

# **Application**



# Application for Easement

City of Key West, Florida • Planning Department

1300 White Street • Key West, Florida 33040 • 305-809-3764 • www.cityofkeywest-fl.gov

### Application Fee: \$2,400.00

(includes \$200.00 advertising/noticing fee and \$100.00 fire review fee)  
(\$500.00 for each additional easement for same parcel)

Please complete this application and attach all required documents. This will help staff process your request quickly and obtain necessary information without delay. If you have any questions, please call 305-809-3764.

#### PROPERTY DESCRIPTION:

Site Address: 312 Catherine Street, Key West, Florida 33040

Zoning District: HHDR Real Estate (RE) #: 00026430-000100

Property located within the Historic District?  Yes  No

APPLICANT:  Owner  Authorized Representative

Name: Richard McChesney - Spottswood, Spottswood, Spottswood & Sterling

Mailing 500 Fleming Street Address:

City: Key West State: Florida 33040 Zip:

Home/Mobile Phone: \_\_\_\_\_ Office: (305) 293-8791 Fax: \_\_\_\_\_

Email: richard@spottswoodlaw.com

#### PROPERTY OWNER: (if different than above)

Name: Brian Koziel and Jennifer Hansen

Mailing 312 Catherine Street Address:

City: Key West State: Florida 33040 Zip:

Home/Mobile Phone: \_\_\_\_\_ Office: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

Description of requested easement and use: Easement to incorporate existing boundary fence in front yard.

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Are there any easements, deed restrictions or other encumbrances attached to the property?  Yes  No

If yes, please describe and attach relevant documents: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**REQUIRED SUBMITTALS:** *All of the materials listed below must be submitted in order to have a complete application. Applications will not be processed until all materials are provided. Please submit one (1) paper copy of the materials to the Planning Department along with one (1) electronic copy of materials on a flash drive.*

- Correct application fee. Check may be payable to "City of Key West."
  
- Notarized verification form signed by property owner or the authorized representative.
  
- Notarized authorization form signed by property owner, if applicant is not the owner.
  
- Certificate of Liability Insurance with the City of Key West listed as additional Certificate Holder.
  
- Copy of recorded warranty deed
  
- Monroe County Property record card
  
- Signed and sealed Specific Purpose Survey with the legal description of the easement area requested and naming the property owner and/or entity and the City of Key West on the document.
  
- Photographs showing the proposed area

# **Authorization Form**

**City of Key West  
Planning Department**



**Authorization Form**  
*(Individual or Joint Owner)*

Please complete this form if someone other than the owner is representing the property owner in this matter.

I, We Brian Koziel and Jennifer Hansen authorize  
*Please Print Name(s) of Owner(s) as appears on the deed*

Richard J. McChesney - Spottswood, Spottswood, Spottswood & Sterling PLLC  
*Please Print Name of Representative*

to be the representative for this application and act on my/our behalf before the City of Key West.

Brian Koziel  
*Signature of Owner*

Jennifer Hansen  
*Signature of Joint/Co-owner if applicable*

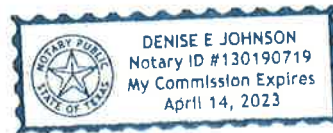
Subscribed and sworn to (or affirmed) before me on this February 28, 2020  
*Date*

by Brian D Koziel + Jennifer Marie Hansen  
*Name of Owner*

He/She is personally known to me or has presented Driver's license as identification.

Denise E Johnson  
*Notary's Signature and Seal*

Denise E Johnson  
*Name of Acknowledger typed, printed or stamped*



130190719  
*Commission Number, if any*

# **Verification Form**

**City of Key West  
Planning Department**



**Verification Form**

*(Where Authorized Representative is an entity)*

I, Richard McChesney, in my capacity as Associate Attorney  
*(print name)* *(print position; president, managing member)*

of Spottswood, Spottswood, Spottswood & Sterling PLLC  
*(print name of entity serving as Authorized Representative)*

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:

312 Catherine Street, Key West, Florida 33040  
*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.

  
*Signature of Authorized Representative*

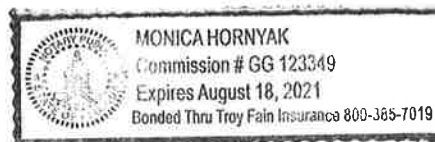
Subscribed and sworn to (or affirmed) before me on this Feb. 11, 2020 by  
*date*  
Richard McChesney  
*Name of Authorized Representative*

He/She is personally known to me or has presented \_\_\_\_\_ as identification.

