

**Development Review Committee
August 26, 2010 – 2:00 p.m.
City Commission Chamber
Old City Hall, 510 Greene Street**



- 4e. Easement – 1009 Catherine Street (RE# 00031880-000000) – A request for an easement in the HMDR zoning district per Section 2-938 of the Code of Ordinances of the City of Key West, Florida.**

EASEMENT APPLICATION
City of Key West Planning Department
605-A Simonton Street, Key West, FL 33040
(305) 292-8229



Please read carefully before submitting applications

Easement Application

Please print or type a response to the following:

1. Site Address 1009 CATHERINE ST.
2. Name of Applicant PETER H. BATTY
3. Applicant is: Owner Authorized Representative _____
(attached Authorization Form must be completed)
4. Address of Applicant 912 GEORGIA ST.
KEY WEST, FL. 33040
5. Phone # of Applicant 296 0404 Mobile# 292-0156 Fax# _____
6. Name of Owner, if different than above _____
7. Address of Owner _____
8. Phone Number of Owner _____ Fax# _____
9. Zoning District of Parcel _____ RE# 00031880-000000
10. Description of Requested Easement and Use. Please itemize if more than one easement is requested THE FENCED IN FRONT
YARD AND A SMALL PORTION
OF THE FRONT STEPS SITS
ON THE CITY RIGHT OF WAY.
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. _____

Verification Form

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. (This is usually the description of the property without the easement .) Please call if you have questions about this.
2. Two (2) original signed and sealed site surveys (**8½ x 11**) illustrating buildings and structures existing on the property as of the date of the request **with a legal description of the easement area requested, not a legal description of the entire property.**
3. Color photographs from different perspectives showing the encroachment onto city property.
4. 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.
5. Notarized Verification Form
6. Notarized Authorization Form (if applicable, where a representative is applying on behalf of the owner)

Verification Form

This form should be completed by the applicant. Where appropriate, please indicate whether applicant is the owner or a legal representative. If a legal representative, please have the owner(s) complete the following page, "Authorization Form."

I, Peter H. Batty, being duly sworn, depose and say

Name(s) of Applicant(s)
that: I am (check one) the Owner Owner's Legal Representative
for the property identified as:

Street Address and Commonly Used Name if any

Signature of Owner/Legal Representative

Signature of Joint/Co-owner

Subscribed and sworn to (or affirmed) before me on July 26, 2010 (date) by

Peter H. Batty (name). (He/She is (personally known) to me or has

presented _____ as identification.

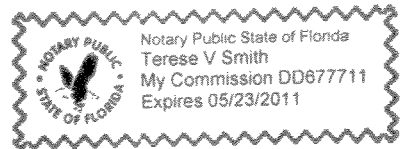
Terese V. Smith

Notary's Signature and Seal

Terese V. Smith

Name printed or stamped

Title or Rank



DD677711

Commission Number, if any

Deed

Prepared by and return to:

John M. Spottswood, Jr.

Attorney at Law

Spottswood, Spottswood & Spottswood

500 Fleming Street

Key West, FL 33040

305-294-9556

File Number: 06-267-EB

Doc# 1595773 08/02/2006 3:20PM
Filed & Recorded in Official Records of
MONROE COUNTY DANNY L. KOLHAGE

08/02/2006 3:20PM
DEED DOC STAMP CL: JENNIFERH\$3,990.00

Doc# 1595773
Bk# 2228 Pg# 1286

[Space Above This Line For Recording Date]

Warranty Deed

This Warranty Deed made this 1st day of August, 2006 between 914 FRANCES STREET, LLC, a Florida limited liability company whose post office address is 1201 Olivia Street, Key West, FL 33040, grantor, and PETER E. BATTY, a single man and PETER H. BATTY, a married man, as tenants in common whose post office address is 1105 Whitehead St., 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.

Parcel Identification Number: 00031880-000000

The property herein conveyed does NOT constitute the Homestead property of the Grantor, as defined under the Florida Constitution.

Subject to taxes for 2006 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

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, 2005**.

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

Signed, sealed and delivered in our presence:

Erica N. Hughes
Witness ERICA N. HUGHES
Mary E. Turso
Witness Name: MARY E. TURSO

914 FRANCES STREET, LLC, a Florida limited liability company
By: *Steve Bringle*
STEVE BRINGLE, Member/Manager

(Corporate Seal)

State of Florida
County of Monroe

The foregoing instrument was acknowledged before me this 1st day of August, 2006 by STEVE BRINGLE, as Member/Manager of 914 FRANCES STREET, LLC, a Florida limited liability company, on behalf of the corporation. He/she is personally known to me or has produced a driver's license as identification.

[Notary Seal]



Mary E. Turso
Notary Public
Printed Name: Mary E. Turso
My Commission Expires: _____

Prepared by and return to:

Spottswood, Spottswood & Spottswood
500 Fleming Street
Key West, FL 33040

Doc# 1686014 03/12/2008 2:04PM
Filed & Recorded in Official Records of
MONROE COUNTY DANNY L. KOLHAGE

03/12/2008 2:04PM
DEED DOC STAMP CL: TRINA \$0.70

Doc# 1686014
Bk# 2348 Pg# 2230

[Space Above This Line For-Recording Data]

Warranty Deed

This Warranty Deed made this 22 day of Feb, 2008 between Peter E. Batty, a single man whose post office address is 912 Georgia Street, Key West, FL, grantor, and Peter H. Batty, a married man, whose post office address is 912 Georgia Street, Key West, FL, 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 , to-wit:

1009 Catherine Street

Part of Lot Fourteen (14), Square Six (6), Tract Thirteen (13), having a frontage on Catherine Street Forty-Three (43) feet and six (6) inches and a depth of Fifty-Two (52) feet Four (4) inches.

More Particularly described as follows:

A parcel of land on the Island of Key West and known as a part of Lot 14, Square 6, Tract 13, as shown on Watson's Subdivision of said tract, recorded in Deed Book "I", Page 209 of the Public Records of Monroe County, Florida; said parcel being more particularly described as follows; COMMENCE at the intersection of the NE'y right of way line of Grinnell Street with the NW'y right of way line of Catherine Street and run thence NE'y along the NW'y right of way line of the said Catherine Street for a distance on 65.00 feet to the Point of Beginning; thence continue NE'y right of way line on the said Catherine Street for a distance of 43.50 feet thence NW'y and at right angles for a distance of 52.33 feet; thence Sw'y and at right angles for a distance of 43.50 feet; thence SE'y and at right angles for a distance of 52.33 feet back to the Point of Beginning.

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 .

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

Signed, sealed and delivered in our presence:

WITNESSES:

Mary P. Alley-Draper
Printed Name MARY P. ALLEY-DRAPER

Jonny M. ...
Printed Name Jonny M. ...

PETER E. BATTY
PETER E. BATTY

State of Florida
County of Monroe

The foregoing instrument was acknowledged before me this 22nd day of February 2008 by PETER E. BATTY, who is personally known to me ~~or who has produced~~ his identification.



Mary P. Alley-Draper
Commission # DD584811
Expires September 3, 2010
Bonded Title Plan - Insurance, Inc. 800-360-1111

Mary P. Alley-Draper
Notary:
Commission expires

EXHIBIT "A"

1009 Catherine Street:

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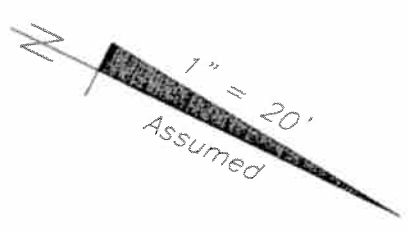
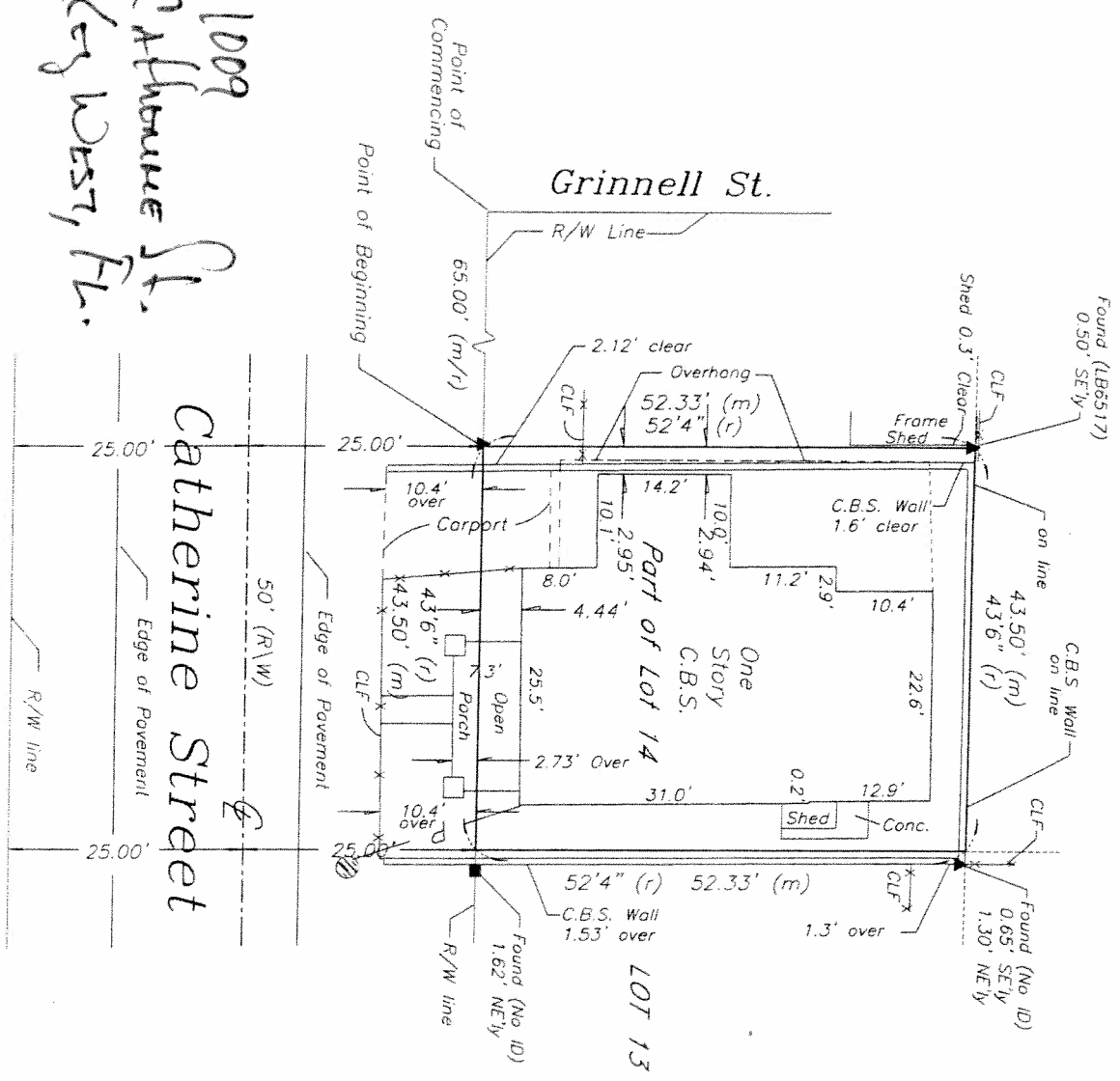
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MONROE COUNTY
OFFICIAL RECORDS

