

Ocean Walk Major Development Application
3900 South Roosevelt Boulevard

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DEVELOPMENT PLAN AND CONDITIONAL USE APPLICATION
City of Key West Planning Department
3140 Flagler Avenue, Key West, FL 33040
(305) 809-3720



Development Plan & Conditional Use Application

Applications will not be accepted unless complete

Development Plan
Major
Minor

Conditional Use

Historic District
Yes
No

Please print or type:

- 1) Site Address 3900 South Roosevelt Boulevard
- 2) Name of Applicant Critical Concern Consultants
- 3) Applicant is: Owner Authorized Representative
(attached Authorization and Verification Forms must be completed)
- 4) Address of Applicant 317 Whitehead Street
Key West, Florida 33040
- 5) Applicant's Phone # 305-304-7374 Email _____
- 6) Email Address: ccc kw@hotmail.com
- 7) Name of Owner, if different than above Ocean Walk Key West Owner, LLC
- 8) Address of Owner 119 Washington Ave. Miami Beach, FL 33139
- 9) Owner Phone # 305-531-2426 Email crestick@mastcapital.com
- 10) Zoning District of Parcel HDR RE# _____
- 11) Is Subject Property located within the Historic District? Yes No
If Yes: Date of approval _____ HARC approval # _____
OR: Date of meeting _____
- 12) Description of Proposed Development and Use. Please be specific, list existing and proposed buildings and uses, number of dwelling units, parking, restaurant seats, vehicles proposed, etc. If there is more than one use, describe in detail the nature of each use (Give concise description here and use a separate sheet if necessary).

Major Development Application for the addition of 80 units of residential housing comprised of 56 market rate and 24 affordable workforce housing units. Application is being made concurrently with an Application for Development Agreement.

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13) Has subject Property received any variance(s)? Yes _____ No

If Yes: Date of approval _____ Resolution # _____

Attach resolution(s).

14) Are there any easements, deed restrictions or other encumbrances on the subject property?

Yes No _____

If Yes, describe and attach relevant documents.

Easements of record as recited on survey
provided by CDS - Commercial Due Diligence Services

- A. For both *Conditional Uses* and *Development Plans*, provide the information requested from the attached **Conditional Use and Development Plan** sheet.
- B. For *Conditional Uses* only, also include the **Conditional Use Criteria** required under Chapter 122, Article III, Sections 122-61 and 122-62 of the Land Development Regulations (see attached copy of criteria).
- C. For *Major Development Plans* only, also provide the **Development Plan Submission Materials** required under Chapter 108, Article II, Division 7, Sections 108-226 through 108-248 of the Land Development Regulations (see attached copy of criteria) and any additional information as determined by the Planning Staff.
- D. For both *Conditional Uses* and *Development Plans*, one set of plans MUST be signed & sealed by an Engineer or Architect.

Please note, development plan and conditional use approvals are quasi-judicial hearings and it is improper to speak to a Planning Board member or City Commissioner about the project outside of the hearing.

Ownership

OWNERSHIP CERTIFICATION

To: CITY OF KEY WEST, FLORIDA, a municipal corporation

It is hereby certified that with regards to the real property located at 3900 South Roosevelt Blvd., Key West, Florida (the "Property") we have examined Policy No. 18189-28-4887118-2014.7230609-91995684 issued by Chicago Title Insurance Company with an Effective Date of September 9, 2014 at 9:34 a.m. (the "Title Evidence"), which Title Evidence covers the period from the BEGINNING through September 9, 2014 at 9:34 a.m., inclusive, with respect to the Property.

Basing our opinion solely on the aforesaid Title Evidence covering said period, we are of the opinion that on the last mentioned date, the fee simple title to the Property was vested in:

Ocean Walk Key West Owner, L.L.C., a Delaware limited liability company ("Owner") by virtue of Warranty Deed recorded September 9, 2014 in Official Records Book 2702, Page 198 of the Public Records of Monroe County, Florida.

Basing our opinion solely upon review of: (a) that certain Limited Liability Company Agreement of Ocean Walk Key West Owner, L.L.C., a Delaware limited liability company, dated as of July 18, 2014 and (b) a certificate to counsel from Operating Member (as hereinafter defined) (the "Certificate to Counsel"), the member of Owner is Ocean Walk Key West, LLC, a Delaware limited liability company ("OWKW").

Basing our opinion solely upon review of: (a) that certain Limited Liability Company Agreement of Ocean Walk Key West, LLC, by and between RP Ocean Walk Key West, L.L.C., a Delaware limited liability company ("Rockpoint"), and M-3900 S Roosevelt Associates, LLC, a Delaware limited liability company ("Operating Member"), dated as of September 3, 2014 (the "OWKW LLC Agreement") and (b) the Certificate to Counsel, the members of OWKW are Rockpoint and Operating Member.

Basing our opinion solely upon review of: (a) the OWKW LLC Agreement and (b) the Certificate to Counsel, the "Manager" (as defined in the OWKW LLC Agreement) of OWKW is Operating Member.

Basing our opinion solely upon review of: (a) that certain Amended and Restated Limited Liability Company Agreement of M-3900 S Roosevelt Associates, LLC (the "OM LLC Agreement") and (b) the Certificate to Counsel, the Manager (as defined in the OM LLC Agreement) of Operating Member is MC Manager, LLC, a Florida limited liability company ("MC Manager").

Basing our opinion solely upon review of: (a) that certain Operating Agreement of MC Manager, LLC, dated June 14, 2011 (the "MC LLC Agreement"), and (b) the Certificate to Counsel, the Manager (as defined in the MC LLC Agreement) of MC Manager is Mast Capital, Inc., a Florida corporation ("Mast").

Basing our opinion solely upon review of the Certificate to Counsel, the President and Chief Executive Officer of Mast is Camilo Miguel, Jr.

[SEE NEXT PAGE FOR EXECUTION]

I, the undersigned, further certify that I am an attorney-at-law duly admitted to practice in the State of Florida, and am a member in good standing of the Florida Bar.

Respectfully submitted this
8th day of December, 2015.

GREENBERG TRAURIG, P.A.

By: *Kimberly S. LeCompte*

Kimberly S. LeCompte, Esq.
Florida Bar No. 456799
333 SE 2nd Avenue
Miami, Florida 33131
(305) 579-0500

STATE OF FLORIDA)
) SS:
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 8th day of December, 2015 by Kimberly S. LeCompte, who is personally known to me or produced _____ as identification.

Diane E. Renna
Print Name Diane E. Renna
Notary Public, State of Florida
Commission No. FF 106808
My Commission Expires: 4-06-2018



Authorization

City of Key West
Planning Department



Authorization Form
(Where Owner is a Business Entity)

Please complete this form if someone other than the owner is representing the property owner in this matter.

I, Camilo Miguel, Jr. as
Please Print Name of person with authority to execute documents on behalf of entity
CEO of MC Manager, LLC, the Manager of
M-3900 S Roosevelt Associates, LLC, the Operating Member
of Ocean Walk Key West, LLC, the sole Member _____ of Ocean Walk Key West Owner, LLC
Name of office (President, Managing Member) *Name of owner from deed*

authorize Critical Concern Consultants (James Hendrick, Donna Bosold)
Please Print Name of Representative

to be the representative for this application and act on my/our behalf before the City of Key West.

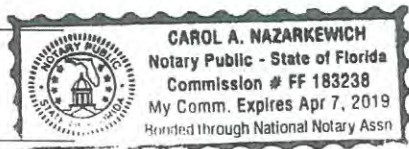
Signature of person with authority to execute documents on behalf on entity owner

Subscribed and sworn to (or affirmed) before me on this November 23, 2015

Camilo Miguel, Jr., the CEO of MC Manager, LLC, the Manager of M-3900 S Roosevelt Associates, LLC,
by the Operating Member of Ocean Walk Key West, LLC, the sole Member of Ocean Walk Key West Owner, L.L.C.
Name of person with authority to execute documents on behalf on entity owner

He/She is personally known to me or has presented _____ as identification.

Notary's Signature and Seal



Name of Acknowledger typed, printed or stamped

Commission Number, if any

Verification

**City of Key West
Planning Department**



Verification Form

(Where Authorized Representative is an entity)

I, James Hendrick in my capacity as Principal
(print name) *(print position; president, managing member)*
of Critical Concern Consultants (James T Hendrick, Donna Rosold)
(print name of entity serving as Authorized Representative)

being duly sworn, depose and say that I am the Authorized Representative of the Owner (as appears on the deed), for the following property identified as the subject matter of this application:

3900 South Roosevelt Boulevard

Street Address of subject property

All of the answers to the above questions, drawings, plans and any other attached data which make up the application, are true and correct to the best of my knowledge and belief. In the event the City or the Planning Department relies on any representation herein which proves to be untrue or incorrect, any action or approval based on said representation shall be subject to revocation.

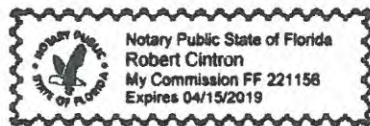
[Signature]
Signature of Authorized Representative

Subscribed and sworn to (or affirmed) before me on this 16 February 2016 by
date

James T. Hendrick and Donna Rosold
Name of Authorized Representative

He/She ^{They are} is personally known to me or has presented N/A as identification.

[Signature]
Notary's Signature and Seal



ROBERT CINTRON
Name of Acknowledger typed, printed or stamped

221156
Commission Number, if any

Legal Description

EXHIBIT A

LEGAL DESCRIPTION

Parcel 1

Phase I

From the Northeast corner of Parcel #34 as shown on PLAT SURVEY OF LANDS ON ISLAND OF KEY WEST, MONROE COUNTY, FLORIDA, recorded in Plat Book 3, Page 35, of the Monroe County Official Records, go North 21 degrees 22 minutes 20 seconds West along the West line of Roosevelt Boulevard a distance of 50 feet to a point; thence South 68 degrees 45 minutes 40 seconds West along the South bank of a canal a distance of 500 feet to a point, said point, being a point on the Westerly boundary of a proposed road South 21 degrees 22 minutes 20 seconds East 1451.55 feet according to Deed as recorded in Official Records Book 564, Pages 561 through 564, Public Records of Monroe County, Florida to a point of curvature with a circular curve concave to the West and having for its element a central angle of 11 degrees 07 minutes 00 seconds and a radius of 2339.93 feet; thence Southeasterly along the arc of said curve 454.00 feet to a point of tangency thence run South 10 degrees 15 minutes 20 seconds East 6.31 feet to the Point of Beginning of the following described parcel of land; thence continue South 10 degrees 15 minutes 20 seconds East 299.34 feet; thence leaving the said Westerly boundary of a proposed road, run South 54 degrees 27 minutes 50 seconds West 85.26 feet; thence run South 13 degrees 58 minutes 44 seconds West 336.86 feet; thence run South 11 degrees 00 minutes 00 seconds East 150.00 feet to a point on the Northerly boundary line of a proposed road; thence along the said Northerly boundary line North 88 degrees 41 minutes 54 seconds West 540.00 feet to a point, said point being the Westerly line of Parcel 38; thence leaving said Northerly boundary of a proposed road, run along the aforementioned Westerly line of Parcel 38, North 21 degrees 14 minutes 20 seconds West 994.78 feet; thence leaving said Westerly boundary, run North 69 degrees 18 minutes 46 seconds East 423.26 feet to a point; thence run South 20 degrees 41 minutes 14 seconds East 540.00 feet to a point; thence run North 69 degrees 18 minutes 46 seconds East 340.00 feet to a point, thence run North 29 degrees 20 minutes 29 seconds East 131.12 feet to the Point of Beginning.

Parcel T

From the Northeast corner of Parcel #34 as shown on PLAT SURVEY OF LANDS ON ISLAND OF KEY WEST, MONROE COUNTY, FLORIDA recorded in Plat Book 3, Page 35, of Monroe County Official Records, go North 21 degrees 22 minutes 20 seconds West along the West line of Roosevelt Boulevard a distance of 50 feet to a point; thence South 68 degrees 45 minutes 40 seconds West along the South bank of a canal a distance of 500 feet to a point; said point being a point on the Westerly boundary of a proposed road; thence run South 21 degrees 22 minutes 20 seconds East 1451.55 feet, according to a Deed as recorded in Official Records Book 564, Pages 561 through 564, Public Records of Monroe County, Florida, to a point of curvature with a circular curve concave to the West and having for its elements a central angle of 11 degrees 07 minutes 00 seconds and a radius of 2339.93 feet; thence run Southeasterly along the arc of said curve 454.00 feet to a point of tangency; thence run South 10 degrees 15 minutes 20 seconds East 305.65 feet to the Point of Beginning of the following described parcel of land; thence continue South 10 degrees 15 minutes 20 seconds East 543.82 feet to a point on a line,

said line lying 250.00 feet (as measured at right angles) Northerly of a parallel with the centerline of the Main Runway of the Key West International Airport, thence leaving the said Westerly boundary of a proposed road, run South 87 degrees 33 minutes 24 seconds West 183.92 feet to a point on the Northerly boundary line of a proposed road; thence run North 61 degrees 15 minutes 57 seconds West 40.14 feet; thence leaving said Northerly boundary of a proposed road, North 11 degrees 00 minutes 00 seconds West 150.00 feet; thence run North 13 degrees 58 minutes 44 seconds East 336.86 feet; thence run North 54 degrees 27 minutes 50 seconds East 85.26 feet to the Point of Beginning.

Parcel 2

A 40 foot Easement along the Easterly boundary of the following, as recorded July 3, 1986, in Official Records Book 980, Page 659, Public Records of Monroe County, Florida:

(a)

From the Northeast corner of Parcel 34 as shown on PLAT SURVEY OF LANDS ON ISLAND OF KEY WEST, MONROE COUNTY, FLORIDA, recorded in Plat Book 3, Page 35 of Monroe County Official Records go North 21 degrees 22 minutes 20 seconds West along the West line of Roosevelt Boulevard a distance of 50 feet to a point; thence South 68 degrees 45 minutes 40 seconds West along the south bank of a canal a distance of 500 feet to a point; thence run along the Easterly property line of Parcel 38, South 21 degrees 22 minutes 20 seconds East 966.79 feet to the Point of Beginning of the following described parcel of land:

Thence continue South 21 degrees 22 minutes 20 seconds East 464.32 feet to a point of curvature with a horizontal curve concave to the West, having for its elements a central angle of 3 degrees 00 minutes 03 seconds and a radius of 2339.93 feet, thence run along the arc of said curve 122.5 feet to a point; said point being a corner common to Tracts 3 and 4; thence run along the division line between Tracts 3 and 4, South 69 degrees 18 minutes 46 seconds West 478.10 feet to a corner common to Tracts 3, 4 and 5; thence run along the division lines between Tracts 3 and 5, North 20 degrees 41 minutes 14 seconds West 100.00 feet; thence South 69 degrees 18 minutes 46 seconds West 423.26 feet to a point on the westerly boundary of Tract 38; thence run along said westerly boundary of Tract 38, North 21 degrees 14 minutes 20 seconds West 841.42 feet to a point; thence leaving said westerly boundary run North 70 degrees 01 minutes 10 seconds East 34.53 feet to a point on the Mean High Water Line as shown on the attached sketch defined by elevation +0.64 feet N.G.V.D.; thence run along the said Mean High Water Line with the following 18 courses:

1. North 37 degrees 08 minutes 36 seconds East 45.30 feet;
2. North 64 degrees 59 minutes 46 seconds East 67.63 feet;
3. North 79 degrees 44 minutes 27 seconds East 57.30 feet;
4. North 84 degrees 05 minutes 02 seconds East 46.68 feet;
5. South 83 degrees 57 minutes 40 seconds East 93.71 feet;
6. South 74 degrees 40 minutes 50 seconds East 89.22 feet;
7. South 29 degrees 14 minutes 00 seconds East 75.92 feet;
8. South 37 degrees 36 minutes 35 seconds East 56.18 feet;
9. North 74 degrees 36 minutes 43 seconds East 95.07 feet;
10. North 62 degrees 31 minutes 24 seconds East 45.87 feet;
11. South 52 degrees 45 minutes 10 seconds East 46.17 feet;

12. South 48 degrees 21 minutes 29 seconds East 66.84 feet;
13. South 65 degrees 09 minutes 17 seconds East 62.11 feet;
14. North 71 degrees 23 minutes 36 seconds East 76.29 feet;
15. North 51 degrees 54 minutes 45 seconds East 52.29 feet;
16. North 61 degrees 17 minutes 37 seconds East 44.02 feet;
17. South 80 degrees 30 minutes 14 seconds East 34.19 feet;
18. North 60 degrees 26 minutes 12 seconds East 42.34 feet to the Point of Beginning

AND

(b)

From the Northeast corner of Parcel #34 as shown on "Plat Survey of Lands on Island of Key West, Monroe County, Florida" recorded in Plat Book 3, Page 35, of the Public Records of Monroe County, Florida go North 21 degrees 22 minutes 20 seconds West along the West line of Roosevelt Boulevard a distance of 50 feet to a point; thence South 68 degrees 45 minutes 40 seconds West along the south bank of a canal a distance of 500 feet to a point, said point being a point on the westerly boundary of a proposed road thence along said westerly boundary South 21 degrees 22 minutes 20 seconds East 1431.11 feet to a point of curvature with a circular curve concave to the west and having for its elements a central angle of 3 degrees 00 minutes 03 seconds and a radius of 2339.93 feet, thence run Southeasterly along the arc of said curve 122.55 feet to the Point of Beginning of the following described parcel of land; thence continue southeasterly along the arc of a circular curve concave to the west having for its elements a central angle of 8 degrees 06 minutes 57 seconds and a radius of 2339.93 feet to a distance of 331.45 feet to a point of tangency; thence run South 10 degrees 15 minutes 20 seconds East 31.19 feet to a point; thence leaving said westerly boundary of a proposed road, run South 29 degrees 20 minutes 29 seconds West 124.85 feet; thence run South 69 degrees 18 minutes 46 seconds West 340.00 feet; thence run North 20 degrees 41 minutes 14 seconds West 440.00 feet; thence run North 69 degrees 18 minutes 46 seconds East 478.10 feet to the Point of Beginning.

Parcel 3

A 60 foot Easement as recorded July 3, 1986, in Official Records Book 980, Page 647, and recorded July 11, 1986, in Official Records Book 980, page 2432, Public Records of Monroe County, Florida across the following:

A strip of land sixty feet in width as described below:

From the Northeast corner of Parcel #34 as shown on the "Plat of Survey of Lands on the Island of Key West, Monroe County, Florida", recorded in Plat Book 3, Page 35 of Monroe County Official Records, thence South 21 degrees 22 minutes 20 seconds East along the line of Roosevelt Boulevard a distance of 940 feet to a point which point is the point of beginning; continue South 21 degrees 22 minutes 20 seconds East a distance of 60 feet to a point; thence South 68 degrees 45 minutes 40 seconds West a distance of 450 feet to a point; said line being the dividing line between Parcels 34 and 35; thence North 21 degrees 22 minutes 20 seconds

West a distance of 60 feet; thence North 68 degrees 45 minutes 40 seconds East a distance of 450 feet back to the point of beginning, said parcel being the southerly 60 feet of Parcel #34.