  
*Notary's Signature and Seal*

\_\_\_\_\_  
*Name of Acknowledger typed, printed or stamped*

\_\_\_\_\_  
*Commission Number, if any*



# **Warranty Deed**



Prepared by and return to:  
**Richard J. McChesney**

**Spottswood, Spottswood, Spottswood & Sterling, PLLC**  
**500 Fleming Street**  
**Key West, FL 33040**  
**305-294-9556**  
File Number: **64-20.00030 RM**  
Will Call No.:

[Space Above This Line For Recording Data]

## Warranty Deed

**This Warranty Deed** made this **28th** day of **February, 2020** between **Barbara Ann Withers, a single woman** whose post office address is **310 Catherine Street, Key West, FL 33040**, grantor, and **Brian D. Koziel and Jennifer Marie Hansen, husband and wife** whose post office address is **3120 Bridgewater Drive, Little Elm, TX 75068**, 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:

**A parcel of land on the Island of Key West, being part of Tract 10, according to Wm. A. Whitehead's map, delineated in February, 1829, but now better known as part of Lot 5 in Square 3 of said Tract 10, according to Howe's Diagram of said Tract 10; said parcel being more particularly described by metes and bounds as follows:**

**COMMENCING at the intersection of the Northeasterly right of way line of Thomas Street with the Southeasterly right of way line of Catherine Street and run thence Northeasterly along the Southeasterly right of way line of the said Catherine Street for a distance of 162.12 feet to the Point of Beginning; thence continue Northeasterly, along the Southeasterly right of way line of said Catherine Street, for a distance of 38.87 feet to a point, being the Northeasterly corner of said Lot 5; thence Southeasterly, and at right angles, along the Northeasterly boundary line of said Lot 5 for a distance of 74.58 feet to the Easterly corner of said Lot 5; thence Southwesterly, and at right angles, along the boundary line of said Lot 5 for a distance of 38.87 feet; thence Northwesterly, and at right angles, for a distance of 74.58 feet back to the Point of Beginning.**

**Parcel Identification Number: 00026430-000100**

**Subject to taxes for 2020 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.**

**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, 2019**.

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

Signed, sealed and delivered in our presence:

Richard McChesney  
Witness Name: Richard McChesney

Barbara Ann Withers (Seal)  
Barbara Ann Withers

Monica Hornyak  
Witness Name: Monica Hornyak

State of Florida  
County of Monroe

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this 27 day of February, 2020 by Barbara Ann Withers, who  is personally known or  has produced a driver's license as identification.

[Notary Seal]

Monica Hornyak  
Notary Public

Printed Name: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_



# **Property Record Card**



**Disclaimer**

The Monroe County Property Appraiser's office maintains data on property within the County solely for the purpose of fulfilling its responsibility to secure a just valuation for ad valorem tax purposes of all property within the County. The Monroe County Property Appraiser's office cannot guarantee its accuracy for any other purpose. Likewise, data provided regarding one tax year may not be applicable in prior or subsequent years. By requesting such data, you hereby understand and agree that the data is intended for ad valorem tax purposes only and should not be relied on for any other purpose.

By continuing into this site you assert that you have read and agree to the above statement.

