



THE CITY OF KEY WEST

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TO: Jim Scholl, City Manager
E. David Fernandez, Asst. City Manager – Operations
Mark Finigan, Asst. City Manager - Administration

FROM: Birchard Ohlinger, City Engineer

DATE: May 24, 2011

SUBJECT: Approval of a Conservation Easement with the South Florida Water Management District (SFWMD) at the Key West Botanical Garden and that mitigation credits awarded shall be assigned to the City.

ACTION STATEMENT:

Resolution authorizing the City Manager to execute the attached Deed of Conservation Easement with the SFWMD. Mitigation credits awarded by this Conservation Easement shall be used by the City on City property. KWBG may request from the City the use of credits for improvement of the property they currently lease.

BACKGROUND:

On 14 November 2007 the Key West Botanical Garden Society was awarded a TDC Grant in the amount of \$265,000 dollars to develop a 1.576 acre mitigation pond on property currently leased from the city. Construction of this pond is a part of the KWBG Major Development Plan that was approved by the Commission under Resolution No. 08-064. . As a stipulation to this grant, the City agreed to maintain the wetland and upland hammock in perpetuity, with the understanding that such duties will be covered by the current tenant and future tenants and not the taxpayers of Key West. Approval of the plan and agreement to maintain this mitigation pond was passed under Resolution 08-170.

PURPOSE & JUSTIFICATION:

Approval of this Conservation Easement defines what is required by the city under our agreement to maintain the property “in perpetuity”. In addition the City is able to obtain mitigation credits resulting from this project to be used on other projects. Obtaining these credits is contingent upon the KWBG submitting the required monitoring reports required by the SFWMD.

OPTIONS:

There are two (2) options:

1. Approval to authorize the City Manager to execute this Deed of Conservation

MEMORANDUM

- Easement. This option will enable the City to use the credits awarded by this project.
2. The City could not approve this request and our obligations to maintain the pond will not be defined and the mitigation credits awarded by this project may be lost.

FINANCIAL IMPACT:

Approval of this easement will not have any additional financial impact on the City. Not recording this may increase the cost of future projects the City may have as South Florida Water Management Credits will have to be sourced elsewhere.

RECOMMENDATION:

City Staff recommends option #1: Approval to have this Deed of Conservation Easement approved and recorded with the County.