Parcel 4:

A Parcel of land being a portion of Parcel 38, as recorded in Plat Book 4, page 69, of the Public Records of Monroe County, Florida, being more particularly described as follows:

Commence at the Northeast corner of Parcel 34 as shown on Plat of SURVEY OF LANDS ON ISLAND OF KEY WEST, Monroe County, Florida, as recorded in Plat Book 3, page 35, of the Public Records of Monroe County, Florida; thence North 21 degrees 22 minutes 30 seconds West along the West line of Roosevelt Boulevard for 50.00 feet; thence South 68 degrees 45 minutes 40 seconds West along the South bank of a canal for 500.00 feet; thence South 21 degrees 22 minutes 20 seconds East for 1431.55 feet to a point of curvature of a circular curve concave to the Southwest; thence Southwesterly along the arc of said curve having a radius of 2339.93 feet and a central angle of 8 degrees 53 minutes 03 seconds for 362.83 feet to a point on the arc of said curve bearing North 77 degrees 30 minutes 43 seconds East from the center of said curve, said point being the POINT OF BEGINNING of the hereinafter described parcel; thence continue along the arc of said curve having a radius of 2339.93 and a central angle of 2 degrees 13 minutes 57 seconds for 91.17 feet to a point of tangency; thence South 10 degrees 15 minutes 20 seconds East for 6.31 feet; thence South 29 degrees 20 minutes 29 seconds West for 131.12 feet; thence South 69 degrees 18 minutes 46 seconds West for 340.00 feet; thence North 20 degrees 41 minutes 14 seconds West for 150.42 feet; thence South 66 degrees 14 minutes 20 seconds East for 82.14 feet; thence North 69 degrees 18 minutes 46 seconds East for 310.24 feet; thence North 24 degrees 18 minutes 46 seconds East for 123.74 feet to the POINT OF BEGINNING.

Parcel 5:

A Utility Easement as recorded May 15, 1989, in Official Records Book 1092, page 0262, of the Public Records of Monroe County, Florida, over, under, upon and across the following:

A strip of land consisting of the Northerly 25.00 feet of a parcel of land being a portion of Parcel 38, as recorded in Plat Book 4, page 69, of the Public Records of Monroe County, Florida, being more particularly described as follows:

Commence at the Northeast corner of Parcel 34 as shown on Plat of SURVEY OF LANDS ON ISLAND OF KEY WEST, Monroe County, Florida, as recorded in Plat Book 3, page 35, of Monroe County Official Records; thence North 21 degrees 22 minutes 20 seconds West along the West line of Roosevelt Boulevard a distance of 50.00 feet to a point; thence South 68 degrees 45 minutes 40 seconds West along the South bank of a canal a distance of 500.00 feet to a point, said point being a point on the Westerly boundary of a proposed road, thence along said westerly boundary South 21 degrees 22 minutes 20 seconds East 1431.11 feet to a point of curvature with a circular curve concave to the West and having for its elements a central angle of 0 degrees 33 minutes 06 seconds and a radius of 2339.93 feet; thence Southeasterly along the arc of said curve 22.53 feet to the POINT OF BEGINNING of the following described parcel of land; thence continue Southeasterly along the arc of a circular curve concave to the West, having for its elements a central angle of 0 degrees 33 minutes 54 seconds and a radius

of 2339.93 feet, for a distance of 431.47 feet to a point of tangency; thence South 10 degrees 15 minutes 20 seconds East 31.13 feet to a point; thence leaving said Westerly boundary of a proposed road, South 29 degrees 20 minutes 29 seconds West 124.85 feet; thence South 69 degrees 18 minutes 46 seconds West 340.00 feet; thence North 20 degrees 41 minutes 14 seconds West 540.00 feet; thence North 69 degrees 18 minutes 46 seconds East 480.06 feet to the POINT OF BEGINNING, together with that land (hiatus) lying Easterly of the above-described land and lying Westerly of the State Road described in a certain instrument filed February 27, 1971, in Official Records Book 564, page 561, of the Public Records of Monroe County, Florida.

Parcel 6

A Utility Easement as recorded May 15, 1989, in Official Records Book 1092, page 0271, Public Records of Monroe County, Florida, over, under, upon and across the following:

A parcel of land being a portion of Parcel 38, as recorded in Plat Book 4, page 69, of the Public Records of Monroe County, Florida, being more particularly described as follows:

Commence at the Northeast corner of Parcel 34 as shown on Plat of SURVEY OF LANDS ON ISLAND OF KEY WEST, Monroe County, Florida, as recorded in Plat Book 3, page 35 Monroe County Official Records; thence North 21 degrees 22 minutes 20 seconds West along the West line of Roosevelt Boulevard a distance of 50.00 feet to a point; thence South 68 degrees 45 minutes 40 seconds West along the South bank of a canal a distance of 500.00 feet to a point, said point being a point on the Westerly boundary of a proposed road; thence along said westerly boundary South 21 degrees 22 minutes 20 seconds East 1431.11 feet to a point of curvature with a circular curve concave to the West and having for its elements a central angle of 0 degrees 33 minutes 06 seconds and a radius of 2339.93 feet; thence Southeasterly along the arc of said curve 22.53 feet to the POINT OF BEGINNING of the following described parcel of land; thence continue Southeasterly along the arc of a circular curve concave to the West, having for its elements a central angle of 0 degrees 33 minutes 54 seconds and a radius of 2339.93 feet, for a distance of 431.47 feet to a point of tangency; thence South 10 degrees 15 minutes 20 seconds East 31.13 feet to a point; thence leaving said Westerly boundary of a proposed road, South 29 degrees 20 minutes 29 seconds West 124.85 feet thence South 69 degrees 18 minutes 46 seconds West 340.00 feet; thence North 20 degrees 41 minutes 14 seconds West 540.00 feet; thence North 69 degrees 18 minutes 46 seconds East 480.00 feet to the POINT OF BEGINNING, together with that land (hiatus) lying Easterly of the above-described land and lying Westerly of the State Road described in a certain instrument filed February 27, 1971, in Official Records Book 564, page 561, of the Public Records of Monroe County, Florida.

Deed

Doc# 1996891 09/09/2014 9:34AM
Filed & Recorded in Official Records of
MONROE COUNTY AMY HEAVILIN

09/09/2014 9:34AM
DEED DOC STAMP CL: Krys \$527,450.00

When Recorded, Mail to:

Mr. Jesse Sharf
Gibson, Dunn & Crutcher LLP
2029 Century Park East
Los Angeles, California 90067-3026

Doc# 1996891
Bk# 2702 Pg# 198

10 pgs @ 86.50
D/s @ 527,450.00

SPECIAL WARRANTY DEED

Ocean Walk Apartments, Key West, Florida

For the consideration of the sum of Ten Dollars (\$10.00) and other valuable considerations received, **CRICO OF OCEAN WALK LIMITED PARTNERSHIP**, a Florida limited partnership, Two North Riverside Plaza, Suite 400, Chicago, Illinois 60606 ("Grantor"), hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto **OCEAN WALK KEY WEST OWNER, L.L.C.**, a Delaware limited liability company, c/o Rockpoint Group, L.L.C., Woodlawn Hall at Old Parkland, 3953 Maple Avenue, Suite 300, Dallas, Texas 75219 ("Grantee"), all of Grantor's right, title and interest in and to the following described real property (the "Property") situated in Monroe County, Florida, together with all improvements thereon and all of Grantor's interest in any rights and privileges solely appurtenant thereto:

SEE EXHIBIT A ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

SUBJECT TO: the permitted exceptions set forth on Exhibit B attached hereto and by this reference made a part hereof.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND, GRANTOR hereby covenants with Grantee that it is lawfully seized of the Property in fee simple; that it has good right and lawful authority to sell and convey the Property; that it hereby warrants the title to the Property and will defend the same against the lawful claims of all persons claiming by, through or under said Grantor, but against none other, subject to the matters set forth above.

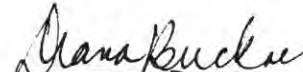
[Signature Page Follows]

RETURN TO:
Fidelity National Title Group
2400 Maitland Center Pkwy, Ste 200
Maitland, FL 32751
4887118@T

IN WITNESS WHEREOF, Grantor has caused this Special Warranty Deed to be executed this 21 day of September, 2014.

WITNESSES:


Print Name: W. F. Boginski

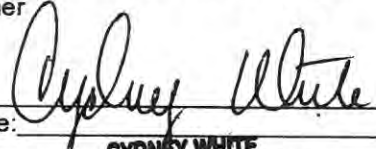

Print Name: Diana Buckner

GRANTOR:

CRICO OF OCEAN WALK LIMITED PARTNERSHIP,
a Florida limited partnership

By: ERP Operating Limited Partnership, an Illinois limited partnership, its managing general partner

By: Equity Residential, a Maryland real estate investment trust, its general partner

By: 
Name: CYDNEY WHITE
Its: SENIOR VICE PRESIDENT

STATE OF ILLINOIS

COUNTY OF COOK

I, the undersigned, a Notary Public in and for said County in the State aforesaid, do hereby certify that Cyndee White, personally know to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he/she, as Senior Vice President of Equity Residential, a Maryland real estate investment trust, the general partner of ERP Operating Limited Partnership, an Illinois limited partnership, the managing general partner of **CRICO OF OCEAN WALK LIMITED PARTNERSHIP**, a Florida limited partnership, for and on behalf thereof signed and delivered said instrument as his own free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and notarial seal this 4th day of September, 2014.

Shelanda D. Haskell
Notary Public

My Commission Expires: 4/1/17



EXHIBIT A
LEGAL DESCRIPTION

Parcel 1

Phase I

From the Northeast corner of Parcel #34 as shown on PLAT SURVEY OF LANDS ON ISLAND OF KEY WEST, MONROE COUNTY, FLORIDA, recorded in Plat Book 3, Page 35, of the Monroe County Official Records, go North 21 degrees 22 minutes 20 seconds West along the West line of Roosevelt Boulevard a distance of 50 feet to a point; thence South 68 degrees 45 minutes 40 seconds West along the South bank of a canal a distance of 500 feet to a point, said point, being a point on the Westerly boundary of a proposed road South 21 degrees 22 minutes 20 seconds East 1451.55 feet according to Deed as recorded in Official Records Book 564, Pages 561 through 564, Public Records of Monroe County, Florida to a point of curvature with a circular curve concave to the West and having for its element a central angle of 11 degrees 07 minutes 00 seconds and a radius of 2339.93 feet; thence Southeasterly along the arc of said curve 454.00 feet to a point of tangency thence run South 10 degrees 15 minutes 20 seconds East 6.31 feet to the Point of Beginning of the following described parcel of land; thence continue South 10 degrees 15 minutes 20 seconds East 299.34 feet; thence leaving the said Westerly boundary of a proposed road, run South 54 degrees 27 minutes 50 seconds West 85.26 feet; thence run South 13 degrees 58 minutes 44 seconds West 336.86 feet; thence run South 11 degrees 00 minutes 00 seconds East 150.00 feet to a point on the Northerly boundary line of a proposed road; thence along the said Northerly boundary line North 88 degrees 41 minutes 54 seconds West 540.00 feet to a point, said point being the Westerly line of Parcel 38; thence leaving said Northerly boundary of a proposed road, run along the aforementioned Westerly line of Parcel 38, North 21 degrees 14 minutes 20 seconds West 994.78 feet; thence leaving said Westerly boundary, run North 69 degrees 18 minutes 46 seconds East 423.26 feet to a point; thence run South 20 degrees 41 minutes 14 seconds East 540.00 feet to a point; thence run North 69 degrees 18 minutes 46 seconds East 340.00 feet to a point, thence run North 29 degrees 20 minutes 29 seconds East 131.12 feet to the Point of Beginning.

Parcel T

From the Northeast corner of Parcel #34 as shown on PLAT SURVEY OF LANDS ON ISLAND OF KEY WEST, MONROE COUNTY, FLORIDA recorded in Plat Book 3, Page 35, of Monroe County Official Records, go North 21 degrees 22 minutes 20 seconds West along the West line of Roosevelt Boulevard a distance of 50 feet to a point; thence South 68 degrees 45 minutes 40 seconds West along the South bank of a canal a distance of 500 feet to a point; said point being a point on the Westerly boundary of a proposed road; thence run South 21 degrees 22 minutes 20 seconds East 1451.55 feet, according to a Deed as recorded in Official Records Book 564, Pages 561 through 564, Public Records of Monroe County, Florida, to a point of curvature with a circular curve concave to the West and having for its elements a central angle of 11 degrees 07 minutes 00 seconds and a radius of 2339.93 feet; thence run Southeasterly along the arc of said curve 454.00 feet to a point of tangency; thence run South 10 degrees 15 minutes 20 seconds East 305.65 feet to the Point of Beginning of the following described parcel of land; thence continue South 10 degrees 15 minutes 20 seconds East 543.82 feet to a point on a line,

said line lying 250.00 feet (as measured at right angles) Northerly of a parallel with the centerline of the Main Runway of the Key West International Airport, thence leaving the said Westerly boundary of a proposed road, run South 87 degrees 33 minutes 24 seconds West 183.92 feet to a point on the Northerly boundary line of a proposed road; thence run North 61 degrees 15 minutes 57 seconds West 40.14 feet; thence leaving said Northerly boundary of a proposed road, North 11 degrees 00 minutes 00 seconds West 150.00 feet; thence run North 13 degrees 58 minutes 44 seconds East 336.86 feet; thence run North 54 degrees 27 minutes 50 seconds East 85.26 feet to the Point of Beginning.

Parcel 2

A 40 foot Easement along the Easterly boundary of the following, as recorded July 3, 1986, in Official Records Book 980, Page 659, Public Records of Monroe County, Florida:

(a)

From the Northeast corner of Parcel 34 as shown on PLAT SURVEY OF LANDS ON ISLAND OF KEY WEST, MONROE COUNTY, FLORIDA, recorded in Plat Book 3, Page 35 of Monroe County Official Records go North 21 degrees 22 minutes 20 seconds West along the West line of Roosevelt Boulevard a distance of 50 feet to a point; thence South 68 degrees 45 minutes 40 seconds West along the south bank of a canal a distance of 500 feet to a point; thence run along the Easterly property line of Parcel 38, South 21 degrees 22 minutes 20 seconds East 966.79 feet to the Point of Beginning of the following described parcel of land:

Thence continue South 21 degrees 22 minutes 20 seconds East 464.32 feet to a point of curvature with a horizontal curve concave to the West, having for its elements a central angle of 3 degrees 00 minutes 03 seconds and a radius of 2339.93 feet, thence run along the arc of said curve 122.5 feet to a point; said point being a corner common to Tracts 3 and 4; thence run along the division line between Tracts 3 and 4, South 69 degrees 18 minutes 46 seconds West 478.10 feet to a corner common to Tracts 3, 4 and 5; thence run along the division lines between Tracts 3 and 5, North 20 degrees 41 minutes 14 seconds West 100.00 feet; thence South 69 degrees 18 minutes 46 seconds West 423.26 feet to a point on the westerly boundary of Tract 38; thence run along said westerly boundary of Tract 38, North 21 degrees 14 minutes 20 seconds West 841.42 feet to a point; thence leaving said westerly boundary run North 70 degrees 01 minutes 10 seconds East 34.53 feet to a point on the Mean High Water Line as shown on the attached sketch defined by elevation +0.64 feet N.G.V.D.; thence run along the said Mean High Water Line with the following 18 courses:

1. North 37 degrees 08 minutes 36 seconds East 45.30 feet;
2. North 64 degrees 59 minutes 46 seconds East 67.63 feet;
3. North 79 degrees 44 minutes 27 seconds East 57.30 feet;
4. North 84 degrees 05 minutes 02 seconds East 46.68 feet;
5. South 83 degrees 57 minutes 40 seconds East 93.71 feet;
6. South 74 degrees 40 minutes 50 seconds East 89.22 feet;
7. South 29 degrees 14 minutes 00 seconds East 75.92 feet;
8. South 37 degrees 36 minutes 35 seconds East 56.18 feet;
9. North 74 degrees 36 minutes 43 seconds East 95.07 feet;
10. North 62 degrees 31 minutes 24 seconds East 45.87 feet;
11. South 52 degrees 45 minutes 10 seconds East 46.17 feet;

12. South 48 degrees 21 minutes 29 seconds East 66.84 feet;
13. South 65 degrees 09 minutes 17 seconds East 62.11 feet;
14. North 71 degrees 23 minutes 36 seconds East 76.29 feet;
15. North 51 degrees 54 minutes 45 seconds East 52.29 feet;
16. North 61 degrees 17 minutes 37 seconds East 44.02 feet;
17. South 80 degrees 30 minutes 14 seconds East 34.19 feet;
18. North 60 degrees 26 minutes 12 seconds East 42.34 feet to the Point of Beginning

AND

(b)

From the Northeast corner of Parcel #34 as shown on "Plat Survey of Lands on Island of Key West, Monroe County, Florida" recorded in Plat Book 3, Page 35, of the Public Records of Monroe County, Florida go North 21 degrees 22 minutes 20 seconds West along the West line of Roosevelt Boulevard a distance of 50 feet to a point; thence South 68 degrees 45 minutes 40 seconds West along the south bank of a canal a distance of 500 feet to a point, said point being a point on the westerly boundary of a proposed road thence along said westerly boundary South 21 degrees 22 minutes 20 seconds East 1431.11 feet to a point of curvature with a circular curve concave to the west and having for its elements a central angle of 3 degrees 00 minutes 03 seconds and a radius of 2339.93 feet, thence run Southeasterly along the arc of said curve 122.55 feet to the Point of Beginning of the following described parcel of land; thence continue southeasterly along the arc of a circular curve concave to the west having for its elements a central angle of 8 degrees 06 minutes 57 seconds and a radius of 2339.93 feet to a distance of 331.45 feet to a point of tangency; thence run South 10 degrees 15 minutes 20 seconds East 31.19 feet to a point; thence leaving said westerly boundary of a proposed road, run South 29 degrees 20 minutes 29 seconds West 124.85 feet; thence run South 69 degrees 18 minutes 46 seconds West 340.00 feet; thence run North 20 degrees 41 minutes 14 seconds West 440.00 feet; thence run North 69 degrees 18 minutes 46 seconds East 478.10 feet to the Point of Beginning.

Parcel 3

A 60 foot Easement as recorded July 3, 1986, in Official Records Book 980, Page 647, and recorded July 11, 1986, in Official Records Book 980, page 2432, Public Records of Monroe County, Florida across the following:

A strip of land sixty feet in width as described below:

From the Northeast corner of Parcel #34 as shown on the "Plat of Survey of Lands on the Island of Key West, Monroe County, Florida", recorded in Plat Book 3, Page 35 of Monroe County Official Records, thence South 21 degrees 22 minutes 20 seconds East along the line of Roosevelt Boulevard a distance of 940 feet to a point which point is the point of beginning; continue South 21 degrees 22 minutes 20 seconds East a distance of 60 feet to a point; thence South 68 degrees 45 minutes 40 seconds West a distance of 450 feet to a point; said line being the dividing line between Parcels 34 and 35; thence North 21 degrees 22 minutes 20 seconds

West a distance of 60 feet; thence North 68 degrees 45 minutes 40 seconds East a distance of 450 feet back to the point of beginning, said parcel being the southerly 60 feet of Parcel #34.

Parcel 4:

A Parcel of land being a portion of Parcel 38, as recorded in Plat Book 4, page 69, of the Public Records of Monroe County, Florida, being more particularly described as follows:

Commence at the Northeast corner of Parcel 34 as shown on Plat of SURVEY OF LANDS ON ISLAND OF KEY WEST, Monroe County, Florida, as recorded in Plat Book 3, page 35, of the Public Records of Monroe County, Florida; thence North 21 degrees 22 minutes 30 seconds West along the West line of Roosevelt Boulevard for 50.00 feet; thence South 68 degrees 45 minutes 40 seconds West along the South bank of a canal for 500.00 feet; thence South 21 degrees 22 minutes 20 seconds East for 1431.55 feet to a point of curvature of a circular curve concave to the Southwest; thence Southwesterly along the arc of said curve having a radius of 2339.93 feet and a central angle of 8 degrees 53 minutes 03 seconds for 362.83 feet to a point on the arc of said curve bearing North 77 degrees 30 minutes 43 seconds East from the center of said curve, said point being the POINT OF BEGINNING of the hereinafter described parcel; thence continue along the arc of said curve having a radius of 2339.93 and a central angle of 2 degrees 13 minutes 57 seconds for 91.17 feet to a point of tangency; thence South 10 degrees 15 minutes 20 seconds East for 6.31 feet; thence South 29 degrees 20 minutes 29 seconds West for 131.12 feet; thence South 69 degrees 18 minutes 46 seconds West for 340.00 feet; thence North 20 degrees 41 minutes 14 seconds West for 150.42 feet; thence South 66 degrees 14 minutes 20 seconds East for 82.14 feet; thence North 69 degrees 18 minutes 46 seconds East for 310.24 feet; thence North 24 degrees 18 minutes 46 seconds East for 123.74 feet to the POINT OF BEGINNING.

Parcel 5:

A Utility Easement as recorded May 15, 1989, in Official Records Book 1092, page 0262, of the Public Records of Monroe County, Florida, over, under, upon and across the following:

A strip of land consisting of the Northerly 25.00 feet of a parcel of land being a portion of Parcel 38, as recorded in Plat Book 4, page 69, of the Public Records of Monroe County, Florida, being more particularly described as follows:

Commence at the Northeast corner of Parcel 34 as shown on Plat of SURVEY OF LANDS ON ISLAND OF KEY WEST, Monroe County, Florida, as recorded in Plat Book 3, page 35, of Monroe County Official Records; thence North 21 degrees 22 minutes 20 seconds West along the West line of Roosevelt Boulevard a distance of 50.00 feet to a point; thence South 68 degrees 45 minutes 40 seconds West along the South bank of a canal a distance of 500.00 feet to a point, said point being a point on the Westerly boundary of a proposed road, thence along said westerly boundary South 21 degrees 22 minutes 20 seconds East 1431.11 feet to a point of curvature with a circular curve concave to the West and having for its elements a central angle of 0 degrees 33 minutes 06 seconds and a radius of 2339.93 feet; thence Southeasterly along the arc of said curve 22.53 feet to the POINT OF BEGINNING of the following described parcel of land; thence continue Southeasterly along the arc of a circular curve concave to the West, having for its elements a central angle of 0 degrees 33 minutes 54 seconds and a radius

of 2339.93 feet, for a distance of 431.47 feet to a point of tangency; thence South 10 degrees 15 minutes 20 seconds East 31.13 feet to a point; thence leaving said Westerly boundary of a proposed road, South 29 degrees 20 minutes 29 seconds West 124.85 feet; thence South 69 degrees 18 minutes 46 seconds West 340.00 feet; thence North 20 degrees 41 minutes 14 seconds West 540.00 feet; thence North 69 degrees 18 minutes 46 seconds East 480.06 feet to the POINT OF BEGINNING, together with that land (hiatus) lying Easterly of the above-described land and lying Westerly of the State Road described in a certain instrument filed February 27, 1971, in Official Records Book 564, page 561, of the Public Records of Monroe County, Florida.

Parcel 6

A Utility Easement as recorded May 15, 1989, in Official Records Book 1092, page 0271, Public Records of Monroe County, Florida, over, under, upon and across the following:

A parcel of land being a portion of Parcel 38, as recorded in Plat Book 4, page 69, of the Public Records of Monroe County, Florida, being more particularly described as follows:

Commence at the Northeast corner of Parcel 34 as shown on Plat of SURVEY OF LANDS ON ISLAND OF KEY WEST, Monroe County, Florida, as recorded in Plat Book 3, page 35 Monroe County Official Records; thence North 21 degrees 22 minutes 20 seconds West along the West line of Roosevelt Boulevard a distance of 50.00 feet to a point; thence South 68 degrees 45 minutes 40 seconds West along the South bank of a canal a distance of 500.00 feet to a point, said point being a point on the Westerly boundary of a proposed road; thence along said westerly boundary South 21 degrees 22 minutes 20 seconds East 1431.11 feet to a point of curvature with a circular curve concave to the West and having for its elements a central angle of 0 degrees 33 minutes 06 seconds and a radius of 2339.93 feet; thence Southeasterly along the arc of said curve 22.53 feet to the POINT OF BEGINNING of the following described parcel of land; thence continue Southeasterly along the arc of a circular curve concave to the West, having for its elements a central angle of 0 degrees 33 minutes 54 seconds and a radius of 2339.93 feet, for a distance of 431.47 feet to a point of tangency; thence South 10 degrees 15 minutes 20 seconds East 31.13 feet to a point; thence leaving said Westerly boundary of a proposed road, South 29 degrees 20 minutes 29 seconds West 124.85 feet thence South 69 degrees 18 minutes 46 seconds West 340.00 feet; thence North 20 degrees 41 minutes 14 seconds West 540.00 feet; thence North 69 degrees 18 minutes 46 seconds East 480.00 feet to the POINT OF BEGINNING, together with that land (hiatus) lying Easterly of the above-described land and lying Westerly of the State Road described in a certain instrument filed February 27, 1971, in Official Records Book 564, page 561, of the Public Records of Monroe County, Florida.

EXHIBIT B
PERMITTED EXCEPTIONS

1. Acts of Purchaser, and those claiming by, through and under Purchaser.
2. General and special taxes and assessments not yet delinquent.
3. Zoning, building and other governmental and quasi-governmental laws, codes and regulations.
4. Any adverse claim to any portion of the Property which has been created by artificial means or has accreted to any such portion so created and riparian rights, if any.
5. Covenants, conditions, restrictions, and private or public utility easements of record together with easements or claims of easements not shown by the public records.
6. Encroachments, overlaps, boundary line disputes, or other matters which would be disclosed by an accurate survey or inspection of the Property.
7. Any claim that any portion of the insured land is sovereign lands of the State of Florida, including submerged, filled or artificially exposed lands accreted to such land.
8. Any and all rights of the United States of America over artificially filled lands in what were formerly navigable waters, arising by reason of the United States of America's control over navigable waters in the interest of navigation and commerce, and any conditions contained in any permit authorizing the filling in of such areas.
9. Any requirement by the State of Florida for the removal of fill or other restoration of sovereignty lands, and any lien rights which may be asserted pursuant to Chapter 403, Florida Statutes.
10. Rights of tenants, as tenants only, under unrecorded leases, rental agreements or month-to-month tenancies, without any options to purchase, rights of first refusal, rights of first offer or similar rights with respect to the Land.
11. Boundaries of the City of Key West Area of Critical Concern filed in Official Records Book 906, Page 200, Public Records of Monroe County, Florida.
12. Terms, conditions and covenants as set forth in that certain Supplemental Access Easement filed July 3, 1986, in Official Records Book 980 Page 659, Public Records of Monroe County, Florida.
13. Terms, conditions and covenants as set forth in that certain Access Easement Agreement filed July 3, 1986, in Official Records Book 980, Page 647 and filed July 11, 1986, in Official Records Book 980, Page 2432, both Public Records of Monroe County, Florida.

14. Facilities Easement Agreement filed in Official Records Book 980, Page 673, Public Records of Monroe County, Florida.
15. Access to Roosevelt Boulevard is insured only through Easements and across that portion of the state road right of way located between the north and south boundaries of Parcel 3, as extended along their existing courses to Parcel 2.
16. Utility Easement Agreement made by and between Meacham Field Associates, Ltd., a Florida limited partnership and Ocean Walk Phase I, Ltd., a Florida limited partnership, filed May 15, 1989, in Official Records Book 1092, Page 271, Public Records of Monroe County, Florida.
17. Easement in favor of the Utility Board of the City of Key West, Florida, filed September 16, 1981, in Official Records Book 1183, Page 1508, Public Records of Monroe County, Florida.
18. Egress and Ingress Easement made by and between Ocean Walk Phase I, Limited Partnership to Los Salinas Condominium Association, Inc., filed December 18, 1989, in Official Records Book 1115, Page 434, Public Records of Monroe County, Florida.
19. Access Easement Agreement made by and between Meacham Field Associates, Ltd., a Florida limited partnership and Ocean Walk Phase I, Ltd., a Florida limited partnership filed May 15, 1989, in Official Records Book 1092, Page 279, Public Records of Monroe County, Florida.
20. Utility Easement Agreement made by and between Meacham Field Associates, Ltd., a Florida limited partnership and Ocean Walk Phase I, Ltd., a Florida limited partnership filed May 15, 1989, in Official Records Book 1092, Page 262, Public Records of Monroe County, Florida.
21. Memorandum of Agreement for Easement and License by and between Equity Residential Properties Management Corp. and TCI Cablevision of Georgia, Inc. recorded in Official Records Book 1858, Page 522.
22. Reservation as to an undivided $\frac{3}{4}$ of all phosphate, minerals and metals and an undivided $\frac{1}{2}$ of all petroleum reserved to The Trustees of the Internal Improvement Fund of the State of Florida by virtue of Deed No. 20719 recorded May 23, 1955 in Official Records Book 33, Page 422.
23. Reservation as to an undivided $\frac{3}{4}$ of all phosphate, minerals and metals and an undivided $\frac{1}{2}$ of all petroleum reserved to The Trustees of the Internal Improvement Fund of the State of Florida by virtue of Deed No. 20941 recorded July 15, 1955 in Official Records Book 38, Page 292.

Property Appraiser Information



Scott P. Russell, CFA
Property Appraiser
Monroe County, Florida

Key West (305) 292-3420
 Marathon (305) 289-2550
 Plantation Key (305)
 852-7130

The offices of the Property Appraiser will be closed **Monday the 15th for Presidents Day.**

Website tested on IE8,
 IE9, & Firefox.
 Requires Adobe Flash
 10.3 or higher

Property Record Card -

Maps are now launching the new map application version.

Alternate Key: 8749996 Parcel ID: 00066180-000200

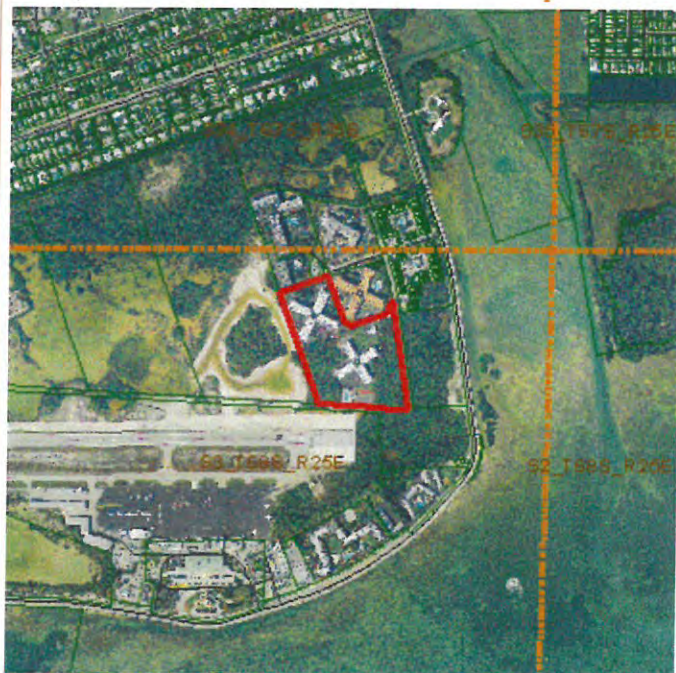
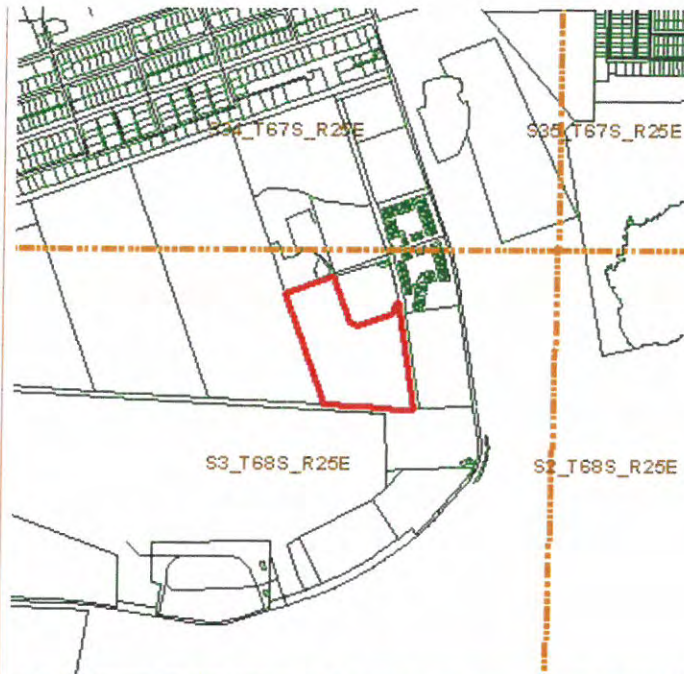
Ownership Details

Mailing Address:
 OCEAN WALK KEY WEST OWNER LLC
 C/O ROCKPOINT GROUP LLC
 3953 MAPLE AVE STE 300
 DALLAS, TX 75219-3228

Property Details

PC Code: 03 - MULTI FAMILY (10 UNITS OR MORE)
Millage Group: 10KW
Affordable Housing: No
Section-Township-Range:
 03-68-25
Property Location: 3900 S ROOSEVELT BLVD KEY WEST
Legal Description: KW 2 SHEETS PB4-69 PLAT OF SURVEY ON TWO SHEETS PART OF LANDS FORMERLY OWNED BY KEY WEST IMPROVEMENT INC PT PARCEL 38 (17.11 AC) OR980-645/46 OR1079-2404/05 OR1079-2406/10 OR1092-256/58 OR1248-2423/29 OR1255-1517/26C OR2702-198/207

Click Map Image to open interactive viewer



Land Details

Land Use Code	Frontage	Depth	Land Area
030D - MULTI FAMILY DRY	0	0	745,399.00 SF

Building Summary

Number of Buildings: 4

Number of Commercial Buildings: 4
 Total Living Area: 229425
 Year Built: 1989

Building 1 Details

Building Type
 Effective Age 12
 Year Built 1989
 Functional Obs 0

Condition A
 Perimeter 516
 Special Arch 0
 Economic Obs 0

Quality Grade 450
 Depreciation % 15
 Grnd Floor Area 4,465

Inclusions:

Roof Type
 Heat 1
 Heat Src 1

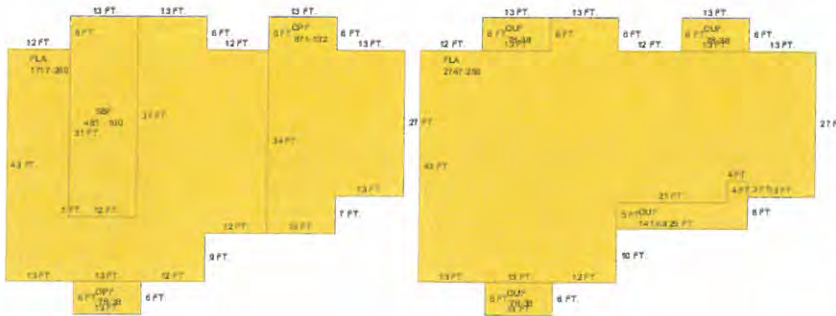
Roof Cover METAL
 Heat 2
 Heat Src 2

Foundation
 Bedrooms 0

Extra Features:

2 Fix Bath 0
 3 Fix Bath 3
 4 Fix Bath 0
 5 Fix Bath 0
 6 Fix Bath 0
 7 Fix Bath 0
 Extra Fix 0

Vacuum 0
 Garbage Disposal 0
 Compactor 0
 Security 0
 Intercom 0
 Fireplaces 0
 Dishwasher 0



Sections:

Nbr	Type	Ext Wall	# Stories	Year Built	Attic A/C	Basement %	Finished Basement %	Area
0	SBF	7:REIN CONC	1	1989				481

1	OPF		1	1989		78
2	FLA	7:REIN CONC	1	1989	Y	1,718
4	CPF		1	1989		871
5	OUF		1	1989		78
6	FLA	7:REIN CONC	1	1989		2,747
7	OUF		1	1989		141
8	OUF		1	1989		78
9	OUF		1	1989		78

Interior Finish:

Section Nbr	Interior Finish Nbr	Type	Area %	Sprinkler	A/C
	15825	OFF BLDG-1 STY-B	100	Y	Y
	15829	APTS-B	100	Y	Y

Exterior Wall:

Interior Finish Nbr	Type	Area %
5450	REIN CONCRETE	100

Building 2 Details

Building Type
Effective Age 12
Year Built 1989
Functional Obs 0

Condition A
Perimeter 102
Special Arch 0
Economic Obs 0

Quality Grade 400
Depreciation % 15
Grnd Floor Area 578

Inclusions:

Roof Type
Heat 1
Heat Src 1

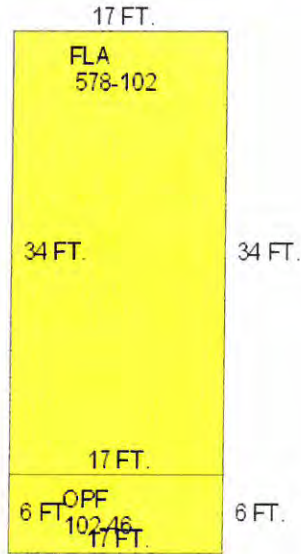
Roof Cover
Heat 2
Heat Src 2

Foundation
Bedrooms 0

Extra Features:

2 Fix Bath 0
3 Fix Bath 2
4 Fix Bath 0
5 Fix Bath 0
6 Fix Bath 0
7 Fix Bath 0
Extra Fix 0

Vacuum 0
Garbage Disposal 0
Compactor 0
Security 0
Intercom 0
Fireplaces 0
Dishwasher 0



Sections:

Nbr	Type	Ext Wall	# Stories	Year Built	Attic	A/C	Basement %	Finished Basement %	Area
1	FLA	5:C.B.S.	1	1989					578
2	OPF		1	1989					102

Interior Finish:

Section Nbr	Interior Finish Nbr	Type	Area %	Sprinkler	A/C
	15842	CAMP BLDGS-B-	100	N	N

Exterior Wall:

Interior Finish Nbr	Type	Area %
5452	C.B.S.	100

Building 3 Details

Building Type	Condition A	Quality Grade 450
Effective Age 12	Perimeter 7,328	Depreciation % 15
Year Built 1989	Special Arch 0	Grnd Floor Area 70,132
Functional Obs 0	Economic Obs 0	

Inclusions:

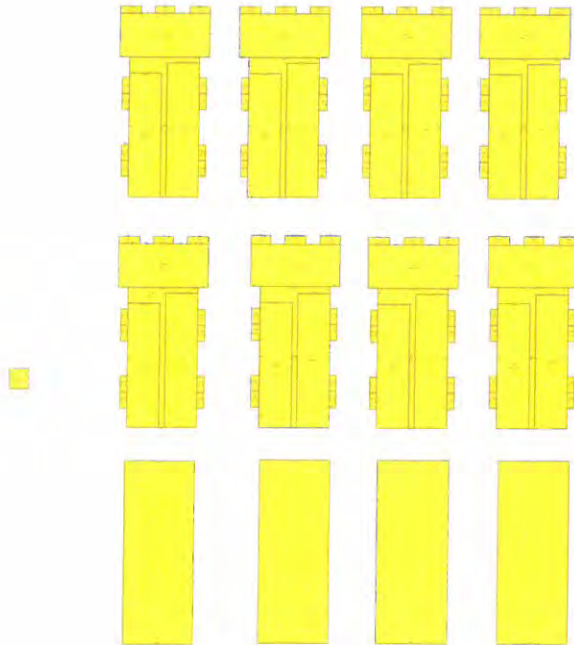
Roof Type	Roof Cover METAL	Foundation
Heat 1	Heat 2	Bedrooms 0

Heat Src 1
Extra Features:

2 Fix Bath 0
3 Fix Bath 128
4 Fix Bath 0
5 Fix Bath 0
6 Fix Bath 0
7 Fix Bath 0
Extra Fix 0

Heat Src 2

Vacuum 0
Garbage Disposal 0
Compactor 0
Security 0
Intercom 0
Fireplaces 0
Dishwasher 0



Sections:

Nbr	Type	Ext Wall	# Stories	Year Built	Attic A/C	Basement %	Finished Basement %	Area
0	OUF		1	1989				102
0	OUF		1	1989				102
0	OUF		1	1989				102
0	OUF		1	1989				78
0	OUF		1	1989				78
0	OUF		1	1989				78
0	OUF		1	1989				78
0	OUF		1	1989				78
0	OUF		1	1989				78
0	OUF		1	1989				78
0	OUF		1	1989				78

