

RESOLUTION NO. 17-___

600 WHITE STREET EASEMENT

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING AN EASEMENT OF 220.33 ± SQUARE FEET ALONG THE SOUTHARD AND WHITE STREET RIGHT-OF-WAYS, TO ADDRESS AN AREA TO MAINTAIN AND RESTORE AN EXISTING TWO-STORY STRUCTURE, SECOND STORY BALCONY, AND FIRST FLOOR STAIRCASE LOCATED AT 600 WHITE STREET (RE # 00010290-000000), 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 of 220.33 ± square feet along the Southard and White Street right-of-ways, for the real property described in the attached specific purpose survey prepared by Frederick Hildebrandt, dated November 10, 2016, 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 granting of the easement:

- (1) Prior to the easement becoming effective, the Grantee's Lessee shall obtain Commercial General Liability insurance that extends coverage to the property that is governed by

this easement with limits of no less than \$1,000,000. Coverage must be provided by an insurer authorized to conduct business in the State of Florida and with terms and conditions consistent with the latest version of the Insurance Service Office's (ISO) latest filed Commercial General Liability form. Grantee shall furnish an original Certificate of Insurance indicating, and such policy providing coverage to, City of Key West named as "Additional Insured".

- (2) The City may unilaterally terminate the easement 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 Code Section 2-938(b) (3) provided the State funds are available for the initial easement period. The State of Florida's performance and obligation to pay under this agreement is contingent upon an annual appropriation by the Legislature.

- (4) The area in order to maintain and restore the existing two-story structure, second story balcony, and first

floor staircase along Southard and White Street shall be the total allowed construction within the easement area.

- (5) The easement area shall not be used in site size calculations such as lot, yard, and bulk calculations for site development.
- (6) The City reserves the right to construct surface improvements within the easement area.
- (7) To the fullest extent permitted by law, the Grantee expressly agrees to indemnify and hold harmless the City of Key West, their respective officers, directors, agents and employees (herein called the "indemnitees") from any and all liability for damage.
- (8) The area to maintain and restore an existing two-story structure, second story balcony, and first floor staircase shall be the total allowed construction within the easement area.
- (9) The easement area shall not be used in site size calculations such as lot, yard, and bulk calculations for site development.
- (10) The City reserves the right to construct surface improvements within the easement area.

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 _____, 2017.

Authenticated by the presiding officer and Clerk of the Commission on _____, 2017.

Filed with the Clerk _____, 2017.

Mayor Craig Cates _____

Vice Mayor Clayton Lopez _____

Commissioner Samuel Kaufman _____

Commissioner Richard Payne _____

Commissioner Margaret Romero _____

Commissioner Billy Wardlow _____

Commissioner Jimmy Weekly _____

CRAIG CATES, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK