

RESOLUTION NO. 23-326

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, RESCINDING RESOLUTIONS 18-255 AND 22-291 REGARDING A LEASE WITH SOUTHERNMOST HOUSE, LTD FOR THE DUVAL POCKET PARK LOCATED AT 1400 DUVAL STREET AND RETURNING CONTROL AND MAINTENANCE TO THE CITY OF KEY WEST; AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS UPON THE ADVICE AND CONSENT OF THE CITY ATTORNEY; PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, the City Commission, approved a lease with Southernmost House, LTD (lessee) on August 21, 2018 for the development of a pocket park at the 1400 block of Duval Street; and

WHEREAS, Lessee made substantial improvements to the area known as the Duval Pocket Park including extensive brick pavers, planters, benches, and the installation of public art; and

WHEREAS, in Resolution 22-291, Lessee entered into a lease amendment that was approved on December 6, 2022 recognizing that the 115 seats were in consideration of the park's development by Lessee and permitting the relocation the 115 seats from the pocket park to the adjacent private property located at 1400 Duval Street known as Seaside Café at the Southernmost Mansion; and

WHEREAS, due to environmental concerns beyond the control of the parties, the City and Lessee desire to rescind the lease for the Duval

Pocket Park, thereby returning control and maintenance of the Park to the City of Key West,

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

Section 1: That the attached Rescission of the aforementioned Lease and Lease Amendment is hereby approved.

Section 2: The City Manager is hereby authorized to execute all settlement documents upon the advice and consent of the city attorney.

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  
14th day of December, 2023.

Authenticated by the Presiding Officer and Clerk of the Commission  
on 14th day of December, 2023.

Filed with the Clerk on December 14, 2023.

Mayor Teri Johnston	<u>Yes</u>
Vice Mayor Sam Kaufman	<u>Yes</u>
Commissioner Lissette Carey	<u>Yes</u>
Commissioner Mary Lou Hoover	<u>Yes</u>
Commissioner Clayton Lopez	<u>Yes</u>
Commissioner Billy Wardlow	<u>Yes</u>
Commissioner Jimmy Weekley	<u>Yes</u>

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TERI JOHNSTON, MAYOR

ATTEST:

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KERI O'BRIEN, CITY CLERK