0 OUF	1	1989	102
0 OUF	1	1989	102
0 OUF	1	1989	102
0 OUF	1	1989	78
0 OUF	1	1989	78
0 OUF	1	1989	78
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0	OUF		1	1989		78
0	OUF		1	1989		78
0	OUF		1	1989		78
0	OUF		1	1989		78
0	OUF		1	1989		78
0	OUF		1	1989		78
0	OUF		1	1989		78
0	OUF		1	1989		78
0	SBF	5:C.B.S.	1	1989		256
0	FLA	7:REIN CONC	1	1989	Y	2,625
0	FLA	7:REIN CONC	1	1989	Y	2,700
0	FLA	7:REIN CONC	1	1989	Y	2,916
0	FLA	7:REIN CONC	1	1989	Y	2,700
0	FLA	7:REIN CONC	1	1989	Y	2,916
0	FLA	7:REIN CONC	1	1989	Y	2,700
0	FLA	7:REIN CONC	1	1989	Y	2,916
0	FLA	7:REIN CONC	1	1989	Y	2,625
0	FLA	7:REIN CONC	1	1989	Y	2,625
0	FLA	7:REIN CONC	1	1989		2,625
0	FLA	7:REIN CONC	1	1989	Y	2,700
0	FLA	7:REIN CONC	1	1989	Y	2,916
0	FLA	7:REIN CONC	1	1989	N	1,051
0	FLA	7:REIN CONC	1	1989	Y	2,625
0	FLA	7:REIN CONC	1	1989	Y	2,700
0	FLA	7:REIN CONC	1	1989	Y	2,916
0	FLA	7:REIN CONC	1	1989		1,051
0	FLA	7:REIN CONC	1	1989	Y	2,625
0	FLA	7:REIN CONC	1	1989	Y	2,700
0	FLA	7:REIN CONC	1	1989	Y	2,916
0	FLA	7:REIN CONC	1	1989	Y	2,625
0	FLA	7:REIN CONC	1	1989		1,051
0	FLA	7:REIN CONC	1	1989	Y	2,700
0	FLA	7:REIN CONC	1	1989	Y	2,916
0	FLA	7:REIN CONC	1	1989	Y	2,625
0	FLA	7:REIN CONC	1	1989		1,051
0	FLA	7:REIN CONC	1	1989	Y	2,625
0	FLA	7:REIN CONC	1	1989	Y	2,700
0	FLA	7:REIN CONC	1	1989	Y	2,916

Year Built 1989
Functional Obs 0

Special Arch 0
Economic Obs 0

Grnd Floor Area 154,250

Inclusions:

Roof Type
Heat 1
Heat Src 1

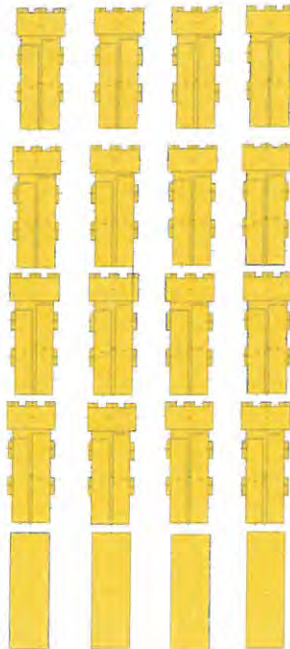
Roof Cover METAL
Heat 2
Heat Src 2

Foundation
Bedrooms 0

Extra Features:

2 Fix Bath 0
3 Fix Bath 288
4 Fix Bath 0
5 Fix Bath 0
6 Fix Bath 0
7 Fix Bath 0
Extra Fix 0

Vacuum 0
Garbage Disposal 0
Compactor 0
Security 0
Intercom 0
Fireplaces 0
Dishwasher 0



Sections:

Nbr	Type	Ext Wall	# Stories	Year Built	Attic A/C	Basement %	Finished Basement %	Area
0	OUF		1	1989				1,181
0	OUF		1	1989				1,181
0	OUF		1	1989				1,202
0	OUF		1	1989				102
0	OUF		1	1989				102
0	OUF		1	1989				102
0	OUF		1	1989				102

0 OUF	1	1989	153
0 OUF	1	1989	156
0 OUF	1	1989	153
0 OUF	1	1989	156
0 OUF	1	1989	156
0 OUF	1	1989	156
0 OUF	1	1989	156
0 OUF	1	1989	156
0 OUF	1	1989	156
0 OUF	1	1989	156
0 OUF	1	1989	157
0 OUF	1	1989	156
0 OUF	1	1989	156
0 OUF	1	1989	156
0 OUF	1	1989	156
0 OUF	1	1989	156
0 OUF	1	1989	156
0 OUF	1	1989	156
0 OUF	1	1989	156
0 OUF	1	1989	159
0 OUF	1	1989	159
0 OUF	1	1989	153
0 OUF	1	1989	153
0 OUF	1	1989	156
0 OUF	1	1989	158
0 OUF	1	1989	156
0 OUF	1	1989	154
0 OUF	1	1989	156
0 OUF	1	1989	156
0 OUF	1	1989	156
0 OUF	1	1989	156
0 OUF	1	1989	102
0 OUF	1	1989	102
0 OUF	1	1989	102
0 OUF	1	1989	156
0 OUF	1	1989	156
0 OUF	1	1989	156
0 OUF	1	1989	156

0	<u>OUF</u>		1	1989		156
0	<u>OUF</u>		1	1989		156
0	<u>OUF</u>		1	1989		156
0	<u>OUF</u>		1	1989		156
0	<u>OUF</u>		1	1989		156
0	<u>OUF</u>		1	1989		156
0	<u>OUF</u>		1	1989		156
0	<u>OUF</u>		1	1989		156
0	<u>OUF</u>		1	1989		156
0	<u>OUF</u>		1	1989		156
0	<u>OUF</u>		1	1989		156
0	<u>OUF</u>		1	1989		156
0	<u>OUF</u>		1	1989		156
0	<u>SBF</u>		1	1989		256
0	<u>FLA</u>	7:REIN CONC	1	1989	Y	2,625
0	<u>FLA</u>	7:REIN CONC	1	1989	Y	3,402
0	<u>FLA</u>	7:REIN CONC	1	1989	Y	3,618
0	<u>FLA</u>	7:REIN CONC	1	1989	Y	2,625
0	<u>FLA</u>	7:REIN CONC	1	1989	Y	3,402
0	<u>FLA</u>	7:REIN CONC	1	1989	Y	3,616
0	<u>FLA</u>	7:REIN CONC	1	1989	Y	2,625
0	<u>FLA</u>	7:REIN CONC	1	1989	Y	3,618
0	<u>FLA</u>	7:REIN CONC	1	1989	Y	3,402
0	<u>FLA</u>	7:REIN CONC	1	1989	Y	3,402
0	<u>FLA</u>	7:REIN CONC	1	1989	Y	3,618
0	<u>FLA</u>	7:REIN CONC	1	1989	Y	2,625
0	<u>FLA</u>	7:REIN CONC	1	1989	Y	2,625
0	<u>FLA</u>	7:REIN CONC	1	1989	Y	3,400
0	<u>FLA</u>	7:REIN CONC	1	1989	Y	3,599
0	<u>FLA</u>	7:REIN CONC	1	1989	Y	2,625
0	<u>FLA</u>	7:REIN CONC	1	1989	Y	3,402
0	<u>FLA</u>	7:REIN CONC	1	1989	Y	3,603
0	<u>FLA</u>	7:REIN CONC	1	1989	Y	2,625
0	<u>FLA</u>	7:REIN CONC	1	1989	Y	3,402
0	<u>FLA</u>	7:REIN CONC	1	1989	Y	3,598
0	<u>FLA</u>	7:REIN CONC	1	1989	Y	2,625
0	<u>FLA</u>	7:REIN CONC	1	1989	Y	3,402
0	<u>FLA</u>	7:REIN CONC	1	1989	Y	3,618
0	<u>FLA</u>	7:REIN CONC	1	1989	Y	3,618

Misc Improvement Details

Nbr	Type	# Units	Length	Width	Year Built	Roll Year	Grade	Life
1	PO5:COMM POOL	3,375 SF	75	45	1988	1989	2	50
2	CL2:CH LINK FENCE	6,310 SF	0	0	1988	1989	3	30
3	PT3:PATIO	11,470 SF	0	0	1988	1989	2	50
4	AP2:ASPHALT PAVING	18,720 SF	156	120	1988	1989	3	25
5	FN3:WROUGHT IRON	363 SF	121	3	1988	1989	1	60
6	AP2:ASPHALT PAVING	68,273 SF	0	0	1988	1989	2	25
7	AP2:ASPHALT PAVING	73,827 SF	0	0	1989	1990	2	25
8	AP2:ASPHALT PAVING	2,660 SF	133	20	2002	2003	1	25
9	AP2:ASPHALT PAVING	2,440 SF	122	20	2002	2003	1	25
10	AP2:ASPHALT PAVING	1,180 SF	59	20	2002	2003	1	25
11	AP2:ASPHALT PAVING	1,125 SF	75	15	2002	2003	1	25
12	AP2:ASPHALT PAVING	2,016 SF	112	18	2002	2003	1	25
13	AP2:ASPHALT PAVING	1,577 SF	83	19	2002	2003	1	25

Appraiser Notes

OCEANWALK APARTMENTS

Building Permits

Bldg Number	Date Issued	Date Completed	Amount	Description	Notes	
1	11-3860	10/19/2011	1,000	Commercial	TO REPAIR OR REPLACE AS NEEDED 50 SQ/FT CONNECT PAD AT OFFICE ENTRANCE	
14-5740	12/27/2014		38,333		R & R CABINETS IN KITCHEN IN BATH IN BUILD. 3910 UNITS #10 111E, 104W, 207N. #20 206N, 208N, 209N, 213N, 305E, 403W, 405W.	
14-5736	12/27/2014		37,400		R & R CABINETS IN KITCHEN AND BATHS IN BUILDING 3910 UNIT #10 105W, 203N, 204N, #20 208S, 209W, 403S,404W.	
14-5735	12/27/2014		1,440		HARD WIRE GARBAGE DISPOSAL IN UNITS # 10 105W, 203N, 204N, 103W, #20 103W, 106N, 208S, 209W, 403S,404W	
15-1642	05/01/2015		51,115		REMOVE AND REPLACE OLD CABINET IN KITCHEN AND BATHROOM IN BUILDING UNITS:10-207W, 10-103W, 10-111W, 10-209S, 10-205E, 20-102E, 20-111S, 20-202N, 20-106E,20-302N, 20-407S, 20-410W(12UNITS)	
15-1643	05/01/2015		51,115		REMOVE AND REPLACE OLD CABINETS IN KITCHEN AND BATHROOM IN BUILDING UNITS: 20-101S, 20-102S, 10-108N, 20-110W, 20-109W, 20-110W, 20-203N, 20-304N, 20-306N, 20-303W, 20-312E, 20-402E.(12 UNITS)	
1	B951038	03/01/1995	09/01/1995	5,100	Commercial	REPAIR 24 RAILINGS

1	B953476	10/01/1995	12/01/1995	16,427	Commercial	REPAIR BAHAMA SHUTTERS
1	M941853	06/01/1994	12/01/1994	1,300	Commercial	1-1/2 TON A/C W/5 DROPS
1	96-0761	02/01/1996	08/01/1996	178,600	Commercial	ADDITION/CONVERSION
1	97-0975	04/01/1997	12/01/1997	2,000	Commercial	HANDICAP RAMP
1	9703107	09/01/1997	12/01/1997	1	Commercial	SHUTTERS
1	00-1990	08/29/2000	12/13/2001	24,500	Commercial	BALCONEY REPAIRS
1	03-0588	02/27/2003	06/06/2003	14,464	Commercial	REPLACE 5 MANHOLES
1	02-2048	07/26/2003	09/18/2002	7,000	Commercial	REPAIR APT.103
1	02-2204	08/13/2002	09/18/2002	17,000	Commercial	REPAIR WALKWAYS
1	01-2618	08/08/2001	09/18/2002	23,767	Commercial	PREPAIR FOR NEW ASPHALT
1	01-3221	10/02/2001	09/18/2002	15,000	Commercial	NEW ASPHALT
1	02-1607	06/14/2002	06/14/2002	47,249	Commercial	REPAINT 2 BLDGS.
1	05-1766	05/23/2005	12/27/2007	500	Commercial	INSTALL DEDUCT METER FOR NORTH SIDE POOL AREA
1	05-1768	05/23/2005	12/27/2007	500	Commercial	INSTALL DEDUCT METER FOR SOUTH SIDE POOL AREA
1	06-1106	02/22/2006	12/27/2007	10,000	Commercial	REPLACE WIRING & RUSTED PANELS AT POOL AREA
1	063610	06/14/2006	12/27/2007	1,000	Commercial	INSTALL CHAIN LINK FENCE TO MATCH EXISTING 48",REPAIR GATE

Parcel Value History

Certified Roll Values.

[View Taxes for this Parcel.](#)

Roll Year	Total Bldg Value	Total Misc Improvement Value	Total Land Value	Total Just (Market) Value	Total Assessed Value	School Exempt Value	School Taxable Value
2015	37,410,328	345,596	18,543,216	60,372,586	60,372,586	0	60,372,586
2014	37,410,328	320,385	17,833,378	27,900,000	25,410,000	0	27,900,000
2013	37,840,330	326,639	17,833,378	27,900,000	23,100,000	0	27,900,000
2012	29,288,601	332,893	21,927,347	21,000,000	21,000,000	0	21,000,000
2011	29,288,601	339,112	24,363,719	21,000,000	21,000,000	0	21,000,000
2010	30,734,952	345,364	5,560,750	21,000,000	21,000,000	0	21,000,000
2009	30,734,952	351,618	2,280,421	21,000,000	21,000,000	0	21,000,000
2008	30,734,952	357,836	6,707,120	28,656,509	28,656,509	0	28,656,509
2007	21,616,449	332,940	6,707,120	28,656,509	28,656,509	0	28,656,509
2006	21,616,449	338,588	22,359,348	17,098,149	17,098,149	0	17,098,149
2005	21,864,913	344,315	8,943,739	17,998,052	17,998,052	0	17,998,052
2004	22,361,791	355,867	8,943,739	17,998,052	17,998,052	0	17,998,052
2003	22,361,791	378,123	8,943,739	17,178,133	17,178,133	0	17,178,133
2002	22,361,791	382,157	9,848,088	17,178,133	17,178,133	0	17,178,133
2001	22,361,791	403,711	9,848,088	17,178,133	17,178,133	0	17,178,133

2000	22,891,032	203,274	6,587,350	17,178,133	17,178,133	0	17,178,133
1999	22,891,032	213,221	3,336,450	12,232,553	12,232,553	0	12,232,553
1998	15,296,344	223,121	3,336,450	12,232,553	12,232,553	0	12,232,553
1997	15,296,344	233,019	3,336,450	12,232,553	12,232,553	0	12,232,553
1996	13,905,766	242,967	3,336,450	12,232,553	12,232,553	0	12,232,553
1995	13,905,766	252,865	3,336,450	12,232,553	12,232,553	0	12,232,553
1994	13,905,766	262,764	3,336,450	12,232,553	12,232,553	0	12,232,553
1993	13,905,766	272,711	3,336,450	12,232,553	12,232,553	0	12,232,553
1992	13,905,766	282,609	3,336,450	13,527,695	13,527,695	0	13,527,695
1991	13,905,766	292,508	3,374,400	15,475,887	15,475,887	0	15,475,887
1990	4,679,824	221,246	2,812,000	7,713,070	7,713,070	0	7,713,070
1989	0	0	2,664,000	2,664,000	2,664,000	0	2,664,000

Parcel Sales History

NOTE: Sales do not generally show up in our computer system until about two to three months after the date of sale. If a recent sale does not show up in this list, please allow more time for the sale record to be processed. Thank you for your patience and understanding.

Sale Date	Official Records Book/Page	Price	Instrument	Qualification
9/4/2014	2702 / 198	75,350,000	WD	01 ...
3/1/1993	1248 / 2423	15,250,000	WD	K ...
1/1/1989	1079 / 2406	3,996,000	WD	U ...
6/1/1986	980 / 645	1,508,100	WD	Q ...

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Monroe County Property Appraiser
Scott P. Russell, CFA
P.O. Box 1176 Key West, FL 33041-1176

Applicant's Proposed Conditions

Major Development Plan

3900 S Roosevelt Boulevard

Ocean Walk Addition

A request for major development plan approval for the construction of 80 new residential units including 24 affordable workforce housing units on property located within High Density Residential (HDR) zoning district pursuant to Section 108-91.A.2 (a) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Background/Proposed Development

The Ocean Walk property (the "Property") consists of 17.11 acres of land located at 3900 South Roosevelt Boulevard. Ocean Walk contains 296 residential dwelling units within two buildings that were constructed in 1989 following several years of protracted litigation arising from the City's initial approval of a plan to develop the Property and adjacent parcels. That initial approval was granted in 1972 for a four phase project known as "Island in the Sun", which contemplated development of 1,120 residential units on approximately 53 acres of land (a density of 22 dwelling units per acre). The disputes regarding the Island in the Sun project were ultimately resolved in 1988 through a Stipulated Settlement Agreement in which the City agreed that 946 residential units could be constructed in the first three (3) phases of the project (with another 174 units for a final phase of the project).

Ocean Walk constituted Phase 1 of the Island in Sun project, consisting of two multi-family structures:

Building "A" contains 88 units; it is 26.6 feet in height with covered parking on the ground floor and apartments on the second and third floors.

Building "B" contains 208 units; it is 43.5 feet in height with covered parking on the ground floor, and apartments on the second through fifth floors.

The land proposed for development of 80 additional units is designated High Density Residential (HDR) on the Future Land Use Map (FLUM), and is located within the HDR zoning district, which allows a range of residential uses, including single-family, two-family, and multi-family dwelling units at a maximum density of 22 units per acre.

The property is currently improved at a density calculation of 17.3 units per acre; an additional 80 units can be built on the Property without exceeding HDR density of 22 units per acre.

The proposed units include 24 affordable workforce housing units to be located in two new structures. The new units are subject to HDR bulk regulations, including maximum height of 40 feet, minimum front setback of 30 feet, and a minimum rear and side setback

of 25 feet. One existing concrete structure of 2,906 square feet containing administration and maintenance facilities is to be demolished (Building 1, as shown on the survey) to accommodate the construction of "Building A", as shown on the site plan.

The proposed project will be governed by a Development Agreement, pursuant to Section 90-680 of the City of Key West Code ("Code"), and construction is contemplated in two phases. 40 BPAS allocations, including 28 market rate and 12 affordable workforce housing units have already been issued by the Planning Board. New amenities will include a game room and exercise room for the use of the residents; residents' administration and maintenance functions will be relocated to the new structures.

The Applicant

The owner of Ocean Walk is Ocean Walk Key West Owner, L.L.C., a Delaware limited liability company ("Owner"). by virtue of Warranty Deed recorded September 9, 2014 in Official Records Book 2702, Page 198 of the Public Records of Monroe County, Florida. The entities having an ownership interest in Owner are set forth in the Ownership Certificate attached to this application.

Critical Concern Consultants (James T. Hendrick and Donna Bosold) and K2M Design, Inc., Scott C. Maloney, R.A., and Phill Badalamenti, R. A., are the authorized agents for this application.

Surrounding Zoning and Uses

Surrounding land uses include multi-family residential units (Las Salinas, Seaside), transient lodging (Doubletree resort), conservation use, professional offices, and airport facilities. No unincorporated parts of the County are located nearby, nor would any be impacted by the proposed development; but Key West International Airport, owned and operated by Monroe County, lies along the Southerly boundary of the Property.

Land Development Regulations (LDR) and Comprehensive Plan Compliance Analysis

A Major Development Plan for the addition or reconstruction of five (5) or more permanent residential units is required pursuant to Section 108-91 A. (2)(a) of the Code and is subject to compliance with the LDRs and the City of Key West Comprehensive Plan.

