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THE CITY OF KEY WEST

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EXECUTIVE SUMMARY

To: The City Commission for the City of Key West

From: George B. Wallace, Assistant City Attorney

Date: May 8, 2020

RE: Execution and recording of Partial Release And Easement Modification Agreement

Action statement:

Authorize the Mayor to execute the proposed Partial Release and Easement Modification Agreement in order to release 25 feet of an existing easement across the college road property slated for the Garden View Apartments project.

Background

On June 18th 1959 the City of Key West granted an easement for ingress and egress in favor of the Florida Keys Aqueduct Authority encumbering a 30 foot wide strip of land on the southeastern boundary of the parcel of land formerly occupied by Easter Seals. The Easement is recorded in Official Records Book 130 Pages 168-169 of the Public Records of Monroe County.

Over time the easement area was also used by the Authority for underground water transmission lines.

The present design of the Garden View Apartments affordable housing project places one of the planned apartment buildings on top of the existing easement such that the easement

needs to be released by the Authority. The Authority still owns and operates a utility structure beneath the southeastern 5 feet of the recorded easement.

The proposed Partial Release and Easement Modification Agreement releases the northwestern 25 feet from the recorded easement and converts the remaining 5 feet into a utility easement for the continued use by the Authority.

A new 25 foot utility easement will be granted to the Authority under separate instrument which will encumber the access road to the Garden View Apartments and provide ingress and egress to the Authorities leased property behind the Apartments as well as allow the Authority's use and maintenance of two new transmission lines previously installed.

Recommendation:

To approve the proposed resolution authorizing the Mayor to execute and record the Partial Release and Easement Modification Agreement.
