

RESOLUTION NO. 26 - _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA APPROVING AN EASEMENT AGREEMENT FOR A PORTION OF CITY-OWNED RIGHT-OF-WAY LOCATED AT 905 VON PHISTER STREET (RE# 00039900-000000); PROVIDING FOR CONDITIONS OF APPROVAL; PROVIDING FOR PAYMENT OF AN ANNUAL FEE PURSUANT TO SECTION 2-938 OF THE CODE OF ORDINANCES; PROVIDING FOR TERMINATION AND INDEMNIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The City Commission of the City of Key West, Florida ("City") has received a request (File No. 2026-0001) for an easement agreement to allow existing encroachments consisting of concrete pavers, a concrete driveway, and a portico to remain within the City-owned right-of-way located in front of the property at 905 Von Phister Street; and

WHEREAS, the subject encroachments occupy approximately 108.50 square feet of City right-of-way, as depicted on a survey prepared by Florida Keys Land Surveying, Eric Isaac, dated February 9, 2026; and

WHEREAS, the easement is requested to allow for ingress and egress to and from the property in accordance with its existing use within a Single-Family zoning district; and

WHEREAS, the subject improvements were previously permitted under Building Permit Nos. BLD 2014-00001719 and BLD 2014-00004866, both approved by the City of Key West Building Department; and

WHEREAS, pursuant to Section 2-938 of the Code of Ordinances of the City of Key West, the City Commission is authorized to grant easements over City-owned property, provided that the applicant pays an annual fee; and

WHEREAS, the Development Review Committee (DRC) reviewed the request at a public meeting held on March 26, 2026, and provided comments related to ADA compliance, sidewalk materials, and easement area calculations; and

WHEREAS, the Planning Department recommends approval of the requested easement agreement subject to conditions intended to protect the public interest, ensure compliance with applicable codes, and preserve the City's rights within the right-of-way;

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

Section 1: The above recitals are hereby incorporated herein by reference.

Section 2: The City Commission hereby approves the request for an easement agreement over a portion of City-owned right-of-way located at 905 Von Phister Street.

Section 3: The approval of the easement is subject to the following conditions:

1. Ordinary repair and maintenance shall be permitted.
2. The improvements located within the easement shall not be enlarged or expanded beyond what is approved herein.
3. The easement shall be limited to the existing encroachments as depicted on the survey prepared by Florida Keys Land Surveying, dated February 9, 2026.
4. The City Commission reserves the right to unilaterally terminate the easement upon a finding of public purpose.
5. The Grantee shall pay the annual fee as required by Section 2-938 of the Code of Ordinances.
6. The Grantee shall irrevocably appoint the City Manager as its agent for the removal of the encroachments in the event the required annual fee is not paid.

7. Prior to the easement becoming effective, the Grantee shall obtain Commercial General Liability insurance with minimum limits of \$300,000.00, naming the City of Key West as an additional insured, and shall provide a Certificate of Insurance.
8. The easement area shall not be used in lot size, yard, or bulk calculations for site development purposes.
9. The City reserves the right to construct surface or sub-surface improvements within the easement area.
10. The City reserves the right of entry and re-entry for inspection, maintenance, improvements, and operations.
11. To the fullest extent permitted by law, the Grantee shall indemnify and hold harmless the City of Key West and its officers, employees, and agents from any liability arising from the improvements within the easement area.

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 Authority.

Passed and adopted by the City Commission at a meeting held
this ____ day of _____, 2026.

Authenticated by the Presiding Officer and Clerk of
the Commission on the ____ day of _____, 2026.

Filed with the Clerk on _____, 2026.

Mayor Danise Henriquez	_____
Vice Mayor Donald "Donie" Lee	_____
Commissioner Lissette Carey	_____
Commissioner Aaron Castillo	_____
Commissioner Monica Haskell	_____
Commissioner Sam Kaufman	_____
Commissioner Greg Veliz	_____

DANISE HENRIQUEZ, MAYOR

ATTEST:

KERI O'BRIEN, CLERK