

RESOLUTION NO. \_\_\_\_\_

411 GREENE STREET - REVOCABLE LICENSE

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE CITY OF KEY WEST TO ENTER INTO A REVOCABLE LICENSE AGREEMENT FOR NONPERMANENT USE OF CITY PROPERTY TO PLACE TWO BENCHES WITHIN THE GREENE STREET RIGHT-OF-WAY AND TWO BENCHES WITHIN THE FITZPATRICK STREET RIGHT-OF-WAY ADJACENT TO PROPERTY LOCATED AT 411 GREENE STREET PURSUANT TO SECTION 2-939 OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Development Review Committee (DRC) considered a request for revocable license for a nonpermanent use of City property to place four benches on the sidewalk, including two benches within the Greene Street right-of-way and two benches within the Fitzpatrick Street right-of-way adjacent to property located at 411 Greene Street; and

WHEREAS, Section 2-939 of the Code of Ordinances of the City of Key West, Florida provides that the City may grant a revocable license for a nonpermanent use of City property, such as planters, awnings, trash receptacles, planted areas, benches, flagpoles, guardrails, ramps and light fixtures.

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

Section 1: That the City Manager is hereby authorized to execute the attached Revocable License Agreement For Use of City

Property (the "Agreement") for the placement of four benches on the sidewalk, including two benches within the Greene Street right-of-way and two benches within the Fitzpatrick Street right-of-way, adjacent to 411 Greene Street, as more specifically described in the Agreement, upon advice and consent of the City Attorney.

Section 2: That the following conditions shall apply to the grant of revocable license:

(1) The revocable license is granted only to Jack Alwani, owner of Blue Gecko Key Lime Pie & Ice Cream Factory, and shall not transfer to succeeding tenants or property owners of 411 Greene Street.

(2) Seven (7) feet of sidewalk clearance shall be maintained at all times between the benches and the edge of the sidewalk or the nearest obstacle.

(3) All benches shall be removed from the sidewalks and stored inside the applicant's business when the business is closed.

(4) The applicant shall pay the annual fee pursuant to Section 2-939(d) of the City Code of Ordinances.

(5) The revocable license shall terminate upon the failure of the property owner to maintain liability insurance in a minimum amount of two hundred thousand dollars (\$200,000.00) per person and three hundred thousand dollars (\$300,000.00) per incident (or such other amount as may be

legislatively determined to be the maximum extend of sovereign immunity waiver) naming the City as an additional insured for that portion of real property which is the subject of this revocable license.

(6) The benches shall not be for exclusive use of the applicant's business or its customers.

Section 3: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held  
this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

Authenticated by the presiding officer and Clerk of the  
Commission on \_\_\_\_\_, 2014.

Filed with the Clerk \_\_\_\_\_, 2014.

Mayor Craig Cates \_\_\_\_\_

Vice Mayor Mark Rossi \_\_\_\_\_

Commissioner Teri Johnston \_\_\_\_\_

Commissioner Clayton Lopez \_\_\_\_\_

Commissioner Billy Wardlow \_\_\_\_\_

Commissioner Jimmy Weekley \_\_\_\_\_

Commissioner Tony Yaniz \_\_\_\_\_

\_\_\_\_\_  
CRAIG CATES, MAYOR

ATTEST:

\_\_\_\_\_  
CHERYL SMITH, CITY CLERK