**Summary**

Parcel ID 00026430-000100  
 Account# 9104478  
 Property ID 9104478  
 Millage Group 11KW  
 Location 312 CATHERINE St, KEY WEST  
 Address  
 Legal KW PB1-25-40 PT LT 5 SQR 3 TR 10 M-667 UU-164 J3-41 G8-448 OR564-963 OR608-780 OR931-814/15P/R OR1292-88/89 OR1251-1458/59F/J OR1626-1430/31 OR2806-858D/C OR3012-586  
 Description  
 Neighborhood 6021  
 Property Class MULTI FAMILY LESS THAN 10 UNITS (0800)  
 Subdivision Tracts 10 and 15  
 Sec/Twp/Rng 06/68/25  
 Affordable No  
 Housing



**Owner**

KOZIEL BRIAN D  
 3120 BRIDGEWATER Dr  
 Little Elm TX 75068

HANSEN JENNIFER MARIE  
 3120 BRIDGEWATER Dr  
 Little Elm TX 75068

**Land**

Land Use	Number of Units	Unit Type	Frontage	Depth
MULTI RES DRY (080D)	2,899.00	Square Foot	0	0

**Buildings**

Building ID	63813	Exterior Walls	ABOVE AVERAGE WOOD
Style	1 STORY ELEV FOUNDATION	Year Built	1938
Building Type	M.F. - R2 / R2	Effective Year Built	2010
Gross Sq Ft	1218	Foundation	CONCR FTR
Finished Sq Ft	720	Roof Type	GABLE/HIP
Stories	1 Floor	Roof Coverage	METAL
Condition	AVERAGE	Flooring Type	SFT/HD WD
Perimeter	108	Heating Type	NONE with 0% NONE
Functional Obs	0	Bedrooms	
Economic Obs	0	Full Bathrooms	2
Depreciation %	8	Half Bathrooms	0
Interior Walls	WALL BD/WD WAL	Grade	500
		Number of Fire Pl	0

Code	Description	Sketch Area	Finished Area	Perimeter
FAT	FINISHED ATTIC	180	0	54
FLA	FLOOR LIV AREA	720	720	108
OPU	OP PR UNFIN LL	144	0	60
OPF	OP PRCH FIN LL	154	0	58
SBF	UTIL FIN BLK	20	0	18
<b>TOTAL</b>		<b>1,218</b>	<b>720</b>	<b>298</b>

**Yard Items**

Description	Year Built	Roll Year	Quantity	Units	Grade
UTILITY BLDG	1975	1976	1	32 SF	1
CONC PATIO	1984	1985	1	132 SF	2
CUSTOM PATIO	2015	2016	1	129 SF	2
FENCES	2015	2016	1	552 SF	2
WOOD DECK	2019	2020	1	39 SF	2

**Sales**

Sale Date	Sale Price	Instrument	Instrument Number	Deed Book	Deed Page	Sale Qualification	Vacant or Improved
2/28/2020	\$625,000	Warranty Deed	2258840	3012	586	01 - Qualified	Improved

