

## EXECUTIVE SUMMARY



**To:** Greg Veliz, City Manager

**Through:** Katie P. Halloran, Planning Director

**From:** Melissa Paul-Leto, Planner I

**Meeting Date:** April 6, 2021

**RE:** **Easement – 524 Southard Street (RE # 00012250-000000)** – A request for an Easement Agreement for an existing encroachment totaling 10.12 square feet, more or less, to maintain .55 feet of exterior front elevation which includes a portion of the wall with a flashing cap, molding, and storefront windows onto the Southard Street right-of-way adjacent to property located within the Duval Street Oceanside (HRCC-3) zoning district pursuant to Section 2-938 (b) (1) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida; Providing fees and conditions, Providing for an effective date.

### ACTION STATEMENT:

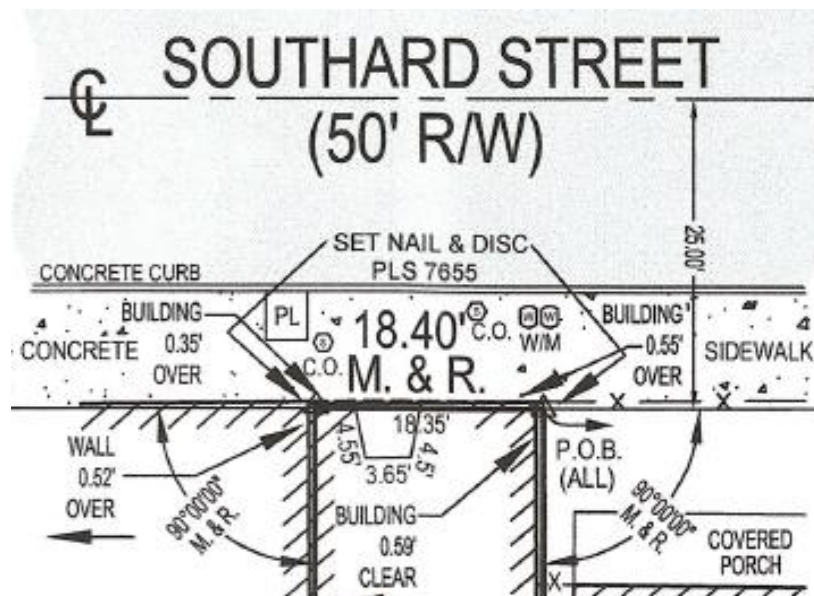
**Request:** To grant an easement in order to maintain a portion of the one-story concrete block structure that extends onto the Southard Street right-of-way 10.12 square feet, more or less.

**Applicant:** Jeffrey Louchheim

**Property Owners:** 524 Southard Street, LLC

**Location:** 524 Southard Street (RE # 00012250-000000)

**Zoning:** Duval Street Oceanside (HRCC-1)



524 Southard Street

**BACKGROUND:**

This is a request for an easement pursuant to Section 2-938 (b) (1) of the Code of Ordinances of the City of Key West. The easement request is for a total of 10.12 square feet, more or less, to maintain .55 feet of exterior front elevation which includes a portion of the wall with a flashing cap, molding, and storefront windows onto the Southard Street right-of-way as shown on the attached specific purpose survey. The one-story concrete block structure is a historic building located within the Key West Historic District and was built circa 1925.



*Undated Historic Photo – 524 Southard Street*

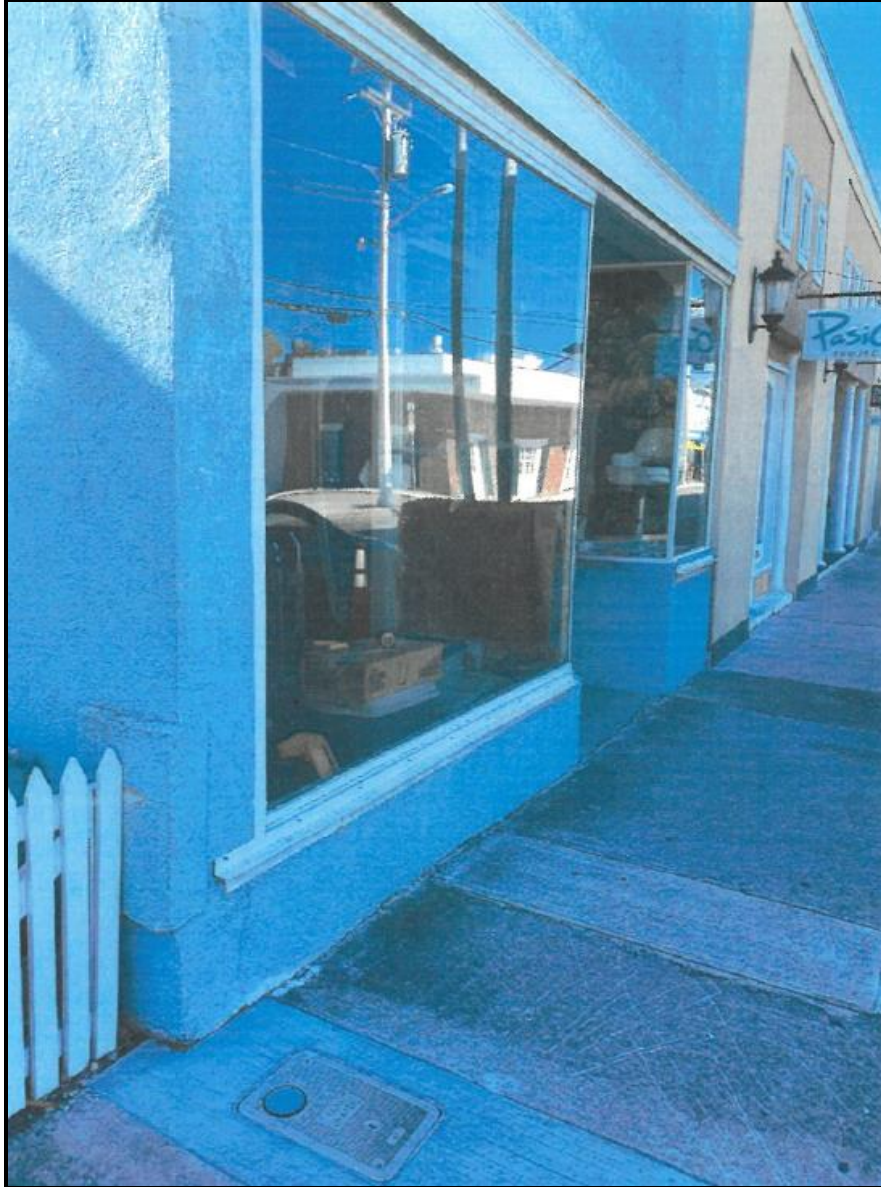
**City Actions:**

Development Review Committee:

February 25, 2021

City Commission:

April 6, 2021

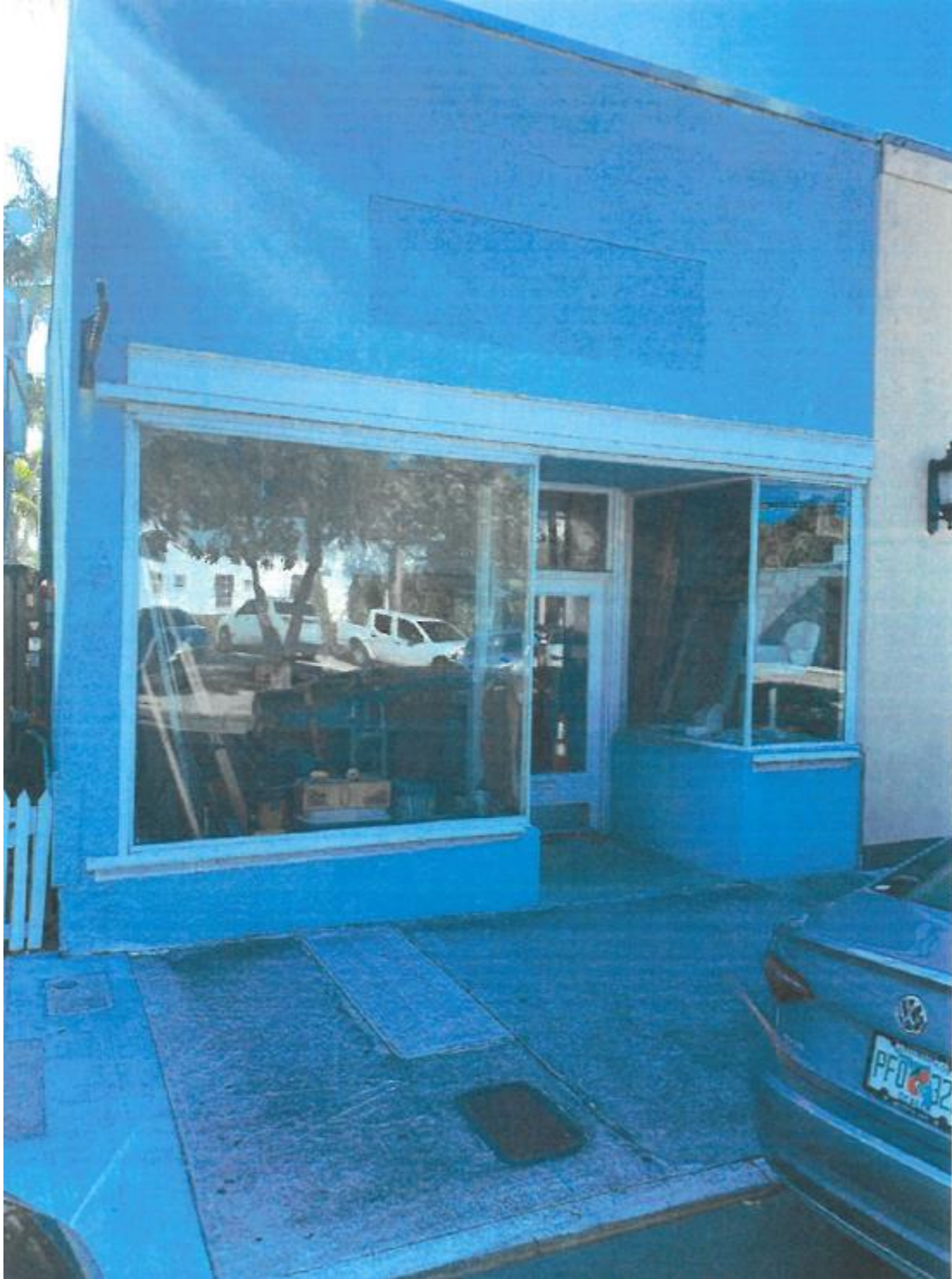


*524 Southard Street*

**PLANNING STAFF ANALYSIS:**

As described in the Specific Purpose Surveys drawn by Eddie A. Martinez, P.S. of Monroe County Surveying & Mapping, Inc, dated October 21, 2019, the area of the easement request is for a total of 10.12 square feet more or less.





*524 Southard Street*

A site visit was conducted on March 10, 2021. The encroachment does not impede public passage.

If the request for the easement over City-owned land is granted, then the Owners would be required to pay an annual fee of \$200.00 to the City for the use of 89.68 square feet, more or less, of city property pursuant to Code Section 2-938(b)(1). The annual fee would be pro-rated based on the effective date of the easement.

**Options / Advantages / Disadvantages:**

**Option 1.** Approve the easement request of approximately 10.12 square feet on the Southard Street right-of-way in order to maintain .55 feet of exterior front elevation which includes a portion of the wall with a flashing cap, molding, and storefront windows with the following conditions:

1. The easement shall terminate upon the removal of the .55 feet of exterior front elevation which includes a portion of the wall with a flashing cap, molding, and storefront windows
2. The City may unilaterally terminate the easement upon a finding of public purpose by vote of the Key West City Commission.
3. The Owners shall pay the annual fee of \$200.00 specified in Code Section 2-938(b)(1).
4. The Owners shall irrevocably appoint the City Manager as its agent to permit the removal of the encroachments if the annual fee required by the Code of Ordinances is not paid.
5. Prior to the easement becoming effective, the Owners shall obtain Commercial General Liability insurance that extends coverage to the property that is governed by this easement with limits of no less than \$300,000.00. Coverage must be provided by an insurer authorized to conduct business in the State of Florida and with terms and conditions consistent with the latest version of the Insurance Service Office's (ISO) latest filed Commercial General Liability form. Grantees shall furnish an original Certificate of Insurance indicating, and such policy providing coverage to, City of Key West named as "Additional Insured".
6. The easement areas shall not be used in site size calculations such as lot, yard, and bulk calculations for site development.
7. The City reserves the right to construct surface or sub-surface improvements within the easement areas.
8. The areas to maintain .55 feet of exterior front elevation and 18.4 feet linear length which includes a portion of the wall with a flashing cap, molding, and storefront windows onto Southard Street shall be the total allowed within the easement area.
9. To the fullest extent permitted by law, the Owners expressly agrees to indemnify and hold harmless the City of Key West, their respective officers, directors, agents, and employees (herein called the "indemnitees") from any and all liability for damages.

**RECOMMENDATION:**

**Option 1.**

Based on the existing conditions, the Planning Department recommends to the City Commission **APPROVAL** of the proposed Resolution granting the requested easement with conditions as outlined above.

**Consistency with the City's Strategic Plan, Vision and Mission:** Granting the requested easement would not be inconsistent with the Strategic Plan.

**Financial Impact:** The City would collect \$200.00 annually as part of the approval of the requested easement.

**Option 2.**

Deny the easement request with the following conditions:

1. The Owner will obtain the appropriate permits for the removal of all items that encroach onto the City right-of-way.
2. All encroachments on the City right-of-way will be removed within 90 days.

**Consistency with the City's Strategic Plan, Vision and Mission:** Denial of the requested easement would not be inconsistent with the Strategic Plan.

**Financial Impact:** There would be no cost to the City for denying the easement. The City would however lose the potential to collect the revenue of the easement agreement.