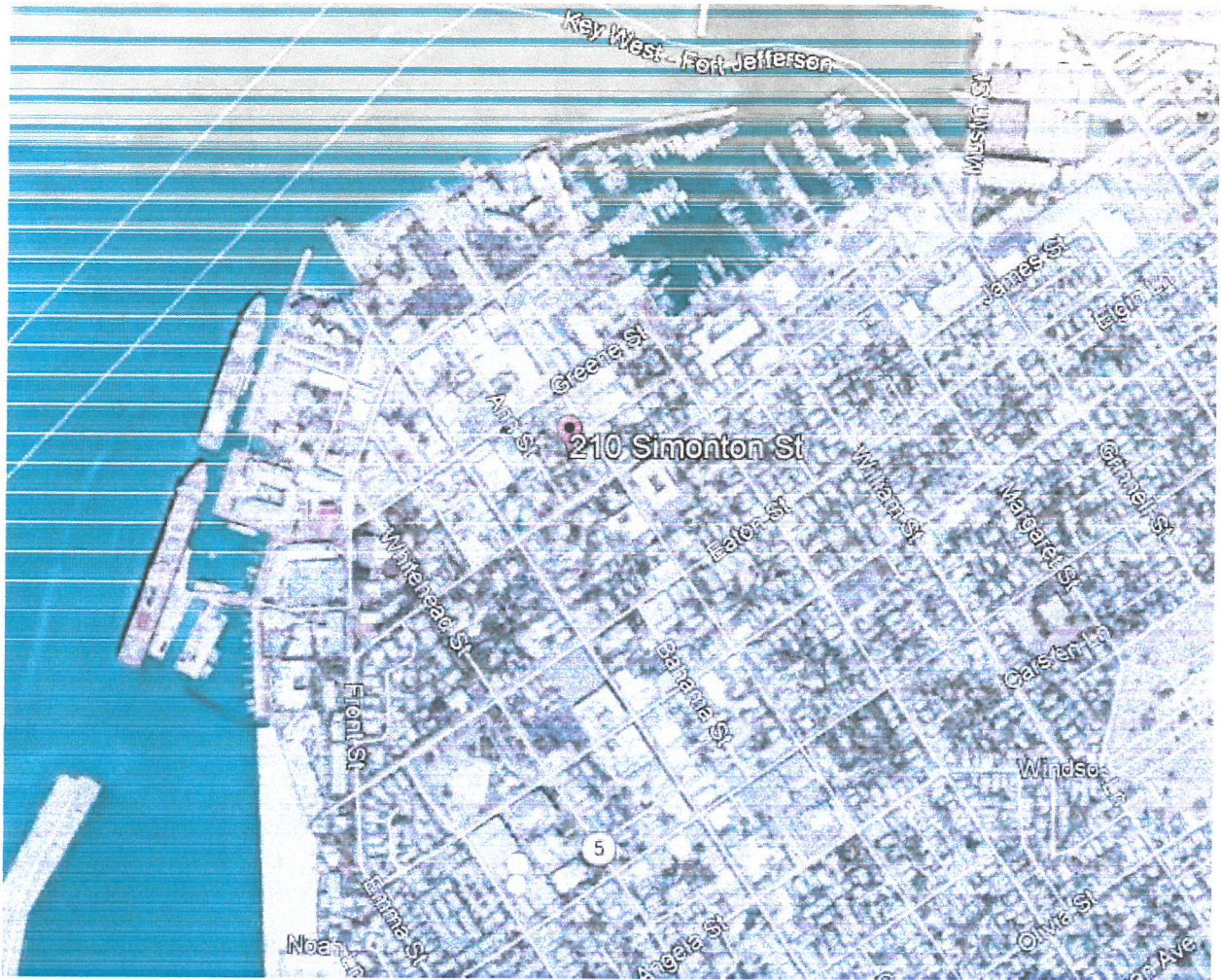
## Conclusion

Analysis shows that the proposed recreational rental vehicle operation at 210 Simonton Street will have a negligible impact to the study area roadways and intersections. The increase in average daily traffic is expected to be below 3% of the roadways LOS D standard. Your review and approval of this statement will be greatly appreciated. If you have any questions, please feel free to contact me at 407.607.6985.

Scott P. Israelson, P.E., PTOE



## PROJECT LOCATION MAP



**210 Simonton Street**

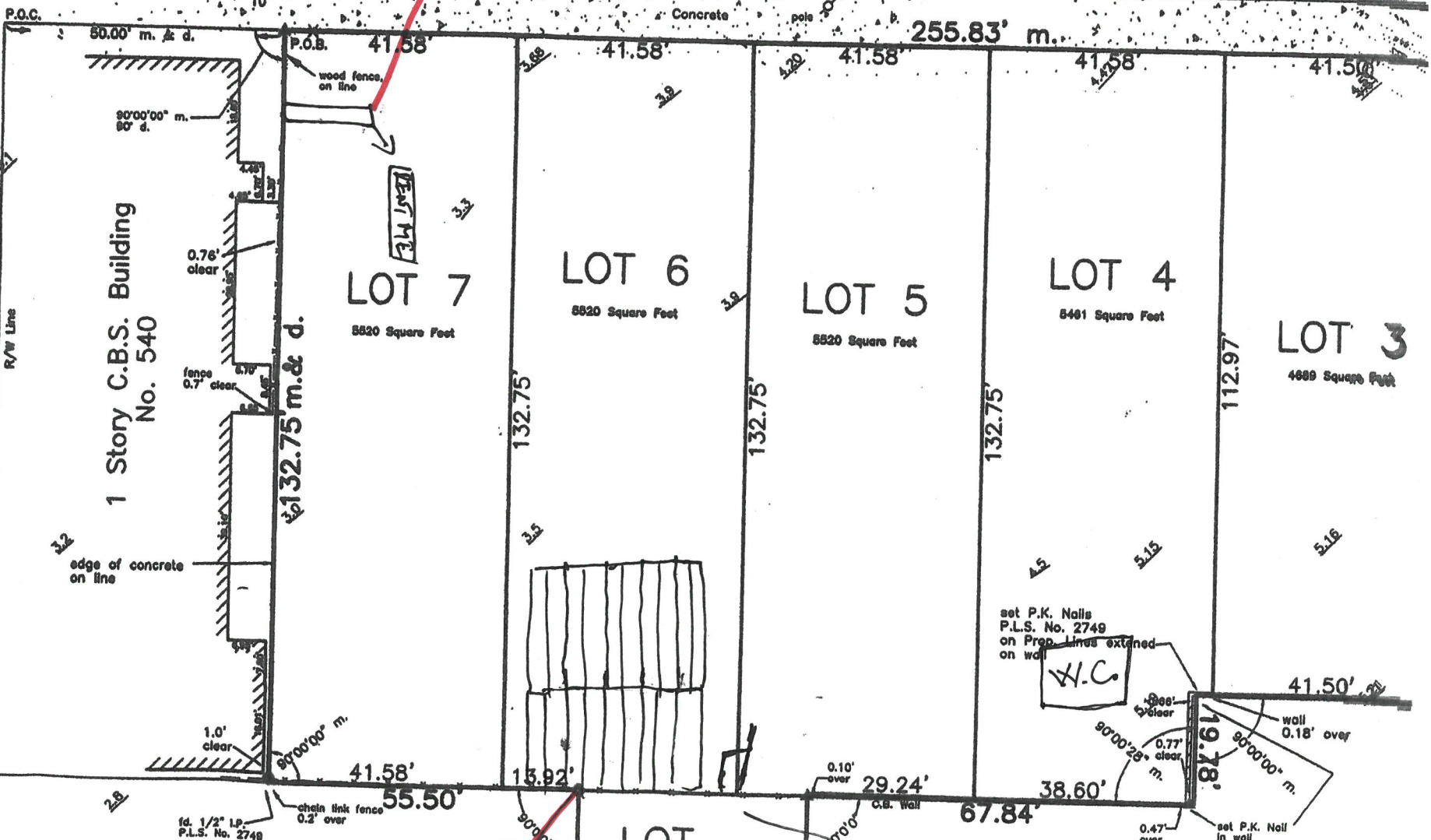
**Intersection of Simonton Street & Greene Street**



one scooter with rent we  
figure on scooters

SIMONTON STREET (50' R/W)

GREENE STREET (50' R/W)



19 scooters parking layout

chair for employee

**City of Key West  
Planning Department**



**Verification Form**

*(Where Authorized Representative is an individual)*

I, ISTVAN SZENTGYORGYI, being duly sworn, depose and say that I am the Authorized Representative of the Owner (as appears on the deed), for the following property identified as the subject matter of this application:

210 SIMONTON STR , PARKING LOT

*Street address of subject property*

All of the answers to the above questions, drawings, plans and any other attached data which make up the application, are true and correct to the best of my knowledge and belief. In the event the City or the Planning Department relies on any representation herein which proves to be untrue or incorrect, any action or approval based on said representation shall be subject to revocation.

*Istvan*

*Signature of Authorized Representative*

Subscribed and sworn to (or affirmed) before me on this 9/5/19 by \_\_\_\_\_ date

ISTVAN SZENTGYORGYI

*Name of Authorized Representative*

He/She is personally known to me or has presented DL-FL- 5532-400-80-044-0 as identification.