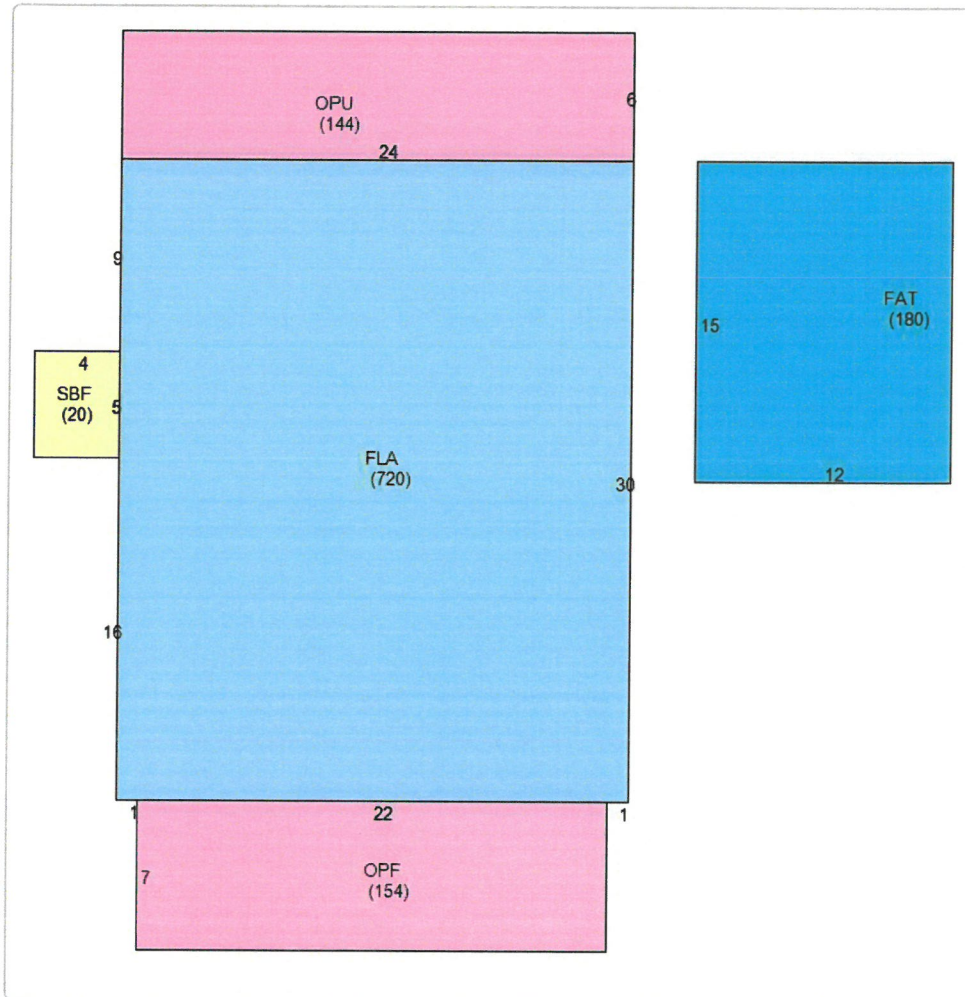
Permits

Number	Date Issued	Date Completed	Amount	Permit Type	Notes
06-3778	6/22/2006	7/7/2006	\$1,500		REPLACE 50 LF OF CHAIN LINK WITH 6' H PICKET AT SIDE OF PROPERTY

View Tax Info

[View Taxes for this Parcel](#)

Sketches (click to enlarge)



Photos



Map



No data available for the following modules: Valuation, Commercial Buildings, Mobile Home Buildings, Exemptions, TRIM Notice.

The Monroe County Property Appraiser's office maintains data on property within the County solely for the purpose of fulfilling its responsibility to secure a just valuation for ad valorem tax purposes of all property within the County. The Monroe County Property Appraiser's office cannot guarantee its accuracy for any other purpose. Likewise, data provided regarding one tax year may not be applicable in prior or subsequent years. By requesting such data, you hereby understand and agree that the

[User Privacy Policy](#)  
[GDPR Privacy Notice](#)

[Last Data Upload: 4/23/2020 2:19:29 AM](#)

