

RESOLUTION NO. 26 - _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING AN EASEMENT AGREEMENT FOR A PORTION OF CITY-OWNED RIGHT-OF-WAY LOCATED ADJACENT TO 600 FRONT STREET (RE# 00000220-000100), TO ALLOW AN EXISTING BALCONY ENCROACHMENT OF APPROXIMATELY 229.83 SQUARE FEET WITHIN THE HISTORIC RESIDENTIAL COMMERCIAL CORE (HRCC-1) ZONING DISTRICT; PROVIDING CONDITIONS OF APPROVAL; AUTHORIZING EXECUTION OF THE EASEMENT AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the applicant has requested an easement agreement to allow the continued use and maintenance of an existing balcony encroachment extending into City-owned right-of-way along Simonton Street; and

WHEREAS, the subject property is located at 600 Front Street (RE# 00000220-000100) within the Historic Residential Commercial Core (HRCC-1) zoning district; and

WHEREAS, the encroachment consists of approximately 229.83 square feet of balcony area extending into the City right-of-way, as depicted on a survey prepared by Eric Isaacs of Florida Keys Land Surveying dated March 11, 2026; and

WHEREAS, pursuant to Chapter 2, Article VIII, Division 3, Section 2-938 of the Code of Ordinances of the City of Key West, the City Commission is authorized to grant easements over City-owned property; and

WHEREAS, Section 2-938(b) requires the payment of an annual fee for such easements, with the subject request qualifying for the fee category applicable to easements exceeding 100 square feet; and

WHEREAS, the request was reviewed by the Development Review Committee at a publicly noticed meeting held on April 23, 2026, and no objections were raised by reviewing departments; and

WHEREAS, the Planning Department recommends approval of the requested easement with conditions to ensure compliance with applicable codes and to protect the interests of the City;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA:

Section 1. The above recitals are hereby incorporated as if fully set forth herein.

Section 2. The City Commission hereby approves the easement agreement for the existing balcony encroachment into City-owned right-of-way adjacent to 600 Front Street, as depicted on the survey prepared by Eric Isaacs of Florida Keys Land Surveying dated March 11, 2026, consisting of approximately 229.83 square feet.

Section 3. The approval of the easement is subject to the following conditions:

1. Ordinary repair and maintenance shall be permitted.
2. The encroaching structure shall not be enlarged or expanded beyond what is approved herein.
3. The easement is limited to the encroachment area depicted on the March 11, 2026, survey; any expansion shall require amendment pursuant to Section 2-938 of the Code of Ordinances.
4. The City Commission reserves the right to unilaterally terminate the easement upon a finding of public purpose.
5. The Grantee shall pay an annual fee in accordance with Section 2-938(b) (3) of the Code of Ordinances.
6. The Grantee shall irrevocably appoint the City Manager as its agent to permit removal of the encroachment in the event of nonpayment of required fees.
7. Prior to the easement becoming effective, the Grantee shall obtain Commercial General Liability insurance in an amount not less than \$300,000.00, naming the City of Key West as an additional insured, and providing proof thereof.
8. The easement area shall not be included in calculations of lot size, yard requirements, or other development standards.
9. The City reserves the right to construct surface or subsurface improvements within the easement area.
10. The City retains the right of entry for inspection, maintenance, and operational purposes.
11. The Grantee shall indemnify and hold harmless the City of Key West and its officers, employees, and agents from any liability arising from the encroachment.

Section 4. The City Manager, or designee, is hereby authorized to execute the easement agreement and any associated documents consistent with this Resolution.

Section 5. This Resolution shall take effect immediately upon adoption.

Passed and adopted by the City Commission at a meeting held this _____ day of _____, 2026.

Authenticated by the Presiding Officer and Clerk of the Commission on the _____ day of _____, 2026.

Filed with the Clerk on _____, 2026.

Mayor Danise Henriquez	_____
Vice Mayor Donald "Donie" Lee	_____
Commissioner Lissette Carey	_____
Commissioner Aaron Castillo	_____
Commissioner Monica Haskell	_____
Commissioner Sam Kaufman	_____
Commissioner Greg Veliz	_____

DANISE HENRIQUEZ, MAYOR

ATTEST:

KERI O'BRIEN, CITY CLERK