

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, DIRECTING STAFF TO PREPARE AND ATTEMPT TO OBTAIN QUIT CLAIM DEEDS FOR THE BENEFIT OF THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) ON THE SOUTH SIDE OF NORTH ROOSEVELT BOULEVARD, FOR THE PURPOSE OF IMPLEMENTING THE FDOT PLAN TO IMPROVE THE ROAD AND CONSTRUCT SIDEWALKS; GRANTING RELIEF FROM THE CITY'S LAND DEVELOPMENT REGULATIONS WHERE SUCH CONVEYANCES IMPAIR FUTURE DEVELOPMENT; PROVIDING FOR AN EFFECTIVE DATE

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: That staff is hereby directed to proceed with obtaining quit claim deeds for the benefit of FDOT necessary for the implementation of the FDOT plan to improve the right of way and construct sidewalks along the south side of North Roosevelt Boulevard.

Section 2: That in order to encourage property owners to convey those parcels to the City for the benefit of FDOT as referred to herein above, in the event any such conveyance results in the failure of a lot, parcel, structure or use to comply with the provisions of the Code of Ordinances of the City of Key West (hereinafter the "Code"), including, but not limited to, set backs, parking, open space, pervious versus impervious area, floor area ratios, landscaping and landscape buffers, and signage set backs, same shall be considered legally nonconforming pursuant to Section

122-26 through 122-32 of the Code. Any legally nonconforming status established pursuant to this Resolution shall run with the land and inure to the benefit of future owners of the properties so affected. Specifically, the conveyance shall not result in any detriment to or limitation of the owner's existing development and/or use rights.

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 _____, 2011.

Authenticated by the presiding officer and Clerk of the Commission on _____, 2011.

Filed with the Clerk _____, 2011.

CRAIG CATES, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK