

**THE CITY OF KEY WEST  
PLANNING BOARD  
Staff Report**



**To:** Chair and Planning Board Members

**From:** Ginny Haller, Planner II

**Through:** Patrick Wright, Interim Planning Director

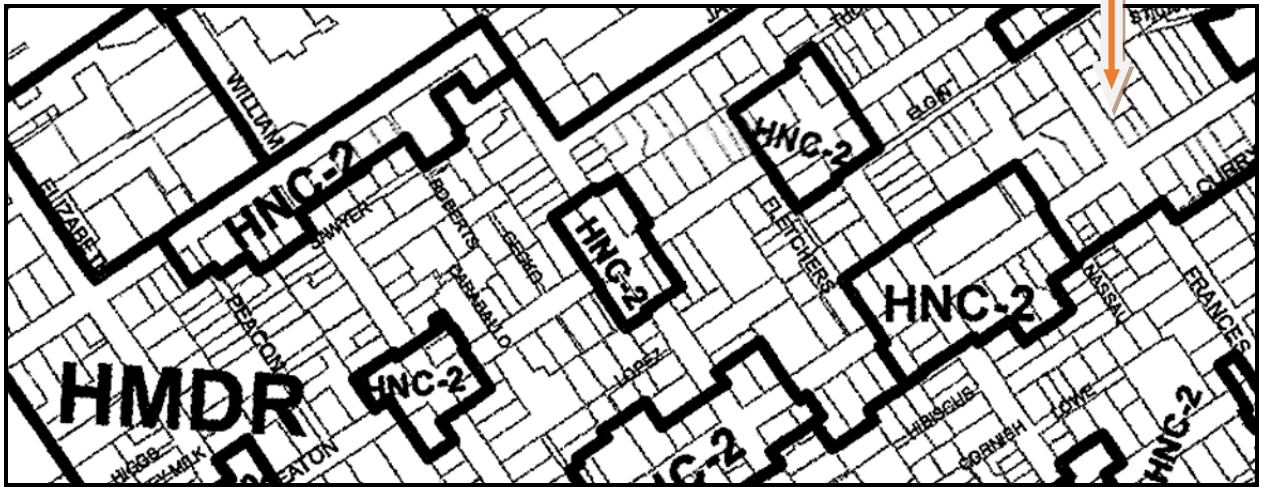
**Meeting Date:** April 20, 2017

**Agenda Item:** **Transient License Transfer – Unassigned (formerly 425 Frances Street #3) (RE # 00004970-000103) to 219 Ann Street (RE # 00001200-000500)** – A request to transfer one transient license from property located within the Historic Medium Density Residential (HMDR) Zoning District to property located within the Historic Residential Commercial Core – Duval Street Gulfside (HRCC-1) Zoning District pursuant to Section 122-1339 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

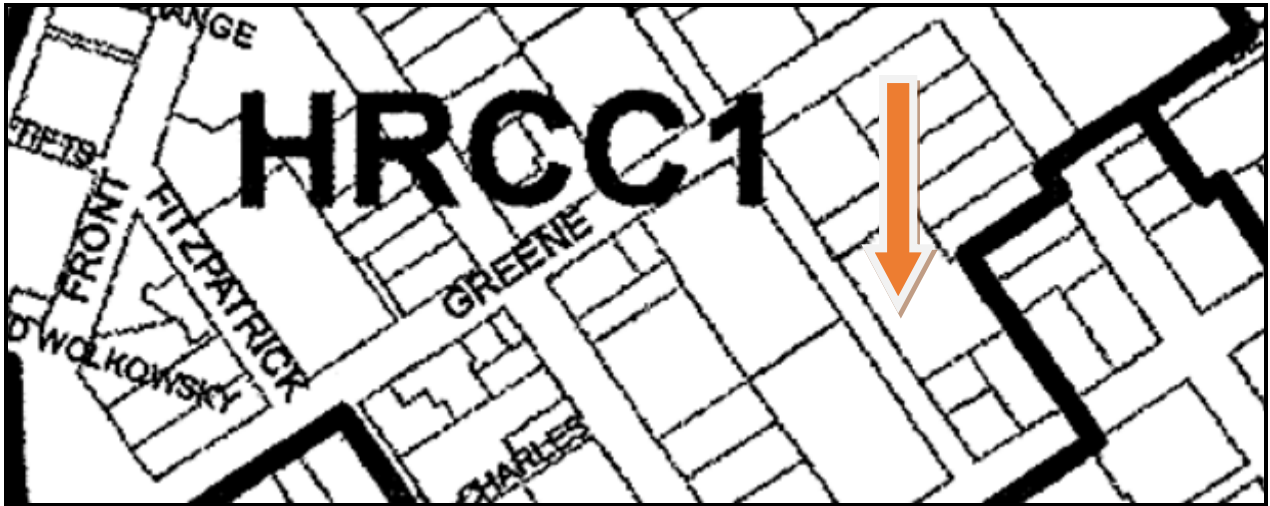
**Site Data:**

	<u><i>Sender Site</i></u>	<u><i>Receiver Site</i></u>
License Owner:	Rent Key West Vacations	The Carlson 1989 Trust
Property Owner:	Rent Key West Vacations	The Carlson 1989 Trust
Agent:	Paul Hayes	Dean Carlson
Location:	425 Frances Street (Unassigned)	219 Ann Street
RE #:	00004970-000103	00001200-000500
Zoning:	Historic Medium Density Residential (HMDR)	Historic Residential Commercial Core – Duval Street Gulfside (HRCC-1)
Existing Use:	Transient residential	Non-transient residential
Proposed Use:	Vacant	Transient residential

### Sender Site



### Receiver Site



#### **Background:**

The subject transient license (or business tax receipt) is associated with 425 Frances Street #3, which is the sender site also known as Ambrosia House Condominium. The current owner of the license retains ownership in an unassigned status. Currently 425 Frances Street #3 is vacant and does not operate transiently. The unit was under foreclosure when the owner, Rent Key West Vacations, purchased the license. 425 Frances Street is located in the Historic Medium Density Residential (HMDR) zoning district which does not permit transient use. The owner seeks to transfer the transient license to a location where transient use is permitted.

The receiver site at 219 Ann Street Compound which consists of six lots, this transient license

transfer is for the unit at the Rear of the compound located within Lot #5. It currently consists of a one-unit, non-transient residential structure. The property is located in the Historic Residential Commercial Core Gulfside (HRCC-1) zoning district in which transient residential is a permitted use. The rear unit contains one bedroom and a loft open to below, containing approximately 897 square feet of total floor area. 219 Ann Street Rear would convert from non-transient to transient rental upon approval of the transient license transfer.

**Relevant Code Sections:**

The purpose of City Code Chapter 122, Article V, Division 6 “Transient Units” outlined in Section 122-1336 is to:

- Provide for the transfer of existing transient units and transient licenses in order to reduce noncomplying density, structures and uses;
- Remove legal nonconforming transient uses from zoning districts that now prohibit them;
- Encourage permanent residential housing by relocating transient licenses;
- Provide for the conversion of transient units to single-family dwellings by the transfer of units;
- Allow for redevelopment without increasing the population requiring evacuation during emergencies or increasing other public services;
- Protect environmentally sensitive lands; and
- Encourage redevelopment under the existing Building Permit Allocation System (BPAS) that limits the allowable number of residential and transient units.

City Code Section 122-1339(a) states that a business tax receipt (e.g., license) for transient use of a unit may itself be transferred from an area where transient uses are prohibited to a receiver site without the accompanying transfer of the unit. In addition, licenses may be transferred from the HNC-1 and HNC-3 Zoning Districts. A transfer of a license under this section does not allow a loss of affordable housing at the receiver site.

City Code Section 122-1339(b) states that where a license alone is transferred, the Planning Board shall consider whether the receiver site is suitable for transient use in the zoning district, shall consider the relative size of the unit from which the license is transferred, and shall consider the room configuration of both sites to maintain approximately the same or less net number of occupants.

**Analysis:**

The proposed transient license transfer does not involve the transfer of transient units. The receiver site of 219 Ann Street Rear is an existing recognized dwelling unit. The proposed transient license transfer would move a transient use of a residential dwelling unit from an area where transient uses are prohibited (HMDR Zoning District) to an area where transient uses are permitted (HRCC-1 Zoning District). The existing use of the receiver site at 219 Ann Street Rear is non-transient residential. The proposed transfer would not result in a loss of affordable housing because there is no existing deed-restricted affordable housing at the receiver site.

