



THE CITY OF KEY WEST
1300 White Street, Key West, FL 33040 (305) 809-3700

EXECUTIVE SUMMARY

TO: Jim Scholl, City Manager

FROM: Jim Bouquet, P.E., Engineering Director

DATE: August 28, 2017

RE: Easement Associated with Acquisition of the Former Key West Diesel Plant

ACTION STATEMENT

Authorize the City Manager to approve *Addendum to Purchase and Sale Agreement* including *Ingress, Egress and Utility Easement Agreement* by and between Keys Energy Services and the City of Key West to enhance access to the recently acquired Former Key West Diesel Plant property.

BACKGROUND

On June 28, 2017, KEYS and City entered into a Purchase and Sale Agreement (“Agreement”), for the acquisition by the City of certain real property owned by Utility Board of the City of Key West d/b/a Keys Energy Services (KEYS) located in Monroe County, Florida, and more particularly described in the Agreement (the “Property”). The property consists of three buildings identified as 100 Angela Street (Subdivision 19), 709 Fort Street (Subdivision 20) and 101 Geraldine Street (Subdivision 21). Refer to attached Boundary Survey by Avirom & Associates, Inc. (Avirom).

After executing the Agreement, and pursuant to paragraph 3(b) of the Agreement, the City obtained a survey of the Property and discovered two potential problems. First, a building formerly used by KEYS in connection with the Property encroaches into the right-of-way for Fort Street between Angela Street and Geraldine Street (the “Right-of-Way”). Second, the buildings on the Property consume so much of the Property that there is no practical access to the eastern side of the Property without entering adjacent property owned by KEYS.

To resolve these issues, the City has requested and KEYS has agreed to the following:

- (a) KEYS makes no claim to ownership of the Right-of-Way, and to provide certainty for title purposes, KEYS will disclaim any ownership interest in the Right-of-Way, and
- (b) KEYS will grant the City an easement over and across a strip of property to provide practical access to the Property.

The proposed easement is described in the attached *Sketch & Description Portion of Subdivisions Fifteen (15) and Sixteen (16)* by Avirom dated August 24, 2017. The easement is further described in *Ingress, Egress and Utility Easement Agreement* as Exhibit B to *Addendum to Purchase and Sale Agreement* (see attached) for the Property.

PURPOSE AND JUSTIFICATION

An easement is necessary to access the eastern side of the Property without entering adjacent property owned by KEYS. The proposed strip of land (174 feet by approximately 14 feet) will facilitate access for future development of the Property.

RECOMMENDATION

Staff recommends the City Commission authorize the City Manager to approve *Addendum to Purchase and Sale Agreement* including *Ingress, Egress and Utility Easement Agreement* by and between Keys Energy Services and the City of Key West to enhance access to the recently acquired Former Key West Diesel Plant property.