

EXECUTIVE SUMMARY



To: Jim Scholl, City Manager

Though: Kevin Bond, AICP, Acting Planning Director

From: Patrick Wright, Planner II

Meeting Date: February 3, 2015

RE: **Easement – 517 Truman Avenue (RE # 00017770-000000, AK # 1018228)** – A request for an easement of approximately 26 square feet in order to maintain an existing roof overhang extending onto the Center street right-of-way located within the Historic Residential Commercial Core (HRCC-3) Zoning District pursuant to Section 2-938 of the Code of Ordinances of the City of Key West, Florida

ACTION STATEMENT:

Request: To grant an easement of approximately 26 square feet within City rights-of-way abutting the property to maintain an existing roof overhang.

Applicant: One Call Construction, Inc.

Property Owner: Old Town Laundry, LLC

Location: 517 Truman Avenue (RE # 00017770-000000, AK # 1018228)

Zoning: Historic Residential Commercial Core (HRCC-3)



BACKGROUND:

This is a request for an easement pursuant to Section 2-938 of the Code of Ordinances (the “Code”) of the City of Key West (the “City”). The easement request is for a roof overhang that extends (.91’) feet over the sidewalk within the Center Street right-of-way and for a length of fifty seven (57’) feet. The property contains a two-story C.B.S. building and a detached one story residential structure in the rear of the lot. The property is located at the southern corner of Center Street and Truman Avenue. The building is noncontributing structure within the historic district. There is an additional encroachment on the Truman Avenue right-of-way. The owner will need to coordinate with the Department of Transportation (DOT) to obtain a lease for this encroachment, as this is not City right-of-way.

City Actions:

Development Review Committee: October 23, 2014
City Commission: February 3, 2015

PLANNING STAFF ANALYSIS:

The roof overhang projects (.91’) feet into the Center Street right-of-way and runs 56 feet along Center Street, as described in the Specific Purpose Survey prepared by Frederick H. Hildebrandt of Island Surveying, Inc. dated January 15, 2015. The total area of the requested easement is 25.6 square feet, more or less.

The overhang does not impede public passage on the City sidewalks. The vertical clearance between the sidewalk and the bottom of the overhang exceeds the minimum eight (8)-foot clearance required for any part of a building encroaching over City right-of-way.

If the request for an easement over City-owned land is granted, then the owner would be required to pay an annual fee of \$300.00 to the City for the use 20 square feet to 100 square feet of City property pursuant to Code Section 2-938(b). The annual fee would be prorated based on the effective date of the easement.

Options / Advantages / Disadvantages:

Option 1. Approve the easement with the following conditions:

1. The easement shall terminate upon the replacement of the structure.
2. The City may unilaterally terminate the easement upon a finding of public purpose by vote of the Key West City Commission.
3. The owner shall pay the annual fee of \$300.00 specified in Code Section 2-938(b).
4. 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.
5. Grantee shall secure, pay for, and file with the Grantor, prior to commencing any work under this Agreement, all certificates for public liability, and property damage liability insurance, and such other insurance coverages as may be required by specifications and addenda thereto, in at least the following minimum amounts with specification amounts to prevail if greater than minimum amount indicated. Notwithstanding any other

provision of this Agreement, Grantee shall provide the minimum limits of liability coverage as follows:

General Liability

- a. \$2,000,000 Aggregate (Per Project)
 - b. \$2,000,000 Products Aggregate
 - c. \$1,000,000 Any One Occurrence
 - d. \$1,000,000 Personal Injury
 - e. \$ 300,000 Fire Damage/Legal
6. Grantee shall furnish an original Certificate of Insurance indicating, and such policy providing coverage to, City of Key West named as “Additional Insured” on a primary and non-contributory basis utilizing an ISO standard endorsement at least as broad as CG 2010 (11/85) or its Equivalent, (combination OF CG 20 10 07 04 and CG 20 37 07 04, providing coverage for completed operations is acceptable) including a “Waiver of Subrogation” clause in favor of City of Key West on all policies. Grantee shall maintain the General Liability coverage summarized above, including the “additional insured” endorsement, with coverage continuing in full force during the period of time this easement agreement remains in effect.
 7. Grantee’s insurance policies shall be endorsed to give 30 days written notice to Grantor in the event of cancellation or material change, using form CG 02 24, or its equivalent.
 8. Certificates of Insurance submitted to Grantor shall not be accepted without copies of the endorsements being requested. This includes additional insured endorsements, cancellation / material change notice endorsements and waivers of subrogation. Copies of USL&H Act and Jones Act endorsements shall also be required if necessary. Grantee shall advise its insurance agent accordingly.
 9. The existing roof overhang shall be the total allowed construction within the easement area.
 10. The easement area shall not be used in site size calculations such as lot, yard, and bulk calculations for site development.
 11. The City reserves the right to construct surface improvements within the easement area.

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 \$300.00 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.

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.

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.