

EXECUTIVE SUMMARY



To: James K. Scholl, City Manager

Through: Patrick Wright, Interim Planning Director

From: Melissa Paul-Leto, Planner Analyst

Meeting Date: May 2, 2017

RE: **Easement – 600 White Street (RE # 00010290-000000)** – A request for an easement in order to maintain and restore the existing two-story structure, second story balcony, and first floor staircase that encroaches both Southard and White Street right-of-ways 220.33 square feet more or less located within the Historic Neighborhood Commercial (HNC-2) Zoning District pursuant to section 2-938(b) (3) of the Land Development Regulations.

ACTION STATEMENT:

Request: To grant an easement in order to maintain and restore the existing two-story structure, second story balcony, and first floor staircase of approximately 220.33 square feet more or less within Southard and White Street right-of-ways.

Applicant: Diane E. Silvia, Ph.D., Executive Director of the Historic Florida Keys Foundation on behalf of the Board of Trustees of the Internal Improvement Trust Fund

Property Owner: Board of Trustees of the Internal Improvement Trust Fund

Location: 600 White Street (RE # 00010290-000000)

Zoning: Historic Neighborhood Commercial (HNC-2) Zoning District



BACKGROUND:

The subject property is located on the corner of Southard and White Street. The Armory, is a historic site built in 1901 and 1903 as an armory and drill hall for the state militia of Florida. The Armory was included in the U.S. National Register of Historic Places on March 11, 1971. In 2006, it became The Studios of Key West. It is currently utilized as artist studios run by the Historic Florida Keys Foundation.

This is a request for an easement pursuant to Section 2-938 of the Code of Ordinances of the City of Key West. The easement request is for a total of 220.33 square feet of encroachment onto Southard and White Street in order to maintain and restore the existing two-story structure, second story balcony, and first floor staircase.

City Actions:

Development Review Committee: February 23, 2017
City Commission: May 2, 2017

PLANNING STAFF ANALYSIS:

As described in the Specific Purpose Survey drawn by Frederick Hildebrandt of Island Surveying Inc. Dated November 10, 2016, the portion of area to maintain and restore the existing two-story structure, second story balcony, and first floor staircase that encroaches approximately 220.33 square feet more or less onto Southard and White Street right-of-ways.

The encroachment does not impede public passage on the City sidewalks.

Options / Advantages / Disadvantages

Option 1. Approve the easement with the following conditions:

1. Prior to the easement becoming effective, the Grantee’s Lessee shall obtain Commercial General Liability insurance that extends coverage to the property that is governed by this easement with limits of no less than \$1,000,000. Coverage must be provided by an insurer authorized to conduct business in the State of Florida and with terms and conditions consistent with the latest version of the Insurance Service Office’s (ISO) latest filed Commercial General Liability form. Grantee shall furnish an original Certificate of Insurance indicating, and such policy providing coverage to, City of Key West named as “Additional Insured”.
2. The City may unilaterally terminate the easement upon a finding of public purpose by a vote of the Key West City Commission.
3. The easement shall terminate upon the removal of the two-story structure, second story balcony, and first floor staircase.
4. The City may unilaterally terminate the easement upon a finding of public purpose by vote of the Key West City Commission.

5. The existing two-story structure, second story balcony, and first floor staircase shall be the total allowed construction within the easement area.
6. The owner shall pay the annual fee of \$400.00 specified in Code Section 2-938(b) (3). To the fullest extent permitted by law, the Grantee expressly agrees to indemnify and hold harmless the City of Key West, their respective officers, directors, agents and employees (herein called the “indemnitees”) from any and all liability for damage.
7. The owner shall irrevocably appoint the City Manager as its agent to permit the removal of the encroachment if the annual fee required by the Code of Ordinances is not paid.
8. The easement area shall not be used in site size calculations such as lot, yard, and bulk calculations for site development.

Consistency with the City’s Strategic Plan, Vision and Mission: Granting the requested easement would not be inconsistent with the Strategic Plan.

Option 2. Deny the easement based on findings that the City’s needs outweigh the request.

1. The owner will obtain the appropriate permits for the removal of all items that encroach onto the City right-of-way
2. All encroachments on the City right-of-way will be removed within 90 days.

Consistency with the City’s Strategic Plan, Vision and Mission: Granting the requested easement would not be inconsistent with the Strategic Plan.

Financial Impact: The City would collect \$400.00 annually as part of the approval of the easement. There would be no cost to the City for granting the easement.

Option 2. Deny the easement based on findings that the City’s needs outweigh the request.

1. The owner will obtain the appropriate permits for the removal of all items that encroach onto the City right-of-way
2. All encroachments on the City right-of-way will be removed within 90 days.

Consistency with the City’s Strategic Plan, Vision and Mission: Denial of the requested easement would not be inconsistent with the Strategic Plan.

Financial Impact: There would be no cost to the City for denying the easement, however the City would lose the potential to collect the annual revenue of the easement agreement

RECOMMENDATION: Option 1.

Based on the existing conditions, the Planning Department recommends to the City Commission **APPROVAL** of the proposed Resolution granting the requested easement with conditions as outlined above.