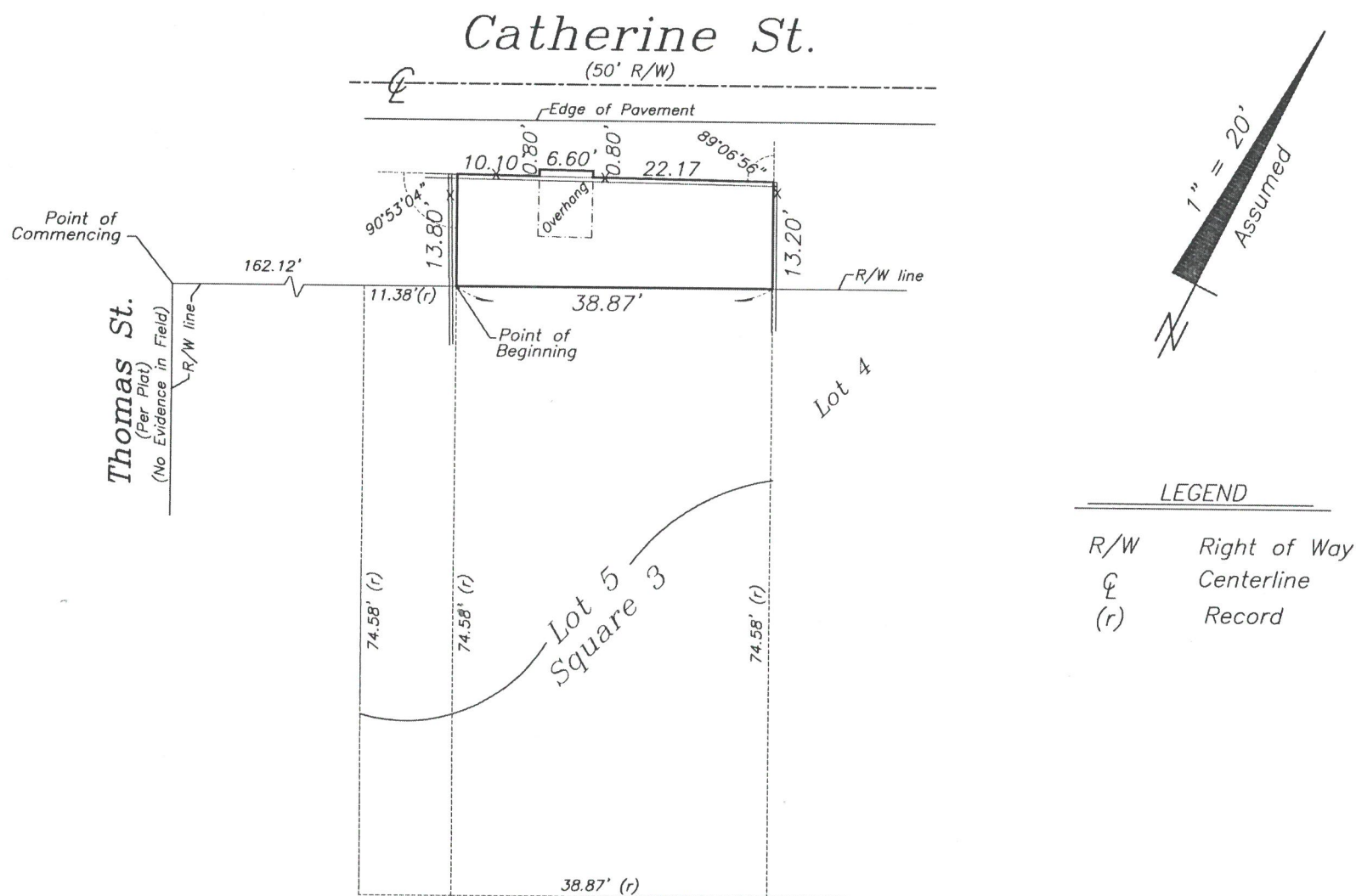
Developed by



[Version 2.3.56](#)

# **Specific Purpose Survey**

Specific Purpose Survey Map to illustrate a legal description of a portion of Catherine Street adjacent to Lot 5, Square 3, Tract 10, of Howe's Diagram, Island of Key West prepared by the undersigned



**NOTES:**

1. The legal descriptions shown hereon were authored by the undersigned.
2. Underground foundations and utilities were not located.
3. All angles are 90° (Measured & Record) unless otherwise noted.
4. Street address: 312 Catherine Street, Key West, FL.
5. This survey is not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
6. Lands shown hereon were not abstracted for rights-of-way, easements, ownership, or other instruments of record.
7. North Arrow is assumed and based on the legal description.
8. Adjoiners are not furnished.
9. This Sketch does not represent a field boundary survey.

