

RESOLUTION NO. 20-____

413 GREENE STREET EASEMENT AGREEMENT

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING AN EASEMENT AGREEMENT IN ORDER TO REPAIR AND MAINTAIN THREE (3) EXISTING SECOND-FLOOR BALCONIES ENCROACHING A COMBINED TOTAL OF 171-SQUARE FEET, MORE OR LESS, ONTO THE GREENE STREET AND FITZPATRICK STREET RIGHTS-OF-WAY ABUTTING PROPERTY LOCATED WITHIN THE HISTORIC RESIDENTIAL COMMERCIAL CORE-DUVAL STREET GULFSIDE (HRCC-1) ZONING DISTRICT AT 413 GREENE STREET, KEY WEST, FLORIDA (RE # 00000620-000000); PURSUANT TO SECTION 2-938 OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; PROVIDING FEES AND CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE

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

Section 1: That an easement agreement for a total of 171.0-square feet, more or less, for the real property described in the attached specific purpose survey prepared by Eddie A. Martinez of Monroe County Surveying & Mapping, Inc., dated February 14, 2020, is granted subject to the execution of the attached easement agreement, incorporating the minimum conditions described in section 2 below.

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

(1) The easement shall terminate upon the replacement of the structures.

(2) The City may unilaterally terminate the easement agreement upon a finding of public purpose by a vote of the Key West City Commission.

(3) The owner shall pay the annual fee of \$400.00 specified in Section 2-938(b)(3) of the Code of Ordinances.

(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) The easement agreement shall terminate upon the failure of the property owner to maintain liability insurance in a minimum amount of one million (\$1,000,000.00) per incident naming the City as an additional insured for that portion of real property which is the subject of this easement.

(6) The area to repair and maintain the existing three (3) balconies onto Greene Street and Fitzpatrick Street rights-of-way shall be the total allowed within the easement area.

(7) The easement area shall not be used in site size calculations such as lot, yard, and bulk calculations for site development.

(8) The City reserves the right to construct surface improvements within the easement area.

(9) The three (3) balconies shall be repaired to Florida Building Code requirements, certified by a licensed design professional, and shall be structurally sound allowing for ingress and egress.

(10) Structural inspection of the three (3) balconies shall be performed annually.

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 _____, 2020.

Authenticated by the presiding officer and Clerk of the
Commission on _____, 2020.

Filed with the Clerk _____, 2020.

Mayor Teri Johnston _____

Vice Mayor Sam Kaufman _____

Commissioner Gregory Davila _____

Commissioner Mary Lou Hoover _____

Commissioner Clayton Lopez _____

Commissioner Billy Wardlow _____

Commissioner Jimmy Weekley _____

TERI JOHNSTON, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK