

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE CITY OF KEY WEST TO ENTER INTO A REVOCABLE LICENSE AGREEMENT FOR USE OF APPROXIMATELY 6,200 SQUARE FEET OF PROPERTY ABUTTING THE VIRGINIA STREET SIDE OF PROPERTY LOCATED AT 1015 SIMONTON STREET; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Development Review Committee (DRC) considered a request for easement for the encroachment of eleven residential trailers on the Virginia Street right-of-way, and determined that a permanent easement is not in the best interests of the City of Key West; and

WHEREAS, upon a determination from the City Attorney, a revocable license for temporary use of City property would afford adequate time for the property owner to remove encroaching trailers from the right-of-way, and to bring forward a development plan for approval by the City Commission; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: That the City Manager is hereby authorized to execute the attached Revocable License Agreement For Use of City Property for the use of approximately 6,200 square feet of City

right-of-way along Virginia Street, adjacent to 1015 Simonton Street, as more specifically described in the attached License Agreement, upon advice and consent of the City Attorney.

Section 2: 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 15 day of May, 2012.

Authenticated by the presiding officer and Clerk of the Commission on May 16, 2012.

Filed with the Clerk May 16, 2012.

  
\_\_\_\_\_  
CRAIG CATES, MAYOR

ATTEST  
  
\_\_\_\_\_  
CHERYL SMITH, CITY CLERK

## REVOCABLE LICENSE AGREEMENT FOR USE OF CITY PROPERTY

This License Agreement is made this 18 day of June, 2012, by and between the City of Key West, Florida, a municipal corporation, P.O. Box 1409, Key West, Florida, 33041 (hereinafter "Licensor") and Southernmost Cabana Resort, LLC, a limited liability company organized pursuant to the laws of the State of Florida, (hereinafter "Licensee").

### WITNESSETH:

WHEREAS, Licensee is the owner in fee simple title of real property located at 1015 – 1027 Simonton, Key West, Florida, and more particularly described on Exhibit "A", which is attached hereto and incorporated by reference (hereinafter referred to as "Licensee's Property"); and

WHEREAS, Licensor is the owner in fee simple title of real property located adjacent to the property referred to in the preceding paragraph and more particularly described on Exhibit "B", which is attached hereto and incorporated by reference (hereinafter "Licensor's Property") and;

WHEREAS, eleven mobile homes currently located on Licensee's Property encroach onto Licensor's Property; and

WHEREAS, the Licensee desires to remove the mobile homes referred to in the preceding paragraph as part of Licensee's redevelopment of Licensee's Property; and

WHEREAS, the Licensor desires to allow permit Licensee's mobile homes to encroach onto Licensor's Property for a limited period of time while Licensee redevelops Licensee's Property; and

WHEREAS, pursuant to section 2-939 of the Key West Code of Ordinances, Licensor may grant Licensee a revocable license to use Licensor's property.

NOW, THEREFORE, the parties agree as follows:

1. The Licensor hereby grants to the Licensee a revocable and non-assignable license to enter in, on, over, and across Licensor's Property, for use by the Licensee, its representatives, agents, contractors and assigns for the purpose of allowing Licensee's mobile homes currently on Licensor's Property to remain for a limited period of time while Licensee redevelops Licensee's Property; reserving, however, to the Licensor, its successors and assigns, all such right, title, interest and privilege as may be used and enjoyed without interfering with or abridging the rights and right-of-entry hereby acquired.

2. In the event this agreement is not terminated within one year of the effective date as provided in paragraph 5 of the license agreement, this Agreement shall expire one year from the effective date and this Agreement may be extended beyond the one-year period only upon the passage of a Resolution of the City Commission.

3. In consideration for the grant of license in paragraph 1 herein above, Licensee shall immediately remedy all fire code violations currently existing on Licensee's Property and Licensors Property. Further, Licensee shall diligently pursue Licensee's plan to redevelop Licensee's Property, including, but not limited to, the filing of an application for development approval with the City of Key West, which development approval shall include the removal of Licensee's mobile homes from Licensors Property. Licensee's mobile homes and all other property belonging to Licensee and Licensee's representatives, agents, contractors and assigns shall be removed from Licensors property no later that one year from the effective date of this Agreement.

4. If any action of the Licensee's employees or agents in the exercise of this License results in damage to the property, the Licensee will either repair such damage or make a settlement acceptable to the Licensors. In no event shall such repair or settlement exceed the fair market value of the fee title to the real property at the time immediately preceding such damage.

5. This License is personal to Licensee and may not be assigned or transferred. Licensors shall have the right to terminate this License with or without cause upon thirty (30) days written notice to Licensee at the following address:

3720 North Roosevelt Blvd.  
Key West, FL 33040

6. In the event the Licensors terminates this License, upon the effective date of the termination, Licensee shall remove all of Licensee's property, including, but not limited to, Licensee's mobile homes, from Licensors Property.

7. Licensee agrees to indemnify, hold harmless and defend the Licensors, its officers, agents, servants, and employees against any and all claims, losses, liabilities, and expenditures of any kind, including attorney's fees, court costs, and expenses, caused by the conduct, misconduct, negligent error, omission or act of Licensee, its employees agents, servants or officers, or accruing, resulting from, or related to the subject matter of this License Agreement, including, without limitation, any and all claims, demands or causes of action of any nature whatsoever resulting from injuries or damages sustained by any person or property, whether or not suit be brought. The provisions of this indemnification provision shall survive the expiration or earlier termination of this License Agreement. Nothing herein is intended to waive the immunity afforded to City pursuant to Florida Law, including section 768.28, Florida Statutes.

8. Licensee shall secure and maintain throughout the duration of this Agreement General Liability and Statutory Workers Compensation Coverage with Employers Liability in the minimum amount \$1,000,000.00, naming the CITY as an additional insured, underwritten by a firm qualified to do business in the State of Florida. Licensee shall not permit allow any Subcontractor to perform services on or about Licensor's Property until the insurance required of the Subcontractor has been obtained and approved.

9. Licensor does not warrant or represent that the property is safe or suitable for the purpose for which Licensee is permitted to use it, and Licensee assumes all risks in its use.

10. Licensee shall pay to Licensor an annual fee of Two Hundred and No/100 Dollars (\$200.00). Payment shall be made to the Licensor's Finance Department on each anniversary date of this License.

IN WITNESS WHEREOF, the parties have executed this License Agreement on the date above written.

LICENSOR: CITY OF KEY WEST,  
FLORIDA

ATTEST:

Cheryl Smith By: Jim Scholl  
Cheryl Smith, City Clerk Jim Scholl, City Manager

LICENSEE: SOUTHERNMOST  
CABANA RESORT,  
LLC

WITNESS

Angela Busse  
Angela Busse  
Print Name

By: Joseph D. Cleghorn Merry Melke  
Joseph D. Cleghorn, Managing Member

*EXHIBIT "A"*

On the Island of Key West and being part of Tract 11 according to Wm. A. Whitehead's map of said Island, but better described as Part of Lot 1 of Square 1 in said Tract 11, according to C.W. Tift's map or plan of the Island of Key West delineated July, 1874, the lands hereby leased being more particularly described by metes and bounds as follows:

Beginning at a point on the Northeasterly side of Simonton Street, said point being 198.33 feet Southeasterly from the Easterly corner of the intersection of Division and Simonton Street, run thence in a Southeasterly direction along the Northeasterly side of Simonton street 168.33 feet, more or less to Virginia Street; thence at right angles in a Northeasterly direction along Virginia Street 248 feet; thence at right angles in a Northwesterly direction 168.33 feet, more or less; thence at right angles in a Southwesterly direction 248 feet to the point of beginning on Simonton Street.

And

Beginning at a point on the Northeasterly side of Simonton Street, said point being 183.33 feet Southeasterly from the Easterly corner of the intersection of Division and Simonton Streets, run thence in a Southeasterly direction along the Northeasterly side of Simonton Street 15 feet, thence at right angles in a Northeasterly direction 248 feet; thence at right angles in a Northwesterly direction 15 feet; thence at right angles in a Southwesterly direction 248 feet to the point of beginning on Simonton Street.

Less and Except:

A parcel of land on the Island of Key West, Monroe County, Florida and known on William A. Whitehead's Map of said Island, delineated in February A.D. 1829, as part of Tract 11 and designated on Charles W. Tift's Plan or Map of the Island of Key West delineated in July 1874 as Lot 2 in square 1 in Subdivision of Tract 11, known as Simonton's Addition to Key West and being more particularly described as follows: Commence at the intersection of the Southeasterly right-of-way line of Truman Avenue and the Northeasterly right-of-way line of Simonton Street; thence in a Southeasterly direction along said Northeasterly right-of-way line of Simonton Street 183.33 feet to the Point of Beginning; thence continue in a Southeasterly direction along the said Northeasterly right-of-way line of Simonton Street for 7.55 feet; thence at an angle of  $90^{\circ} 13' 57''$  to the right and in a Westerly direction for 113.00 feet; thence at an angle of  $89^{\circ} 46' 03''$  to the right and in a Northwesterly direction for 8.00 feet; thence at a right angle and in a Southwesterly direction for 113.00 feet to the said Northeasterly right-of-way line of Simonton Street and the Point of Beginning

*EXHIBIT "B"*

A parcel of land on the Island of Key West, and being a portion of the right of way of Virginia Street adjacent to and Southerly of Lots 4 thru 8, of Square 1, Tract 11 of Simonton's Addition to Key West, said parcel being more particularly described by metes and bounds as follows:

BEGIN at the intersection of the Northeasterly right of way line of Simonton Street with the Northwesterly right of way line of Virginia Street, said point also being the Southernmost corner of the said Lot 4, Square 1, and run thence Northeasterly and along the Northwesterly right of way line of the said Virginia Street for a distance of 248.00 feet to the Northeasterly right of way line of the said Virginia Street; thence Southeasterly and at right angles along the Northeasterly right of way line of the said Virginia Street for a distance of 18.80 feet; thence Southwesterly and at right angles along a line parallel to and 18.80 feet Southeasterly of the Northwesterly right of way line of the said Virginia Street for a distance of 248.00 feet to the Southeasterly extension of the Northeasterly right of way line of the said Simonton Street; thence Northwesterly and at right angles along the Southeasterly extension of the Northeasterly right of way line of the said Simonton Street for a distance of 18.80 feet back to the Point of Beginning, containing 4,662 feet, more or less.



## EXECUTIVE SUMMARY

**To:** Jim Scholl, City Manager

**Through:** Donald Leland Craig, AICP, Planning Director

**From:** Brendon Cunningham

**Date:** May 15, 2012

**RE:** **Revocable License Agreement** – 1015 Simonton Street (RE# 00027070-000000) – A request for limited-time use of approximately 6,200 square feet of Virginia Street right-of-way per Section 2-939 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

### ACTION STATEMENT:

**Request:** This request is for a revocable license agreement for approximately 6,200 square feet of publicly owned right-of-way to maintain existing residential trailers for a period of twelve months.

**Location:** 1015 Simonton Street (RE # 00027070-000000) license to be for that portion of Virginia Street Right-of-Way (ROW) starting at the intersection with Simonton Street.

**Zoning:** Historic Neighborhood Commercial (HNC-1) Zoning District

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### BACKGROUND:

This application is the result of a Code Compliance action stemming from various code violations including fire hazards, illegal construction and illegal use of the public right-of-way (ROW). The applicant purchased the property with eleven existing residential trailers placed in the ROW. The original request was for an easement for the continued use of the City's ROW.

At the Development Review Committee meeting (DRC), staff identified that an easement request is generally considered for minor encroachments of existing permanent structures. This encroachment consists of eleven residential trailers, which are not considered neither structures nor permanent. The DRC, particularly the Planning and Engineering Departments, recommended denial of the easement request.



The City Attorney determined that a revocable license agreement was the correct vehicle to allow the trailers to remain for a limited amount of time. This direction was taken with the commitment by the applicant that all fire code violations would immediately be remedied and a development plan be filed and the encroaching trailers be removed within 12 months of the license's approval.

City Actions:

Development Review Committee: February 23, 2012

City Commission: May 15, 2012

PLANNING STAFF ANALYSIS:

The process for the review of easements and licenses is the same. Therefore, the materials submitted with the easement application have been reviewed. The property, addressed as 1015 Simonton Street, is at the intersection with Virginia Street. As described in the Specific Purpose Survey provided by J. Lynn O'Flynn dated January 26, 2012, the area required for the license is for that portion of the 600 block of Virginia Street occupied by the eleven existing residential trailers. The portion of the ROW needed for the trailers is comprised of approximately 6,200 square feet.

Excepting the ROW itself, City staff identified the following publically owned infrastructure: a) a meter, electrical poles and overhead lines owned by Key's Energy; b) water lines owned by the Florida Key's Aqueduct Authority and c) sewer lines owned by the City. Therefore, it would appear that granting this license permanently would be injurious to the area involved and detrimental to the public interest or welfare if removed in a timely manner. Per Section 2-939 d, each revocable license granted by the city for the use of property requires an annual fee of \$200.00.

Options / Advantages / Disadvantages:

**Option 1.** To approve the revocable license for 6,200 square feet with the following conditions:

1. The license is revocable at the will of the City Commission.
2. That the owner shall pay the one time yearly fee of \$200 specified in Code of Ordinances Section 2-939 (d).
3. That the license shall terminate upon the failure of the property owner to maintain liability insurance in a minimum amount of one hundred thousand dollars (or such other amount as may legislatively be 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 license.
4. The existing eleven residential trailers will be the total allowed encroachment within the license area.

1. **Consistency with the City's Strategic Plan, Vision and Mission:** The Strategic Plan is silent to this issue.
2. **Financial Impact:** The City will collect \$200.00 as part of the approval of the application. There will be no cost to the city for this license approval.

**Option 2.** Deny the revocable license based on findings that the City's needs outweigh the request.

1. **Consistency with the City's Strategic Plan, Vision and Mission:** The Strategic Plan is silent to this issue.
2. **Financial Impact:** The City would lose the potential to collect the revenue of a revocable license agreement.

**RECOMMENDATION:** Option 1

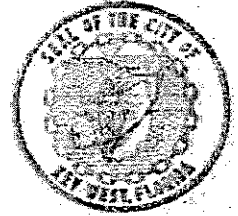
Based on the existing conditions, the Planning Department recommends **approval** to the City Commission for the proposed **revocable license agreement** with conditions as follows:

1. The license is revocable at the will of the City Commission.
2. That the owner shall pay the one time yearly fee of \$200 specified in Code of Ordinances Section 2-939 (d).
3. That the license shall terminate upon the failure of the property owner to maintain liability insurance in a minimum amount of one hundred thousand dollars (or such other amount as may legislatively be 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 license.
4. The existing eleven residential trailers will be the total allowed encroachment within the license area.

# Application

B. Application

EASEMENT APPLICATION  
City of Key West Planning Department  
3140 Flagler Avenue Street, Key West, FL 33040  
(305) 809-3720

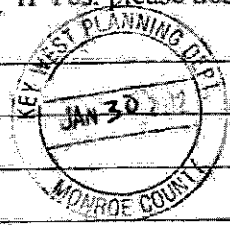


Please read carefully before submitting applications

Easement Application

Please print or type a response to the following: Annalise Mannix - representing:

1. Name of Applicant Southernmost Cabana Resort LLC
2. Site Address 1015 Simonton St Key West, FL 33040
3. Applicant is: Owner \_\_\_\_\_ Authorized Representative    
 (attached Authorization Form must be completed)
4. Address of Applicant 3739 Paula Ave.  
Key West, FL 33040
5. Phone # of Applicant 352 292 5299 Mobile# 797 016 2 Email annalise.mannix@aol.com
6. Name of Owner, if different than above Kimberly Parker and 1999 Cegnon  
Marital Trust
7. Address of Owner 1421 13 St  
Key West, FL 33040
8. Phone Number of Owner 305 292 7729 Email ckegnon@bellsouth.net
9. Zoning District of Parcel HNC-1 RE# 00027070-000000
10. Description of Requested Easement and Use. Please itemize if more than one easement is requested 25 by 248 foot section of the right of way of Virginia St. Between Simonton St. and St. Mary's property. This plot has historically been used for 11 residential mobile homes (40 years). This will allow 11 affordable mobile homes to remain occupied.
11. Are there any existing easements, deed restrictions or other encumbrances attached to the subject property? Yes \_\_\_\_\_ No  If Yes, please describe and attach relevant documents. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



The following must be included with this application:

1. Copy of a recorded warranty deed showing the current ownership and a legal description of the property. (Typically a description of the property without the easement). *Annex*
2. Two (2) original, signed and sealed copies of site surveys (No larger than 11" x 17") illustrating buildings and structures existing on the property as of the date of the request with a legal description of the entire property. *Annex*
3. Two (2) original, signed and sealed Specific Purpose Surveys (No larger than 11" x 17") illustrating buildings and structures with a legal description of the easement area requested. *Annex*
4. Color photographs from different perspectives showing the proposed easement area. *Annex*
5. Application Fee by check payable to the City of Key West in the amount of \$1000.00 plus \$400.00 for each additional easement on the same parcel. Please include a separate fee of \$50.00 for Fire Department Review and an advertising and noticing fee of \$100.00. *Annex*
6. Notarized Verification Form. *Annex*
7. Notarized Authorization Form, if applicable. An Authorization form is required if a representative is applying on behalf of the owner. *Annex*

# **Authorization**

M. Authorization Form

City of Key West  
Planning Department



Authorization Form  
(Where Owner is a Business Entity)

Please complete this form if someone other than the owner is representing the property owner in this matter.

I, Joseph Cleghorn as  
*Please Print Name of person with authority to execute documents on behalf of entity*

Managing Member of Southernmost Cabana Resorts LLC  
*Name of office (President, Managing Member)* *Name of owner from deed* TK

authorize Annalise Morris  
*Please Print Name of Representative*

to be the representative for this application and act on my/our behalf before the City of Key West.

[Signature]  
*Signature of person with authority to execute documents on behalf on entity owner*

Subscribed and sworn to (or affirmed) before me on this 12/23/2011 by  
*date*

Joseph Cleghorn  
*Name of Authorized Representative*

He/She is personally known to me or has presented \_\_\_\_\_ as identification.

[Signature]  
*Notary's Signature and Seal*  
Laree Sparks  
*Name of Acknowledger typed, printed or stamped*

LAREE SPARKS  
NOTARY PUBLIC  
STATE OF FLORIDA  
Comm# EE109371  
Expires 7/6/2015

EE109371  
*Commission Number, if any*

[Signature] 12/25/11

**Deed**



**K. Warranty Deed**

Doc# 1742962 05/20/2009 9:04AM  
Filed & Recorded in Official Records of  
MONROE COUNTY DANNY L. KOLMAGE

*Prepared by and return to:*

Suzanne A. Dockerty  
Attorney at Law  
J. PATRICK FITZGERALD & ASSOCIATES, P.A.  
110 Merrick Way Suite 3-B  
Coral Gables, FL 33134  
305-443-9162  
File Number: 6-840  
Will Call No.:

05/20/2009 9:04AM  
DEED DOC STAMP CL: TRINA \$16,800.00

Doc# 1742962  
Bk# 2413 Pg# 1901

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**Warranty Deed**

This Warranty Deed made this 20th day of April, 2009 between The Most Reverend John C. Pavolara, as Archbishop of the Archdiocese of Miami, his successors in office, a corporation sole whose post office address is 9401 Biscayne Blvd., Miami Shores, FL 33138, grantor, and Southernmost Cabana Resort, LLC, a Florida limited liability company whose post office address is 1421 1st Street, Key West, FL 33040, grantee:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Monroe County, Florida to-wit:

See Exhibit "A" attached hereto and made a part hereof as if fully set forth herein.

Parcel Identification Number: 00027070-000000

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2008.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

DoubleTime

Signed, sealed and delivered in our presence:

[Signature]  
Witness Name: Janet Bancroft

By: [Signature]  
The Most Reverend John C. Favalora, as Archbishop of  
the Archdiocese of Miami, his successors in office, a  
corporation sole

[Signature]  
Witness Name: MORIE WINE

State of Florida  
County of Miami-Dade

The foregoing instrument was acknowledged before me this 29 day of April, 2009 by The Most Reverend John C. Favalora, as Archbishop of the Archdiocese of Miami, his successors in office, a corporation sole. He  is personally known or  has produced a driver's license as identification.

(Notary Seal)



[Signature]  
Notary Public  
Printed Name: Janeth McPherson  
My Commission Expires: 5/28/2011

**EXHIBIT "A"**  
*Legal Description*

On the Island of Key West and being part of Tract 11 according to Wm. A. Whitehead's map of said Island, but better described as Part of Lot 1 of Square 1 in said Tract 11, according to C. W. Tift's map or plan of the Island of Key West delineated July, 1874, the lands hereby leased being more particularly described by metes and bounds as follows:

Beginning at a point on the Northeasterly side of Simonton Street, said point being 198.33 feet Southeasterly from the Easterly corner of the intersection of Division and Simonton Street, run thence in a Southeasterly direction along the Northeasterly side of Simonton street 168.33 feet, more or less to Virginia Street; thence at right angles in a Northeasterly direction along Virginia Street 248 feet; thence at right angles in a Northwesterly direction 168.33 feet, more or less; thence at right angles in a Southwesterly direction 248 feet to the point of beginning on Simonton Street.

And

Beginning at a point on the Northeasterly side of Simonton Street, said point being 183.33 feet Southeasterly from the Easterly corner of the intersection of Division and Simonton Streets, run thence in a Southeasterly direction along the Northeasterly side of Simonton Street 15 feet, thence at right angles in a Northeasterly direction 248 feet; thence at right angles in a Northwesterly direction 15 feet; thence at right angles in a Southwesterly direction 248 feet to the point of beginning on Simonton Street.

Less and Except:

A parcel of land on the Island of Key West, Monroe County, Florida and known on William A. Whitehead's Map of said Island, delineated in February A.D. 1829, as part of Tract 11 and designated on Charles W. Tift's Plan or Map of the Island of Key West delineated in July 1874 as Lot 2 in square 1 in Subdivision of Tract 11, known as Simonton's Addition to Key West and being more particularly described as follows: Commence at the intersection of the Southeasterly right-of-way line of Truman Avenue and the Northeasterly right-of-way line of Simonton Street; thence in a Southeasterly direction along said Northeasterly right-of-way line of Simonton Street 183.33 feet to the Point of Beginning; thence continue in a Southeasterly direction along the said Northeasterly right-of-way line of Simonton Street for 7.55 feet; thence at an angle of 90° 13' 57" to the right and in a Westerly direction for 113.00 feet; thence at an angle of 89° 46' 03" to the right and in a Northwesterly direction for 8.00 feet; thence at a right angle and in a Southwesterly direction for 113.00 feet to the said Northeasterly right-of-way line of Simonton Street and the Point of Beginning

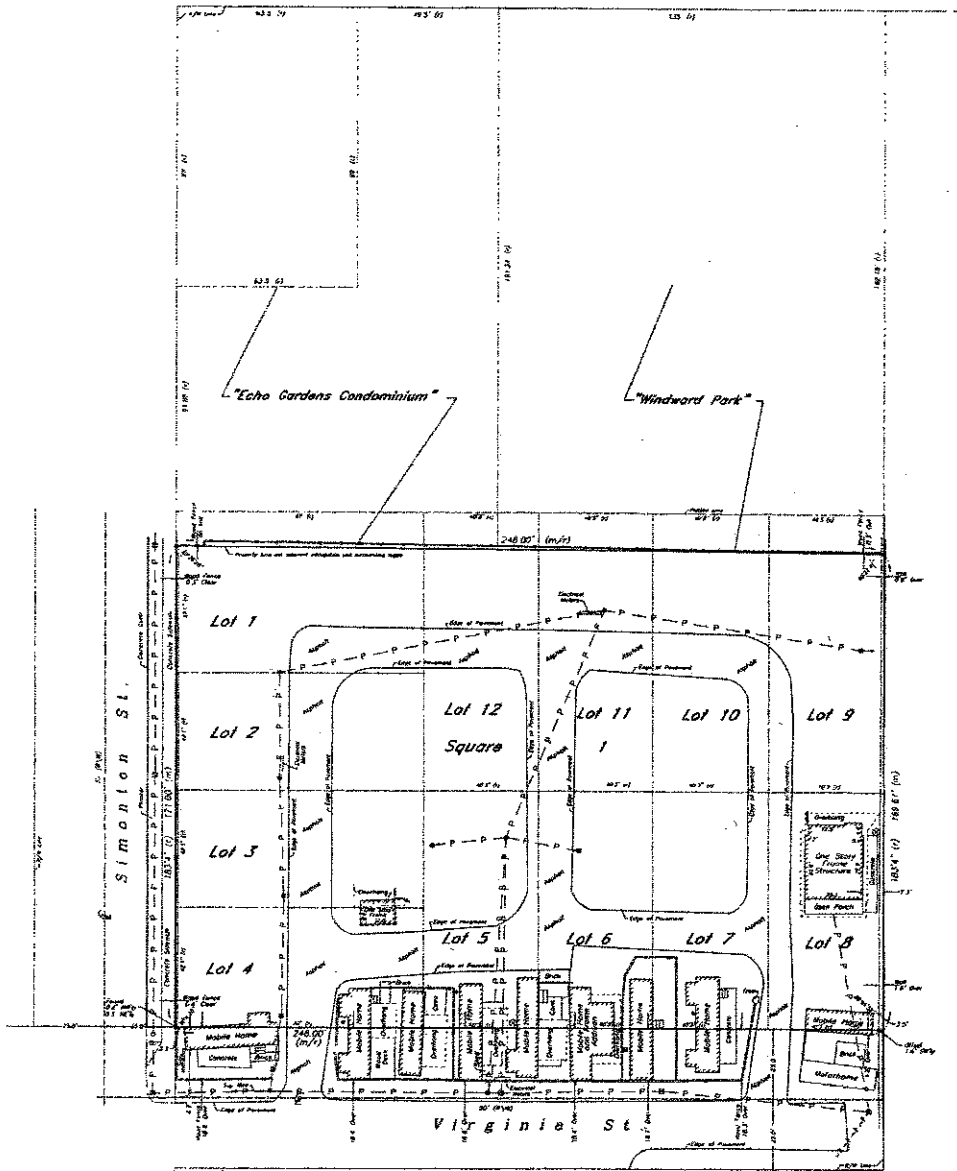
# Survey

Truman Ave.

REDO LINES  
1/26/12

LEGEND

- Found 2" Iron Pipe (2 inch Post)
- Set 1/2" Iron Pipe (1 inch ECHS)
- Found 1/2" Iron Pipe (1 inch)
- △ Found Stake & Cap (1 inch)
- △ Set Stake & Cap (1/2 inch)
- Boundary
- Measure
- (N/S) Noted & Measured
- (C/S) Concrete Block Structure
- (F) Containing
- (V) Right of Way
- (C/F) Chain Link Fence
- (M) Measure
- (L) One Story Frame Structure
- (G) Concrete Group Post
- (T) Concrete Utility Vault
- (P) Property Line
- (A) Pole Alignment



- NOTES**
1. The legal descriptions shown herein were furnished by the client or their agent.
  2. Underground foundations and utilities were not located.
  3. All angles are 90° (Measured & Record) unless otherwise noted.
  4. Street address: 605-1027 Simon St., Key West, FL.
  5. This survey is not valid without the signature and the original record seal of a Florida Licensed Surveyor and Mapper.
  6. Lands shown herein were not abstracted for rights-of-way, easements, ownership, or other instruments of record.
  7. Work done as advised and based on the legal description.
  8. Date of field work: January 6, 2012.
  9. Determination of fences is indeterminate, unless otherwise noted.
  10. Adjacent lots are not surveyed.
  11. All improvements are not shown.

BOUNDARY SURVEY OF: A parcel of land on the Island of Key West, Monroe County, Florida and known as Truman A. Whitcomb's Map of said Island, delineated in February, A.D. 1826, as part of Tract 11 and designated on Charles R. TOL's Plan or Map of the Island of Key West delineated in July, 1874 as Lots 1-12, Square 1, known as Simon's Addition to Key West.

BOUNDARY SURVEY FOR: Southermost Cabana Resort LLC.

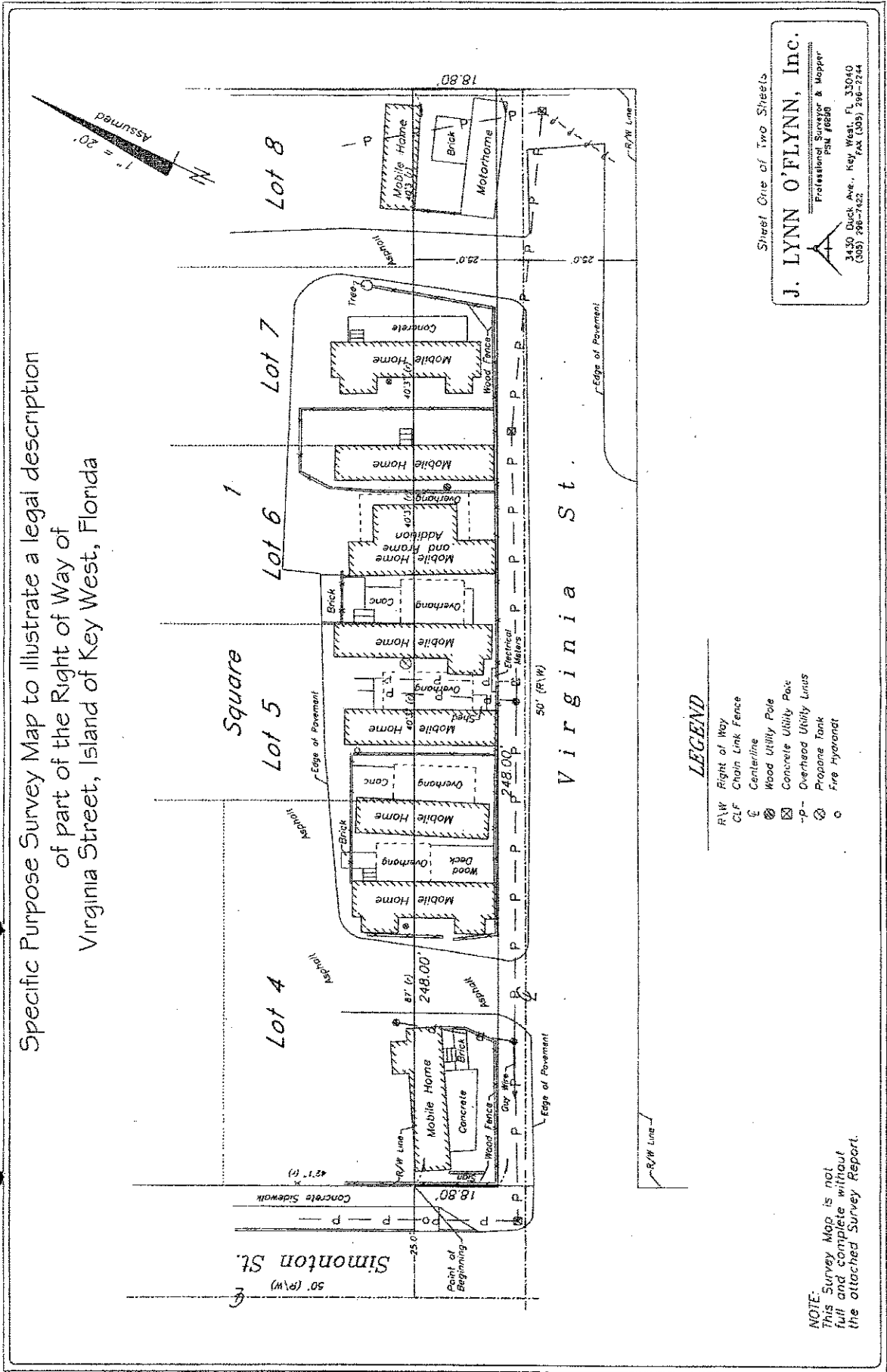
J. Lynn O'Flynn, Inc.  
 J. Lynn O'Flynn, PSM  
 Licensed Professional Surveyor & Mapper  
 January 26, 2012

THIS SURVEY IS NOT ASSIGNABLE

<p>Not valid without the signature and original record seal of a Florida Licensed Surveyor and Mapper</p>	<p><b>J. LYNN O'FLYNN, Inc.</b>          Professional Surveyor &amp; Mapper          PSM #35261          3430 Duck Ave., Key West, FL 33040          (305) 298-7422 FAX (305) 296-2244</p>	<p><b>BOUNDARY SURVEY OF:</b>          Lots 1 thru 12, Square 1,          Tract 11, Island of Key West</p>	<p><b>DRAWN BY:</b> BGO          1.          2.          3.          4.          5.          6.          7.  <b>CHECKED BY:</b> JLO  <b>DATE:</b> 1-26-12</p>	<p><b>REVISIONS:</b>          1.          2.          3.          4.          5.          6.          7.  <b>DATE:</b>  <b>SHEET:</b> 1  <b>OF:</b> 1</p>
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# **Special Purpose Survey**

Specific Purpose Survey Map to illustrate a legal description  
of part of the Right of Way of  
Virginia Street, Island of Key West, Florida



**LEGEND**

- R/W Right of Way
- CLF Chain Link Fence
- Centerline
- Wood Utility Pole
- Concrete Utility Pole
- Overhead Utility Lines
- Propane Tank
- Fire Hydrant

NOTE:  
This Survey Map is not  
full and complete without  
the attached Survey Report.

Sheet One of Two Sheets

**J. LYNN O'FLYNN, INC.**

Professional Surveyor & Mapper  
P.S.M. #6880  
3430 Duck Ave., Key West, FL 33040  
(305) 298-7422 FAX (305) 296-7244

Specific Purpose Survey Report to illustrate a legal description  
of part of the Right of Way of  
Virginia Street, Island of Key West, Florida

NOTES:

1. The legal description shown hereon was authored by the undersigned.
2. Underground foundations and utilities were not located.
3. All angles are 90° (Measured & Record) unless otherwise noted.
4. Street address: 1015-1027 Simonton Street, Key West, FL.
5. This survey is not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
6. Lands shown hereon were not abstracted for rights-of-way, easements, ownership, or other instruments of record.
7. North Arrow is assumed and based on the legal description.
8. This survey is not assigned.
9. Adjoiners are not furnished.
10. The description contained herein and sketch do not represent a field boundary survey.
11. The Survey Report is not full and complete without the attached Survey Map.

SPECIFIC PURPOSE SURVEY TO ILLUSTRATE A LEGAL DESCRIPTION  
AUTHORED BY THE UNDERSIGNED

A parcel of land on the Island of Key West, and being a portion of the right of way of Virginia Street adjacent to and Southerly of Lots 4 thru 8, of Square 1, Tract 11 of Simonton's Addition to Key West, said parcel being more particularly described by metes and bounds as follows:  
BEGIN at the intersection of the Northeasterly right of way line of Simonton Street with the Northwesterly right of way line of Virginia Street, said point also being the Southernmost corner of the said Lot 4, Square 1, and run thence Northeasterly and along the Northwesterly right of way line of the said Virginia Street for a distance of 248.00 feet to the Northeasterly right of way line of the said Virginia Street; thence Southeasterly and at right angles along the Northeasterly right of way line of the said Virginia Street for a distance of 18.80 feet, thence Southwesterly and at right angles along a line parallel to and 18.80 feet Southeasterly of the Northwesterly right of way line of the said Virginia Street for a distance of 248.00 feet to the Southeasterly extension of the Northwesterly right of way line of the said Simonton Street; thence Northwesterly and at right angles along the Southeasterly extension of the Northwesterly right of way line of the said Simonton Street for a distance of 18.90 feet back to the Point of Beginning, containing 4.662 square feet, more or less.

SPECIFIC PURPOSE SURVEY FOR: Southernmost Cabana Resort LLC;

J. LYNN O'FLYNN, INC.

J. Lynn O'Flynn, PSM  
Florida Reg. #6298

January 26, 2012

Sheet Two of Two Sheets

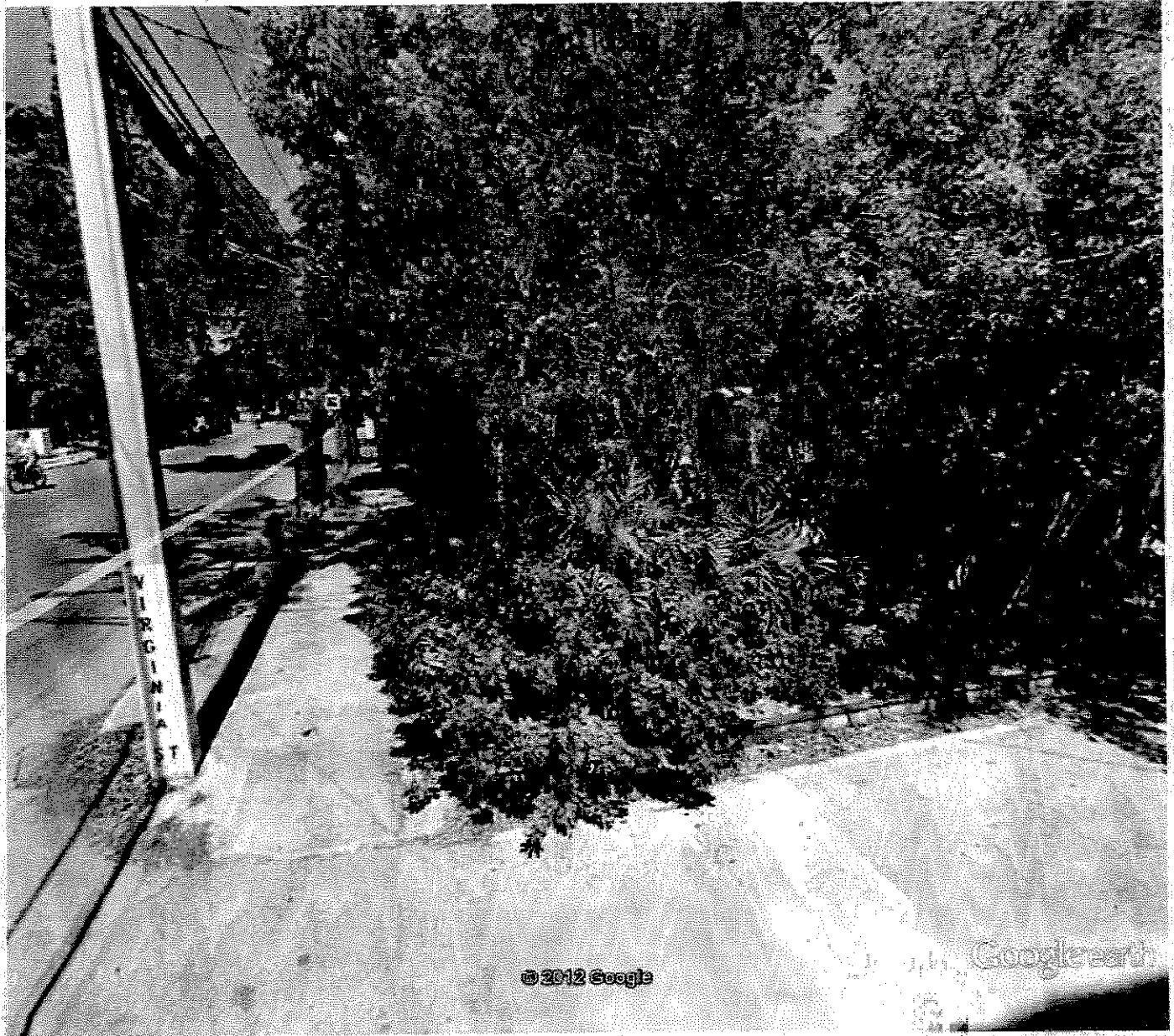
J. LYNN O'FLYNN, Inc.

Professional Surveyor & Mapper  
PSM #6698



3430 Duck Ave., Key West, FL 33040  
(305) 286-7422 FAX (305) 286-2244

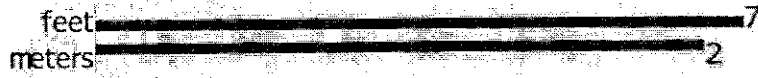


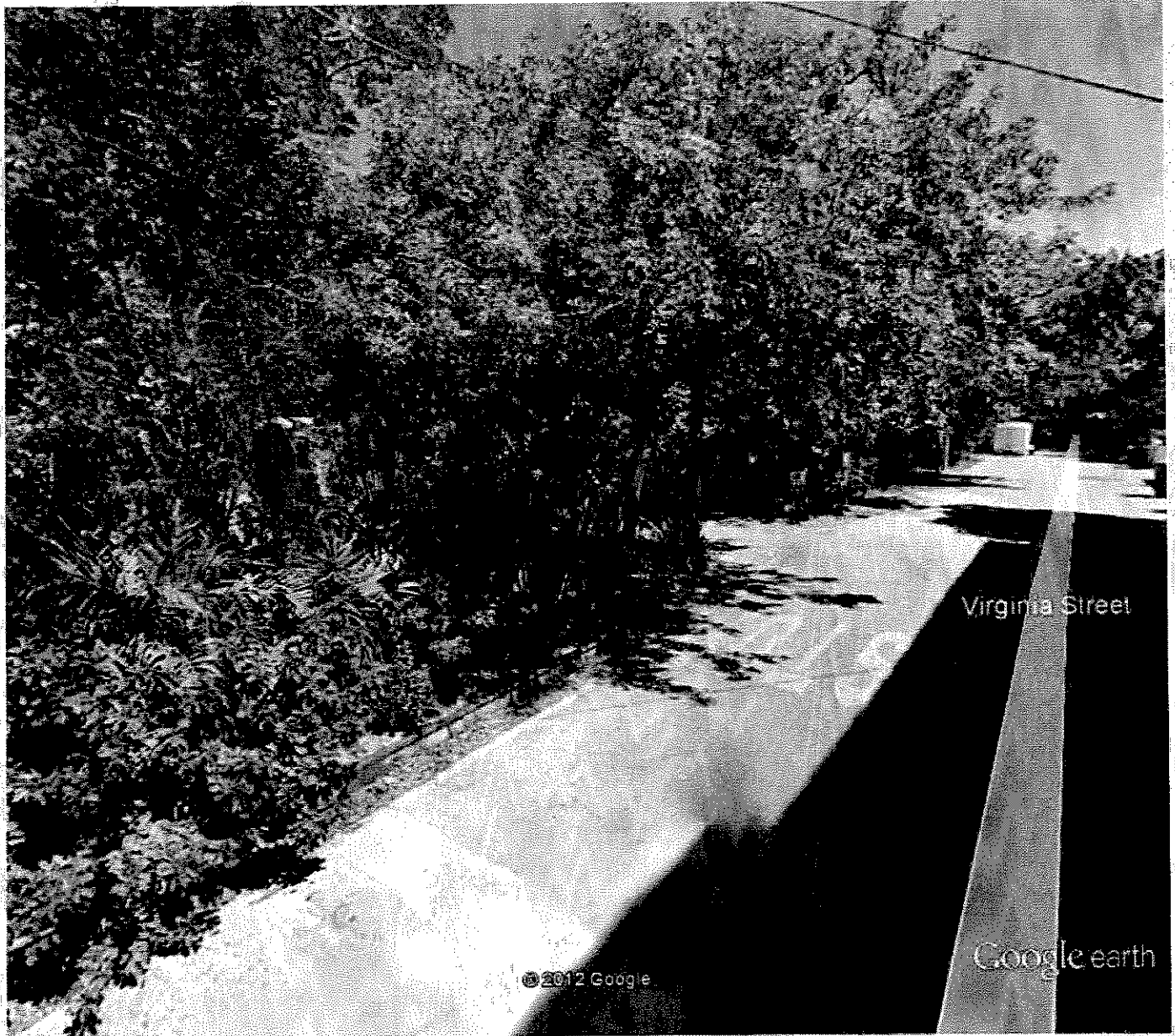


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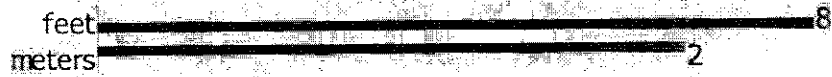


Virginia Street

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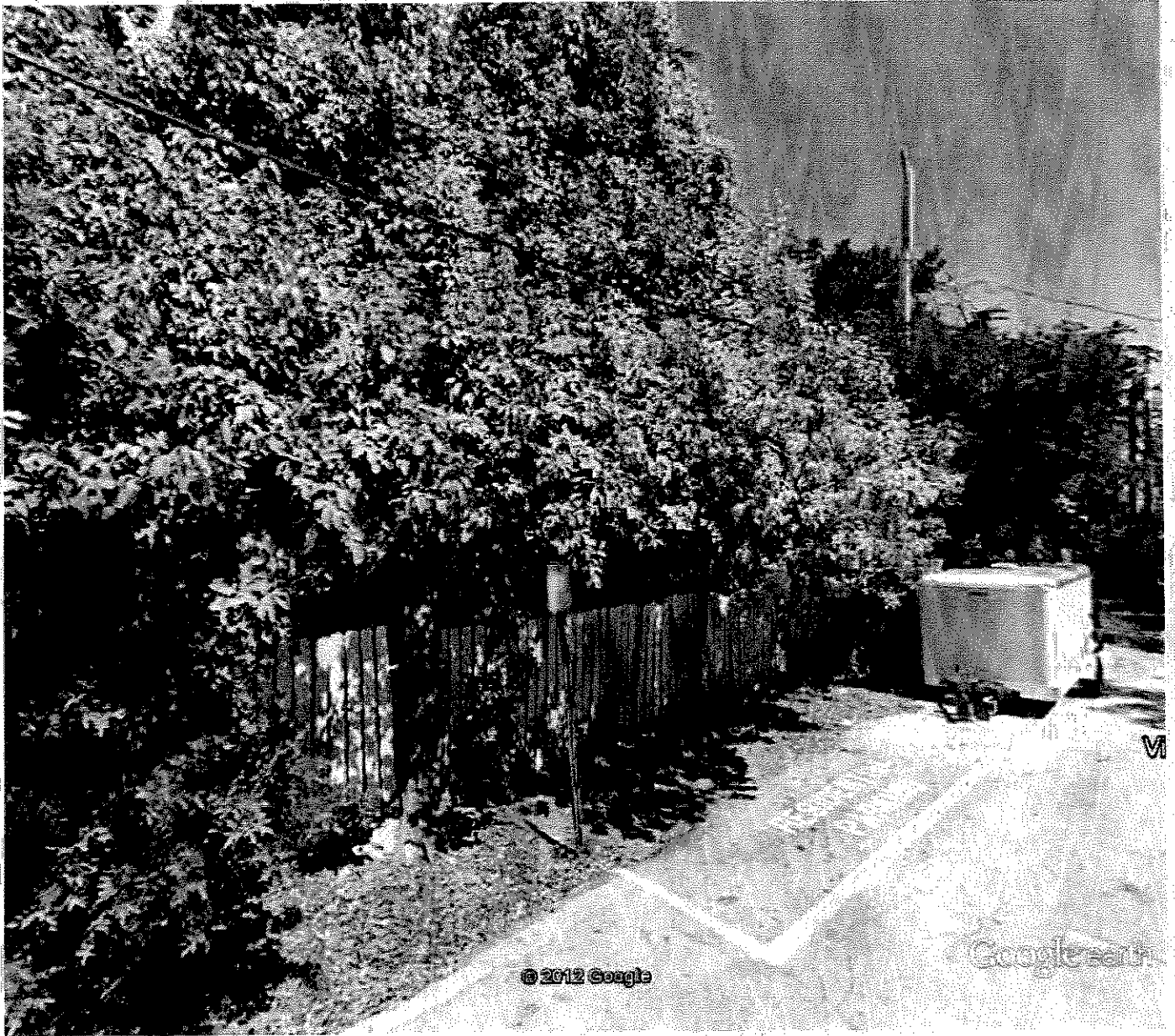




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feet  
meters



10  
3





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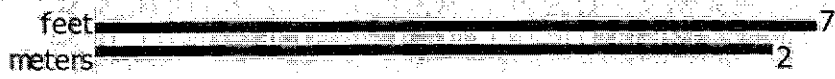




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876649 ONTARIO LTD  
595 RIVERSIDE DR  
CORUNA, ONTARIO NON 1G0

SOUTHERNMOST CABANA RESORT  
1421 1ST ST  
KEY WEST, FL 33040

COLEMAN F CARROLL ARCH-  
BISHOP OF ARCHDIOCESE  
9401 BISCAYNE BLVD  
MIAMI SHORES, FL 33138

MORRIS DONAL  
606 TRUMAN AVE APT 6  
KEY WEST, FL 33040-3284

876649 ONTARIO LTD  
595 RIVERSIDE DR RR 1  
CORUNNA, ON NON 1G0

CAFE DES ARTISTES INC  
1007 SIMONTON ST  
KEY WEST, FL 33040

1009 SIMONTON STREET LLC  
1009 SIMONTON ST  
KEY WEST, FL 33040-3168

DILLMAN FREDERICK & LYNN M  
15308 JILLIAN CT  
ORLAND PARK, IL 60467-4607

BROWN JAMES F & KATHERINE H  
603 A MAID MARION HILL  
ANNAPOLIS, MD 21405

GARY THE CARPENTER  
CONSTRUCTION INC  
800 SIMONTON ST  
KEY WEST, FL 33040

LOLA BEAN INVESTMENTS LLC  
13 BLUE WATER DR  
KEY WEST, FL 33040

TITUS RICHARD J  
19940 OAKMONT DR  
LOS GATOS, CA 95033-8889

LEVER PATRICK T  
1020 WOODRIDGE RD  
RED LION, PA 17356

KEYS ISLAND PROPERTIES LLC  
1201 SIMONTON ST  
KEY WEST, FL 33040-3162

NEIGHOFF KENNETH DAVID &  
MARY  
637 DUNKELD CIR  
SEVERNA PARK, MD 21146

DM HUNTER RESOURCE SUPPLY  
PO BOX 2159  
COUNNA, ONTARIO NON IGO

SIRECI THOMAS J JR & MARCIA A  
1128 FLAGLER AVE  
KEY WEST, FL 33040



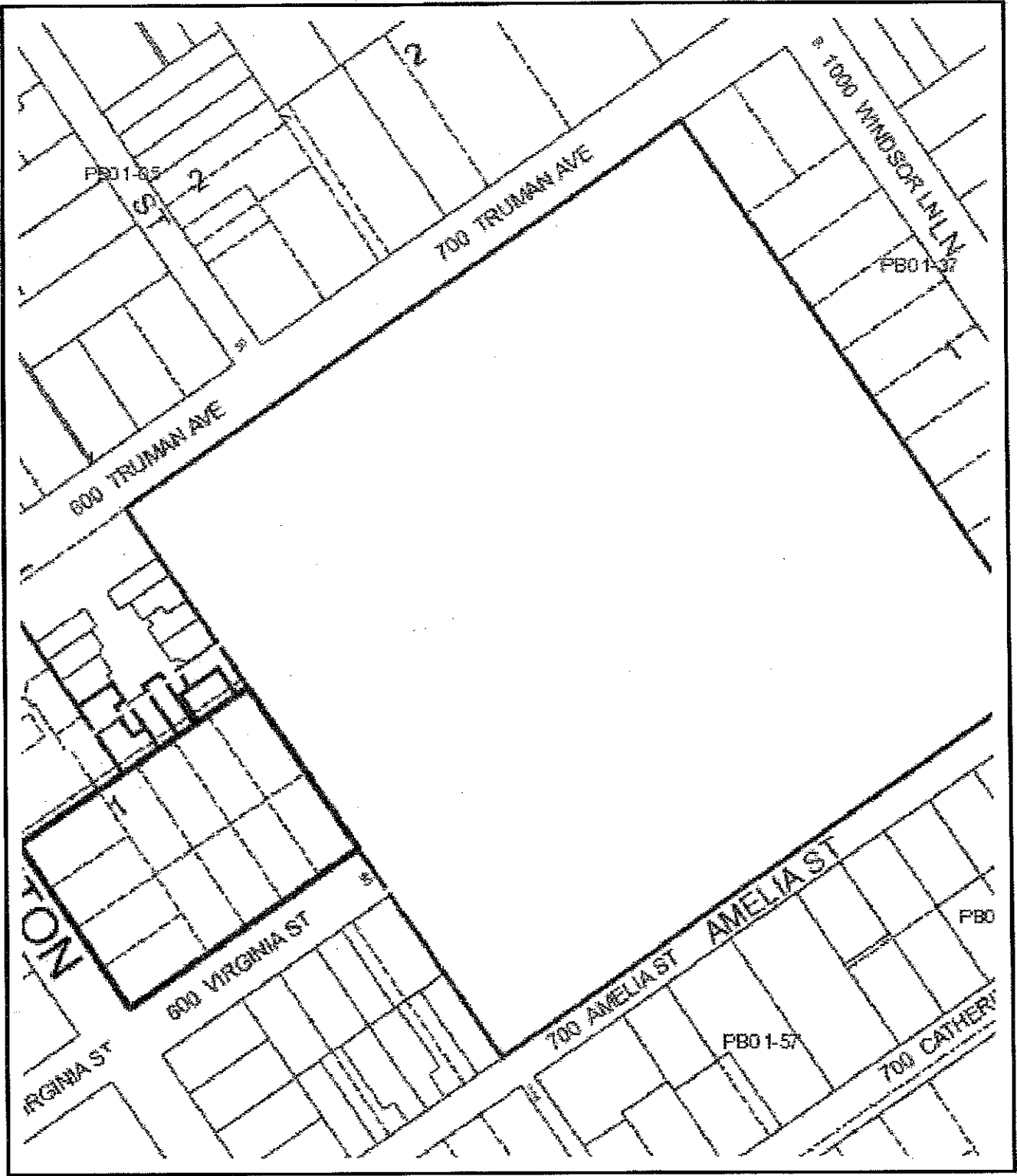
Printed: Apr 23, 2012

## Monroe County, Florida

### 1015 Simonton



DISCLAIMER: The Monroe County Property Appraiser's office maintains data on property within the County solely for the purpose of fulfilling its responsibility to secure a just valuation for ad valorem tax purposes of all property within the County. The Monroe County Property Appraiser's office cannot guarantee its accuracy for any other purpose. Likewise, data provided regarding one tax year may not be applicable in prior or subsequent years. By requesting such data, you hereby understand and agree that the data is intended for ad valorem tax purposes only and should not be relied on for any other purpose.



**Monroe County, Florida**  
**1015 Simonton**

Printed: Apr 23, 2012



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