

RESOLUTION NO. \_\_\_\_\_

1406 LEON STREET

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING AN EASEMENT OF APPROXIMATELY 69.16 SQUARE FEET ON THE LEON STREET RIGHT-OF-WAY AND 498.84 SQUARE FEET ON THE WASHINGTON STREET RIGHT-OF-WAY IN ORDER TO MAINTAIN AN EXISTING CONCRETE WALL, PORTION OF THE POOL, POOL EQUIPMENT AND LANDSCAPING THAT ENCROACH ON CITY RIGHT OF WAY LOCATED AT 1406 LEON STREET, KEY WEST, FLORIDA (RE#00041610-000000, AK #1042277); 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 of approximately 69.16 square feet along the Leon Street Right-of-Way and 498.84 square feet along the Washington Street right-of-way for the real property described in the attached specific purpose survey prepared by Island Surveying Inc., dated 8/25/98 and amended on 7/31/14, is granted subject to the execution of the attached easement agreement, incorporating the minimum conditions described in section 2 below.

Section 2: That the following conditions shall apply to the grant of easement: (1) That the easement shall terminate upon the replacement of the structure. (2) The City may unilaterally terminate the easement upon a finding of public purpose by a vote of the Key West City Commission. (3) The owner shall pay the annual fee of \$400.00, specified in Code Section 2-938(b)(3). (4) The owner shall irrevocably appoint the City Manager as its agent to permit the removal of the encroachment(s) if the annual fee required by the Code of Ordinances is not paid. (5) The easement shall terminate upon the failure of the property owner to maintain liability insurance in a minimum amount of \$200,000.00 per person and \$300,000.00 per incident, or such other amount as may legislatively be 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. (6) The existing concrete wall, portion of the pool, pool equipment and landscaping shall be the only total allowed construction within the easement area. (7) The easement area 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 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 \_\_\_\_\_, 2014.

Authenticated by the presiding officer and Clerk of the Commission on \_\_\_\_\_, 2014.

Filed with the Clerk \_\_\_\_\_, 2014.

Mayor Craig Cates	_____
Vice Mayor Mark Rossi	_____
Commissioner Teri Johnston	_____
Commissioner Clayton Lopez	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____
Commissioner Tony Yaniz	_____

\_\_\_\_\_  
CRAIG CATES, MAYOR

ATTEST:

\_\_\_\_\_  
CHERYL SMITH, CITY CLERK