

729 Fleming Street Easement Agreement Request:

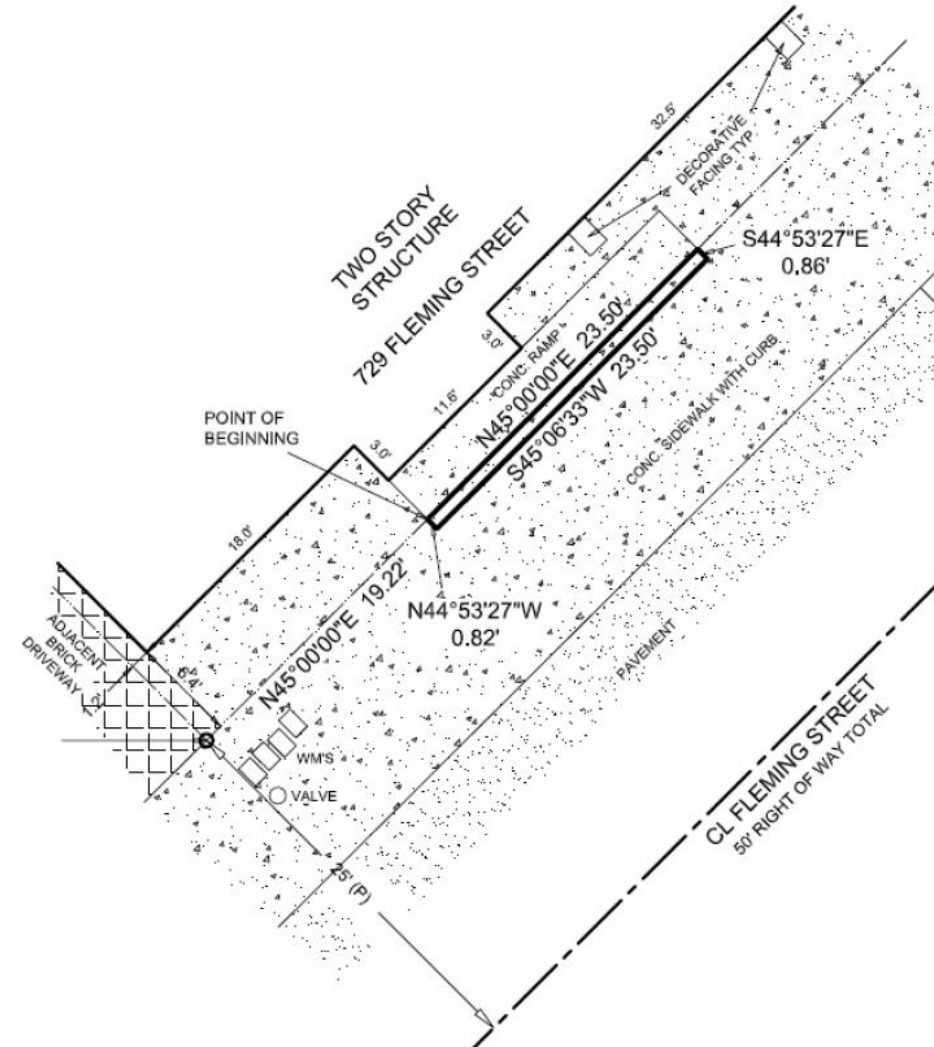
This is a request for an easement pursuant to Section 2-938 (b) (2) of the Code of Ordinances of the City of Key West. The easement request is for a total of 47.0 square feet, more or less, to construct one ADA ramp onto the Fleming Street right-of-way, and to construct one ADA ramp onto the William Street right-of-way as shown on the two attached specific purpose surveys. The property is a historic, contributing building in the Key West Historic District. It is a Gothic Revival Church built circa 1912 and the use will remain as a church.



A request to reconstruct (1) one ADA ramp onto the Fleming Street right-of-way

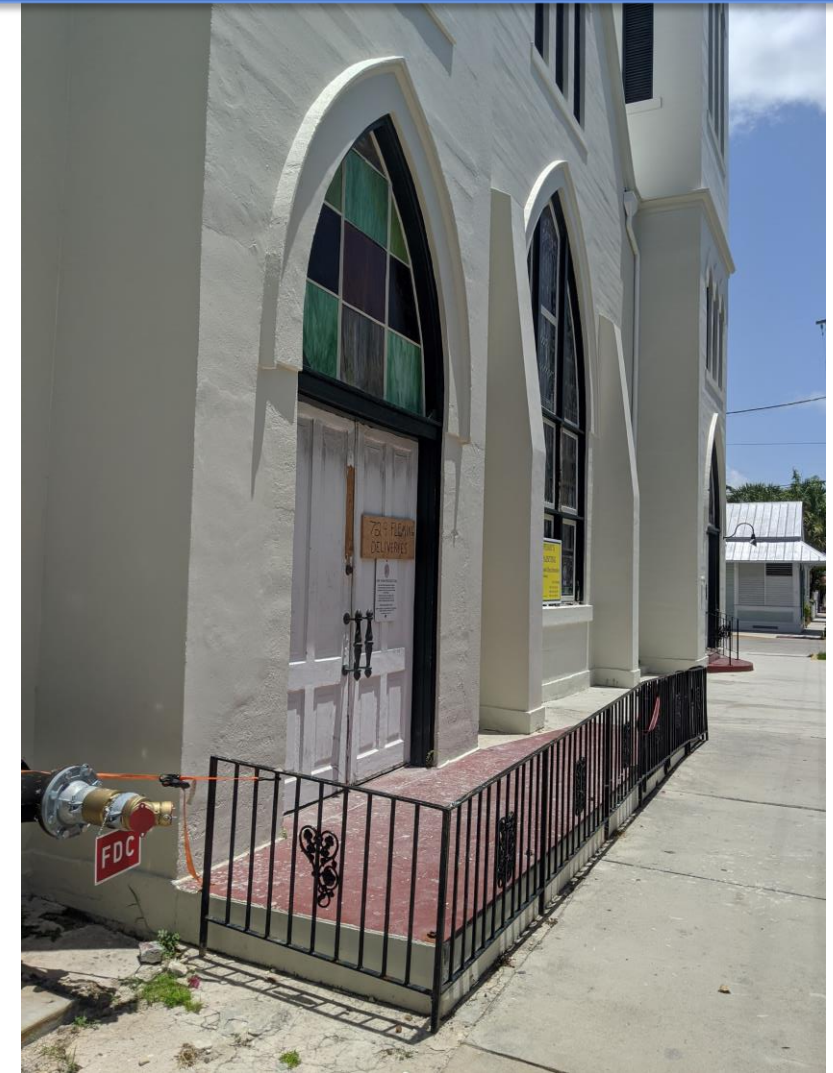
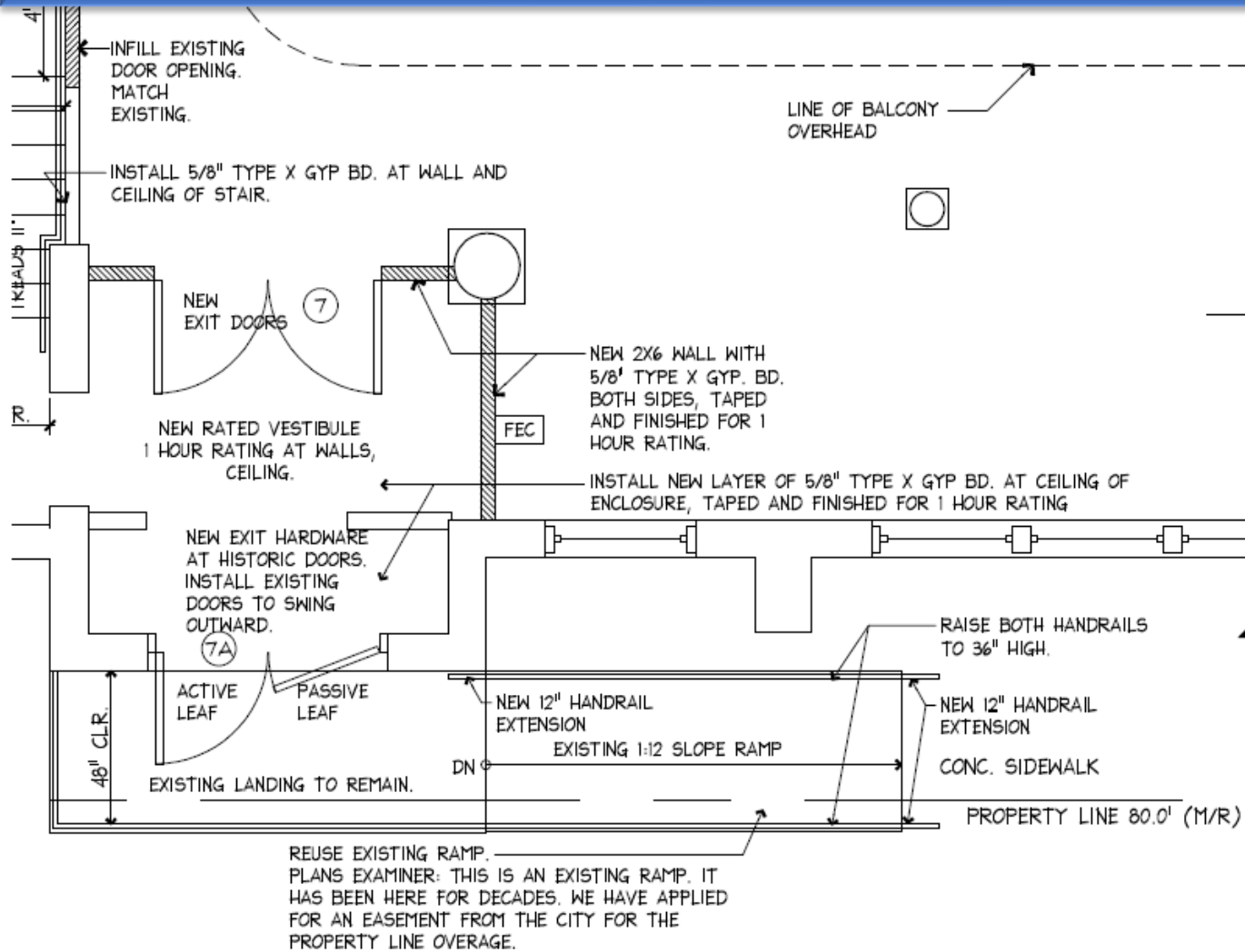


Existing Fleming Street ADA ramp



The Fleming Street encroachment extends approximately 20.0 square feet

Proposed entry ramp at Fleming Street



The proposed height of the ramp will remain the same at 11 inches from the sidewalk with a 36 inch hand railing height.

2 EXISTING RAMP AT FLEMING ST.

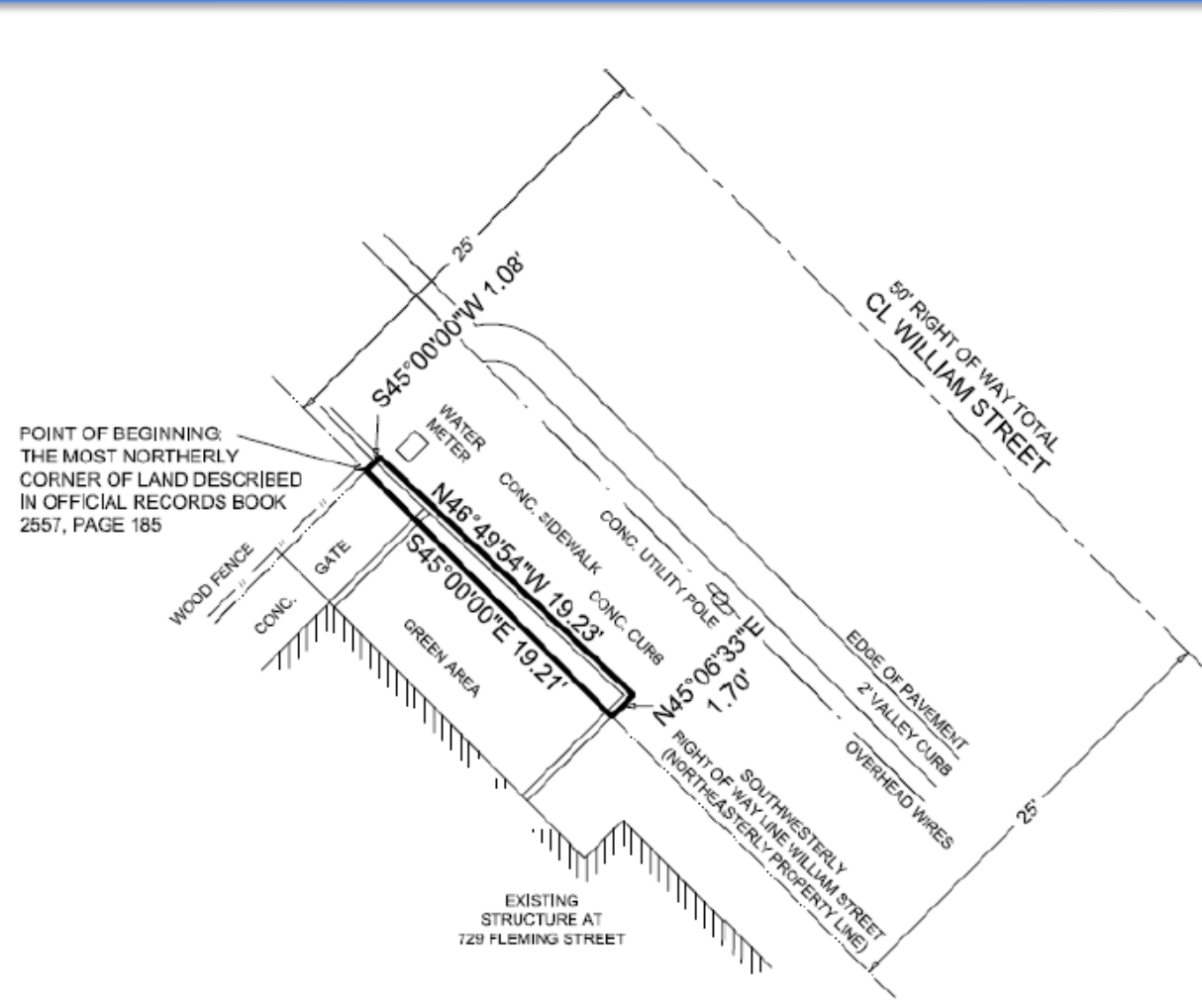
SCALE: 1/4" = 1'-0"



A request to construct (1) one ADA ramp onto the William Street right-of-way



The William Street existing plant bed encroachment will be demolished in order to construct a ADA ramp to the entrance of the church.



The William Street encroachment extends approximately 27.0 square feet

Staff Recommendation based on the existing conditions, Planning Staff recommends to the City Commission **APPROVAL** of the proposed Resolution granting the requested easement agreement with the following conditions:

1. The easement shall terminate upon the removal of the two (2) ADA accessible ramps.
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 \$300.00 specified in Code Section 2-938(b)(2).
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. The easement shall terminate upon the failure of the property owner to maintain Commercial liability insurance in a minimum amount of \$1,000,000.00 per incident (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 easement.
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 construct one (1) ADA accessible ramp onto Williams Street, and one (1) ADA accessible ramp onto Fleming Street shall be the total allowed within the easement areas.