

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED "ADDENDUM TO PURCHASE AND SALE AGREEMENT" BETWEEN THE CITY OF KEY WEST AND THE UTILITY BOARD OF THE CITY OF KEY WEST D/B/A KEYS ENERGY SERVICES ("KEYS"), TO ACCEPT A DISCLAIMER OF FORT STREET RIGHT-OF WAY AND APPROVE AN INGRESS, EGRESS AND UTILITY EASEMENT AGREEMENT FOR A STRIP OF LAND ADJACENT TO THE DIESEL ENERGY PLANT; AUTHORIZING THE CITY MANAGER TO EXECUTE NECESSARY DOCUMENTS ON BEHALF OF THE CITY, UPON CONSENT OF THE CITY ATTORNEY; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, acquisition of Diesel Energy Plant was approved by the electorate after referendum held on November 8, 2016; and

WHEREAS, in Resolution No. 2017-164 the City Commission approved a "Purchase and Sale Agreement," which defines the respective rights and obligations between the parties for the City to acquire, and Keys Energy to release, the property located at for use by the City; and

WHEREAS, a survey of the property established that a building formerly used by KEYS in connection with the Property encroaches on the Fort Street right-of-way between Angela and Geraldine Streets, and that there is no practical access to the eastern side of the Property without entering adjacent property owned by KEYS; and

WHEREAS, to resolve these issues, the parties have negotiated the proposed "Disclaimer of Fort Street Right of Way," (attached "Exhibit A"); and

WHEREAS, the parties have additionally negotiated a proposed "Ingress, Egress and Utility Easement Agreement" (attached "Exhibit B") to grant the City an easement for practical access to the eastern side of the property, subject to certain terms and conditions; and

WHEREAS, to allow reasonable use and improvement of the property, City staff recommends approval of these mutually beneficial agreements.

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

Section 1: That the attached "Addendum to Purchase and Sale Agreement," inclusive of the "Disclaimer of Fort Street Right of Way," and the "Ingress, Egress and Utility Easement Agreement," between the City and Keys, is hereby approved.

Section 2: That the City Manager is authorized to execute all necessary documents upon consent of the City Attorney.

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 _____, 2017.

Authenticated by the Presiding Officer and Clerk of the Commission on _____ day of _____, 2017.

Filed with the Clerk on _____, 2017.

Mayor Craig Cates	_____
Vice Mayor Clayton Lopez	_____
Commissioner Sam Kaufman	_____
Commissioner Richard Payne	_____
Commissioner Margaret Romero	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____

CRAIG CATES, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK