

RESOLUTION NO. \_\_\_\_\_

405 FRANCES STREET EASEMENT

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING AN EASEMENT OF APPROXIMATELY 157 SQUARE FEET TO ADDRESS THE ENCROACHMENT OF AN EXISTING HISTORICALLY CONTRIBUTING SINGLE FAMILY STRUCTURE AND SIDE YARD AREA ENCLOSED BY A FENCE AND PORTIONS OF THE FRONT YARD LOCATED AT 405 FRANCES STREET, KEY WEST, FLORIDA (RE#00004910-000000); 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 approximately 157 square feet for the real property described in the attached specific purpose survey prepared by J. Lynn O'Flynn, dated January 31, 2012, 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) That 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) That the owner shall pay the yearly fee of \$400.00 specified in the Code of Ordinances Section 2-938; (4) That the owner shall irrevocably appoint the City Manager as its agent to permit the removal of the encroachment if the yearly fee required by the Code of Ordinances is not paid; (5) That the easement shall terminate upon the failure of the property owner to maintain liability insurance in a minimum amount of two hundred thousand dollars per person and three hundred thousand per occurrence (or such other amount as may be legislatively determined to be the maximum extent 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) That the City reserves the right to construct surface improvements within the easement area; (7) That the easement area cannot be used in site size calculations such as lot, yard, and bulk calculations for site development.

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 \_\_\_\_\_, 2012.

Authenticated by the presiding officer and Clerk of the Commission on \_\_\_\_\_, 2012.

Filed with the Clerk \_\_\_\_\_, 2012.

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CRAIG CATES, MAYOR

ATTEST:

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CHERYL SMITH, CITY CLERK