The sender site unit is a one bedroom unit with an upstairs loft open to below totaling in 710 square-feet of residential use. The receiver site is a one bedroom and upstairs loft open to below,

containing approximately 897 square foot residential use. Therefore, approximately the same or less net number of occupants would be maintained.

The following table summarizes the applicable approval criteria for a transient license transfer pursuant to City Code Section 122-1339.

Criteria	Analysis	Complies? (Yes or No)
Transient license transfer from an area where transient uses are prohibited	Sender site zoning is MDR-C, which prohibits transient uses.	Yes
Transient license transfer from HNC-1 and HNC-3 Zoning Districts	N/A	N/A
Transfer would not result in a loss of affordable housing at the receiver site	No existing deed-restricted affordable housing at the receiver site.	Yes
Receiver site suitable for transient use	Receiver site zoning is HRCC-1, which permits transient uses.	Yes
Relative size of the unit from which the license is transferred	Sender site: 710 square feet total Receiver site: 897 square feet	Yes
Room configuration of both sites to maintain approximately the same or less net number of occupants	Sender site: 1 bedroom & loft total Receiver site: 1 bedroom & loft total	Yes

**Recommendation:**

Based on the above analysis of the standards for considering transfers of transient business tax receipts in Section 122-1339 of the Land Development Regulations, the Planning Department recommends the request to transfer one transient business tax receipt from unassigned 425 Frances Street #3 to 219 Ann Street Rear be **APPROVED** with the following conditions:

1. All requirements of City Code Section 122-1371 shall be met for the transient use of the residential dwelling at 219 Ann Street Rear.
2. The structure proposed to be used on a transient basis shall comply with all applicable codes and requirements of the Building Department, Fire Department and all other regulatory agencies.

**City of Key West Planning Department**  
**P. O. Box 1409, Key West, FL 33041-1409**  
**(305) 809-3720**

**Application for Transfer of Transient Units and / or Licenses**

Please complete this application in its entirety accompanied by a check for **\$2,000.00** made out to the City of Key West. There are also **separate fees of \$50.00** for Fire Department Review and Advertising and Noticing fee of **\$100.00**. **Deliver the original and 2 signed & sealed surveys and site plans** to the Planning Department at 3140 Flagler Avenue. It is suggested that a pre-application discussion be scheduled as well as an appointment to deliver the application. Due to the complexity and individuality of each transaction, the Planning Department may need additional information prior to processing.

This application is for a transaction involving a transfer from one location (sender site) to another (receiver site). If there is an additional site at either end of the transfer process, this requires another application.

The owner(s) of both the sender site and receiver site are the applicants and must sign the application. Corporations and partnerships must sign as legally required. If another person is acting as the agent or authorized representative of the owner, supporting documentation must be provided as indicated.

The application process for a Transient Transfer is:  
Development Review Committee (DRC)  
Planning Board

**A. Fill in the following information.**

***Sender Site***

***Receiver Site***

Address of Site  
Unassigned (formerly 425 Frances St. #3)

Address of Site  
219 Ann St. Rear

RE# 00004970-000103

RE# 00001200-000500

Name(s) of Owner(s):  
Rent Key West Vacations

Name(s) of Owner(s):  
The Carlson 1989 Trust

Name of Agent or Person to Contact:

Paul Hayes

Name of Agent or Person to Contact:

Dean Carlson

Address: 1075 Duval St. C-11

Address: 1625 Johnson St.

Key West, FL 33040

Key West, FL 33040

Telephone 305-294-0990

Telephone 305-304-1203

Email paul@rentkeywest.com

Email deankeywest@gmail.com

# Verification

**City of Key West  
Planning Department**



**Verification Form**

*(Where Authorized Representative is an entity)*

I, Paul N. Hayes, in my capacity as President  
(print name) (print position; president, managing member)  
of Rent Key West Vacations, Inc.  
(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:

Transient License (formerly located at 425 Frances St. #3)  
Street Address of subject property

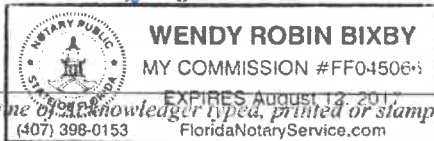
All of the answers to the above questions, drawings, plans and any other attached data which make up the application, are true and correct to the best of my knowledge and belief. In the event the City or the Planning Department relies on any representation herein which proves to be untrue or incorrect,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

Paul N Hayes  
Signature of Authorized Representative

Subscribed and sworn to (or affirmed) before me on this 3-29-17 by  
Paul N Hayes  
Name of Authorized Representative  
date

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

Wendy Robin Bixby  
Notary's Signature and Seal



Name of knowledge typed, printed or stamped

FF045066

Commission Number, if any

# **Authorization**



**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, The Carlson 1989 Trust \_\_\_\_\_ authorize  
*Please Print Name(s) of Owner(s) as appears on the deed*

Dean Carlson

*Please Print Name of Representative*

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

*Dean Carlson*  
Signature of Owner (DC)

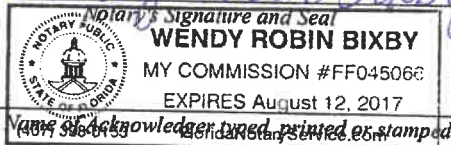
*Joyce Heels*  
Signature of Joint/Co-owner if applicable (JH)

Subscribed and sworn to (or affirmed) before me on this 3-30-17  
Date

by Dean Carlson  
Name of Owner

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

Wendy Robin Bixby



Name of Acknowledger typed, printed or stamped

FF045066  
Commission Number, if any

**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, The Carlson 1989 Trust authorize  
*Please Print Name(s) of Owner(s) as appears on the deed*

Joyce Heels  
*Please Print Name of Representative*

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

Joyce Heels  
*Signature of Owner*  
(JH)

Den Carlson  
*Signature of Joint/Co-owner if applicable*  
(DC)

Subscribed and sworn to (or affirmed) before me on this April 18, 2017  
*Date*

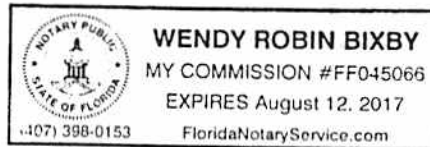
by Joyce Heels  
*Name of Owner*

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

Wendy Robin Bixby  
*Notary's Signature and Seal*

Wendy Robin Bixby  
*Name of Acknowledger typed, printed or stamped*

FF045066  
*Commission Number, if any*



# Licenses

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# CITY OF KEY WEST, FLORIDA

## Business Tax Receipt

This Document is a business tax receipt  
Holder must meet all City zoning and use provisions.  
P.O. Box 1409, Key West, Florida 33040 (305) 809-3955

Business Name RENT KEY WEST VACATIONS INCctlNbr:0000402  
Location Addr UNASSIGNED  
Lic NBR/Class 17-00030138 RENTAL-TRANSIENT RESIDENTIAL  
Issue Date: August 30, 2016 **Expiration Date:**September 30, 2017  
License Fee \$84.00  
Add. Charges \$84.00  
Penalty \$0.00  
Total \$84.00  
Comments: 3 TRANSIENT RENTAL UNITS

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This document must be prominently displayed.

MANSCH, DAVID

RENT KEY WEST VACATIONS INC  
1075 DUVAL ST C11  
KEY WEST FL 33040

Oper: KEYWBLD Type: CC Drawer: 1  
Date: 8/31/16 54 Receipt no: 27855  
2017 30138  
OR LIC OCCUPATIONAL RENEWAL  
1.00 \$84.00  
Trans number: 3031028  
OK CHECK \$84.00  
Trans date: 8/31/16 Time: 7:43:16

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RECEIVER ATTACHMENT #3

# CITY OF KEY WEST, FLORIDA

## Business Tax Receipt

This Document is a business tax receipt  
Holder must meet all City zoning and use provisions.  
P.O. Box 1409, Key West, Florida 33040 (305) 809-3955

Business Name      CARLSON 1989 TRUST                      CtlNbr:0024117  
Location Addr      219 ANN ST R  
Lic NBR/Class      17-00029697 RENTAL-NON-TRANSIENT RESIDENTIAL  
Issue Date:        September 15, 2016      Expiration Date: September 30, 2017  
License Fee         \$20.00  
Add. Charges       \$20.00  
Penalty             \$0.00  
Total                \$20.00

Comments: ONE NONTRANSIENT RENTAL UNIT

This document must be prominently displayed.