Project Data Summary				
Dimensional Requirement	Required/ Allowed	Existing	Proposed	Change / Variance Required?
Zoning District	HDR			
Flood Zone	AE-8			
Site size	17.11 acres			
Maximum density	22 du/acre	296 units = du/acre	+80 units = 376 22 du/acre	In compliance
Maximum height	40 feet	existing 1, 2, & 3-story bldgs.	varies	In compliance
Maximum building coverage	40%	11.5% (85,949 sq ft)	+4.5% (33,622.6 sq ft-new) Total 15.6% 116,665.6 sq ft	In compliance
Maximum impervious surface	60%	44% (327,682 sq ft)	49.8% (371,238 sq ft)	In compliance
Minimum lot size	1 acre	17.11 acres	17.11 acres	In compliance
Minimum front setback (Multi-family)	30 feet	Varies –exceeds	exceeds	In compliance

Project Data Summary				
Dimensional Requirement	Required/ Allowed	Existing	Proposed	Change / Variance Required?
Minimum side setback (Multi-family)	25 feet	Varies -exceeds	exceeds	In compliance
Minimum rear setback (Multi-family)	25 feet	Varies -exceeds	exceeds	In compliance
Minimum wetland buffer	50 feet	varies	varies	See Environmental Impact Analysis
Minimum open space	35%	56% (417,630 sq ft)	51% (383,584 sq ft)	In compliance
Landscaping	Code Ch 108, Arts V & VI	See analysis	See analysis and waiver request	Nonconforming buffer; waivers requested

Concurrency Facilities and Other Utilities or Services

Comprehensive Plan Objective 9-1.5 directs the City to ensure that public facilities and services needed to support development are available concurrent with the impacts of new development. The analysis below considers potable water, sanitary sewer, solid waste, drainage, vehicle trip generation and recreation. City Code Sections 94-36 and Section 108-233 require a concurrency review determination to be made concerning the proposed development.

1. Wastewater management

The sanitary sewer LOS standard for residential uses is 100 gallons per capita per day, pursuant to City Code Section 94-67. Utilizing this LOS standard, sanitary sewer capacity demand is estimated as follows:

Based on per capita residential: 100 gal/capita/day x 200 persons (2.5 per unit) =
20,000 gal/day

Therefore, the adopted sanitary sewer capacity LOS standard is anticipated to be adequate to serve the proposed development.

Subsequent to the April DRC meeting, Ownership retained the services of Kimley-Horn to provide an in depth response to concerns voiced by City Staff with regard to the expansion of sewer service at the Ocean Walk development site. Their comments are included below:

“Ocean Walk Apartments Buildings A and B consist of two new multi-family residential buildings located at 3900 S. Roosevelt Boulevard. The two proposed buildings will include a combined total of (80) one and three-bedroom apartment units ranging from 524 to 1,015 SF. Based on the Department of Health’s estimated sewage flows from Table 1 of Chapter 64E-6.008 (FAC), the anticipated total sewage flow from the project should be approximately 16,200 GPD (see attached table).

Pump Station “J” (P.S. J), also known as the “Ocean Walk Pump Station” is the City of Key West municipal sewage pump station that would receive flows from the proposed development. According to City of Key West Utilities staff, P.S. J is currently operating near capacity and its gravity collection system suffers from groundwater infiltration and storm runoff inflow (I&I) as well as blockages due to grease deposits. In order to permit a connection from the new development to P.S. J, the City would require that the developer perform the necessary repairs/upgrades to the station and associated collection system.

Alternatively, Ownership can install its own on-site private sanitary pump station with a force main connecting to the existing City-owned 8-inch diameter force main just downstream of P.S. J, thereby circumventing the issues with the City pump station and collection system. Included for your review is sheet S-1 titled "Proposed Sanitary Sewer Plan", which includes the proposed site for a private sanitary lift station within the Ocean Walk Apartments site, just north of Building A. A private 8-inch diameter gravity sewer main would convey flows from both buildings to the pump station wet well, from where flows would be pumped north via a new private 4-inch diameter force main that would connect to the City's existing 8-inch diameter force main that runs along Seaside Drive. The connection would be accomplished via live tap method, thereby avoiding any service disruption to the City's existing sewer system." The proposed connection is shown on sheet S-1. Calculations are attached.

2. Potable water supply

The potable water LOS standard for residential uses is 93 gallons per capita per day, pursuant to City *Code* Section 94-68. Utilizing this LOS standard, potable water demand is estimated as follows:

Based on per capita residential: 93 gal/capita/day x 200 persons (2.5 per unit) =
18,600 gal/day

Therefore, the adopted potable water LOS standard is anticipated to be adequate to serve the proposed development. The property is currently serviced with potable water by the Florida Keys Aqueduct Authority (FKAA), and has available capacity to service the proposed development.

3. Water quality

The property is served by the City's central sewer system. The property is not adjacent to any bodies of open water, and stormwater facility improvements are proposed to control the volume and quality of stormwater discharged into wetlands. Therefore, no adverse impacts to water quality are anticipated.

4. Stormwater management / drainage

The stormwater management or drainage LOS standard pursuant to City *Code* Section 94-69 requires that:

- i) post-development runoff shall not exceed predevelopment runoff for a 25-year storm event, up to and including an event with a 24-hour duration;
- ii) onsite treatment of the first one inch of rainfall must be provided to meet water quality standards; and iii) storm water facilities must be designed so

as to not degrade any receiving water body.

Sheet C1.1.2 of the submittal package illustrates an upgraded stormwater management system that services more than the areas proposed for construction. Stormwater retention and treatment will be retained on-site through the use of existing catch basins, redesigned vegetated swales, and a 95' injection well. Therefore, no adverse impacts to stormwater management or drainage facilities are anticipated.

5. Recreation

The recreation LOS standard is five acres of recreation and open space per 1,000 permanent residents pursuant to *City Code* Section 94-70. According to the 2013 Comprehensive Plan Data and Analysis, the City is currently providing ample recreation and open space. In addition to the existing tennis court, basketball court, and swimming pool, the application contemplates the addition of an exercise room, game room, and dog park.

6. Solid waste

The solid waste LOS standard for residential uses is 2.66 pounds per capita per day, pursuant to *City Code* Section 94-71. The proposed development is anticipated to accommodate 120 persons. Utilizing this LOS standard, the demand for solid waste collection and disposal capacity is estimated as follows:

Proposed development: 2.66 lbs/capita/day x 200 persons = 532 lbs/day

According to the City's General Services Division, the contract with Waste Management (WM) accounts for a 20 year "window" for waste processing at the Wheelabrator Waste-to-Energy site. There are other facilities in South Florida also owned by WM for continued use into the future. Therefore, the adopted solid waste LOS standard is anticipated to be adequate to serve the proposed development.

7. Roadways

The roadway LOS standard is set forth in *City Code* Section 94-72. A traffic study was performed by traffic engineer Karl B. Peterson, P.E., of KPB Consulting, Inc.. Overall, the traffic impact from the development was determined to be minimal. With the assistance of residents of neighboring properties, concerns regarding insufficient internal traffic controls (resulting in "cut-through" maneuvers, etc.) were identified and will be addressed by the addition of traffic calming devices, enhanced by barriers such as boulders and thorn-bearing plants installed to discourage off-road misadventures.

8. Fire Protection

The proposed development shall comply with life safety requirements per the Fire Marshall's direction. Hydrants servicing the existing development will remain in place; an additional hydrant for the exclusive service use by the Ocean Walk development has been requested, as have additional standpipe services, and gate access updates.

Just prior, and subsequent to the April, 2016, DRC meeting, meetings were held with Fire Department Staff to further address Life Safety and site circulation and access issues. All structural plans submitted with the revised application reflect Ownership's understanding of the conceptual requirements prior to approval and permitting stages. The site plan has been revised to accommodate current fire fighting equipment circulation requirements, and an entry gate is shown on the site plan as well.

9. Reclaimed water system

The two new multifamily buildings will utilize cisterns per BPAS prerequisite requirements [City Code Section 108-997(b)(1)(c)], as illustrated on sheets A2.1.1 and A2.1.4.

10. Other public facilities

Based on the Applicant's concurrency analysis, all public facilities would be expected to accommodate the proposed development at the adopted LOS standards.

Appearance, design and compatibility City Code Section 108-234

The development plan shall satisfy criteria established in:

City Code Chapter 102 (historic preservation)

The property is not located within the Historic District of the City of Key West.

Articles III (site plan), IV (traffic impacts) and V (open space, screening and buffers) of City Code Chapter 108 (planning and development)

A traffic study is submitted with this application. The proposed open space as depicted on the site plan meets Code requirements. New landscaping is proposed, and a bufferyard waiver has been requested as part of the development plan review.

City Code Section 108-956 (potable water and wastewater)

Potable water and wastewater were found to be in compliance in the concurrency determination above; further, the service to the site will be upgraded with the installation of a private lift station.

Article II (archaeological resources) of City Code Chapter 110 (resource protection)

There are no known archaeological resources on the property. If any archeological resources are discovered during construction, the Applicant would be required to comply with this article of the LDRs.

Site location and character of use City Code Section 108-235

- (a) *Compliance.* The submitted development plan has been reviewed for compliance with all applicable performance criteria set forth in Code Chapter 94 (concurrency management), Code Chapter 102 (historic preservation), Code Chapter 106 (performance standards), Articles I and III through IX of Code Chapter 108 (planning and development), Code Chapter 110 (resource protection) and Code Chapter 114 (signs).
- (b) *Vicinity map.* The property is serviced by Seaside Drive, which leads to South Roosevelt Boulevard. A location map is shown on sheet GO 1.1.
- (c) *Land use compatibility.* Properties within 100 feet are located within High Density Residential (HDR), Medium Density Residential (MDR), Public Service (PS), Airport (A) and Conservation-Tidal Wetlands (C-TW) Zoning Districts. Adjacent land uses within 300 feet include multi-family residential units (Las Salinas, Seaside), transient lodging (Doubletree resort), conservation use, professional offices, and airport facilities. No unincorporated parts of the County are located nearby, nor would any be impacted by the proposed development; but Key West International Airport, owned and operated by Monroe County, lies along the Southerly boundary of the Property.
- (d) *Historic and archeological resource protection.* Impact on historical or archeological resources is not anticipated with this application.
- (e) *Subdivision of land.* No subdivision of land is proposed at this time.

Appearance of site and structures City Code Section 108-236

The Applicant submitted a development plan that exhibits harmonious overall design characteristics in compliance with the performance standards stipulated in Code Sections 108- 278 through 108-288.

Site plan City Code Section 108-237

A site plan pursuant to City Code Section 108-237 was submitted with the application.

Architectural drawings City Code Section 108-238

Detailed architectural drawings prepared by a professional architect registered in Florida were submitted with the application pursuant to City Code Section 108-238.

Site amenities City Code Section 108-239

Proposed site amenities include a game room, an exercise room, and a fenced in dog park. New sidewalk infrastructure, a new stormwater drainage system, cisterns, and future electric car stations have been provided. This project also qualifies for the 1% set-aside for public art.

Site survey City Code Section 108-240

A site survey provided by the owner has been submitted with the application pursuant to City Code Section 108-240.

Soil survey City Code Section 108-241

Not applicable; the two new buildings will be constructed on scarified uplands that do not implicate soil suitability.

Environmentally sensitive areas City Code Section 108-242

(1) Stormwater improvements are proposed with this application. A wetland buffer waiver will be requested to accommodate a limited number of relocated parking spaces. At the request of the Urban Forester, a groundtruthing wetland delineation survey has been performed to accurately quantify and separate wetland areas from disturbed areas.

(2) Shoreline protection. Not applicable.

(3) General requirement. If environmentally sensitive areas are found in or adjacent to the site, the following information is necessary:

a. Existing conditions. The survey included in the application as performed by Commercial Due Diligence Services provides a generalized boundary of the environmentally sensitive areas on the property. Per the request of the Urban Forester, a groundtruthing wetland delineation survey has been performed to accurately quantify and separate wetland areas from disturbed areas. No dredging is proposed, and there are no spoil sites, canals, or channels identified on the survey.

b. Preservation. If listed species are discovered on site, a management plan will be submitted to, and approved by, applicable regulatory agencies prior to the issuance of a building permit.

Land clearing, excavation and fill, tree protection, landscaping and irrigation plan
City Code Section 108-243

- (a) *Land clearing, excavation and fill.* "Building 1" as identified on the survey provided by the owner will be demolished in order to provide construction space for "Building A". A section of the parking lot currently servicing "Building 5" as identified on the survey provided by the owner will be demolished and reconfigured to accommodate the construction of the proposed "Building B". Any impacted vegetation is to be relocated on site.
- (b) *Tree protection.* A tree protection and transplantation plan has been provided with the application to the Tree Commission; a draft is included with this application.
- (c) *Landscaping plan.* Landscaping has been provided throughout the site, with relocation of existing species on site. All invasive exotics are to be removed. Literal compliance with all landscape buffer requirements of the LDRs is not proposed. A waiver is requested as part of this application to reduce the required landscape buffer along Sea Side Drive, and the wetland buffer along an existing internal roadway and proposed relocated parking. Please see attached waiver request.
- (d) *Irrigation plan.* Landscape design notes refer to as-built to be provided, as well as calculations projecting the use of the proposed cisterns.

On-site and off-site parking and vehicular, bicycle, and pedestrian circulation
City Code Section 108-244

Strict application of standard Code requirements would require that 160 vehicular parking spaces and 16 bicycle spaces be provided for use by residents of the additional 80 units. Applying the Code's standard ratio to the new units at Ocean Walk would create both unnecessary parking capacity and an excess of impermeable surfaces. According to a survey conducted by Ocean Walk management, approximately 25% of the current residents use scooters as their primary mode of transportation. Scooter parking is being contemplated as an alternative to strict compliance with the 2 spaces per unit vehicular parking standard, but a specific calculation for that substitution is not enumerated in the Code.

Parking is proposed to be located under the building, as well as on open paved parking areas. The site has been reconfigured to better accommodate fire rescue vehicle circulation; this change has served to reduce the total area requiring a wetland bufferyard waiver request as well. The site plan identifies 100 parking spaces and 173 bicycle spaces to serve the residents of the additional 80 units. Credit may be given for the provision of extra bicycle spaces; accordingly, applying the 4 to 1 equivalency ratio enumerated in the Code, applicant proposes to install additional (i.e., above the 16

bicycle spaces required by the Code) bicycle spaces equivalent to 41.75 parking spaces.

Housing City Code Section 108-245

There are currently 296 existing non-transient residential units on the property. The construction of 80 new units is proposed in this application. 24 of those 80 units will be deed-restricted affordable workforce housing. The property has already been awarded 40 BPAS allocations during year 2 of the City BPAS system, including 12 affordable work force housing units. The total units on site post development will number 376 units. The total number of units permitted by HDR density is 376 units, a density of 22 units per acre.

Economic resources City Code Section 108-246

(a) An analysis of the estimated average ad valorem tax yield from the proposed project is set forth below, together with statements of assumptions and standards utilized (including assessed value, exemption and millage rate).

Ad valorem tax yield on buildout: Estimated annual ad valorem tax yield from the Property upon buildout is estimated at \$701,482, including est. \$73,600 in additional tax revenue attributable to the 80 new residential units, based on the following assumptions and standards:

Assessed valuation on buildout: The market value of the Property, as determined by the Monroe County Property Appraiser, is currently \$60,372,586, which at a millage of 10.4 generates over \$627,800 in ad valorem tax revenues. The addition of two buildings containing 80 units to the Property will increase the total value of the buildings (now assessed at \$37,410,328) but not land value (now assessed at \$18,543,216). Affordable housing rent restrictions limit the market value of the 24 affordable work force housing units. Therefore, assume assessed value of 80 new units at \$10,110,900, offset by \$3,033,270 reduction attributable to the deed-restricted units, for a net increase in assessed value of approximately \$7,077,630.

Exemption. Assume that the units will be rented and therefore not eligible for homestead exemption.

Millage rate. Assume total millage of 10.4 mills, including City of Key West millage of 3 mills.

Phasing. Assume two phases, each consisting of 40 new multifamily residential units. Upon completion of the first phase, Applicant will identify 24 units as

affordable work force housing units that will be rented at monthly rental rates not exceeding the maximum rents determined pursuant to Section 122-1467 of the Work Force Housing Ordinance.

(b) Applicant has estimated its average construction expenditure by type (labor, materials) and the percentage of this expenditure that will occur within the City, based on currently prevailing costs of labor and materials, and assuming (1) use of cost-effective construction methodologies, and (2) non-occurrence of natural disasters, emergencies, or other acts of God causing an unanticipated adverse effect on labor availability, construction progress, cost/availability of materials, and the like. Applicant estimates total expenditures for labor and materials at \$6,700,000. The percentage of these expenditures to be incurred by category and location will vary depending on the method of construction selected, which has not yet been determined.

Special considerations. City Code Section 108-247)

(a) The relationship of the proposed development to the City's land use plans, objectives and policies is being evaluated as part of this analysis. The relationship of the proposed development to public facilities was evaluated above and no conflicts were identified.

(b)The project is located in the High Density Residential District and AE-8 flood zones.

(c)No unincorporated portions of the county would be impacted by the proposed development.

(d) The project does not front a shoreline, so shoreline access would not be impeded.

(e) The Property currently accommodates a dedicated bus stop, and is served by city bus routes. No new facilities are proposed to accommodate city bus transportation.

(f)Cisterns for the new units are shown on sheets A.2.1.1 and A.2.1.4 and will reduce water demands and energy by providing for onsite irrigation as well as other uses.

(g) The property is located in the AE-8 flood zone. No residential structure shall have any habitable space below the bottom floor. Project plans indicate the first floor elevation as +1.5' above BFE.

(h)Currently the site maintains open space as well as tennis courts and a swimming pool. New amenities include an exercise room, a game room, and a dog park.

(i)Coordination with applicable agencies is being facilitated through the DRC.

(j)A waiver of the Section 110-91 Wetland Buffer is being requested to accommodate small areas of existing, relocated and additional stormwater facilities, driveways, and parking.

Project Phasing and Construction Management City Code Section 108-248

This is a phased construction project, consisting of two phases. The phasing plan is graphically depicted on the Site Plan as follows:

Phase 1, Building A;
Phase 2, Building B.

During each of the two phases, one multifamily building housing 40 new dwelling units will be constructed. The first phase will commence upon issuance of a building permit for the 40 new dwelling units within that phase, and no later than five (5) years after the effective date of Key West City Commission Resolution No. 16-__ granting Major Development Plan approval. The second phase will be completed within five years following completion of the first phase. Each phase of construction will be completed within two years following commencement of that phase. All site work corresponding to a specific phase will be completed prior to the first certificate of occupancy for a dwelling unit in that phase.

Construction management will conform to the provisions of the Development Agreement. Additionally, issuance of a building permit for construction of each of the new buildings will be preceded by:

- (1) submission to the City Planning Dept. of coordination letters from each of the public utilities providing service to the site, confirming that satisfactory arrangements have been made for the provision of utility service to the 40 new dwelling units;
- (2) City Tree Commission approval of removal, relocation or other disposition of any trees to be displaced by construction activities;
- (3) issuance of requisite permits for construction of infrastructure improvements, including the road and driveway improvements noted on the site plan as well as utility lines adequate to serve the new units; and
- (4) modification of the existing SFWMD stormwater management permit.

Lighting specifications for outdoor lighting additional to the existing lighting on the Property will be submitted together with the building permit application, in sufficient detail to ensure compliance with *City Code* Sections 108-284, 108-610 and 108-643. Additionally, if construction occurs on land that is designated on a FWS Species Focus Area as the potential habitat of a listed species, Applicant shall comply with the provisions of *Code Sec. Sec. 110-467* pertaining to habitat protection.

Applicant acknowledges that a new building permit must be obtained whenever:

1. Construction is not commenced within 90 days from the time the permit was released,
2. Construction activity is dormant for a period of six months or more, or
3. The developer fails to call for and achieve approved inspections within planned 120-day intervals as shall be evidenced in the construction schedule.

