

RESOLUTION NO. _____

920 CAROLINE STREET EASEMENT

RESOLUTION OF THE CITY COMMISSION OF KEY WEST, FLORIDA, APPROVING AN EASEMENT OF APPROXIMATELY FOUR HUNDRED FIFTY-THREE (453) SQUARE FEET, AT A PROPERTY LOCATED AT 920 CAROLINE STREET, IN ORDER TO CONSTRUCT A FENCE AND OUTDOOR AREA ASSOCIATED WITH A RESTAURANT ON ADJACENT LAND OWNED BY THE CITY OF KEY WEST IN THE HISTORIC RESIDENTIAL COMMERCIAL CORE (HRCC-2) ZONING DISTRICT, PURSUANT TO SECTION 2-938(B)(3) OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; 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 to allow for the continued encroachment onto City right-of-way as described on the survey prepared by Robert Reece of Reece & Associates dated August 8th, 2024, is granted subject to the execution of the attached Easement agreement, review and approval by the City Manager and City Attorney, and further subject to the minimum conditions described in Section 2 below.

Section 2: That the following conditions shall apply to the granting of the easement:

1. The Easement shall allow for the existing encroachments as depicted on the survey prepared by Robert Reece, of Reece &

Associates, dated February 13th, 2024, and a total easement area of 453 square feet as depicted on the southern and southwest portions of the survey prepared by Robert Reece, of Reece & Associates, dated August 8th, 2024. Additional or future easement area shall require an amendment in accordance with Sec. 2-938 of the City Code.

2. Any and all fencing/walls shall be subject to the review and approval of the City of Key West Historic Architectural Review Commission (HARC) consistent with HARC Guidelines.
3. Any and all proposed additional consumption area, commercial activity inconsistent with the terms of the easement, or expanded unanticipated use within the easement area shall require appropriate approval pursuant to section 108-91 of the City Code.
4. Use of the easement area associated with property owned by the City of Key West adjacent to the south and southwest property lines shall be limited to storage, utilities, and equipment. Use of the easement on City owned property for consumption purposes shall be subject to additional approval(s).
5. The City may unilaterally terminate the easement upon a finding of public purpose by vote of the Key West City Commission.
6. The Grantee shall pay the annual fee as specified in Section

2-938(b)(3) of the City Code.

7. 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.
8. 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".
9. The easement areas shall not be used in site size calculations such as lot, yard, and bulk calculations for site development.
10. The City reserves the right to construct surface or sub-surface improvements within the City owned easement areas.
11. The City reserves the right of entry/re-entry for the easement areas for the purposes of inspection, maintenance, improvements, and operations in connection with City owned/leased property.
12. 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.

13. The easement(s) shall automatically extinguish should the Grantee transfer, convey, or otherwise surrender control of the business or property located at 920 Caroline Street, Key West, FL.

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.

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Passed and adopted by the City Commission at a meeting held
this ____ day of _____, 2024.

Authenticated by the presiding officer and Clerk of the
Commission on _____, 2024.

Filed with the Clerk _____, 2024.

Mayor DeeDee Henriquez _____

Vice Mayor Clayton Lopez _____

Commissioner Lissette Carey _____

Commissioner Mary Lou Hoover _____

Commissioner Monica Haskell _____

Commissioner Sam Kaufman _____

Commissioner Donnie Lee _____

Danise Henriquez, MAYOR

ATTEST:

KERI O'BRIEN, CITY CLERK