CARSON FAMILY TRUST

CARLSON 1989 TRUST  
RENT KEY WEST VACATIONS  
1075 DUVAL ST C-11  
KEY WEST FL 33040

Oper: KEYWBLD      Type: CC      Drawer: 1  
Date: 9/23/16 51      Receipt no: 30137  
2017      2957  
LIC OCCUPATIONAL RENEWAL  
Trans number:      1.00      \$20.00  
OK CHECK      39570      \$1972.00  
Trans date: 9/23/16      Time: 16:08:18

***BILL OF SALE AND ASSIGNMENT***

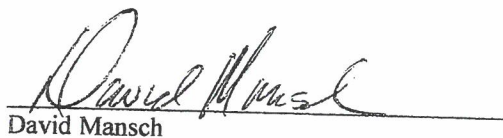
MICHAEL FLUKE AND DAVID MANSCH, for valuable consideration received and acknowledged, do hereby grant, sell, assign, transfer and deliver unto **Rent Key West Vacations, Inc.**, a corporation created under the laws of the State of Florida, the following:

All rights, title and interests to three (3) City of Key West Transient Rental Licenses and Medallions on License No. 15-00029985, a copy of which is attached hereto as Exhibit "A"

To have and to hold the same to **Rent Key West Vacations, Inc.** and its successors, to their use forever.

In witness, whereof, **Michal Fluke** and **David Manch**, hereunto set our hands, this 22 day of October, 2014.

  
Michael Fluke

  
David Mansch

RECEIVER ATTACHMENT # 4

This instrument prepared by:  
Karleen A. Grant, Esq.  
604 Whitehead Street  
Key West, Florida 33040

Grantee's Social Security No:

Parcel I.D. No:  
00001200-00050

MONROE COUNTY  
OFFICIAL RECORDS

FILE # 1 2 4 0 5 3 5  
BK# 1 7 0 2 PG# 2 3 3 6

RCD Jun 14 2001 08:49AM  
DANNY L KOLHAGE, CLERK

DEED DOC STAMPS 1610.00  
06/14/2001 *HP* DEP CLK

(Space reserved for recording)

## WARRANTY DEED

### THIS INDENTURE,

Wherever used herein, the term "party" shall include the heirs, personal representatives, successors and/or assigns of the respective parties hereto; the use of the singular numbers shall include the plural, and the plural the singular, the use of any gender; and, if used, the term "note" shall include all the notes herein described if more than one.

Made this 6th day of June, 2001

Between, CHAPIN LEINBACH, A SINGLE MAN, SOLE SURVIVOR OF A JOINT TENANCY WITH RIGHTS OF SURVIVORSHIP WITH RICHARD CASSEDY, party of the first part, and DOREEN V. CARLSON, as TRUSTEE of THE CARLSON 1989 TRUST dated October 26, 1989, Trust A, c/o 729 Truman Avenue, Key West, Florida, party of the second part .

### WITNESSETH

That the said party of the first part, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said party of the second part, its heirs and assigns forever, the following described land, situated, lying and being in the County of Monroe, State of Florida, to wit:

**SEE EXHIBIT "A" ATTACHED**

**SUBJECT TO that certain DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF "ANN STREET COMPOUND" as Recorded in Official Records Book 845 at Pages 1468-1490 of the Public Records of Monroe County, Florida**

**SUBJECT TO taxes and assessments for the year 2001 and subsequent years; Conditions, restrictions, limitation and easements of record, if any; Laws, zoning laws, regulations or ordinances affecting the subject real property.**

And the said party of the first part does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

In Witness Whereof, the said party of the first part has hereunto set his hand and seal the day and year first above written.

WITNESSES:

1. *Richard E. Drew*  
Print Name: RICHARD E. DREW

2. *Sharon B. Mays*  
Print Name: Sharon B. Mays

*Chapin R. Leinbach by George M. M. Coburn*  
CHAPIN LEINBACH BY GEORGE M. M. COBURN,  
COBURN, HIS ATTORNEY-IN-FACT  
*his attorney-in-fact.*

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

FILE # 1 2 4 0 5 3 5  
BK# 1 7 0 2 PG# 2 3 3 8

On the Island of Key West, Monroe County, Florida known on William A. Whitehead's map of the Island delineated in February A.D. 1829, as part of Lot 4 in Square 13,

Commencing at a point the Northeast side of Ann Street, distant from the corner of Ann and Greene Streets, 266.83 feet; thence Northeasterly at right angles 69.00 feet to the Point of Beginning of the parcel of land herein being described; thence continue Northeasterly 23.00 feet to a point; thence Northwesterly at right angles 20.00 feet to a point; thence Northeasterly at right angles 21.00 feet to a point in a concrete block fence; thence Southeasterly at right angles and along said fence 55.00 feet to a point; thence Southwesterly at right angles 44.00 feet to a point; thence Northwesterly at right angles 35.00 feet back to the Point of Beginning.

Together with an undivided 1/6 interest in and to the following described common elements:

**COMMON ELEMENT PART "A"**

On the Island of Key West, Monroe County, Florida known on William A. Whitehead's map of the Island delineated in February A.D. 1829, as part of Lots 3 and 4 in Square 13,

Beginning at a point on the Northeast side of Ann Street, distant from the corner of Ann and Greene Streets, 189.16 feet; thence Southeasterly along Ann Street 13 feet to a point; thence Northeasterly at right angles 50 feet to a point; thence Easterly with a deflection angle of  $36^{\circ}28'13''$  to the right 28.60 feet to a point; thence Southeasterly parallel with Ann Street 29 feet to a point; thence Southwesterly at right angles 73.00 feet to a point on the right-of-way boundary line of Ann Street; thence Southeasterly at right angles and along the said line of Ann Street 18.67 feet to a point; thence Northeasterly at right angles 92.00 feet to a point; thence Northwesterly at right angles 53.50 feet to a point; thence Northeasterly at right angles 1.25 feet to a point on a concrete block fence; thence Northwesterly at right angles along the said concrete block fence 66.33 feet to a point; said point being the corner of a chainlink fence; thence Southwesterly with a deflection angle of  $91^{\circ}13'43''$  to the left and along said chainlink fence 45.25 feet to a point; thence Southeasterly parallel with Ann Street 32.66 feet to a point; thence Southeasterly at right angles 10.00 feet to a point; thence Southeasterly at right angles 8.50 feet to a point; thence Southwesterly at right angles 38.00 feet back to the Point of Beginning.

**COMMON ELEMENT "B"**

On the Island of Key West, Monroe County, Florida known on William A. Whitehead's map of the Island delineated in February A.D. 1829, as part of Lot 4 in Square 13,

Beginning at a point the Northeast side of Ann Street, distant from the corner of Ann and Greene Streets, 280.83 feet; thence Southeasterly along the right-of-way boundary line of Ann Street 21.00 feet to a point; thence Northwesterly at right angles 69.00 feet to a point; thence Northeasterly at right angles 3.00 feet to a point; thence Southwesterly at right angles 65.00 feet to a point; thence Northwesterly at right angles 18.00 feet to a point; thence Southwesterly at right angles 4.00 feet back to the Point of Beginning.

MONROE COUNTY  
OFFICIAL RECORDS



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**219-2 Ann Street, Key West, Florida 33010**

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12 December 2016

Dear Sir

Transfer of Transient License to 219 Ann St Rear

The majority interests of the Ann St Compound Homeowners Association have voted to approve the transfer of a transient license on the property designated above.

Yours faithfully



Bruce Hunter  
Vice President  
Ann Street Compound Homeowners Association

The City of Key West Planning Dept

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**(305) 296 9808**

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## AGREEMENT FOR PURCHASE AND SALE OF TRANSIENT LICENSE

THIS AGREEMENT FOR PURCHASE AND SALE OF TRANSIENT LICENSE (the "Agreement") is entered into as of the 4<sup>TH</sup> day of January, 2017, by and among RENT KEY WEST VACATIONS, INC., a Florida corporation, Seller (hereinafter referred to as "Seller"), and THE CARLSON FAMILY TRUST, Purchaser (hereinafter referred to as "Purchaser").