Applicant further acknowledges: (a) that it shall bear the burden of demonstrating that the construction activity is consistent with this development plan and has occurred in a timely manner consistent with the approved construction management plan and inspection schedule.; and (b) that, upon failure to meet the inspection schedule, the building permit shall expire unless extended pursuant to law or ordinance. A new building permit shall be required in order to undertake construction activity on a site where a building permit has expired.

Truman Waterfront Port facilities. City Code Section 108-249

Not applicable.

Site plan . City Code Chapter 108, Article III

The City is required to find that the site plan conforms to all applicable sections of the LDRs, pursuant to City Code Section 108-276, as analyzed below.

Site location and character of use. City Code Section 108-277

Multi-family uses are permitted as of right in HDR zoning. The proposed new structures will become a part of the existing multi-family development known as "Ocean Walk". Ocean Walk adjoins the multi-family developments known collectively as Seaside and Las Salinas.

Appearance of site and structures City Code Section 108-278

The proposed buildings are designed to be harmonious with the existing surroundings and structures.

Location and screening of mechanical equipment, utility hardware and waste storage areas City Code Section 108-279

Mechanical equipment utility hardware and waste storage areas screening and location are depicted on sheets A2.1.1, and A2.1.4.

Front-end loaded refuse container location requirements. City Code Section 108-280

Two new refuse container locations are shown on the submitted plans. Applicant will coordinate the final location and type of refuse containers through the DRC and with Waste Management to ensure adequate service access.

Roll-off compactor container location requirements. City Code Section 108-281

None proposed.

Utility lines City Code Section 108-282

The Property is subject to recorded utility easements, as enumerated on pages 1 and two of the survey submitted with the application. Any upgrades to existing service and applicable impact fees will be coordinated with Keys Energy Services prior to the issuance of a building permit. At time of building permit review KEYS will perform a full project review.

Commercial and manufacturing activities conducted in enclosed buildings. City Code Section 108-283

No commercial activities are proposed.

Exterior lighting. City Code Section 108-284

A photometric plan for new buildings "A" and "B", sufficient to illuminate Applicant's proposed plan for exterior lighting, has been submitted with this application.

Signs. City Code Section 108-285

No signs are being proposed with this application.

Pedestrian sidewalks. City Code Section 108-286

The plans indicate a new sidewalk and pedestrian circulation throughout the proposed development. The new sidewalks will connect to existing pedestrian access throughout the site.

Loading docks. City Code Section 108-287

No loading docks are proposed and no loading/unloading area is indicated.

Critical Concern Consultants

317 Whitehead Street
Key West, Florida 33040
ccckw@hotmail.com 305.304.7374

Storage areas. City Code Section 108-288

No storage areas exterior to the two residential buildings are proposed.

Land clearing, excavation or fill. City Code Section 108-289

The proposed stormwater management plan addresses updated drainage requirements with the provision of improved vegetated swales, catch basins, and an injection well. Temporary fencing and silt barriers shall be in place during demolition and construction to prevent soil and debris from running into City streets and sidewalks.

Landscaping City Code Chapter 108, Article VI

A landscape plan is provided as part of development plan review, pursuant to City Code Section 108-411. The submitted plan depicts existing vegetation as well as the addition of landscaping along non-wetlands perimeters of the property and within the proposed development area. Strict compliance with all landscape buffer requirements of the LDRs is not proposed. The Applicant is requesting bufferyard modifications and waivers, pursuant to City Code Section 108-517, as set forth in the table below.

Landscaping Modification / Waiver Summary				
Landscaping Type	Minimum Required	Existing	Proposed	Change/Waiver
Street frontage (Sec. 108-413) Seaside Drive	40 foot right-of-way buffer	None	See attached	Waiver requested

Pursuant to City Code Section 108-517(b), the Planning Board may approve or grant the waiver or modification if it determines that the waivers or modifications are not contrary to the intent of City Code Chapter 108, Article VI, Division 4, Subdivision II and that a literal enforcement of the standards of this subdivision would be impracticable and would not violate the following criteria:

- *Public interest; adjacent property.* The waiver or modification would not have a significant adverse impact on the public interest, or on adjacent property.
- *Not discriminatory.* The waiver or modification is not discriminatory,

- considering similar situations in the general area.
- *Superior alternatives.* The development will provide an alternative landscape solution which will achieve the purposes of the requirement through clearly superior design.
 - *Protection of significant features.* The waiver or modification is necessary to preserve or enhance significant existing environmental or cultural features, such as trees, scenic areas, historic sites or public facilities, related to the development site.
 - *Deprivation of reasonable use.* Strict application of the requirement would effectively deprive the owner of reasonable use of the land due to its unusual size, shape, topography, natural conditions, or location, provided that:
 - Such effect upon the owner is not outweighed by a valid public purpose in imposing the requirement in this case; and
 - The unusual conditions involved are not the result of actions of the developer or property owner which occurred after the effective date of the ordinance from which this section derives.
 - *Technical impracticality.* Strict application of the requirement would be technically impractical.

Off-street parking and loading City Code Chapter 108, Article VII

See above, "On-site and off-site parking and vehicular, bicycle, and pedestrian circulation City Code Section 108-244" . Applicant will seek a parking variance to accommodate the propose parking layout.

Stormwater and surface water management City Code Chapter 108, Article VIII

A stormwater management plan was submitted indicating that surface water management is designed for the 25-year/72-hour storm event, as required. Stormwater will be retained on-site through installation of new vegetated swales, modifications to existing vegetated swales, as well as the use of existing catch basins and retention areas. Applicant will obtain an updated SFWMD permit prior to receiving building permits.

Utilities City Code Chapter 108, Article IX

Access to potable water, access to wastewater disposal systems and conservation of potable water supply are analyzed in the above concurrency management determination and shown to be in compliance.

Art in Public Places (“AIPP”) – City Code Section 2-487

Pursuant to City Code Section 2-487, the Ocean Walk addition project is subject to the City’s 1% set-aside for public art. Construction costs (labor and material) are estimated to be approximately \$6.7 million. Owner intends to contract with a professional artist or artists to create on-site artwork, rather than paying an in-lieu fee. Before contracting with the artist and prior to issuance of a building permit for the project, Owner will submit for review and approval by the AIPP Board a public art plan as set forth in City Code section 2-487, and following approval of the public art plan, will contract with the artist(s).

Building Permit Allocations



CITY OF KEY WEST, FLORIDA • PLANNING DEPARTMENT

3140 Flagler Avenue • Key West, Florida 33040-4602 • 305-809-3720
www.keywestcity.com/planning

August 6, 2015

Anthony D. Sarno
K2M Design Inc.
1001 Whitehead Street
Key West, Florida 33040

**Re: Award for Year 2 (2014-15) Building Permit Allocation System (BPAS)
3900 South Roosevelt Boulevard (RE # 00066180-000200; AK # 8749996)**

Dear Mr. Sarno:

The Planning Board approved the final determination of award for Year 2 (2014-2015) of the Building Permit Allocation System (BPAS) on June 29, 2015 via Resolution No. 2015-26. Congratulations on your BPAS award allocation for twenty eight (28) market rate BPAS units and twelve (12) affordable units for property located at 3900 South Roosevelt Boulevard with 85 points.

Per city code section 108-997 (e), building permits shall be obtained within two years of the final determination award date or no later than June 29, 2017. If a building permit is not issued within that timeframe, the allocated units would revert back to the city as a recovered unit for allocation during the following sequential award year.

Please note that the development as proposed will require the following additional approvals to be obtained within the two year period:

Additional Approvals Required

1. Major Development Plan approval per Section 108-91(B)(2)(a)
2. Approval of additional BPAS allocations for build-out of remaining planned units.
3. Tree Commission approval per Sec. 110-323 of the Code of Ordinances of the City of Key West, Florida.
4. All applicable building permits.

Please feel free to contact us with any questions or for clarification. Planning staff is available to meet with you to discuss this or any future applications.

Sincerely,

Patrick Wright, Planner II

Office: 305-809-3778

Email: pwright@cityofkeywest-fl.gov

Web: www.cityofkeywest-fl.gov/planning

Mail: PO Box 1409, Key West, FL 33041-1409

Attachment: Planning Board Resolution 2015-26
Final Ranking

**PLANNING BOARD
RESOLUTION NO. 2015-26**

A RESOLUTION OF THE KEY WEST PLANNING BOARD APPROVING BUILDING PERMIT ALLOCATION SYSTEM (BPAS) RANKINGS AND MAKING THE FINAL DETERMINATION OF AWARD OF 44.1 AFFORDABLE AND 31 MARKET-RATE UNITS FROM YEAR 2 (JULY 1, 2014 – JUNE 30, 2015) AND THE ADVANCED AWARD OF 8.46 AFFORDABLE UNITS FROM YEAR 3 (JULY 1, 2015 – JUNE 30, 2016) PURSUANT TO SECTIONS 86-9 AND 108-997 OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE

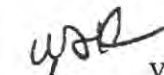
WHEREAS, the City of Key West, Florida (the “City”) adopted Ordinance No. 13-19, which became effective on February 27, 2014, establishing a Building Permit Allocation System (“BPAS”) in order to limit the amount of new permanent and transient residential development in the City pursuant to Objective 1-1.16 of the Comprehensive Plan; and


WHEREAS, the BPAS is now codified in Chapter 108, Article X of the Land Development Regulations (“LDRs”) of the Code of Ordinances (the “Code”); and

WHEREAS, City Code Section 108-995 identifies the annual amount of residential development that may be allocated by housing type (affordable, market-rate and transient) using the Equivalent Single-Family Unit (ESFU) Factors of City Code Section 108-994; and

WHEREAS, for Year 2 (July 1, 2014 – June 30, 2015), 39.1 affordable and 36 market-rate units are available for allocations; and

WHEREAS, City Code Section 86-9 provides for the advanced award of units for multi-unit affordable housing projects one year in advance; and



Vice-Chairman


Planning Director

WHEREAS, City Code Section 108-997(d) provides in the event that all market rate units are not claimed or applied for, after initial staff evaluation of the applications, any remaining market rate units may be awarded for affordable housing purposes; and

WHEREAS, City Code Section 86-9 provides that, upon ranking, in the event that two applications are determined to have the same numerical ranking score, and units are not available to provide awards to both projects, a drawing of lots will determine the awardee; and

WHEREAS, on June 29, 2015, the Planning Board conducted a public hearing regarding the BPAS rankings and Final Determination of Award prepared by the Planning Director; and

WHEREAS, the Planning Board desires to approve the rankings and make the final determination of award for Year 2 and an advanced award from Year 3.

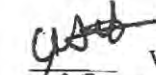

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING BOARD OF THE CITY OF KEY WEST, FLORIDA:

Section 1. That the above recitals are incorporated by reference as if fully set forth herein.

Section 2. The Planning Board approves the attached rankings and makes its Final Determination of Award to applicants for a total of 44.1 affordable units and 31 market-rate units from BPAS Year 2, and the advanced award of 8.46 affordable units from BPAS Year 3 as follows:

Affordable:

- Two (2) units with a 0.78 ESFU to 1020 18th Terrace with 100 points;
- Twelve (12) units with a 1.0 ESFU to 3900 South Roosevelt Boulevard with 85 points;
- Thirty-nine (39) units with a 1.0 ESFU to 5555 College Road with 40 points;


Vice-Chairman

Planning Director

Market-Rate:

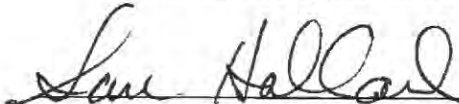
- One (1) unit with a 1.0 ESFU to 2800 Flagler Avenue with 100 points;
- One (1) units with a 1.0 ESFU to 1020 18th Terrace with 100 points;
- Twenty-eight (28) units with a 1.0 ESFU to 3900 South Roosevelt Blvd. with 85 points;
- One (1) unit with a 1.0 ESFU to 515 Angela Street with 75 points;

Section 3. This resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Board.

Section 4. This resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this resolution shall be rendered to the Florida Department of Economic Opportunity. Pursuant to Chapter 73C-44, F.A.C., this resolution is not effective for 45 days after it has been properly rendered to the DEO with all exhibits and applications attached to or incorporated by reference in this approval; that within the 45-day review period, the DEO can appeal this resolution to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the resolution until the appeal is resolved by agreement or order.

Read and passed on first reading at special meeting held this 29th day of June, 2015.

Authenticated by the Vice Chairman of the Planning Board and the Planning Director.

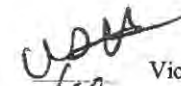



Sam Holland, Planning Board Vice-Chairman

0629/15

Date

Attest:



Vice-Chairman


Planning Director

THADDEUS COHEN 29 JUNE 2015
Thaddeus Cohen, Planning Director Date

Filed with the Clerk:

Cheryl Smith June 29, 2015
Cheryl Smith, City Clerk Date

Wesley Vice-Chairman
TC Planning Director

Affordable Housing

Prepared by and Return to:

Larry R. Erskine, Esq.
P.O. Box 1409
Key West, FL 33041-1409
(305) 809-3770

DECLARATION OF AFFORDABLE HOUSING RESTRICTIONS

This Declaration of Affordable Housing Restrictions (hereinafter "Declaration") is made and entered into this _____ day of _____, 2016, by OCEAN WALK KEY WEST OWNER, LLC, a Delaware limited liability company (hereinafter "Declarant"), whose principal mailing address is c/o Mast Capital, Inc., 119 Washington Ave., Suite 505, Miami Beach, FL 33139.

This Declaration applies to the real property located at 3900 South Roosevelt Blvd, in Key West, Florida, which is more fully described in the Legal Description attached hereto and incorporated herein as Exhibit A (hereinafter "Property").

WHEREAS, the Property is subject to regulation pursuant to Sections 122- 1465 through 122-1500 of the Code of Ordinances of the City of Key West, Florida, as amended from time to time ("Work Force Housing Ordinance"), which ordinance establishes affordable housing categories to facilitate the development of housing designed to meet the needs of people employed by the local economy, establishes eligibility requirements for occupants of work force housing, and restricts the amount of rent that may be charged for the residential units on the Property that are designated as Affordable Work Force Housing units, to rents that are substantially less than fair market value to tenants within a specific income range; and

WHEREAS, Declarant as well as subsequent purchasers and tenants will benefit from the limitations and regulations placed on the Property by operation of this Declaration; and,

WHEREAS, the intent of the City of Key West (hereinafter "City") in imposing reasonable regulations on the Property is to establish and maintain the affordability of the Property for persons with incomes within a specified range; and

WHEREAS, the intent of Declarant is to preserve through this Declaration the affordability of 24 designated units on the Property and to assign to the City the right to enforce compliance with this Declaration.

NOW, THEREFORE, the Declarant agrees that the Property shall be held and conveyed subject to the following affordable housing restrictions, covenants and conditions, which shall run with the Property and be binding on all parties having any right, title or interest in the Property or any part thereof, their heirs, successors and assigns for the entire term of this Declaration.

I. DEFINITIONS

- A. "Declarant" shall mean the owner of the Property and any subsequent purchaser, devisee, transferee, grantee or holder of title of the Property or any portion of the Property.
- B. "Transfer" means any sale, assignment or transfer, voluntary, involuntary or by operation of law (whether by deed, contract of sale, gift, devise, bequest, trustee's sale, deed in lieu of foreclosure, or otherwise) of any interest in the Property, including but not limited to, a fee simple interest, a joint tenancy interest, a life estate, a leasehold interest, or an interest evidenced by a land contract by which possession of the Property is transferred and Declarant retains title.
- C. "Transferee" shall mean an individual, or individuals, who receive a Transfer of the Property from the Declarant.

All other terms shall have the same meaning given to them in the City's Work Force Housing Ordinance.

II. TERM AND ENFORCEABILITY

A. This Declaration shall run with the Property and bind the Declarant, his or her heirs, legal representatives, executors, successors in interest and assigns, for a period of fifty (50) years from the effective date of this Declaration. At any time during the final year of the restriction, the City, at its sole discretion, may act by Resolution to renew this Declaration for an additional 50-year term.

B. The Property is held and hereafter shall be held, conveyed, encumbered, used, rented, leased and occupied subject to these covenants, conditions, restrictions and limitations. All of the herein-stated covenants, conditions, restrictions and limitations are intended to constitute both equitable servitudes and covenants running with the land.

C. Any transferee or purchaser of the Property, or of any portion of or interest in the Property, by the acceptance of a deed therefore, whether from Declarant or from any subsequent purchaser of the Property, or by the signing of a contract or agreement to purchase the same, shall, by the acceptance of such deed or by the signing of such contract or agreement, be deemed to have consented to and accepted the covenants, conditions, restrictions and limitations set forth herein. Any written instrument attempting or purporting to sell, convey, grant, transfer, exchange or assign any legal or equitable rights

or interests to the Property shall be deemed null and void, when such instrument purports or evidences an attempt to sell, convey, grant, transfer, exchange or assign any right or interest to the Property where such instrument is inconsistent with or contrary to the conditions or covenants contained herein. Any deed or instrument of conveyance executed by or on behalf of Declarant or any subsequent grantee, devisee, heir, assignee or other transferee shall expressly set forth verbatim this and the foregoing reservations, restrictions and covenants or, in lieu thereof, incorporate them by specific reference to this Declaration by Book and Page number(s) where recorded in the Public Records of Monroe County, Florida.

D. In order to preserve through this Declaration the affordability of the designated units on the Property for persons with incomes within a specified range, the Declarant hereby grants and assigns to the City the right to monitor and enforce compliance with this Declaration. Declarant otherwise reserves the rights necessary to implement the provisions of this Declaration.

III. IDENTIFICATION OF THE UNITS AFFECTED

A. Within 30 days of the date of execution of this Declaration, the Declarant shall identify and specify the 24 units which shall be subject to this Declaration. Further, the Declarant shall specify which affordable housing classification (low, median, moderate, or middle) each unit shall be operated under. The Declarant shall identify the affected units and classification pursuant to an amendment to this Declaration made by the Declarant alone, executed with the formalities of a deed, and recorded in the Public Records of Monroe County, Florida.

B. Pursuant to Section 122-1467(c) of the Work Force Housing Ordinance, the total rental for all the affected units shall be based on each unit being affordable housing (moderate income). The rental may be mixed among affordable housing (low income), (median income), (moderate income) and (middle income) in order that the total value of rental does not exceed ten percent of the rental of all the affected units as affordable housing (moderate income).

IV. OCCUPANCY, LEASING AND USE OF THE PROPERTY

A. The units identified pursuant to Section III, above, shall be operated, managed and otherwise administered as affordable work force housing and such other uses incidental to residential use as may be permitted by local zoning and land use regulations.

1. Occupancy shall be restricted to households or persons who derive at least 70 percent of its or his/her total income from gainful employment in Monroe County.
2. At the time an affordable housing (low income) unit is leased, the total income of the eligible household or persons shall not exceed 80 percent of the median household income for Monroe County (adjusted for family size). During the

occupancy of the rental unit, the household's income may increase to an amount not to exceed 120 percent of the median household income for Monroe County (adjusted for family size). In such event, the tenant's occupancy shall terminate at the end of the existing lease term. The monthly rent for the rental unit, not including utilities, shall not exceed 30 percent of that amount which represents 80 percent of the monthly median household income of Monroe County (adjusted for family size).

3. At the time an affordable housing (median income) unit is leased, the total income of the eligible household or persons shall not exceed 100 percent of the median household income for Monroe County (adjusted for family size). During the occupancy of the rental unit, the household's income may increase to an amount not to exceed 140 percent of the median household income for Monroe County (adjusted for family size). In such event, the tenant's occupancy shall terminate at the end of the existing lease term. The monthly rent for the rental unit, not including utilities, shall not exceed 30 percent of that amount which represents 100 percent of the monthly median household income of Monroe County (adjusted for family size).

4. At the time an affordable housing (moderate income) unit is leased, the total income of the eligible household or persons shall not exceed 120 percent of the median household income for Monroe County (adjusted for family size). During the occupancy of the rental unit, the household's income may increase to an amount not to exceed 160 percent of median household income for Monroe County (adjusted for family size). In such event, the tenant's occupancy shall terminate at the end of the existing lease term. The monthly rent for the rental unit, not including utilities, shall not exceed 30 percent of that amount which represents 120 percent of the monthly median household income of Monroe County (adjusted for family size).

5. At the time an affordable housing (middle income) unit is leased, the total income of the eligible household persons shall not exceed 140 percent of the median household income for Monroe County (adjusted for family size). During the occupancy of the rental unit, the household's income may increase to an amount not to exceed 180 percent of the median household income for Monroe County (adjusted for family size). In such event, the tenant's occupancy shall terminate at the end of the existing lease term. The monthly rent for the rental unit, not including utilities, shall not exceed 30 percent of that amount which represents 140 percent of the monthly median household income of Monroe County (adjusted for family size).

6. Eligibility is based on proof of legal residence in Monroe County for at least one consecutive year.

7. Priority shall be given to families of four or more members for larger sized affordable work force housing units.

8. The income of eligible households shall be determined by counting only the first and highest paid 40 hours of employment per week of each unrelated adult. For a household containing adults related by marriage or a domestic partnership registered with the City, only the highest 60 hours of combined employment shall be counted. The income of dependents regardless of age shall not be counted in calculating a household's income.

9. In the event that a tenant's income shall exceed the maximum allowable income under this section and such shall occur for the first time during the last three months of a tenancy, then the landlord and tenant may extend a lease for a period of one year at the affordable rate.

10. The board of adjustment may review a household's income and unique circumstances to determine eligibility and conformance with the intent of this ordinance to assure that people in need are not excluded and people without need are not included.

V. DEFAULTS AND REMEDIES: ASSIGNMENT OF RENTS

A. Upon any violation of the provisions of this Declaration the City may declare a default under this Declaration by delivering written notice thereof to the Declarant. After providing written notice of default, the City may apply to a court of competent jurisdiction for specific performance of the Declaration, for an injunction prohibiting a proposed sale or transfer in violation of this Declaration, for a declaration that a prohibited transfer is void, or for any such other relief as may be appropriate.

B. Assignment of rents: Declarant hereby assigns to City the right to receive the rents due or collected from any units identified to be subject to this Declaration during the entire period those units are occupied in violation of any of the terms of this Declaration.

C. The remedies stated herein shall not be exclusive, but shall be cumulative to all other remedies and rights the parties may lawfully exercise.

VI. REQUIREMENTS FOR WRITTEN REPORTS FROM DECLARANT

Declarant shall provide a written report to the City each year on January 1, or on such other date as specified by the City in writing, which includes a

statement that Declarant has complied with all provisions of this Declaration, or includes Declarant's explanation of any violation of any provision of this Declaration . The report shall be submitted within thirty (30) days of the specified date to the City, or to such other person or address designated by the City. Failure to provide a report in a timely manner, or any misrepresentations on the report, shall constitute a default under this Declaration.

VII. GENERAL PROVISIONS

A. The City may assign its rights and delegate its duties hereunder in writing without the consent of Declarant. Upon such assignment the City shall notify the Declarant.

B. If any action is brought to enforce the terms of this Declaration, the prevailing party shall be entitled to reasonable attorneys' fees and costs.

C. If any one or more of the provisions contained in this Declaration shall for any reason be held to be invalid, illegal or unenforceable in any respect, then such provision or provisions shall be deemed severable from the remaining provisions contained in this Declaration, and this Declaration shall be construed as if such invalid, illegal, or unenforceable provision had never been contained here.

D. The terms of this Declaration shall be interpreted under the laws of the State of Florida and venue shall lie in Monroe County, Florida.

E. All notices required herein shall be sent by certified mail, return receipt requested, to the Declarant at the address of the Property and to the City or its designee at P.O. Box 1409, Key West, FL, 33041, or such other address that the City may subsequently provide in writing to the Declarant.

VIII. CONVERSION TO CONDOMINIUM FORM OF OWNERSHIP

A. In the event the Declarant or any subsequent owner or transferee proposes to convert ownership of the Property to condominium or a similar form of ownership, prior to the conversion, Declarant expressly agrees herein to execute an amended Declaration restricting the use, ownership, resale price, and occupancy of the affected units located on the Property in accordance with the provisions contained in Sections 122-1465 through 122-1500 of the Code of Ordinances of the City of Key West, Florida, as amended from time to time ("Work Force Housing Ordinance").

IN WITNESS WHEREOF, the Declarant has executed this Declaration as of the date written below.

DECLARANT: OCEAN WALK KEY WEST OWNER, LLC

By: Ocean Walk Key West, LLC, its sole member

By: M-3900 S Roosevelt Associates, LLC, Manager of Ocean Walk Key West, LLC

By: MC Manager, LLC, Manager of M-3900 S Roosevelt Associates, LLC

By: Mast Capital, Inc., Manager of MC Manager, LLC

By: Camilo Miguel, Jr., its President

Witness #1 signature

Witness #1 Printed Name

Witness #2 signature

Witness #2 Printed Name

]

STATE OF FLORIDA)
)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this _____ day of _____, 2015 by Camilo Miguel, Jr. ,authorized person of Ocean Walk Key West Owner, LLC, on behalf of the company, who is () personally known to me or () who has produced a driver's license as identification.

SEAL

Notary Public

South Florida Water Management



Terramar Environmental Services, Inc.
1241 Crane Boulevard
Sugarloaf Key, Florida 33042
(305) 393-4200 terramar@bellsouth.net

MEMORANDUM

Date: June 8, 2016
To: Karen DeMaria
Urban Forestry Manager/Tree Commission
City of Key West
From: Philip A. Frank, Rowena P. Garcia
RE: Ocean Walk Apartments, Wetland Impact Summary

The owners of Ocean Walk Apartments are proposing an expansion that includes an additional building, parking and stormwater swales. The proposed expansion project will result in unavoidable impacts to disturbed uplands and disturbed wetlands. The purpose of this report is to document the type and extent of environmental impacts associated with the propose project.

On April 15-18, 2016, biologists assessed the type and extent of habitat on the property that would be potentially impacted by the proposed project. Wetlands were delineated using State of Florida wetland jurisdictional methodology and the consensus of two experienced wetland biologists (Philip Frank & Rowena Garcia) was used to delineate the extent of wetlands on the property. Habitat lines were flagged in the field for mapping and verification. Habitat lines were mapped using a Trimble GEO-XH mapping unit and transferred at ARCGIS for mapping output. Habitat areas were exported to the project designer and overlaid onto the site plan to calculate areas of impact (Figure 2).

Three primary habitat types were identified on the property and are summarized in Table 1 and Figure 1. Reference photographs of typical habitat conditions on the property are included in Attachment 1.

Habitat Type	Area (sf)	Description
Disturbed uplands	504,002	Developed areas including buildings, parking, and landscaped open space. Undeveloped upland areas created from historic filling vegetated with a combination of native and non-native vegetation. Native vegetation present included Jamaica Caper, Limber Caper, Green Buttonwood, Jamaica Dogwood, Saffron Plum, Poisonwood, Randia. Exotic vegetation includes Brazilian pepper, Seaside Mahoe, and Leadtree.
Disturbed wetlands	63,750	Disturbed wetlands established as a former stormwater retention area under the original SFWMD permit for the project. Disturbed wetlands with dense stands of invasive, exotic vegetation and with numerous fill mounds and berms and dredged ditches present. Vegetation includes areas of dense Brazilian pepper, with native species including Black mangrove and Green Buttonwood.
Un-disturbed wetlands	177,560	Tidal wetlands with a natural topography and intact native vegetation. Habitats include mangrove Swamp and areas of Salt Marsh Buttonwood Wetlands. Vegetation includes predominantly native species including Black and White mangrove, Green Buttonwood, and wetland grasses and forbs.

Project Impacts

The proposed expansion project will result in un-avoidable impacts to disturbed wetlands and disturbed uplands (Table 2).

Habitat Type	Impacts
Disturbed wetlands	13,013 sf
Un-disturbed wetlands	No impacts.

The impacts to disturbed wetlands occur in the least sensitive portion of the disturbed wetland area, adjacent to an existing parking area and on the periphery of the main disturbed wetland area. This area was previously authorized by the South Florida Water Management District (SFWMD) Permit 44-00075-S (December 1988) as a stormwater retention area (Attachment 1).

The wetlands in this area are heavily degraded by dense Brazilian pepper which dominates the canopy in many areas. In addition to the dense Brazilian pepper, native species including Black Mangrove and Green Buttonwood are present in the canopy. Numerous fill mounds, fill berms and dredged ditches are present throughout the disturbed wetlands, remnants of the Stormwater retention area.

To obtain regulatory approval for impacts to these disturbed wetlands, permits from the South Florida Water Management District (SFWMD) and U.S. Army Corps of Engineers (USACE) will be required. Typically these permits require that the un-impacted disturbed and un-disturbed wetland areas remaining on the property be restored through removal of fill material and invasive exotic vegetation, maintained as a preservation area, and placed under a Conservation Easement.

Therefore, considering the extent of degradation to the disturbed wetlands on the property that currently exists, and the anticipated regulatory requirements for on-site restoration and management, it is likely that there will be a net environmental improvement to the property as a result of project development and permitting.

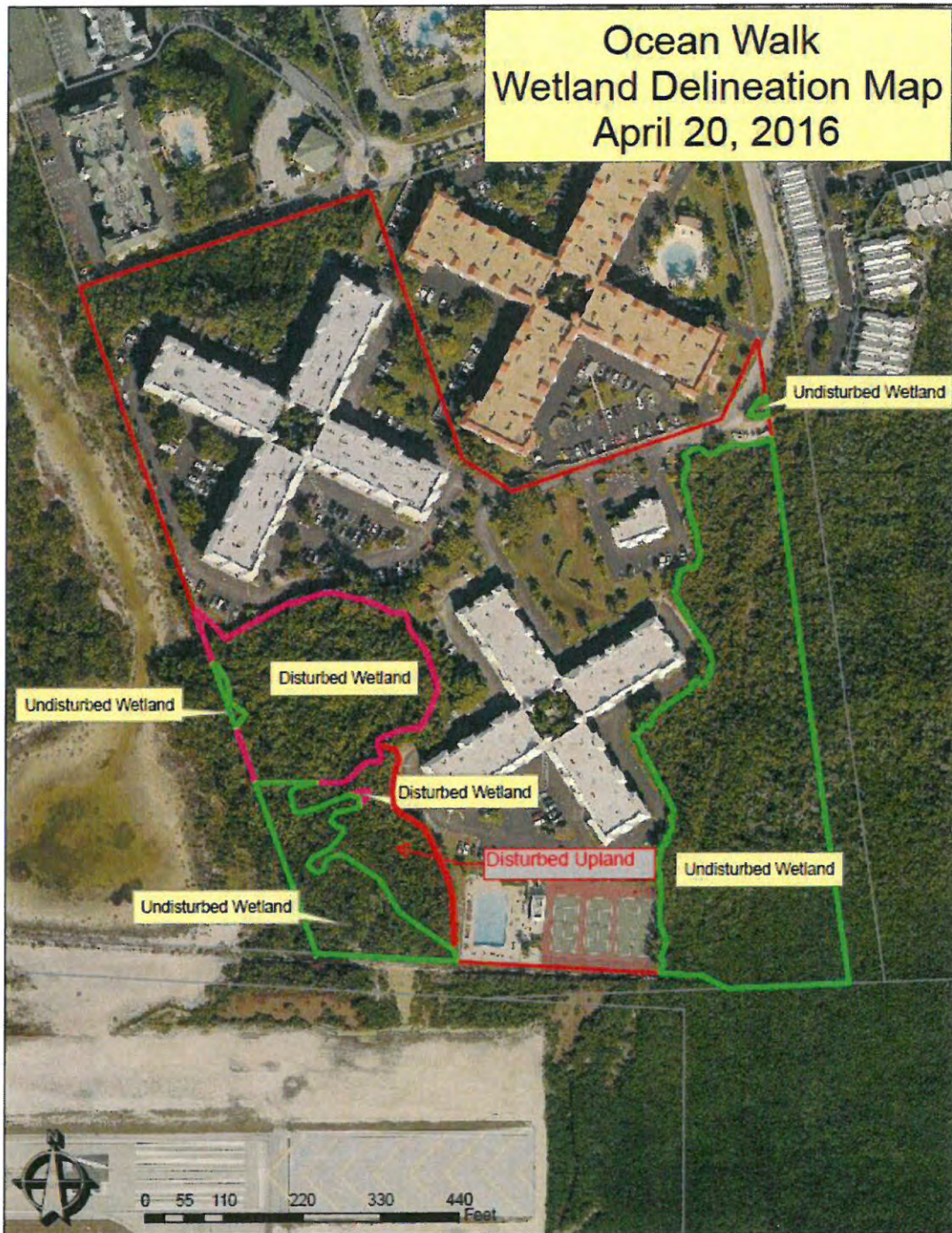


Figure 1. Habitat areas on the Ocean Walk Apartments property.



Figure 2. Proposed site plan with habitat impacts shown and area of impacts calculated.

Attachment 1 – Site Reference Photos – April 2016



Photo of typical conditions in the disturbed wetland area. Vegetation is dominated by large, dense stands of Brazilian pepper, with native trees interspersed.



Photo of typical conditions in the disturbed wetland area. Vegetation is dominated by large, dense stands of Brazilian pepper, with native trees interspersed.



Photo of typical conditions in the disturbed wetland area. Fill mounds and berms such as these are common throughout the disturbed wetland area, the result of historic ditching activities.



Photo of typical conditions in the disturbed wetland area. Fill mounds and berms such as these are common throughout the disturbed wetland area, the result of historic ditching activities.



Photo of undisturbed mangrove wetlands located on and adjacent to the property.



Photo of undisturbed wetlands located on the interior of the property.



Photo of disturbed uplands on the property.



Photo of disturbed uplands on the property.



South Florida
Water Management District

John R. Wodraska, Executive Director
Tilford C. Creel, Deputy Executive Director

Post Office Box 24680 3301 Gun Club Road
West Palm Beach, Florida 33416-4680
Telephone (407) 686-8800
Florida WATS Line 1-800-432-2045

IN REPLY REFER TO:

CERTIFIED MAIL NO. P 899 698 999
RETURN RECEIPT REQUESTED
RESOURCE CONTROL DEPARTMENT

December 30, 1988

Ocean Walk, Limited Partnership
800 Atlantic Blvd., # 432
Key West, FL 33040

Dear Sir or Madam:

Subject: Addendum to Application No. 06288-F, Ocean Walk,
City of Key West, Monroe County, S3,34/T67,68S/R25E

Enclosed is a copy of this District's staff report covering the permit application referenced therein. It is requested that you read this staff report thoroughly and understand its contents. The recommendations as stated in the staff report will be presented to our Governing Board for consideration on January 12, 1989.

Should you object to the staff recommendation, please refer to the attached "Notice of Rights" which addresses the procedures to be followed if you desire a public hearing or other review of the proposed agency action. You are advised, however, to be prepared defend your position regarding the permit application when it is considered by the Governing Board for final agency action, even if you agree with the staff recommendation, as the Governing Board may take final agency action which differs materially from the proposed agency action.

Please contact this office if you have any questions concerning this matter. If we do not hear from you prior to the date on the "Notice of Rights", we will assume you concur with our recommendations.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a "Notice of Rights" has been mailed to the addressee and the persons listed in the attached distribution list not later than 5:00 p.m. this 30th. day of December 1988, in accordance with Section 120.60(3), Florida Statutes.

Sincerely,


Vern Kaiser
Administrative Supervisor

Nancy H. Roen
Chairman - Plantation

James F. Garner
Vice Chairman - Ft. Myers

Nathaniel P. Reed
Hobe Sound

Oscar M. Corbin, Jr.
Ft. Myers

J.D. York
Palm City

Doran A. Jason
Key Biscayne

Arsenio Milan
Miami

Fritz Stein
Belle Glade

Mike Stout
Windermere



FORM 0300
Rev 12 87

South Florida Water Management District NOTICE OF RIGHTS

This Notice of Rights is intended to inform the recipient of the administrative and judicial review which may be available as mandated by section 120.60(3), Florida Statutes. Be advised that although this notice is intended to be comprehensive, the review procedures set forth herein have been the subject of judicial construction and interpretation which may affect the administrative or judicial review available. Recipients are therefore advised to become familiar with Chapters 120 and 373, Florida Statutes, and the judicial interpretation of the provisions of these chapters.

1. If a substantially affected person objects to the staff's recommendation, that person has the right to request an administrative hearing on the proposed agency action. The substantially affected person may request either a formal or an informal hearing, as set forth below. Failure to comply with the prescribed time periods shall constitute a waiver of the right to a hearing.
2. If the substantially affected person believes that a genuine issue of material fact is in dispute, that person may request a formal hearing pursuant to section 120.57(1), Florida Statutes, by filing a petition for hearing not later than NA. The request for a 120.57(1) formal hearing must comply with the requirements of rule 40E-1.521 Florida Administrative Code, a copy of which is attached. Petitions are deemed filed upon receipt by the District. Failure to substantially comply with the provisions of rule 40E-1.521 Florida Administrative Code shall constitute a waiver of the right to a 120.57(1) hearing.
3. If a substantially affected person believes that no issues of material fact are in dispute, that person may request an informal hearing pursuant to section 120.57(2), Florida Statutes, by filing a petition for hearing not later than NA. A request for informal hearing shall be considered as a waiver of the right to request a formal section 120.57(1) hearing. A request for a section 120.57(1) formal hearing not in substantial compliance with the provisions of rule 40E-1.521 Florida Administrative Code, may be considered by the District as a request for informal hearing.
4. Pursuant to section 373.114, Florida Statutes, a party to the proceeding below may seek review of a Final Order rendered on the permit application before the Land and Water Adjudicatory Commission, as provided therein. Review under this section is initiated by filing a request for review with the Land and Water Adjudicatory Commission and serving a copy on the Department of Environmental Regulation and any person named in the Order within 20 days after rendering of the District's Order. However, when the order to be reviewed has statewide or regional significance, as determined by the Land and Water Adjudicatory Commission within 60 days after receipt of a request for review, the commission may accept a request for review from any affected person within 30 days after the rendering of the order. Review under section 373.114, Florida Statutes, is limited solely to a determination of consistency with the provisions and purposes of Chapter 373, Florida Statutes. This review is appellate in nature and limited to the record below.
5. A party who is adversely affected by final agency action on the permit application is entitled to judicial review in the District Court of Appeal pursuant to section 120.68, Florida Statutes, as provided therein. Review under section 120.68, Florida Statutes in the District Court of Appeal is initiated by filing a petition in the appropriate District Court of Appeal in accordance with Florida rule of appellate Procedure 9.110. The Notice of Appeal must be filed within 30 days of the final agency action.
6. Section 373.617(2), Florida Statutes, provides:
Any person substantially affected by a final action of any agency with respect to a permit may seek review within 90 days of the rendering of such decision and request monetary damages and other relief in the circuit court in the judicial circuit in which the affected property is located; however, circuit court review shall be confined solely to determining whether final agency action is an unreasonable exercise of the state's police power constituting a taking without just compensation. Review of final agency action for the purpose of determining whether the action is in accordance with existing statutes or rules and based on component substantial evidence shall proceed in accordance with Chapter 120.
7. Please be advised that exhaustion of administrative remedies is generally a prerequisite to appeal to the District Court of Appeal or the seeking of Circuit Court review of final agency action by the District on the permit application. There are, however, exceptions to the exhaustion requirement. The applicant is advised to consult the case law as to the requirements of exhaustion exceptions.

40E-1.521 Initiation of Formal Proceedings.

(1) Initiation of formal proceedings shall be made by petition to the District. The term petition as used herein includes any application or other document which expresses a request for formal proceedings. Each petition should be printed, typewritten or otherwise duplicated in legible form on white paper or standard legal size. Unless printed, the impression shall be on one side of the paper only and lines shall be double-spaced and indented.

(2) All petitions filed under these rules shall contain:

- (a) The name and address of the District and the District's file or identification number, if known;
- (b) The name and address of the petitioner or petitioners;
- (c) An explanation of how each petitioner's substantial interests will be affected by the District's determination;
- (d) A statement of when and how petitioner received notice of the District's decision or intent to render a decision;
- (e) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (f) A concise statement of the ultimate facts which petitioner believes entitle petitioner to the relief sought as well as the rules and statutes which support petitioner's claim for relief;
- (g) A demand for the relief to which the petitioner deems himself entitled; and
- (h) Other information which the petitioner contends is material.