*Natalie L. Hill*

*Notary's Signature and Seal*

Natalie L. Hill

*Name of Acknowledger typed, printed or stamped*



051262

*Commission Number, if any*



**2019 / 2020  
MONROE COUNTY BUSINESS TAX RECEIPT  
EXPIRES SEPTEMBER 30, 2020**

Business Name: ROOSTER RENTAL LLC

RECEIPT# 47149-120468

Owner Name: ISTVAN SZENTGYPRGYI  
Mailing Address: 209 ANN ST  
KEY WEST, FL 33040

Business Location: 209 ANN ST  
KEY WEST, FL 33040  
Business Phone: 305-896-8271  
Business Type: MOPED & BIKE & ELECTRIC CAR RENTALS & REPAIR  
(SCOOTER & ELECTRIC CAR RENTAL)

Employees 1

Tax Amount	Transfer Fee	Sub-Total	Penalty	Prior Years	Collection Cost	Total Paid
22.00	0.00	22.00	0.00	0.00	0.00	22.00

**Paid 103-18-00004718 09/05/2019 22.00**

THIS BECOMES A TAX RECEIPT  
WHEN VALIDATED

**Danise D. Henriquez, CFC, Tax Collector  
PO Box 1129, Key West, FL 33041**

THIS IS ONLY A TAX.  
YOU MUST MEET ALL  
COUNTY AND/OR  
MUNICIPALITY PLANNING  
AND ZONING REQUIREMENTS.

**MONROE COUNTY BUSINESS TAX RECEIPT  
P.O. Box 1129, Key West, FL 33041-1129  
EXPIRES SEPTEMBER 30, 2020**

Business Name: ROOSTER RENTAL LLC

RECEIPT# 47149-120468

Owner Name: ISTVAN SZENTGYPRGYI  
Mailing Address: 209 ANN ST  
KEY WEST, FL 33040

Business Location: 209 ANN ST  
KEY WEST, FL 33040  
Business Phone: 305-896-8271  
Business Type: MOPED & BIKE & ELECTRIC CAR RENTALS & REPAIR  
(SCOOTER & ELECTRIC CAR RENTAL)

Employees 1

Tax Amount	Transfer Fee	Sub-Total	Penalty	Prior Years	Collection Cost	Total Paid
22.00	0.00	22.00	0.00	0.00	0.00	22.00

**Paid 103-18-00004718 09/05/2019 22.00**





Doc# 1740393 05/01/2009 11:02AM  
Filed & Recorded in Official Records of  
MONROE COUNTY DANNY L. KOLHAGE

05/01/2009 11:02AM  
DEED DOC STAMP CL: TRINA \$31,500.00

Doc# 1740393  
Bk# 2410 Pg# 2243

Prepared by and return to:  
JOHN M. SPOTTSWOOD, JR.  
Attorney at Law  
Spottswood, Spottswood & Spottswood  
500 Fleming Street  
Key West, FL 33040  
305-294-9556  
File Number: 09-132-JB

[Space Above This Line For Recording Data]

## Warranty Deed

**This Warranty Deed** made this 30th day of April, 2009 between Spottswood Partners II, Ltd., a Florida Limited Partnership whose post office address is 506 Fleming Street, Key West, FL 33040, grantor, and Peter N. Brawn, a single man whose post office address is 525 Caroline St., C/O Bob Kelly, Key West, FL 33040, grantee:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

**Witnesseth**, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Monroe County, Florida to-wit:

**Lots 4, 5, 6, 7 and 8, MARY SPOTTSWOOD'S BACKYARD, a subdivision according to the plat thereof, as recorded in Plat Book 7, at Page 75, of the Public Records of Monroe County, Florida.**

**Parcel Identification Number: 00001111-00400; 00001111-000500; 00001111-000600; 00001111-000700 and 00001111-000800**

**Subject to conditions, limitations, restrictions and easements of record and conditions of the Plat of Mary Spottswood's Backyard as recorded in Plat Book 7, Page 75 and taxes for the year 2009 and subsequent years.**

**Grantor is transferring to Grantee a total of five full residential rogo units with transient rental capacity, as described on the above referenced Plat. Grantee acknowledges that this total of 5 rogo units being conveyed includes the 2.9 rogo units presently located on Lot 8 and 2.1 additional rogo units. Grantor is specifically reserving all other rogo units referred to in Resolution 05-257 approving the Plat and recorded September 2, 2005 in Official Records Book 2148, at Page 410, of the Public Records of Monroe County, Florida.**

**Together** with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

**To Have and to Hold**, the same in fee simple forever.

**And** the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to **December 31, 2008**.

**In Witness Whereof**, grantor has hereunto set grantor's hand and seal the day and year first above written.