

RESOLUTION NO. 14-\_\_\_

500 DUVAL STREET EASEMENT

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING AN EASEMENT OF 1,639 SQUARE FEET, MORE OR LESS, TO ADDRESS THE ENCROACHMENTS OF AN EXISTING METAL AWNING AND ROOFTOP CORNICE INTO CITY RIGHTS-OF-WAY ABUTTING THE PROPERTY LOCATED AT 500 DUVAL STREET, KEY WEST, FLORIDA (RE # 00009850-000000, AK # 1010111); 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 1,639 square feet, more or less, for the real property described in the attached specific purpose survey prepared by Frederick H. Hildebrandt of Island Surveying, Inc., dated May 20, 2014, 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) Based on the Canopy Inspection Report dated July 1, 2014 by Thomas E. Cheever, P.E., prior to final execution of the easement agreement by the City, the property owner shall:

- a. Replace any missing hardware on the awning and shutters. All hardware shall be inspected and serviced. Hardware shall be added to ensure public safety during

storm conditions. This shall include hardware necessary to secure the storm shutter panels if the property owner intends to keep the shutters functional.

b. Remove all debris on top of the awning.

c. Waterproof the awning to remain serviceable.

(2) The easement shall terminate upon the replacement of the structure.

(3) The City may unilaterally terminate the easement upon a finding of public purpose by a vote of the Key West City Commission.

(4) The owner shall pay the annual fee of \$400.00 specified in Section 2-938(b) of the Code of Ordinances.

(5) The owner 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) The easement shall terminate upon the failure of the property owner to maintain liability insurance in a minimum amount of two hundred thousand dollars (\$200,000.00) per person and three hundred thousand dollars (\$300,000.00) per incident (or such other amount as may be legislatively determined to be the maximum extend of sovereign immunity waiver) naming the City as an additional insured for that portion of real property which is the subject of this easement.

(7) The existing awning and cornice shall be the total

allowed construction within the easement area.

(8) The easement area shall not be used in site size calculations such as lot, yard, and bulk calculations for site development.

(9) The City reserves the right to construct 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.

(This space intentionally left blank.)

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