### RECITALS:

WHEREAS, Purchaser desires to purchase from Seller and Seller desires to sell to Purchaser, one (1) transient rental license and associated medallion that is part of License No. 17-00030318, to be placed at 219 Ann Street (rear), Key West, Florida owned by Seller and currently unassigned, previously used in the operation of the former transient rental of property at 425 Frances Street #3, Key West, Florida.

NOW, THEREFORE, in consideration of the mutual covenants, agreements, representations and warranties contained in this Agreement, the parties hereby agree as follows:

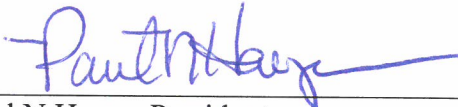
1. Seller agrees to sell, and Purchaser agrees to purchase one (1) transient rental license No. 17-00030138 currently issued and placed in the "unassigned" category with the City of Key West.
2. The agreed upon payment for the purchase and sale of the license is \$40,000.00. The entire balance of \$40,000.00 to be due and payable at closing, contingent upon receipt of Planning Board approval of the license transfer to 219 Ann Street (rear), Key West, Florida.
3. The obligation to purchase is contingent upon Purchaser receiving all governmental approvals required pursuant to City of Key West Ordinance 122-1344 (as amended). Purchaser will be responsible for the fee and processing of the application for transfer of Transient license.
4. Seller agrees to cooperate in the application process and to provide Purchaser with the Sender Site information and attachments as specified in the application attached hereto within seven (7) days of the execution of this agreement.
5. This Agreement shall be governed by the laws, including conflicts of laws, of the State of Florida, as an agreement between residents of the State of Florida to be performed in the State of Florida. If a party brings an action to enforce the provisions of the Agreement, such action shall be brought in Monroe County, Florida and the prevailing party to such dispute shall be entitled to recover from the losing party reasonable attorney's fees and costs.

6. A Bill of Sale shall be provided for the closing of the sale within ten (10) days after receipt of license transfer approval. All expenses of the transfer application and closing shall be paid by Purchaser. Seller agrees to pay any attorney's fees or other related expenses incurred by Seller, individually, in connection with the closing of this transaction.

IN WITNESS WHEREOF, we have hereunto set our hand and seals on the date first above written.

SELLER:

RENT KEY WEST VACATIONS, a  
Florida corporation

By:   
Paul N Hayes, President

PURCHASER:

THE CARLSON FAMILY TRUST

By:   
Joyce Heels, Trustee

# **Additional Information**

Prepared by and return to:  
Stones & Cardenas  
221 Simonton Street  
Key West, FL 33040  
(305) 294-0252

Doc# 1961212  
Bk# 2662 Pg# 2103

**CERTIFICATION OF TRUST  
THE CARLSON 1989 TRUST dated October 6, 1989  
As Amended and Restated February 28, 2002**

DEAN A. CARLSON and JOYCE F. HEELS as Successor Co-Trustees of THE CARLSON 1989 TRUST dated October 6, 1989, as Amended and Restated February 28, 2002, hereby execute this Certification of Trust and state:

1. The above referenced CARLSON 1989 TRUST currently exists and was executed on October 6, 1989, and Amended and Restated on February 28, 2002.
2. The Grantor of the Revocable Trust is Frank E. Carlson and Doreen V. Carlson. Frank E. Carlson died on July 28, 1998. Doreen V. Carlson died on September 20, 2013.
3. The names and address of the currently acting Successor Co-Trustees of said Trust are:

Dean A. Carlson  
714 Windsor Lane  
Key West, FL 33040

Joyce F. Heels  
732 Passover Lane  
Key West, FL 33040

4. The initial paragraphs of the Trust state as follows:

We, FRANK E. CARLSON and DOREEN V. CARLSON, are husband and wife. We have two (2) children, namely, DEAN A. CARLSON and JOYCE F. HEELS. By this agreement we hereby establish THE CARLSON 1989 TRUST.

1. Trust Estate. All property we desire to be owned by this trust shall either be registered in the name of the trust or described in Schedule A attached to this trust. Settlers shall have the right at any time, either during their lifetime, or at death by will, to add to this trust other property acceptable to the Trustee, which additional property shall become a part of the trust estate. All such property shall constitute the trust estate, and shall be held, administered and distributed pursuant to the provisions of this agreement. The Trustee agrees to hold the trust estate, and any other property added to the trust, on terms set forth in this agreement.

2. Trustee. We appoint ourselves as Co-Trustees of the trust estate. In the event of the death of one of us, or the incapacity of one of us as incapacity is defined in Paragraph 5, the survivor of us shall act as sole Trustee unless he or she elects to serve as Co-Trustee with any successor Trustee hereinafter named. The appointment of the successor Trustee shall be effective immediately upon death, resignation, or incapacity of both of us, or of the survivor of us. DEAN A. CARLSON and JOYCE F. HEELS shall serve as successor Co-Trustees. Should

either DEAN or JOYCE fail to qualify or cease to act, either may serve as sole successor Trustee, with our consent or the consent of the survivor, and if needed at any time as conservator or guardian of the estate of ourselves, the survivor of us, or of any beneficiary of this trust. The term "Trustee" shall mean any person or persons acting as Trustee, Co-Trustee, or successor Trustee. Trustee herein shall apply to any trust or trusts created by this agreement. Any person designated as or acting as Trustee shall have the power to designate a successor to himself or herself, by exercise in writing.

\*\*\*\*

6. Trustee's Powers. The Trustee shall have all the powers and this trust shall be governed by all those things set forth in the attached Appendix to Trust, which is incorporated herein by reference.

Except as otherwise expressly provided, all references to and grants of powers to the Trustee in this Trust Agreement shall apply not only to the original Trustee(s) but also to any successor Trustee or Trustees. The Trustee(s) shall have the entire general and specific powers of Trustee as are set forth in Sections 16200 through 16249 of the California Probate Code, or any successor to it, as it exists from time to time.

**The initial paragraphs of the Amended and Restated Declaration of Trust state as follows:**

1. I, DOREEN V. CARLSON, together with my husband, FRANK E. CARLSON, as Grantors, transferred to ourselves, as Trustees, of "THE CARLSON 1989 TRUST", dated October 6, 1989, the property listed in the attached Schedules "A", "B", and "C" to said trust and have subsequently acquired additional property. Frank E. Carlson died on July 28, 1998 and I am now sole Trustee under the provisions of the Trust. I desire to amend and restate said trust and to declare that I hold that property and all investments and reinvestments thereof listed thereon, and additions thereto, (collectively, the "trust property") upon the amended and restated trust, which shall continue to be known as "THE CARLSON 1989 TRUST", dated October 6, 1989, and I incorporate said trust herein in its entirety as if the same were fully laid out herein, except that I am executing this document in the State of Florida to establish my desire that the Trust be construed and regulated by the laws of the State of Florida rather than under the laws of the State of California, as originally stated therein. Additionally, I add to Appendix To Trust, 1.

TRUSTEE'S POWERS. S. In reference to real estate, to enter into a life-care contract or to retain any such property coming into their possession for the purpose of providing a residence for any person having any interest in the income or principal of this Trust, and to permit any such person to occupy the same upon such terms as the Trustee shall deem proper, or in consideration of the payment of taxes, insurance, maintenance and ordinary repairs, or otherwise, to retain, operate, repair, alter and improve any real estate which they may hold, and to sell for cash or on credit, grant options and easements on, exchange, lease, mortgage, partition or improve any real estate which they may hold, upon such terms as the Trustee may deem proper, and to execute and deliver deeds, leases, mortgages or other instruments relating thereto; any lease may be made for such period of time as the Trustee


may deem proper without regard to duration of any trust or any statutory restrictions on leasing and without the approval of any court.

Such actions by the Trustee shall be binding on all persons having an interest in the Trust. The Trustee shall be under no obligation to maintain, repair, improve or pay the expenses in connection with real estate unless such expenses have been advanced or guaranteed in a manner or amount satisfactory to the Trustee.

2. The referenced trust is irrevocable in view of the death of the grantor on September 20, 2013.
3. The manner of taking title to Trust property is Dean A. Carlson and Joyce F. Heels as Co-Trustees of the Carlson 1989 Trust dated October 6, 1989 and as Amended and Restated on February 28, 2002.
4. That said trust had not been revoked, modified or amended in any manner which would cause this Certification of Trust to be incorrect.

