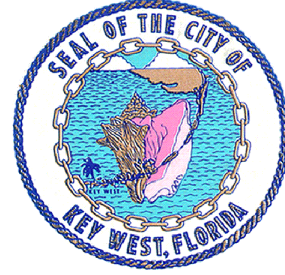


# EXECUTIVE SUMMARY



**TO:** City Commission

**CC:** Jim Scholl

**FR:** Thaddeus Cohen  
Marilyn Wilbarger

**DT:** October 27, 2015

**RE:** Key West Botanical Garden Society Third Lease Amendment

---

## **ACTION STATEMENT:**

This is a request to amend the lease for the Key West Botanical Garden Society, Inc. for the purpose of establishing a canoe/kayak launch area at the property located at 5205 College Road that is leased to the Key West Sail and Power Squadron whose lease will also be amended to provide for this use.

## **BACKGROUND:**

In 2004, the City entered into a Florida Communities Trust Grant Agreement per City Resolution 04-018. The grant included a list of development commitments to be completed during the ten year period following the acquisition. One of those commitments is to establish a canoe/kayak launch area that will provide a connection to the Florida Keys Paddling Trail.

The city property that is currently leased to the Key West Sail and Power Squadron meets the criteria for the launch area as it is a waterfront location on the Cow Key Channel and it is directly across the street from the Key West Botanical Garden which will enable the Garden to provide the support services for the launch area.

There are physical improvements to the launch area that are required and will be shared by the City and the Botanical Garden, as follows:

## **Key West Botanical Garden**

The Key West Botanical Garden Society, Inc. agrees to make the following improvements at its' sole cost and expense:

- a. Provide a piling and multi-strand rope style fence with specifications to be approved by the LANDLORD AND TENANT, beginning at the edge of the mangrove and ending the front gate post as shown on Exhibit "B".
- b. Provide and install landscaping in the launch area and provide one 4 foot native palm replacement tree on the property as required by the removal of one coconut palm which shall be approved by the LANDLORD and the Key West Power & Sail Squadron, Inc.

- c. Provide and install signage at the front of the launch area with hours of operation and rules, which shall be approved by the LANDLORD the Key West Power & Sail Squadron, Inc.

**City of Key West**

The City agrees to make the following improvements at its' sole cost and expense:

- a. Improve the launch area to provide for ADA compliance through the construction of one handicap drop off space with a concrete ramp joining a boardwalk ramp leading up to and joining the existing dock;
- b. Install and compact Schedule 57 rock in the launch ramp area;
- c. Provide 2 front entry gates; one to the launch area and one to the Sail and Power Squadron Demised Premises utilizing aluminum swing gates

**Maintenance and Operation of the Launch Area**

The Key West Botanical Garden Society, Inc. agrees to provide the following, at their sole cost and expense on an on-going basis:

- a. Open and close the launch area on a daily basis in conformance with the hours of operation
- b. Provide and empty trash and recycling containers daily
- c. Maintain the walkway, boardwalk, landscaping and dock in the launch area however maintenance does not include any structural repairs or replacements to the dock
- d. Keep and maintain a commercial liability policy in a minimum amount of \$2,000,000 aggregate and \$1,000,000 per occurrence naming the LANDLORD and the Key West Power & Sail Squadron, Inc. as additional insureds with respect to the use of the launch area

**FINANCIAL:** The city will complete its' physical improvements utilizing city staff resources as much as possible at an approximate cost of \$7,500.00 per Community Services estimate.

**CONCLUSION:**

The Botanical Garden will meet one of the outstanding grant requirements and gain another public service connection furthering their mission. The Power and Sail Squadron provides safe boating classes, including a paddle safe course, which will continue to expand the public benefit of the organization in conjunction with the shared synergistic use of the launch area.

**ATTACHEMENTS:**

Third Amendment to the Lease Agreement Key West Botanical Garden Society, Inc.  
Resolution 04-018 - Florida Communities Trust Grant  
Resolution 06-180 Lease  
Resolution 07-159 First Lease Amendment  
Resolution 13-283 Second Lease Amendment