



THE CITY OF KEY WEST

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EXECUTIVE SUMMARY

TO: Jim Scholl, City Manager
FROM: Doug Bradshaw, Senior Project Manager
CC: David Fernandez, Asst. City Manager
DATE: January 18, 2011

SUBJECT: Quitclaim deed agreements for North Roosevelt Blvd. sidewalk construction and granting relief from the City's land development regulations where such conveyances would impair future development

ACTION STATEMENT:

This resolution will authorize the City Manager to enter into and execute all documents necessary to obtain quitclaim deed agreements for construction of a sidewalk with property owners along the south side of North Roosevelt Blvd and authorize conveyance of these quitclaim deed agreements to Florida Department of Transportation (FDOT). Additionally the resolution will grant relief from the City's land development regulations to the property owners where such conveyances could impair future development on their property.

BACKGROUND:

FDOT is developing the design to rebuild State Road (S.R.) 5/North Roosevelt Blvd from Eisenhower Drive/Jose Marti Drive to US 1/Overseas Highway (does not include the triangle). The work also includes the repaving of the road from south of the intersection with US 1 Overseas Highway to the Riviera Canal Bridge and from Bertha Street to the east end of Smather's Beach along the South Roosevelt Blvd. segment. The project includes the following:

- New sidewalk on the south side
- Rebuilding of the seawall along the north side
- Rebuilding of the road to create two northbound and two southbound lanes with a center turn lane
- Rebuilding the sidewalk, curb and gutter along the south side
- Installing a new drainage system

Key to the Caribbean – Average yearly temperature 77° F.

- Improving drainage outlets at Cow Key Bridge and Riviera Canal
- Replacing traffic signals with mast arms traffic signals
- Installing new signs and pavement markings
- Installing a new lighting system
- Planting new Coconut Palm trees and relocating existing ones

PURPOSE & JUSTIFICATION:

In order to construct a sidewalk on the south side of the Blvd., the City on behalf of FDOT will attempt to secure quitclaim deed agreements from 26 parcels along that side of the road (property owners/addresses of parcels attached). Several of the parcels contain more than one property but one owner. Additionally there are several of the parcels that may be owned by one owner.

The City's original plans were to secure easement agreements with the property owners and grant relief from the City's land development regulations (see attached Resolution 04-367, 09-288, and 10-225), but neither the FDOT nor City could indemnify property owners from liability issues associated with construction of the sidewalk on the privately owned parcels. FDOT had originally agreed to provide the indemnification. By quitclaim deeding the properties, FDOT will own the property and assume the liability associated with the sidewalk. Additionally the City is granting relief from the City's land development regulations to the property owners where such conveyances could impair future development on their property.

These actions will allow the construction of the \$24,100,000 North Roosevelt Blvd project to proceed as designed by FDOT. Currently plans are 90% complete and construction is slated to begin April 2012 and last 800 days. If the City does not acquire and convey the quitclaim deed agreements there is a chance the south side sidewalk will not be constructed.

OPTIONS:

1. Approval of the Action Statement in its entirety.
2. Approval of a modified Action Statement as determined by the City Commission
3. Disapprove the Action Statement

FINANCIAL IMPACT:

There is no financial impact associated with this action.

RECOMMENDATION:

City staff recommends option # 1, that the City Commission authorize the City Manager to enter into and execute all documents necessary to obtain quitclaim deed agreements for construction of a sidewalk with property owners along the south side of North Roosevelt Blvd and authorize conveyance of these quitclaim deed agreements to Florida Department of Transportation (FDOT). Additionally City Staff recommends granting relief from the City's land development regulations to the property owners where such conveyances could impair future development on their property.