Survey

Boundary Survey Map of part of Lot 14, Square 6, Tract 13, Island of Key West

1009
Catherine St.
Key West, FL.

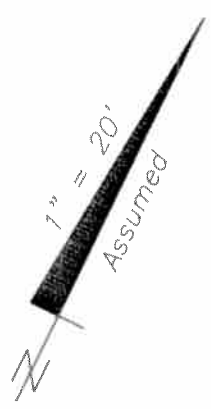
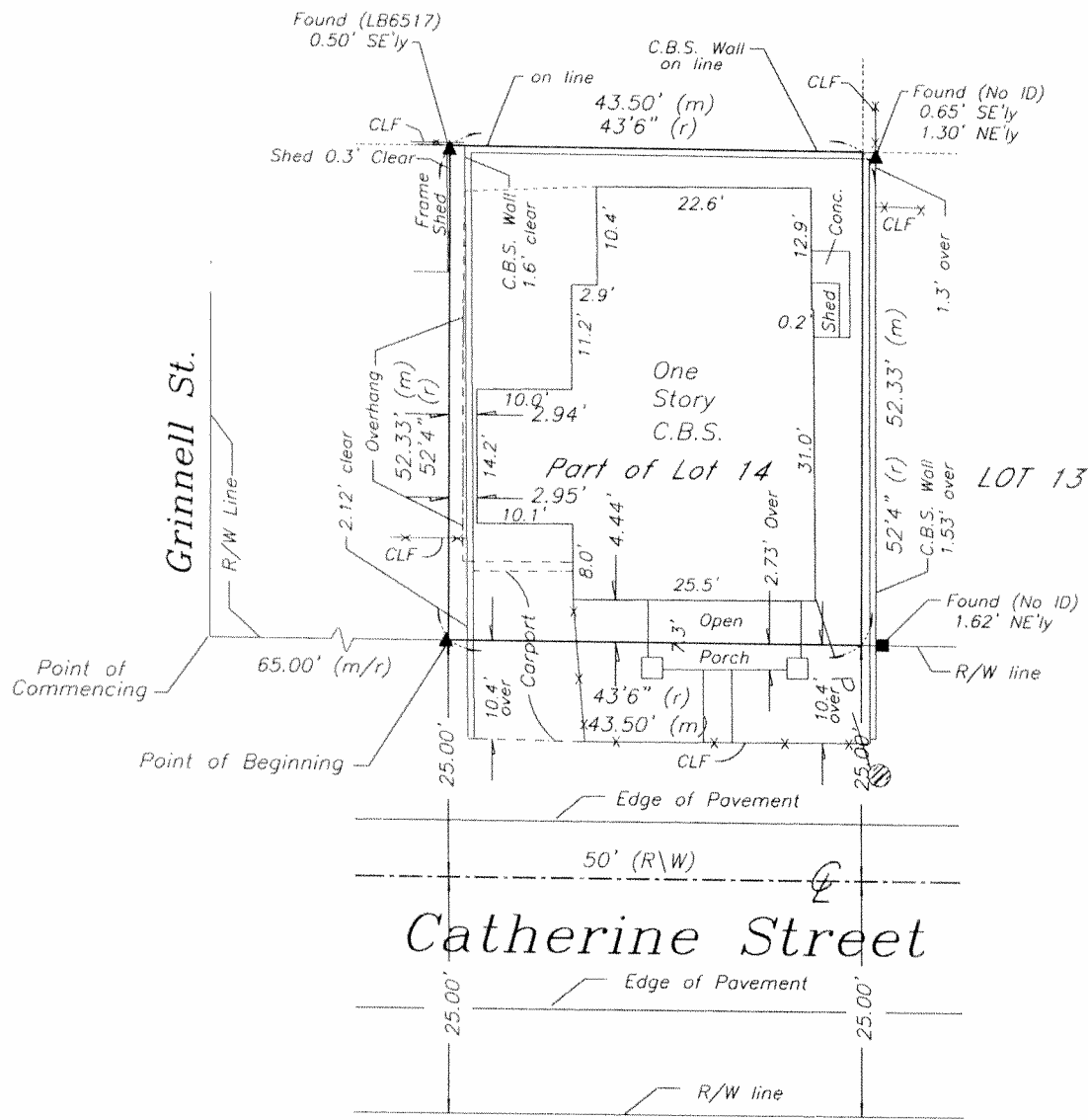


LEGEND

- Found 1" Square Spike
- ⊙ Found 2" Iron Pipe (Fence Post)
- Set #5 rebar w/cap (6298)
- Found 1/2" Iron Rod (2863)
- ▲ Found Nail & Disc (LB 6517) (No 10)
- △ Set Nail & Disc (6298)
- (M) Measured
- (R) Record
- (M/R) Measured & Record
- C.B.S. Concrete Block Structure
- R\W Right of Way
- CLF Chain Link Fence
- ⊕ Centerline
- ⊗ Wood Utility Pole
- ⊠ Concrete Utility Pole
- P- Overhead Utility Lines

NOTES:
1. The legal description shown hereon was authored by the undersigned.
2. Underaround found data...

Boundary Survey Map of part of Lot 14, Square 6, Tract 13, Island of Key West



LEGEND

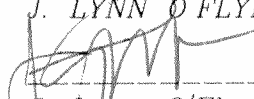
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NOTES:

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2. Underground foundations and utilities were not located.
3. All angles are 90° (Measured & Record) unless otherwise noted.
4. Street address: 1009 Catherine 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 Deed Book "I", Page 209.
8. This survey is not assignable.
9. Date of field work: July 17, 2006.
10. Adjoiners are not furnished.

BOUNDARY SURVEY OF: A parcel of land on the Island of Key West and known as a part of Lot 14, Square 6, Tract 13, as shown on Watson's Subdivision of said tract, recorded in Deed Book "I", Page 209, of the Public Records of Monroe County, Florida; said parcel being more particularly described by metes and bounds as follows: COMMENCE at the intersection of the NE'y right of way line of Grinnell Street with the NW'y right of way line of Catherine Street and run thence NE'y along the NW'y right of way line of the said Catherine Street for a distance of 65.00 feet to the Point of Beginning; thence continue NE'y along the NW'y right of way line of the said Catherine Street for a distance of 43.50 feet; thence NW'y and at right angles for a distance of 52.33 feet; thence SW'y and at right angles for a distance of 43.50 feet; thence SE'y and at right angles for a distance of 52.33 feet back to the Point of Beginning.

BOUNDARY SURVEY FOR: Peter H. Batty, Jr.;
First State Bank of the Florida Keys;
Spottswood, Spottswood & Spottswood;
Chicago Title Insurance Company;

J. LYNN O'FLYNN, INC.

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

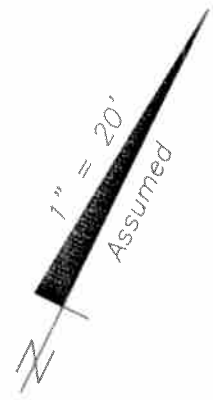
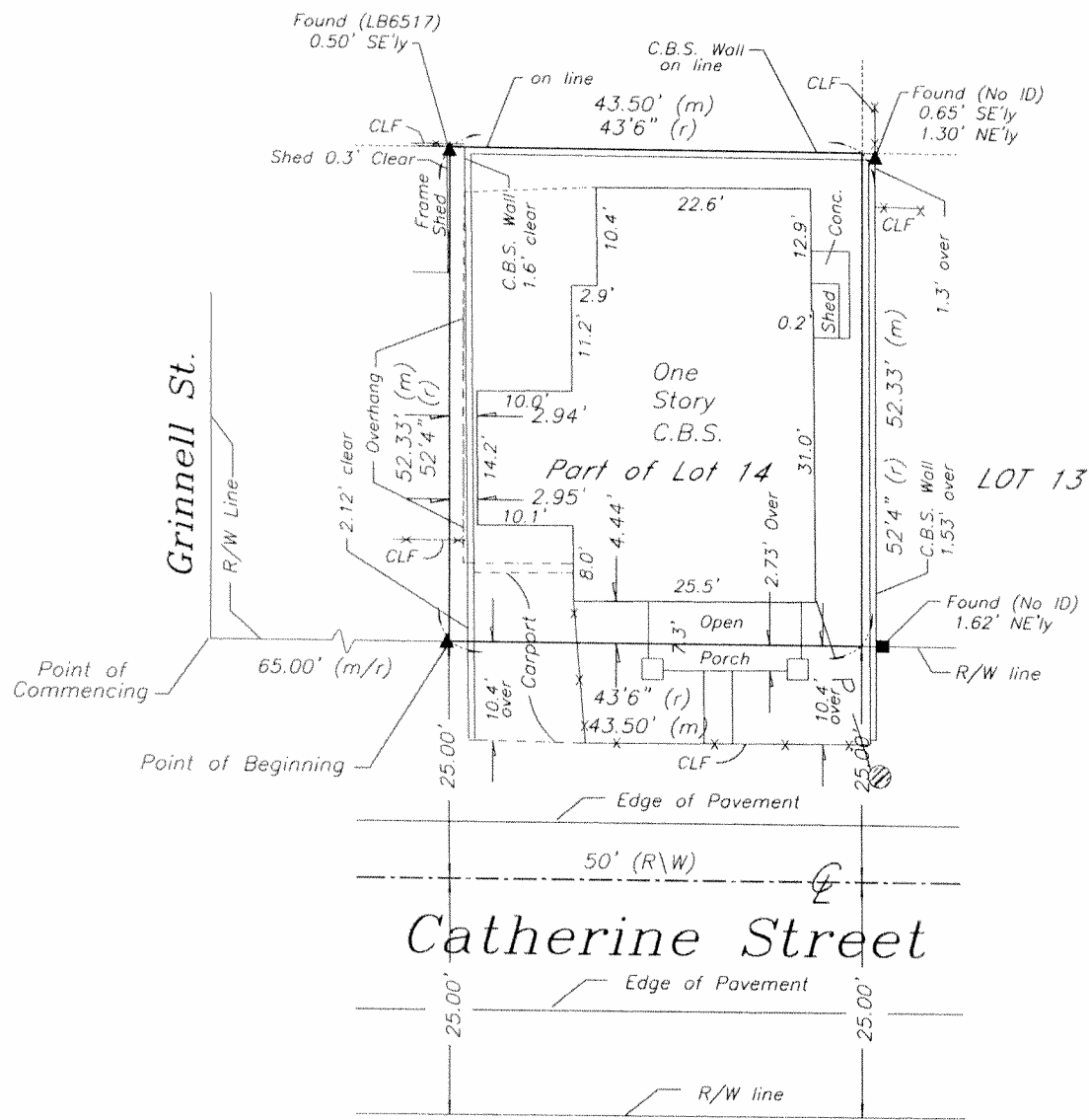
July 18, 2006

J. LYNN O'FLYNN, Inc.

Professional Surveyor & Mapper
PSM #6298

3430 Duck Ave., Key West, FL 33040
(305) 296-7422 FAX (305) 296-2244

Boundary Survey Map of part of Lot 14, Square 6, Tract 13, Island of Key West



LEGEND

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Spottwood, Spottwood & Spottwood;
Chicago Title Insurance Company;

J. LYNN O'FLYNN, INC.


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July 18, 2006

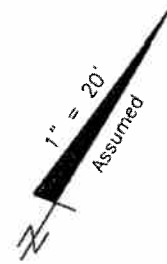
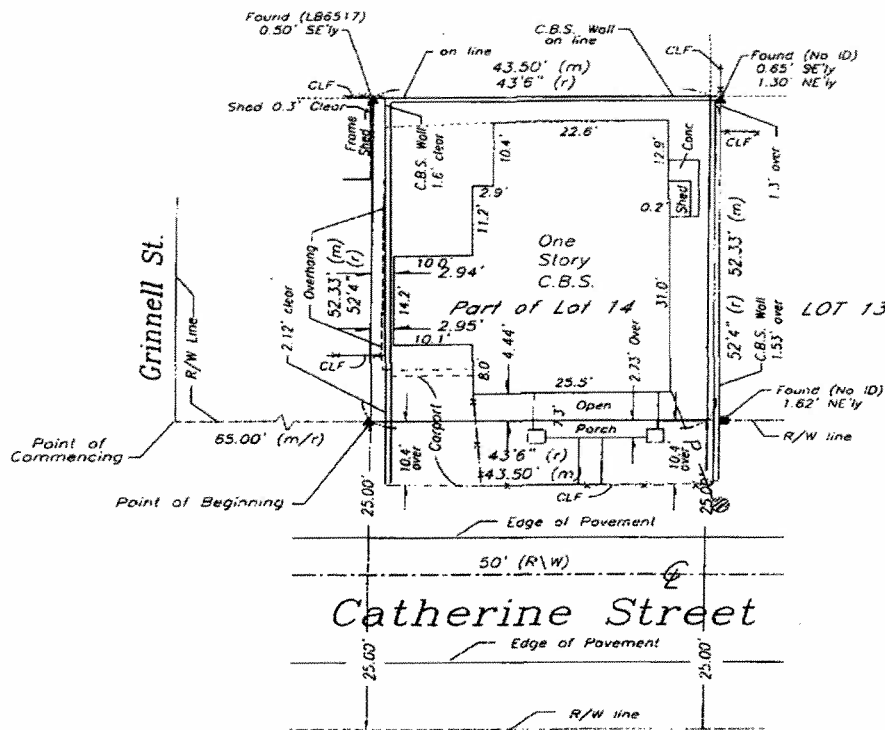
J. LYNN O'FLYNN, Inc.



Professional Surveyor & Mapper
PSM #6298

3430 Duck Ave., Key West, FL 33040
(305) 296-7422 FAX (305) 296-2244

Boundary Survey Map of part of Lot 14, Square 6, Tract 13, Island of Key West



LEGEND

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BOUNDARY SURVEY FOR: Peter H. Batty, Jr.;
First State Bank of the Florida Keys;
Spottswood, Spottswood & Spottswood;
Chicago Title Insurance Company;

J. LYNN O'FLYNN, INC.

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

July 16, 2006

J. LYNN O'FLYNN, Inc.



Professional Surveyor & Mapper
PSM #6298

3430 Duck Ave., Key West, FL 33040
(305) 296-7422 FAX (305) 296-2244

Legal Description of the Easement

Commence at the intersection of NE'ly right of way line of Grinnell Street with the NW'ly right of way line of Catherine Street and run thence NE'ly along the NW'ly right of way line of the said Catherine Street for a distance of 65.00 feet to the Point of Beginning; Thence continue NE'ly along the NW'ly right of way line of the said Catherine Street for a distance of 43.50 feet; thence SE'ly and at right angles for a distance of 10.40 feet; thence SW'ly and at right angles for a distance of 43.50 feet; thence NW'ly and at right angles for a distance of 10.40 feet back to the point of beginning.

Site Photos



