

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

1200 WHITEHEAD STREET EASEMENT

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING AN EASEMENT OF 766 SQUARE FEET, MORE OR LESS, THAT EXTEND ONTO THE CATHERINE STREET RIGHT-OF-WAY TO MAINTAIN AN EXISTING BLOCK WALL, A FENCE, A PORTION OF A ONE-STORY CONCRETE STRUCTURE AND A FENCED IN WALL AREA ON A PROPERTY LOCATED WITHIN THE HISTORIC HIGH DENSITY RESIDENTIAL (HHDR) ZONING DISTRICT AT 1200 WHITEHEAD STREET, KEY WEST, FLORIDA (RE # 00026390-000000) 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 766 square feet, more or less, for the real property described in the attached specific purpose survey prepared by J. Lynn O'Flynn, PSM of J. Lynn O'Flynn, Inc., dated October 30, 2019, 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) The easement shall terminate upon the removal of the encroaching structures.

(2) The City may unilaterally terminate the easement upon a finding of public purpose by a vote of the Key West City Commission.

(3) The Owners shall pay the annual fee of \$400.00 specified

in Section 2-938(b)(3) of the Code of Ordinances.

(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 an original Certificate of Insurance indicating, and such policy providing coverage to, City of Key West named as "Additional Insured" on a primary and non-contributory basis utilizing an ISO standard endorsement at least as broad as CG 2010 (11/85) or its Equivalent, (combination of CG 20 10 07 04 and CG 20 37 07 04, providing coverage for completed operations is acceptable) including a "Waiver of Subrogation" clause in favor of City of Key West on all policies. Owners shall maintain the General Liability coverage summarized above, including the "additional insured" endorsement, with coverage continuing in full force during the period of time this easement agreement remains in effect.

(6) The easement area 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 area.

(8) The area of encroachments to maintain the existing block wall, a fence, a portion of a one-story concrete structure, and a fenced in wall area 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 "indemnities") from and all liability for damage.

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 \_\_\_\_\_, 2019.

Authenticated by the presiding officer and Clerk of the Commission on \_\_\_\_\_, 2019.

Filed with the Clerk \_\_\_\_\_, 2019.

Mayor Teri Johnston	_____
Vice Mayor Samuel Kaufman	_____
Commissioner Gregory Davila	_____
Commissioner Mary Lou Hoover	_____
Commissioner Clayton Lopez	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____

\_\_\_\_\_  
TERI JOHNSTON, MAYOR

ATTEST:

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