NORTH ROOSEVELT BLVD REQUIRED EASEMENTS

Parcel #	Property Owner	Property Address
836	SK II, Inc.	2704 - 2814 N Roosevelt Blvd
837	Dennis P Saviano Trust 5 18 93	2822 N Roosevelt Blvd
838	Carl M Herman Rev Liv Trust DTD 7 19 02	2826 N Roosevelt Blvd
839	Carl M Herman Rev Liv Tru DTD 07 19 02	2834 N Roosevelt Blvd
841	Auburndale Proprtys LLC Succ Trustee	2900 N Roosevelt Blvd
842	Joan Lord-Papy Rev Liv Tr Agr 4 22 03	3026 N Roosevelt Blvd
843	Shirley P. Wood Rev Trust 10 26 95 T/C	3032 N Roosevelt Blvd
124	City of Key West	Kennedy Drive/N Roosevelt Blvd
844	City of Key West	Clayton Sterline Baseball Fields
845	Wachovia Bank NA FL Bank Real Estate c/o Corp Real Estate	3131 Northside Drive
847	Knibilt Corporation Inc	3124-3128 N Roosevelt Blvd
849	Lloyd P. Jr and Leta P. Brewer Rev Tr 1 25 86	3340 N Roosevelt Blvd
850	MarkeyWest Real Holdings, Inc.	3336 N Roosevelt Blvd
852	Charles and Nancy Thornburgh Rev Tr Agr 8 29 94	3416 N Roosevelt Blvd
853	IKW Borrower LLC c/o West PLC	3420 N Roosevelt Blvd
854	Andrew F. Lippi	3424 N Roosevelt Blvd
855	Nationwide Health Properties, Inc.	3426 N Roosevelt Blvd
856	CAT 1 LLC	3428 N Roosevelt Blvd
857	TravelKey LLC c/o Atlanta Holdings ATTN: Lisa Grella	3444 N Roosevelt Blvd
858	Niles Sales & Service Inc	3500 N Roosevelt Blvd
860	TIB Bank of the Keys	3618 N Roosevelt Blvd
861	Dion Commercial Properties, Inc.	3700 N Roosevelt Blvd
862	MacDonald Property, Inc.	3704 N Roosevelt Blvd
863	Kohp LLC	3706 N Roosevelt Blvd
864	JLW Key West 1 LLC	3800 N Roosevelt Blvd
865	JLW Key West 1 LLC	3820 N Roosevelt Blvd
866	SH 8 LLC	3824 N Roosevelt Blvd

RESOLUTION NO. 04-367

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE CITY MANAGER TO ISSUE A LETTER IN THE FORM ATTACHED HERETO PERTAINING TO A PROPOSED NORTH ROOSEVELT BOULEVARD SIDEWALK; PROVIDING FOR AN EFFECTIVE DATE

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

Section 1: That the City Manager is hereby authorized to issue to appropriate property owners a letter in the form attached hereto pertaining to a proposed sidewalk along North Roosevelt Boulevard.

Section 2: 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 16 day of November, 2004.

Authenticated by the presiding officer and Clerk of the Commission on November 17, 2004.

Filed with the Clerk November 17, 2004.


JIMMY WEEERLEY, MAYOR

ATTEST:


CHERYL SMITH, CITY CLERK

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, ENCOURAGING PROPERTY OWNERS ALONG NORTH ROOSEVELT BOULEVARD TO CONVEY SMALL PORTIONS OF PROPERTY TO FDOT FOR THE CONSTRUCTION OF ADA APPROVED SIDEWALK RAMPS; GRANTING RELIEF FROM THE CITY'S LAND DEVELOPMENT REGULATIONS WHERE SUCH CONVEYANCES IMPAIR FUTURE DEVELOPMENT; PROVIDING FOR AN EFFECTIVE DATE

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

Section 1: That the City of Key West, Florida, has requested property owners along North Roosevelt Boulevard to grant easements to the City for the construction and maintenance of ADA approved sidewalks on the south side of North Roosevelt Boulevard from Jose Marti/Truman Drive to South Roosevelt.

Section 2: That, in connection with the project referred to herein above, the Florida Department of Transportation (FDOT) wishes to acquire small parcels of property from those property owners in order to construct ADA approved sidewalk ramps.

Section 3: That in order to encourage property owners to convey those small parcels to FDOT 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 Sections 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 4: 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 17 day of November, 2009.

Authenticated by the presiding officer and Clerk of the Commission on November 18, 2009.

Filed with the Clerk November 18, 2009.



CRAIG CATES, MAYOR

ATTEST:



CHERYL SMITH, CITY CLERK

RESOLUTION NO. 10-225

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, DIRECTING STAFF TO PREPARE AND ATTEMPT TO OBTAIN ROADWAY EASEMENTS FOR THE BENEFIT OF, AND SUBSEQUENT CONVEYANCE TO, 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; AUTHORIZING THE EXECUTION OF A QUIT CLAIM DEED FOR PROPERTY ALONG THE NORTH SIDE OF NORTH ROOSEVELT BOULEVARD IN FAVOR OF THE FDOT; AUTHORIZING THE EXECUTION OF A WARRANTY DEED FOR 200 SQUARE FEET OF PROPERTY KNOWN AS PARCEL 124 ALONG NORTH ROOSEVELT BOULEVARD IN FAVOR OF THE FDOT IN ACCORDANCE WITH CITY CHARTER PROVISION 7.03(A); 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 and subsequently conveying to the FDOT roadway easements 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 the City Manager is authorized to execute a

quit claim deed for property along the north side of North Roosevelt Boulevard, as well as a warranty deed for parcel 124, in accordance with Key West City Charter 7.03(a).

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 20 day of July, 2010.

Authenticated by the presiding officer and Clerk of the Commission on July 21, 2010.

Filed with the Clerk July 21, 2010.



CRAIG CATES, MAYOR

ATTEST:



CHERYL SMITH, CITY CLERK