



## EXECUTIVE SUMMARY

**To:** Bob Vitas, City Manager

**From:** Brendon Cunningham

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

**Meeting Date:** February 5, 2013

**RE:** **Easement - 1114 Watson Street (RE# 00031790-000000)** – Easement request for approximately 30 square feet of City right of way abutting the front lot line for property in the HMDR zoning district per Section 2-938 of the Code of Ordinances of the City of Key West.

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### Action Statement

Request: This is a request for an easement of approximately 30 square feet of City Right-of Way abutting the property

Location: 1114 Watson Street, RE # 00031790-000000

Zoning: HMDR (Historic Medium Density Residential) Zoning District

### Background:

This is a petition for an easement pursuant to Section 2-938, City of Key West Code of Ordinances. The applicant seeks to obtain an easement for the property at 1114 Watson Street. The building is a contributing structure in the Historic District. The easement request is for existing front steps, an awning, a landscaped area and a portion of the existing eave that encroach over the sidewalk/right-of-way, as shown on the specific purpose survey attached.

### City Actions:

Development Review Committee: November 16, 2012  
City Commission: February 5, 2013

### Planning Analysis:

The roof eave does not impede public passage on the City sidewalk. The awning and eave are higher than the 8 foot clearance required for any part of a building encroaching over the City ROW. The front steps encroach 2.61 feet into the ROW and extend 7.5 feet along the front of

the house as described in the Specific Purpose Survey drawn by Island Surveying, Inc, dated October 3, 2012. The area of the easement request is for 30 square feet, more or less. Not shown on the survey but evident during a site visit and shown in the attached photos, is a small landscaped area to the left of the steps and an awning over the steps.

The Property Appraiser's information lists the building as constructed in 1890. The owner recently purchased the property in its current and historic configuration and location. Photographs have been submitted with this request. The request was reviewed through the Development Review Committee.

The applicant is required to pay an annual fee of \$300.00 to the city for the 30 square feet, more or less, of city owned property used by the applicant at 1114 Watson Street.

**Options / Advantages / Disadvantages:**

**Option 1.** To approve the easement of 30 square feet, more or less, with the following conditions:

1. That the easement shall terminate upon the replacement of the structure.
2. That the City may unilaterally terminate the easement upon a finding of public purpose by vote of the Key West City Commission. That the owner shall pay the yearly fee specified in Code of Ordinances section 2-938.
3. That the owner shall irrevocably appoint the City Manager as its agent to permit the removal of the encroachment if the yearly fee required by the Code of Ordinances is not paid.
4. That the easement 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 easement.

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 \$300.00 annually as part of the approval of the application. There will be no cost to the city for this easement approval.

**Option 2.** Deny the easement 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 an easement agreement.

**RECOMMENDATION:** Option 1

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

1. That the easement shall terminate upon the replacement of the structure.
2. That the City may unilaterally terminate the easement upon a finding of public purpose by vote of the Key West City Commission. That the owner shall pay the yearly fee specified in Code of Ordinances section 2-938.
3. That the owner shall irrevocably appoint the City Manager as its agent to permit the removal of the encroachment if the yearly fee required by the Code of Ordinances is not paid.
4. That the easement 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 easement.