

RESOLUTION NO. 15-___

1200-1212 WHITE STREET AND 1124 CATHERINE STREET EASEMENT

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING AN EASEMENT OF 780 SQUARE FEET, MORE OR LESS, TO ADDRESS THE PROPOSED ENCROACHMENT OF A NEW METAL AWNING INTO CITY RIGHTS-OF-WAY ABUTTING THE PROPERTY LOCATED AT 1200-1212 WHITE STREET AND 1124 CATHERINE STREET, KEY WEST, FLORIDA (RE # 00033010-000000 / 00033050-000000; AK # 1033774 / 1033812); 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 780 square feet, more or less, for the real property described in the attached specific purpose survey prepared by Frederick H. Hildebrandt of Island Surveying, Inc., dated September 25, 2014, 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 structure.

(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 Section 2-938(b) 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 shall terminate upon the failure of the property owner to maintain liability insurance in a minimum amount of one million dollars (\$1,000,000.00) per person and two million dollars (\$2,000,000.00) 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 easement.

(6) The proposed metal awning shall be the total allowed construction 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.

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 _____, 2015.

Authenticated by the presiding officer and Clerk of the
Commission on _____, 2015.

Filed with the Clerk _____, 2015.

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