



## EXECUTIVE SUMMARY

**To:** Jim Scholl, City Manager  
**Through:** Donald L. Craig , AICP, Interim Planning Director  
**From:** Nicole Malo, Planner  
**Date:** May 3, 2011  
**RE:** Easement Request, 520 Petronia Street

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### **Action Statement:**

**Request:** **Easement** – 520 Petronia Street (RE# 00016500-000000) – This request is for approximately 165 square feet to address the encroachment of the length of a single family home related to a contributing structure located along Center Street in the HNC-1 zoning district for property located at 520 Petronia Street per Section 2-938 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida

**Location:** 520 Petronia Street, RE# 00016500-000000

**Zoning:** HNC-1 (Historic Neighborhood Commercial – Truman Simonton) 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 a portion of an existing single-family historic structure listed as contributing in the Historical Architectural Survey. The structure has existed in its current location as far back as 1892 (see attachment). Therefore, the structure and structural encroachments are longstanding, however in order to make improvements to the property an Easement is required. The applicant is proposing renovation to the historic structure which have not been through HARC as of the date of this report.

### **City Actions:**

**DRC:** March 23, 2011

**Planning Staff Analysis:**

As described in the Specific Purpose Survey drawn by Reece and White Land Surveying, Inc., dated January 11, 2011, the area of the easement request is for 165 square feet. The encroachment area includes two feet in width by 54.5 feet in length down the entire length of the house and including the front porch alongside Center Street.

Sanborn maps of the property that date back to 1892 show the location of the home in the same location on the property as today; the information suggests that the encroachment is long standing. Photographs have also been submitted with the request.

The structure is over one hundred years old, located within the Historic Neighborhood Commercial zoning district, and is compatible with the intent of the land use. City staff has reviewed the application through the Development Review Committee and had no comments or concerns regarding the easement application. No neighborhood comment has been received to date. Based on the existing conditions the Planning Department recommends the easement be **approved** with conditions.

Should the application for an easement be approved, the applicant shall be required to pay to the City an annual fee of \$400.00 for the 165 square feet of city owned property used by the applicant at 520 Petronia Street.

**Options / Advantages / Disadvantages:**

**Option 1.** Approve the easement request of 165 square feet with the following conditions:

1. That the easement shall terminate upon replacement of the encroaching structure and there shall be no expansion or further encroachments in the easement area.
2. That the City may unilaterally terminate the easement upon a finding of public purpose by vote of the Key West City Commission.
3. That the owner shall pay the yearly fee specified in Code of Ordinances Section 2-938 on or before the anniversary date of approval.
4. 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.
5. 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 be legislatively 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:**  
This action is consistent with the City's Strategic Plan, Vision, and Mission.
2. **Financial Impact:**  
The City will collect \$400.00 annually if the application for easement is approved.

**Option 2.** Deny the easement request of 165 square feet.

1. **Consistency with the City's Strategic Plan, Vision and Mission:**  
This action would not be consistent with the City's Strategic Plan, Vision, and Mission, and may effect the historical integrity of the neighborhood and structure.
2. **Financial Impact:**  
The City would lose the potential \$400.00 revenue that would be generated annually if the easement is not approved.

**Recommendation:**

The Planning Department recommends approval of the Easement with the following conditions:

1. That there shall be no expansion or further structural encroachments in the easement area, improvements, repairs and replacements shall be allowed in accordance with the Code of Ordinances.
2. That the City may unilaterally terminate the easement upon a finding of public purpose by vote of the Key West City Commission.
3. That the owner shall pay the yearly fee specified in Code of Ordinances Section 2-938 on or before the anniversary date of approval.
4. 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.
5. 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 be legislatively 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.