**SPECIFIC PURPOSE SKETCH TO ILLUSTRATE LEGAL DESCRIPTIONS  
AUTHORED BY THE UNDERSIGNED:**

A parcel of land on the Island of Key West and known as a portion of the right-of-way of Catherine Street adjacent to Lot 5, in Square 3 of Tract 10, according to Howe's Diagram of said Tract 10, said parcel being more particularly described by metes and bounds as follows:  
**COMMENCE** at the intersection of the Northeasterly right-of-way line of Thomas Street with the Southeasterly right-of-way line of Catherine Street and run thence Northeasterly along the Southeasterly right-of-way line of Catherine Street for a distance of 162.12 feet to the Point of Beginning of the parcel of land being described herein; thence continue Northeasterly along the Southeasterly right-of-way line of Catherine Street for a distance of 38.87 feet; thence Northwesterly and at right angles for a distance of 13.20 feet to the Northwesterly face of a wood fence; thence Southwesterly with a deflection angle of 89°06'56" to the left and along said fence for a distance of 22.17 feet; thence Northwesterly and at right angles 0.80 feet; thence Southwesterly and at right angles along the Northwesterly face of an overhang for a distance of 6.60 feet; thence Southeasterly and at right angles for a distance of 0.80 feet; thence Southwesterly and at right angles along said wood fence for a distance of 10.10 feet; thence Southeasterly with a deflection angle of 90°53'04" to the left for a distance of 13.80 feet back to the Point of Beginning, containing 530 square feet, more or less.

**SPECIFIC PURPOSE SURVEY FOR:** Brian David Koziel & Jennifer M. Hansen; City of Key West;

I HEREBY CERTIFY that this survey was made under my responsible charge and meets the Standard of Practice as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

J. LYNN O'FLYNN, INC.

J. Lynn O'Flynn, PSM  
Florida Reg. #6298

February 18, 2020

THIS SURVEY  
IS NOT  
ASSIGNABLE

**J. LYNN O'FLYNN, Inc.**



Professional Surveyor & Mapper  
PSM #6298

3430 Duck Ave., Key West, FL 33040  
(305) 296-7422 FAX (305) 296-2244



**Development Review Committee  
Comments from April 23, 2020**

## Easement – 312 Catherine Street – DRC Meeting on April 23

Good Morning Madam Chair and DRC Members, Angela Budde, Planning Staff

This is an application for a proposed Easement Agreement at a property located at 312 Catherine Street. The subject property is located within the Historic High Density Residential (HHDR) zoning district and the property is recognized as a contributing structure to the Key West Historic District, built Circa 1938. The property recently sold on February 28, 2020 and the new owners are reflected in the Application, Warranty Deed, Boundary and Specific Purpose Surveys and the Property appraiser's information card, all made available in the Application package through this agenda.

Pursuant to Section 2-938 of the Code of Ordinances of the City of Key West, the applicant is requesting an Easement to address the 530.0-square feet of existing boundary fence located on the Catherine Street Right-of-Way.

If the request for an Easement over City-owned land is granted, then the owner would be required to pay an Annual Fee of \$400.00 pursuant to Code Section 2-938 (b)(3) to the City for use of City Property, The annual fee shall be pro-rated based on the effective date of the Easement Agreement.

The Applicant has provided the certificate of liability insurance with the required coverage and having the City listed as an additional insurer with limits of no less than \$300,000.00 PER INCIDENT.

I have reviewed the application package and am pleased to report everything is compliant with the proposal.

I appreciate any feedback DRC members may provide.

Thank you for your time.

FIRE – N/C

UTILITIES – N/C

GIS – All fences on this street encroach onto the City's ROW. Fixing them one at a time as properties are for sale and/or sold and new owners want to be in compliance with the City.

HARC – ENID – DISCLOSURE she spoke with the Previous Owner (BARBARA WITHERS) who now lives at 310 Catherine Street, will require an Easement Agreement for the fence and gate at 310 Catherine. Enid said the issue at 310 Catherine does not impede moving forward the Easement proposal for 312 Catherine Street.

Karen – N/C on Easement.

Karen did ask when the fence was built, and she wanted to know the type of vegetation behind the Fence to regulate.

**Site Visit / Photos from  
April 23, 2020**



HEPBURN  
HOUSE  
PARKING

312

2

2

HEPBURN  
HOUSE  
PARKING



HEPBURN  
HOUSE  
PARKING

312

2  
3

HEPBURN  
HOUSE  
PARKING