



## MEMORANDUM

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Date: October 10<sup>th</sup>, 2024

To: Honorable Mayor and Commissioners

Via: Todd Stoughton, Interim City Manager

From: Katie P. Halloran, Planning Director

Subject: **Request for an Easement at 927 Catherine Street (RE# 00031710-000000)**

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### **Introduction**

The above-referenced application involves a request for an easement of approximately 258 square feet to maintain an existing home and porch which currently encroach on Catherine Street. The property is located at 927 Catherine Street. It is currently improved with a single-family residence within the Historic Medium Density Residential (HMDR) District.

The City Commission is authorized to consider the granting of an easement pursuant to Chapter 2 (Administration), Article VIII (City Property) Division 3 (Real Property Disposition).

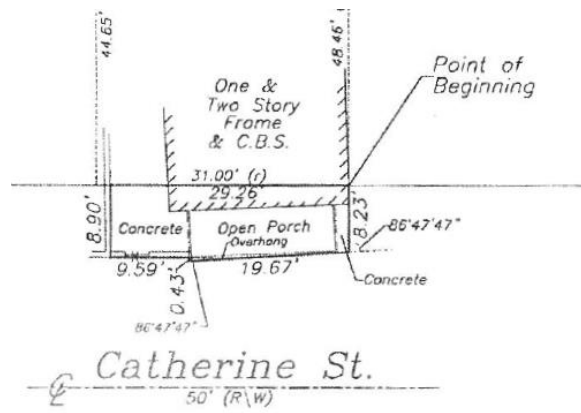
### **Background**

Sec. 2-938 (Easements) states, in part, that the “*City may grant an easement over any lands or interest therein owned by the city or any city agency.*” According to Sec. 2-938 (b), “*If the City grants an applicant's request for easement over any lands owned by the city or any city agency, the applicant shall pay an annual fee to the city. The annual fee shall be prorated based on the effective date of the easement.*”

In this instance, the property owner is requesting the easement to maintain the existing single-family residence and porch which encroach on Catherine Street. The structure was built circa 1906 and is

historically contributing. This easement request was reviewed at a publicly held Development Review Committee hearing. The matter was sent via email to committee members and the following comments were received:

Historic Architectural Review Commission (HARC) Planner Enid Torregrosa noted that the porch is not a traditional porch and recommended that future renovations comply with (HARC) guidelines. Specifically, the HARC Planner suggested that consideration be given to expanding the width of the existing porch to better comply with HARC Guidelines.



Site specific survey and front view of property

## **Procurement**

If the request for the easement over City-owned land is granted, the Grantee shall be required to pay an annual fee to the City consistent with the below provisions contained in Sec. 2-938:

(b) If the city grants an applicant's request for easement over any lands owned by the city or any city agency, the applicant shall pay an annual fee to the city. The annual fee shall be prorated based on the effective date of the easement. The applicant shall pay the fee each subsequent year the easement is in effect, as follows:

- (1) Each easement granted by the city for the use of less than 20 square feet of city property, \$200.00.
- (2) Each easement granted by the city for the use of 20 square feet to 100 square feet of city property, \$300.00.
- (3) Each easement granted by the city for the use of more than 100 square feet of property, \$400.00.

## **Recommendation**

The Planning Department recommends APPROVAL of the proposed easement agreement subject to the following conditions:

Conditions:

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 13<sup>th</sup>, 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. 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.