Executed this 17<sup>th</sup> day of Dec., 2013


Witnesses as to Successor Co-Trustees:

  
Signature of Witness  
Adele V. Stones

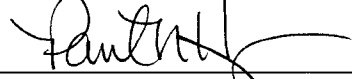
Printed Name of Witness

  
Signature of Witness  
Paul N. Hayes

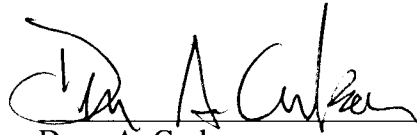
Printed Name of Witness

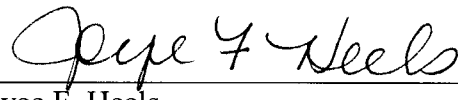
  
Signature of Witness  
Adele V. Stones

Printed Name of Witness

  
Signature of Witness  
Paul N. Hayes

Printed Name of Witness

  
Dean A. Carlson  
Successor Co-Trustee

  
Joyce F. Heels  
Successor Co-Trustee

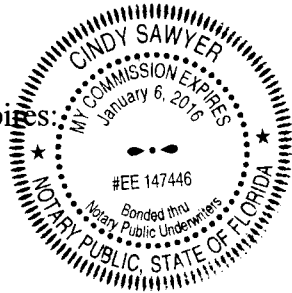
STATE OF FLORIDA:  
COUNTY OF MONROE:

The foregoing instrument was acknowledged before me this 12<sup>th</sup> day of December, 2013 by Dean A. Carlson, Successor Co-Trustee, who is personally known to me or who has produced FL DL as identification.

Cindy Sawyer  
NOTARY PUBLIC, State of Florida  
**Cindy Sawyer**

Printed Name  
18 Luna Lane, Key West FL  
Address 33040

My commission expires:



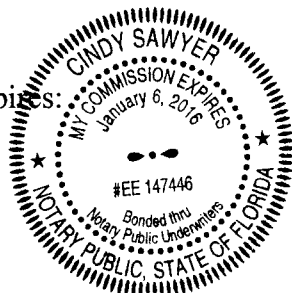
STATE OF FLORIDA:  
COUNTY OF MONROE:

The foregoing instrument was acknowledged before me this 12<sup>th</sup> day of December, 2013 by Joyce F. Heels, Successor Co-Trustee, who is personally known to me or who has produced FL DL as identification.

Cindy Sawyer  
NOTARY PUBLIC, State of Florida  
**Cindy Sawyer**

Printed Name  
18 Luna Lane, Key West FL  
Address 33040

My commission expires:





Prepared by and return to:  
Stones & Cardenas  
221 Simonton Street  
Key West, FL 33040  
(305) 294-0252


Doc# 1961214  
BK# 2662 Pg# 2108

### ACCEPTANCE OF SUCCESSOR TRUSTEESHIP


THE UNDERSIGNED, Dean A. Carlson and Joyce F. Heels, do hereby acknowledge and accept appointment as Successor Co-Trustees of The Carlson 1989 Trust, dated October 6, 1989, as Amended and Restated February 28, 2002. The Grantor, Doreen V. Carlson, died on September 20, 2013, and the undersigned are the designated Successor Trustees of the Trust. The undersigned further agree to fulfill the duties and responsibilities as Successor Trustees of the said Trust in comportment with the above-referenced instrument and applicable law. Provisions of the said Trust empower the undersigned to succeed to all powers of the Trusteeship as stated in the said Trust.

EXECUTED this 12<sup>th</sup> day of December, 2013.


Witnesses as to Co-Trustees:

  
\_\_\_\_\_  
Signature of Witness  
Cindy Sawyer

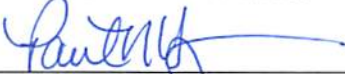
Printed Name of Witness

  
\_\_\_\_\_  
Signature of Witness  
Paul N. Hayes

Printed Name of Witness


  
\_\_\_\_\_  
Signature of Witness  
Adele V. Stronac

Printed Name of Witness

  
\_\_\_\_\_  
Signature of Witness  
Paul N. Hayes

Printed Name of Witness

  
\_\_\_\_\_  
Dean A. Carlson  
Successor Co-Trustee

  
\_\_\_\_\_  
Joyce F. Heels  
Successor Co-Trustee

STATE OF FLORIDA:  
COUNTY OF MONROE:

The foregoing instrument was acknowledged before me this 12<sup>th</sup> day of December, 2013 by Dean A. Carlson, Successor Co-Trustee, who is personally known to me or who has produced FL DL as identification.

Cindy Sawyer  
NOTARY PUBLIC, State of Florida

Cindy Sawyer  
Printed Name

18 Luna Lane, Key West FL  
Address 33040

My commission expires:



STATE OF FLORIDA:  
COUNTY OF MONROE:

The foregoing instrument was acknowledged before me this 12<sup>th</sup> day of December, 2013 by Joyce F. Heels, Successor Co-Trustee, who is personally known to me or who has produced FL DL as identification.

Cindy Sawyer  
NOTARY PUBLIC, State of Florida

Cindy Sawyer  
Printed Name

18 Luna Lane, Key West FL  
Address 33040

My commission expires:



**For Sender Site:**

“Local name” of property Unknown Zoning district HMDR

Legal description UNIT 3 AMBROSIA HOUSE CONDOMINIUM OR20961170/  
71R/S

Current use: Vacant house

Number of existing transient units: 3

Size of site 710SF Number of existing city transient rental licenses: 1

What is being removed from the sender site? transient rental license only

What are your plans for the sender site? residential unit

**For Receiver Site:**

“Local name” of property Namaste Zoning district HRCC-1

Legal description KW PT LOT 4 SQR 13 (A/K/A LOT 5 ANN STREET COMPOUND AND 1/6TH INT IN COMMON ELEMENTS)  
OR845-1468/1490DEC OR1016-2072/2073R/S OR1687-2281D/C OR1702-2336/38 OR2662-2102D/C

Current use non-transient rental

Size of site: 897 sf Number of existing city transient rental licenses: 0

Number of existing transient and/or residential units: 1 residential unit

Existing non-residential floor area 0

What will be transferred to the receiver site? 1 Transient license

What are your plans for the receiver site? 1 bedroom transient rental accommodating  
2 people.

**Sender Site: Current Owner Information**

**FOR INDIVIDUALS**

1. NAME \_\_\_\_\_ 2. NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_ ADDRESS \_\_\_\_\_  
TELEPHONE(1) \_\_\_\_\_ TELEPHONE(1) \_\_\_\_\_  
(2) \_\_\_\_\_ (2) \_\_\_\_\_  
FAX \_\_\_\_\_ FAX \_\_\_\_\_

**FOR CORPORATIONS**

A. CORPORATE NAME Rent Key West Vacations, Inc.  
B. STATE/COUNTRY OF INCORPORATION Florida  
C. REGISTERED TO DO BUSINESS IN THE STATE OF FLORIDA  YES  NO  
D. NAMES OF OFFICERS AND DESIGNATIONS  
Paul N. Hayes President  
\_\_\_\_\_  
\_\_\_\_\_

**FOR PARTNERSHIPS**

A. NAME OF PARTNERSHIP: \_\_\_\_\_  
B. STATE OF REGISTRATION: \_\_\_\_\_  
C. GENERAL PARTNER WITH AUTHORITY TO BIND PARTNERSHIP:  
\_\_\_\_\_

**FOR CORPORATIONS AND PARTNERSHIPS**

NAME AND ADDRESS OF PERSON "IN HOUSE" TO CONTACT:  
Paul Hayes, 1075 Duval St. C-11, Key West, FL 33040  
\_\_\_\_\_  
\_\_\_\_\_  
TELEPHONE(S) 305-294-0990 FAX 305-292-3723

**Receiver Site: Current Owner Information**

**FOR INDIVIDUALS**

1. NAME \_\_\_\_\_ 2. NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_ ADDRESS \_\_\_\_\_  
TELEPHONE(1) \_\_\_\_\_ TELEPHONE(1) \_\_\_\_\_  
(2) \_\_\_\_\_ (2) \_\_\_\_\_  
FAX \_\_\_\_\_ FAX \_\_\_\_\_

**FOR CORPORATIONS**

A. CORPORATE NAME \_\_\_\_\_  
B. STATE/COUNTRY OF INCORPORATION \_\_\_\_\_  
C. REGISTERED TO DO BUSINESS IN THE STATE OF FLORIDA \_\_ YES \_\_ NO  
D. NAMES OF OFFICERS AND DESIGNATIONS  
\_\_\_\_\_  
\_\_\_\_\_

**FOR PARTNERSHIPS**

A. NAME OF PARTNERSHIP: The Carlson 1989 Trust  
B. STATE OF REGISTRATION: None  
C. GENERAL PARTNER WITH AUTHORITY TO BIND PARTNERSHIP:  
Dean Carlson or Joyce Heels, Trustees

---

**FOR CORPORATIONS AND PARTNERSHIPS**

NAME AND ADDRESS OF PERSON "IN HOUSE" TO CONTACT:

Dean Carlson, 1625 Johnson St. Key West, FL 33040

TELEPHONE(S) 305-304-1203 FAX 305-295-9925

**REQUIRED ATTACHMENTS**

***Sender Site***

1. Current survey
2. Current floor plans
3. Copies of current occupational license(s) for transient rental use  
OR Letter from City Licensing Official verifying number of licenses and date
4. Copy of last recorded deed to show ownership as listed on application
5. If property is mortgaged, a letter from the mortgagee consenting to the transfer of the transient licenses and the proposed disposition of the property
6. Proposed site plan if changed for future use
7. Proposed floor plans if changed for future use
8. Detailed description of how use of transient rental units will be extinguished.
9. Other \_\_\_\_\_

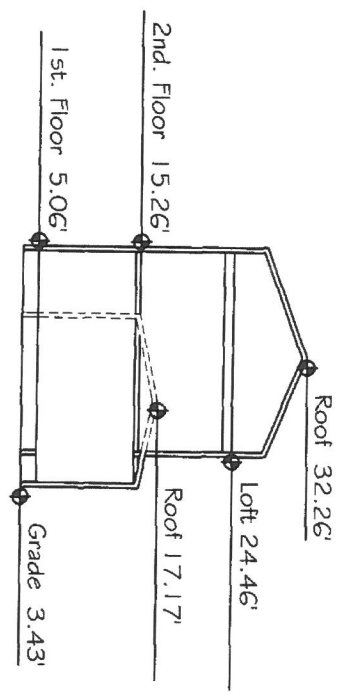
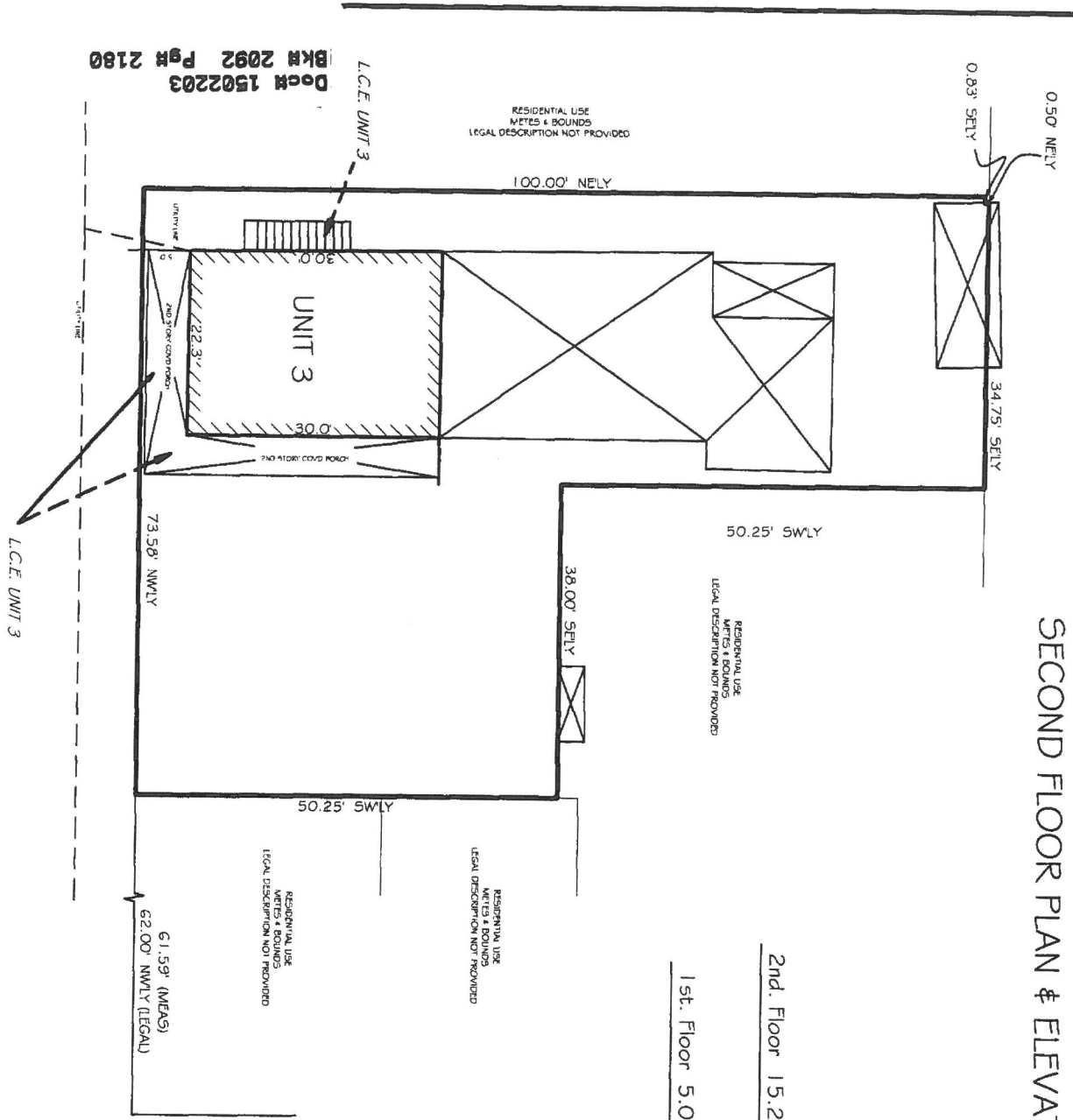
***Receiver Site***

1. Current survey
2. Current floor plans
3. Copies of current occupational license(s).
4. Copy of last recorded deed to show ownership as listed on application
5. If there is a homeowner's or condominium association, provide proof of the association's approval of the transfer. (This approval must be by a majority vote as defined by the governing documents of the association.)
6. Proposed site plan if changed for future use
7. Proposed floor plans if changed for future use
8. Other \_\_\_\_\_

~ **NOTE: The above items constitute one complete application package. Two signed & sealed surveys and site plans are required** ~

# AMBROSIA HOUSE CONDOMINIUM

## SECOND FLOOR PLAN & ELEVATION



FLEMING STREET (50' ROW)

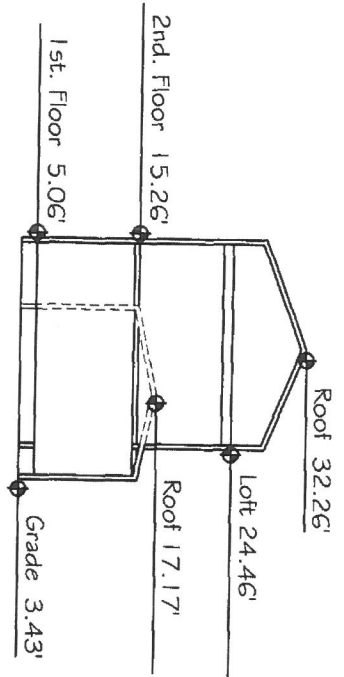
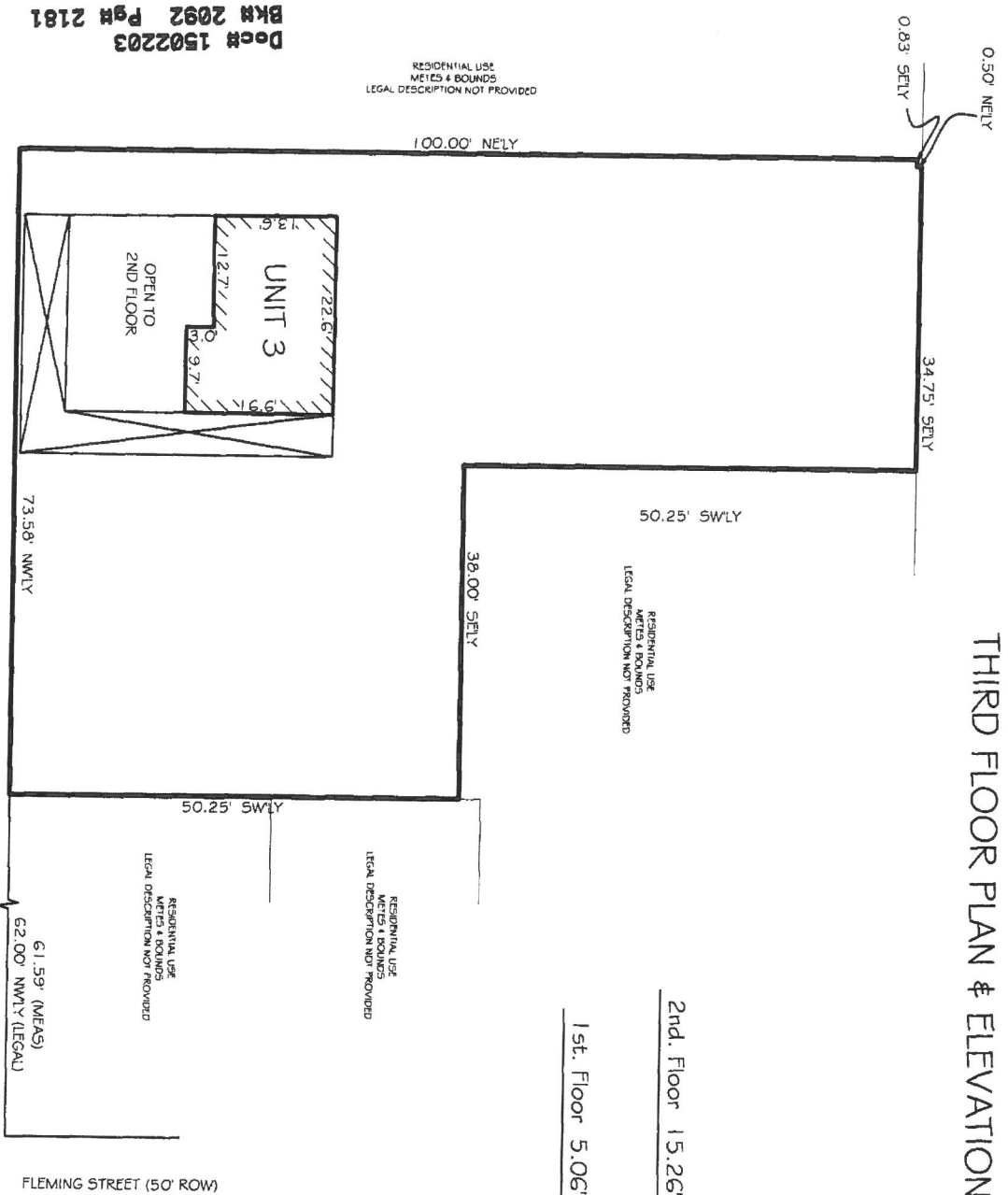
Doc# 1502203  
Bk# 2092 P# 2180

<p><b>A.R.E. REECE, P.A.</b> PROFESSIONAL SURVEYOR AND MAPPER</p> <p>#5 SHIPS WAY, BIG PINE KEY, FL 33043 OFFICE (305) 872-1348 FAX (305) 872-5622</p>			
425 FRANCES STREET, KEY WEST FL 33040			
CONDOMINIUM SURVEY			
FLOOD PANEL NO.	1716-H		
FLOOD ZONE	AE 6' & 7'		
NO.	DATE	REVISIONS	BY
SCALE	1"=20'	DATE	08/13/04
SHEET	5 OF 9	CHECKED BY	RR
		DRAWN BY	KB

CL FRANCES STREET  
50' ROW

# AMBROSIA HOUSE CONDOMINIUM

## THIRD FLOOR PLAN & ELEVATION



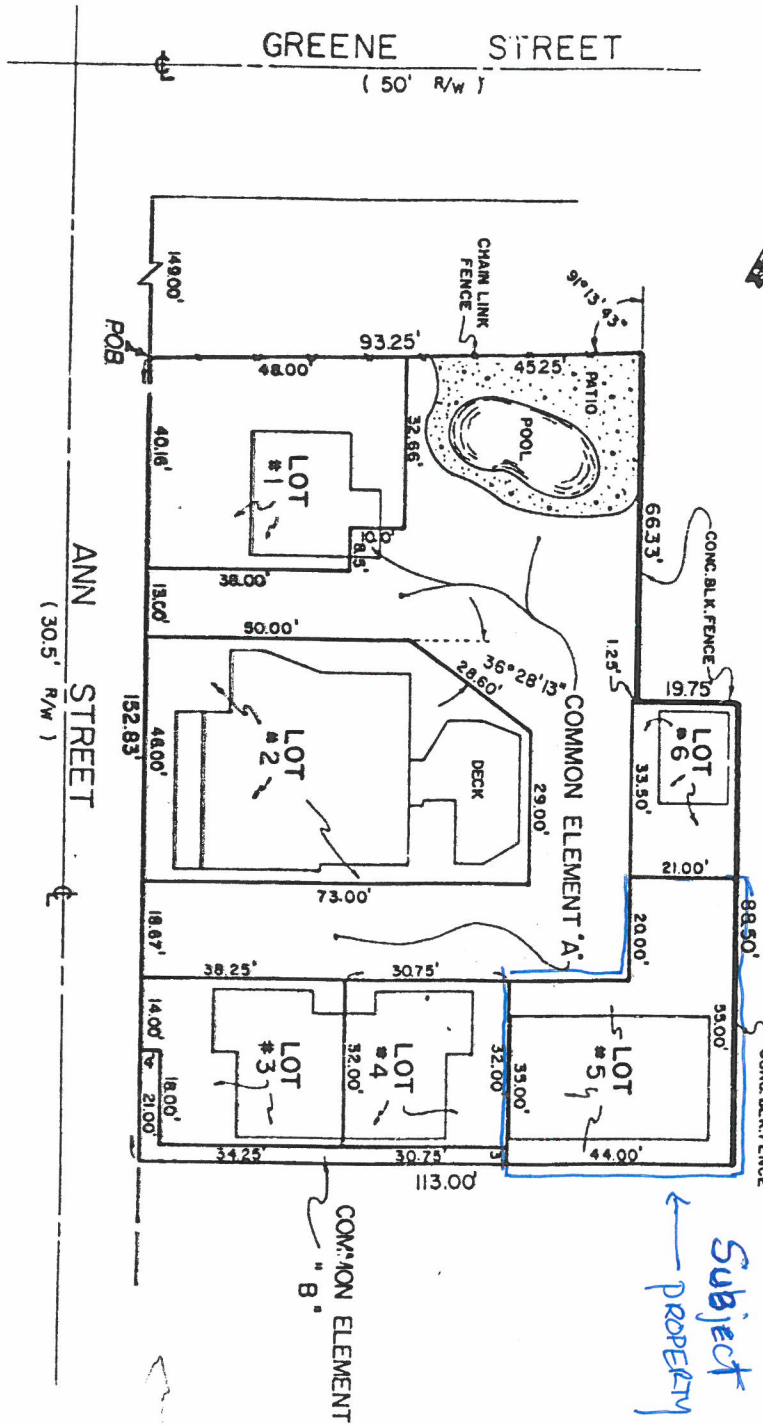
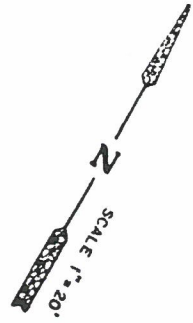
**A.R.E. REECE, P.A.**  
 PROFESSIONAL SURVEYOR AND MAPPER  
 45 SHIPS WAY, BIG PINE KEY, FL 33043  
 OFFICE (305) 872 - 1348  
 FAX (305) 872 - 5622

