

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

1124 EATON STREET EASEMENT

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING AN EASEMENT OF APPROXIMATELY 49 SQUARE FEET TO ADDRESS THE ENCROACHMENT OF A FRONT PORCH, STAIRS AND LANDSCAPING RELATED TO AN HISTORIC STRUCTURE LOCATED ON THE SOUTH SIDE OF EATON STREET AT 1124 EATON STREET, KEY WEST, FLORIDA (RE#00004700-000000); 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 approximately 49 square feet for the real property described in the attached specific purpose survey prepared by J. Lynn O'Flynn, Inc. dated December 20, 2009 and revised January 25, 2011, 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 grant of easement: (1) The easement shall terminate upon the replacement of the structure and there shall be no expansion or further encroachments in the easement area. (2) That the City may unilaterally terminate the easement upon a finding of public purpose by vote of the Key West City Commission. (3) That the owner

shall pay the yearly fee specified in Code of Ordinances section 2-938, as may be amended from time to time. (4) That the owner shall irrevocably appoint the City Manager as its agent to permit the removal of the encroachment(s) if the yearly fee required by the Code of Ordinances is not paid. (5) That the easement shall terminate upon the failure of the property owner to maintain liability insurance in a minimum amount of one hundred thousand dollars per person and two hundred thousand 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. Pursuant to Florida Statute 768.28, this amount shall increase to two hundred thousand dollars per person and three hundred thousand dollars per incident beginning October 11, 2011. (6) That the City reserves the right to construct surface improvements within the easement area. (7) That the easement area cannot be used in site size calculations such as lot, yard, and bulk calculations for site development.

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 \_\_\_\_\_, 2011.

Authenticated by the presiding officer and Clerk of the Commission on \_\_\_\_\_, 2011.

Filed with the Clerk \_\_\_\_\_, 2011.

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CRAIG CATES, MAYOR

ATTEST:

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CHERYL SMITH, CITY CLERK