

RESOLUTION NO. _____

927 CATHERINE STREET EASEMENT

RESOLUTION OF THE CITY COMMISSION OF KEY WEST, FLORIDA, APPROVING AN EASEMENT OF APPROXIMATELY TWO HUNDRED AND FIFTY-EIGHT (258) SQUARE FEET AT A PROPERTY LOCATED AT 927 CATHERINE STREET, IN ORDER TO MAINTAIN THE HOME AND PORCH THAT ENCROACH ONTO CATHERINE STREET IN THE HISTORIC MEDIUM DENSITY RESIDENTIAL (HMDR) ZONING DISTRICT, PURSUANT TO SECTION 2-938(B) (3) OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; PROVIDING FEES AND CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE.

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

Section 1: That an Easement to allow for the continued encroachment onto City right-of-way as described on the survey prepared by J. Lynn O'Flynn of J. Lynn O'Flynn, Inc. dated August 13th, 2021, is granted subject to the execution of the attached Easement agreement and further subject to the minimum conditions described in Section 2 below.

Section 2: That the following conditions shall apply to the granting of the easement:

1. The Easement shall allow for the existing encroachments as depicted on the survey prepared by J. Lynn O'Flynn of J. Lynn O'Flynn, Inc. dated August 13th, 2021. Additional or future encroachments shall require an amendment of this easement in

accordance with Sec. 2-938 of the City Code.

2. Any and all modifications of the existing porch shall be subject to the review and approval of the City of Key West Historic Architectural Review Commission (HARC) consistent with HARC Guidelines.
3. The City may unilaterally terminate the easement upon a finding of public purpose by vote of the Key West City Commission.
4. The Grantee shall pay the annual fee as specified in Section 2-938(b)(3) of the City Code.
5. Grantee shall irrevocably appoint the City Manager as its agent to permit the removal of the encroachment if the annual fee required by the Code of Ordinances is not paid.
6. Prior to the easement becoming effective, the Owners shall obtain Commercial General Liability insurance that extends coverage to the property that is governed by this easement with limits of no less than \$300,000.00 or the liability limits prescribed in F.S. 768.28, whichever is greater. Coverage must be provided by an insurer authorized to conduct business in the State of Florida and with terms and conditions consistent with the latest version of the Insurance Service Office's (ISO) latest filed Commercial General Liability form. Grantees shall furnish an original Certificate of Insurance indicating, and such policy providing coverage to, City of

Key West named as "Additional Insured" or "Additional Interest".

7. The easement areas shall not be used in site size calculations such as lot, yard, and bulk calculations for site development.
8. The City reserves the right to construct surface or sub-surface improvements within the easement areas.
9. To the fullest extent permitted by law, the Grantee expressly agrees to indemnify and hold harmless the City of Key West, their respective officers, directors, agents, and employees (herein called the "indemnitees") from any and all liability for damages caused by or resulting from the Grantee's improvement in the easement area.

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 _____, 2024.

Authenticated by the presiding officer and Clerk of the Commission on _____, 2024.

Filed with the Clerk _____, 2024.

Mayor Danise Henriquez _____

Vice Mayor Sam Kaufman _____

Commissioner Lissette Carey

Commissioner Monica Haskell

Commissioner Mary Lou Hoover

Commissioner Donald "Donie" Lee

Commissioner Clayton Lopez

DANISE HENRIQUEZ, MAYOR

ATTEST:

KERI O'BRIEN, CITY CLERK