425 FRANCES STREET, KEY WEST FL 33040			
CONDOMINIUM SURVEY			
FLOOD PANEL NO.	171G-H		
FLOOD ZONE	AE 6:47		
NO.	DATE	REVISIONS	BY
SCALE: 1"=20'	DATE: 08/13/04	INVOICE NO: 4062302	
SHEET 6 OF 9	CHECKED BY: RR	DRAWN BY: KB	

Doc# 1502203  
 Bk# 2092 P# 2181



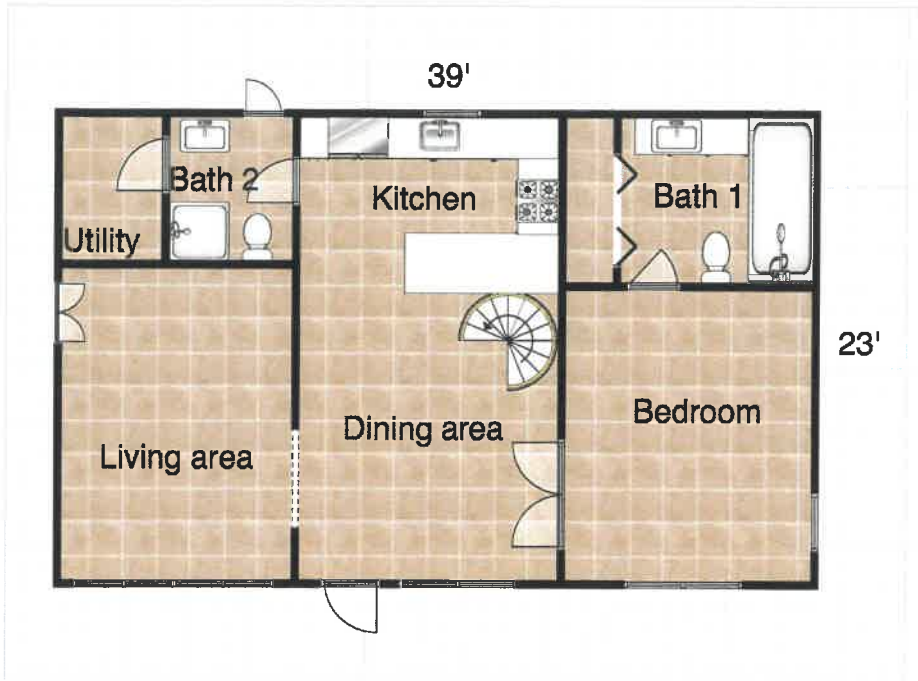
ANN STREET COMPOUND



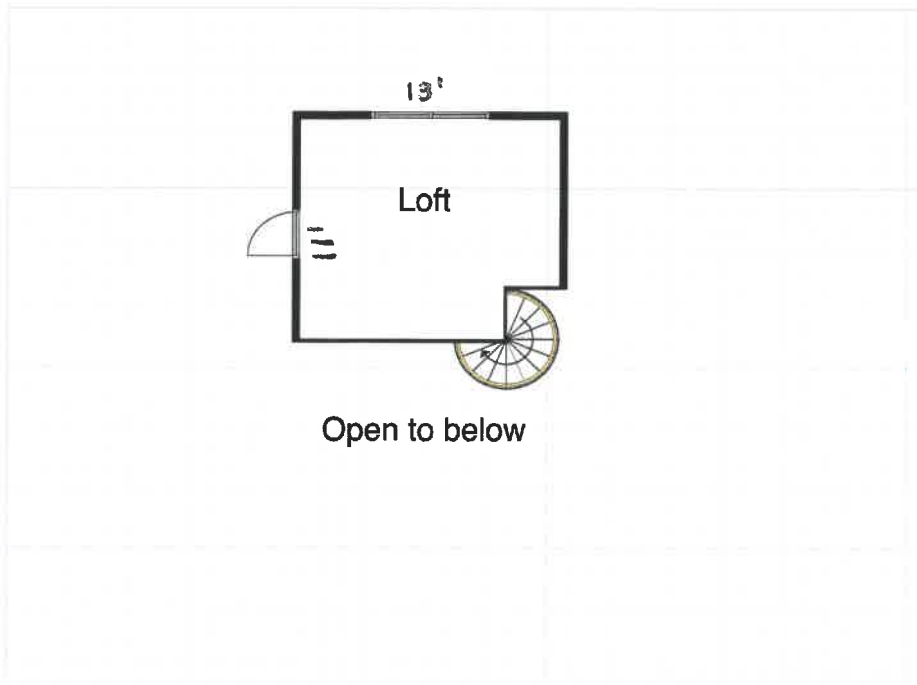
PHILLIPS & TRICE SURVEYING, INC.  
 1204 SIMONTON ST.  
 KEY WEST, FLA.  
 EXHIBIT NO. 1 OF 5

Subject PROPERTY

# Namaste



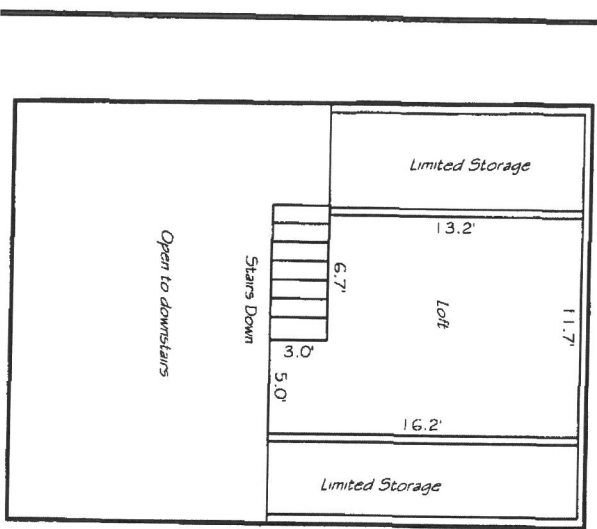
Floor 1



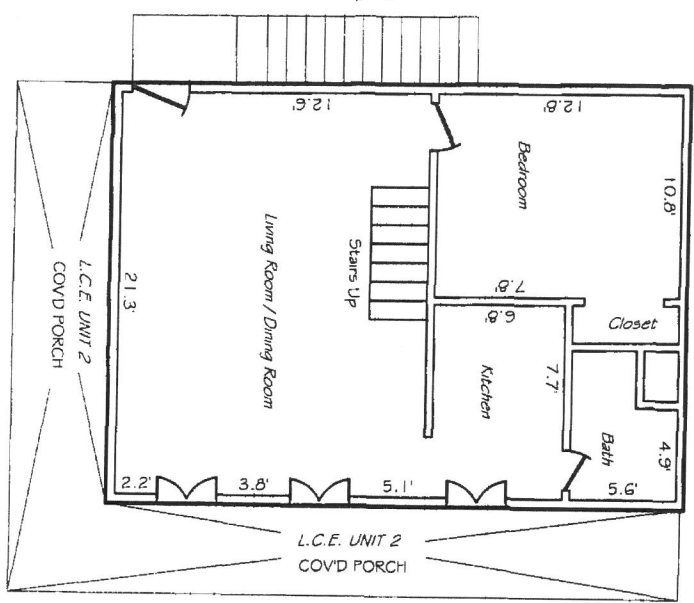
Floor 2

# AMBROSIA HOUSE CONDOMINIUM

## UNIT #3 - LAYOUT



THIRD FLOOR (LOFT)




SECOND FLOOR

Doc# 2002203  
BKH 2092 Pgs 2184

L.C.E. UNIT 2  
EXT. STAIRS &  
LANDING

All dimensions are 0.5' +/-

  
**A.R.E. REECE, P.A.**  
 PROFESSIONAL SURVEYOR AND MAPPER  
 #5 SHIRS WAY, BIG PINE KEY, FL 33043  
 OFFICE (305) 872-1348  
 FAX (305) 872-5622

425 FRANCES STREET, KEY WEST FL 33040			
CONDOMINIUM SURVEY			
FLOOD PANEL NO.	1716-H		
FLOOD ZONE	AE 6 & 7'		
NO.	DATE	REVISIONS	BY
SCALE:	1" = 10'	DATE:	02/13/04
SHEET:	9 OF 9	CHECKED BY:	RR
		DRAWN BY:	KB
		INVOICE NO.:	4062302