(3) Upon receipt of a petition for formal proceedings, the District shall review the petition for the degree of compliance with subsection (2) and shall accept those petitions in substantial compliance therewith which have been timely filed and which state a dispute which is within the jurisdiction of the District to resolve. If accepted, the District shall designate the presiding officer. The District shall promptly give written notice to all parties of the action taken on the petition, and shall state with particularity its reasons therefor.

(4) If the District designates a Hearing Officer assigned by the Division of Administrative Hearings as the presiding officer, the District Clerk shall forward the petition and all materials filed with the District to the Division of Administrative Hearings, and shall notify all parties of its action.

Specific Authority 373.044, 373.113 F.S.

Law Implemented 120.53(1), 120.57 F.S.

History — New 9-3-81.

Formerly 16K-1.03(1), 16K-1.112(1) through (3), 16K-1.12

DRAFT
Subject to Governing
Board Approval

Application Number 06288-F

Ocean Walk

City of Key West, Monroe County, S3,34/T67,68S/R25E

Addendum to Staff Report Dated (12-22-88)

Due to poor reproduction of Exhibit Number 2 of the above mentioned staff report, the corrected Exhibit (attached) will be inserted in the file.

APPLICATION REVIEWER:

SUPERVISOR/CHECKER:

TECHNICAL: J. Needle

A. Waterhouse

WATER QUALITY: J. Needle

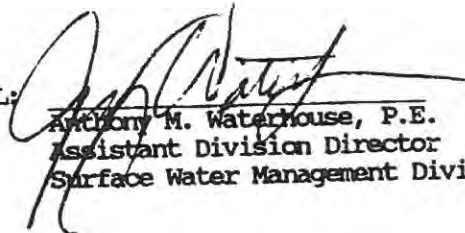
S. Anderson

ENVIRONMENTAL: S. Bradow

C. Padera

APPROVED:

DIVISION APPROVAL:


Anthony M. Waterhouse, P.E.
Assistant Division Director
Surface Water Management Division

DATE: 12/29/88

DRAFT
Subject to Governing
Board Approval

RECEIVED
 AUG 09 2008
 ERC 4230

These 2-Record Drawings are submitted as attachments to engineer's certifications received on this date. Exceeds 8-15-08

Permit # 44-00075-S

5-24000-114

NO.	REVISION	DATE

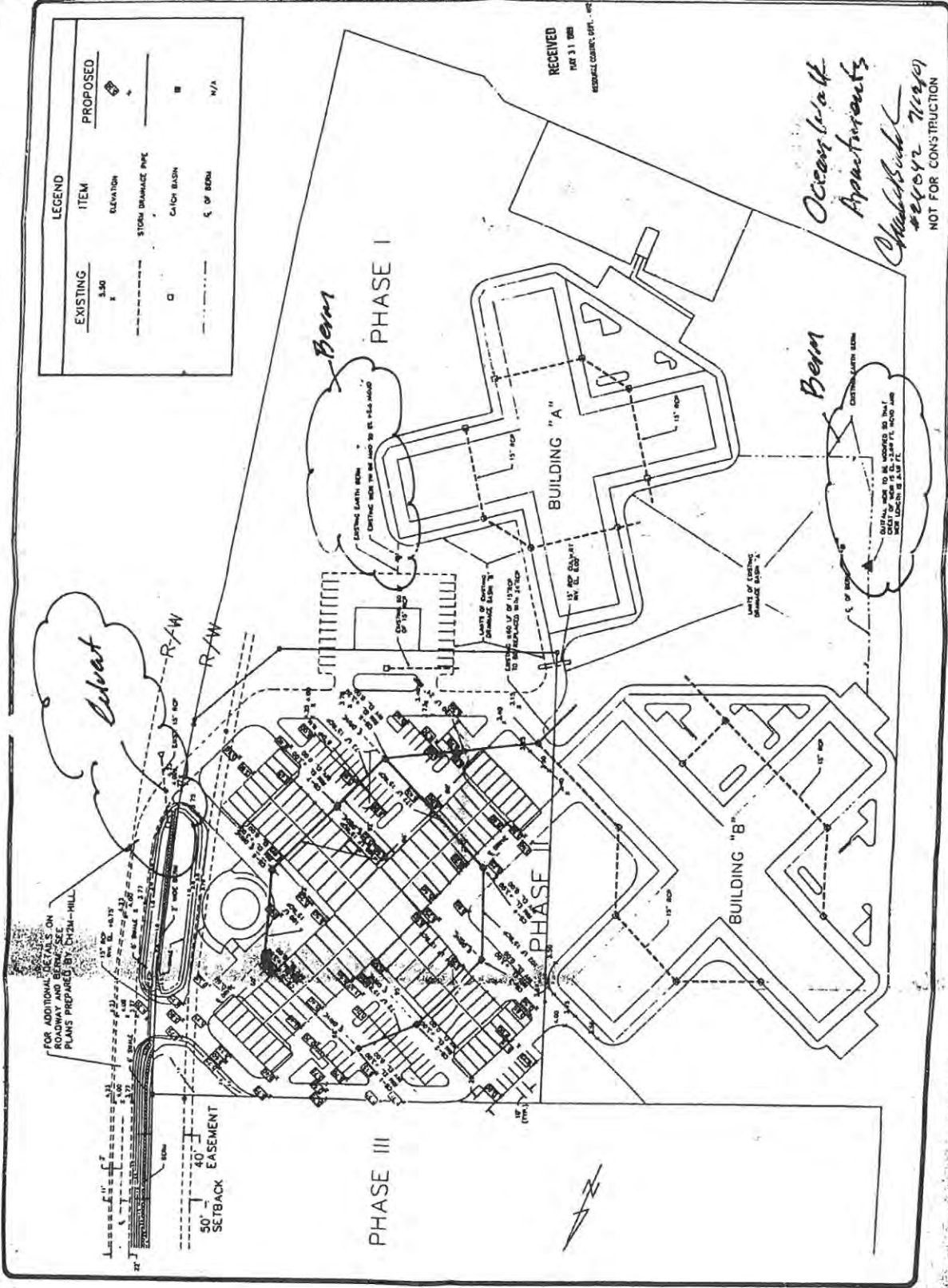
PHASE II
 PAVING, GRADING
 AND DRAINAGE PLAN

EAS ENGINEERING, INC.
 10700 S.W. 86TH STREET
 MIAMI, FLORIDA 33176
 (305) 274-7350

OCEAN WALK ASSOCIATES, LTD PARTNERSHIP
 800 ALHAMBRA BOULEVARD, #432
 KEY WEST, FLORIDA 33001

DATE	
SCALE	1"=10'
PROJECT	
SHEET	4

LEGEND	EXISTING	PROPOSED
ITEM		
ELEVATION	3.50	
STORM DRAINAGE PIPE		
CATCH BASIN		
§ OF BERM		N/A



Ocean Walk
 Apartments
 Charles B. ...
 never wrap
 NOT FOR CONSTRUCTION

RECEIVED
 MAY 31 2008
 HERRICK COUNTY, MO.

FOR ADDITIONAL DETAILS ON
 ROADWAY AND BERM SEE
 PLANS PREPARED BY CHEN-HILL

50' EASEMENT
 SETBACK

PHASE III

PHASE II

PHASE I

Building 'A'

Building 'B'

Subat

Berm

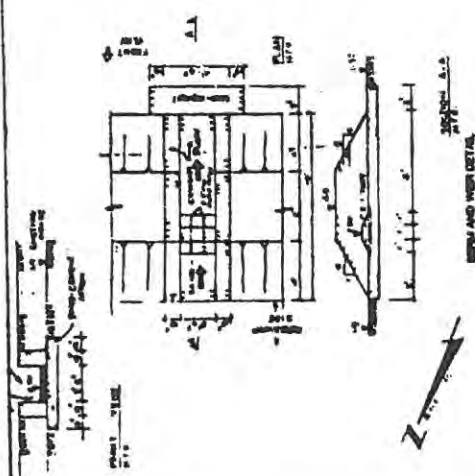
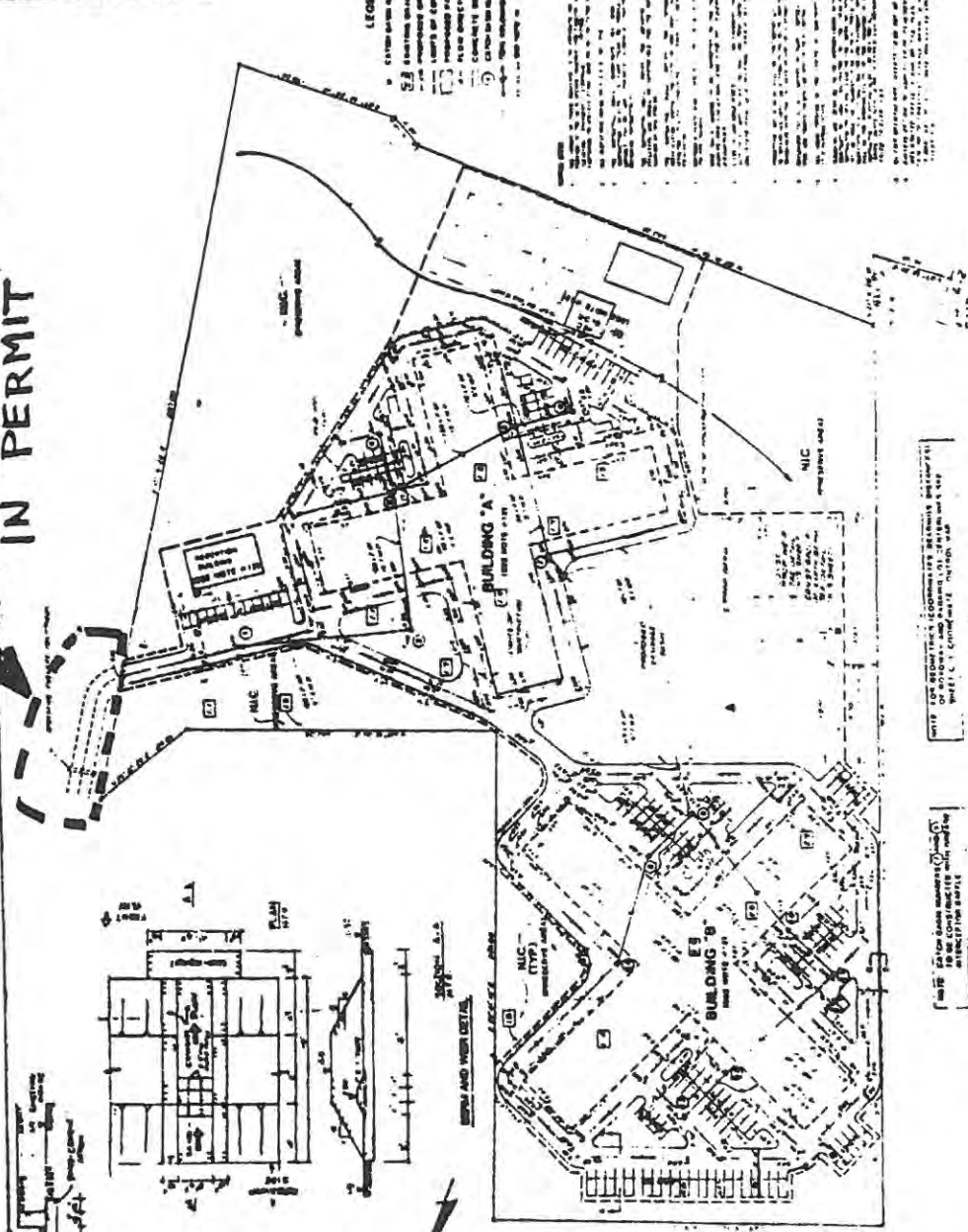
Berm

**THIS AREA NOT INCLUDED
IN PERMIT**

DATE: 10/15/71
BY: [Signature]
PROJECT: [Project Name]

LEGEND
1. EXISTING BUILDINGS
2. EXISTING DRIVEWAYS
3. EXISTING SIDEWALKS
4. EXISTING PARKING AREAS
5. EXISTING UTILITIES
6. EXISTING LANDSCAPE
7. EXISTING FENCES
8. EXISTING SIGNAGE
9. EXISTING LIGHTING
10. EXISTING TREES
11. EXISTING CURBS
12. EXISTING DRIVEWAYS
13. EXISTING SIDEWALKS
14. EXISTING PARKING AREAS
15. EXISTING UTILITIES
16. EXISTING LANDSCAPE
17. EXISTING FENCES
18. EXISTING SIGNAGE
19. EXISTING LIGHTING
20. EXISTING TREES
21. EXISTING CURBS

PLAN MAN PLASSED
[Detailed technical notes and specifications regarding the site plan, including references to building footprints, parking areas, and utility lines.]



THIS IS A PRELIMINARY PLAN AND IS SUBJECT TO CHANGE WITHOUT NOTICE.
THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL DIMENSIONS AND CONDITIONS OF THE SITE PRIOR TO CONSTRUCTION.

EXHIBIT 2

STAFF REPORT DISTRIBUTION LIST

PROJECT Ocean Walk

APPLICATION NUMBER 06288-F

INTERNAL DISTRIBUTION

- X Reviewer: J. Needle
S. Bradow
- X B. Colavacchio
- X M. Cruz
- C. de Rojas
- K. Dickson
- C. Drew
- X M. Johnson
- X V. Katilius
- X S. Lamb
- J. Mang
- X C. McCray
- P. Millar
- J. Morgan
- X C. Pedera
- X P. Rhoads
- H. Schloss
- X J. Show
- M. Slayton
- X D. Slyfield
- W. Stimmel
- X D. Unsell
- P. Walker
- X T. Waterhouse
- J. Wodraska
- X E. Yaun
- Ft. Myers
- X Inspection
- Kissimmee
- X Office of Counsel
- X Permit File

GOVERNING BOARD MEMBERS:

Mr. Oscar M. Corbin
Mr. James F. Garner
Mr. Doran A. Jason
Mr. Arsenio Milian
Mr. Nathaniel P. Reed
Ms. Nancy H. Roen
Mr. Fritz Stein
Mr. Mike Stout
Mr. J.D. York

EXTERNAL DISTRIBUTION

- X Applicant:
Ocean Walk Associates, Limited Partnership
- X Applicant's Consultant:
Post, Buckley, Schuh and Jernigan
- X Engineer, County of:
Monroe
- Engineer, City of:
Key West
- X Local Drainage District:

DEPT. OF ENVIRONMENTAL REGULATION

- X Ft. Myers
- Orlando
- Port St. Lucie
- Tallahassee
- West Palm Beach

BUILDING AND ZONING

Boca Raton
Boynton Beach
Royal Palm Beach
Tequesta
West Palm Beach

COUNTY

Broward -Director, Water Mgmt. Div.
-BCEQCB
Collier -Agricultural Agent
Dade -DERM
Lee -Long Range Planning
-Mosquito Control
-E.P.S.
Martin -Attorney
-Board of County Commissioners
-Community Development Director
Palm Beach -Building Dept.
-School Brd., Plant Planning
Polk -Water Resources Dept.

OTHER

- X Fred Vidzes, Big Cypress Basin
Kissimmee River Coordinating Council
- X Joan Borel
Friends of Florida
Rt. 4, Box 89
Summerland Key, FL 33042



South Florida Water Management District

John R. Wodraska, Executive Director
Tilford C. Greel, Deputy Executive Director

Post Office Box 24680 3301 Gun Club Road
West Palm Beach, Florida 33416-4680
Telephone (407) 686-8800
Florida WATS Line 1-800-432-2045

IN REPLY REFER TO:

CERTIFIED MAIL NO. P 899 698 991
RETURN RECEIPT REQUESTED
RESOURCE CONTROL DEPARTMENT

December 27, 1988

Ocean Walk Associates, Limited Partnership
800 Atlantic Blvd., #432
Key West, FL 33040

Dear Sir or Madam:

Subject: Application No. 06288-F, Ocean Walk,
Monroe County, S3,34/T67,68S/R25E

Enclosed is a copy of this District's staff report covering the permit application referenced therein. It is requested that you read this staff report thoroughly and understand its contents. The recommendations as stated in the staff report will be presented to our Governing Board for consideration on January 12, 1989.

Should you object to the staff recommendation, please refer to the attached "Notice of Rights" which addresses the procedures to be followed if you desire a public hearing or other review of the proposed agency action. You are advised, however, to be prepared defend your position regarding the permit application when it is considered by the Governing Board for final agency action, even if you agree with the staff recommendation, as the Governing Board may take final agency action which differs materially from the proposed agency action.

Please contact this office if you have any questions concerning this matter. If we do not hear from you prior to the date on the "Notice of Rights", we will assume you concur with our recommendations.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a "Notice of Rights" has been mailed to the addressee and the persons listed in the attached distribution list not later than 5:00 p.m. this 27th day of December 1988, in accordance with Section 120.60(3), Florida Statutes.

Sincerely,


Vern Kaiser
Administrative Supervisor

Marcy H. Rose
District Administrator

James F. Garner
Vice Chairman - Ft. Myers



FORM 0300
Rev 12 87

South Florida Water Management District NOTICE OF RIGHTS

This Notice of Rights is intended to inform the recipient of the administrative and judicial review which may be available as mandated by section 120.60(3), Florida Statutes. Be advised that although this notice is intended to be comprehensive, the review procedures set forth herein have been the subject of judicial construction and interpretation which may affect the administrative or judicial review available. Recipients are therefore advised to become familiar with Chapters 120 and 373, Florida Statutes, and the judicial interpretation of the provisions of these chapters.

1. If a substantially affected person objects to the staff's recommendation, that person has the right to request an administrative hearing on the proposed agency action. The substantially affected person may request either a formal or an informal hearing, as set forth below. Failure to comply with the prescribed time periods shall constitute a waiver of the right to a hearing.
2. If the substantially affected person believes that a genuine issue of material fact is in dispute, that person may request a formal hearing pursuant to section 120.57(1), Florida Statutes, by filing a petition for hearing not later than January 10, 1989. The request for a 120.57(1) formal hearing must comply with the requirements of rule 40E-1.521 Florida Administrative Code, a copy of which is attached. Petitions are deemed filed upon receipt by the District. Failure to substantially comply with the provisions of rule 40E-1.521 Florida Administrative Code shall constitute a waiver of the right to a 120.57(1) hearing.
3. If a substantially affected person believes that no issues of material fact are in dispute, that person may request an informal hearing pursuant to section 120.57(2), Florida Statutes, by filing a petition for hearing not later than January 10, 1989. A request for informal hearing shall be considered as a waiver of the right to request a formal section 120.57(1) hearing. A request for a section 120.57(1) formal hearing not in substantial compliance with the provisions of rule 40E-1.521 Florida Administrative Code, may be considered by the District as a request for informal hearing.
4. Pursuant to section 373.114, Florida Statutes, a party to the proceeding below may seek review of a Final Order rendered on the permit application before the Land and Water Adjudicatory Commission, as provided therein. Review under this section is initiated by filing a request for review with the Land and Water Adjudicatory Commission and serving a copy on the Department of Environmental Regulation and any person named in the Order within 20 days after rendering of the District's Order. However, when the order to be reviewed has statewide or regional significance, as determined by the Land and Water Adjudicatory Commission within 60 days after receipt of a request for review, the commission may accept a request for review from any affected person within 30 days after the rendering of the order. Review under section 373.114, Florida Statutes, is limited solely to a determination of consistency with the provisions and purposes of Chapter 373, Florida Statutes. This review is appellate in nature and limited to the record below.
5. A party who is adversely affected by final agency action on the permit application is entitled to judicial review in the District Court of Appeal pursuant to section 120.68, Florida Statutes, as provided therein. Review under section 120.68, Florida Statutes in the District Court of Appeal is initiated by filing a petition in the appropriate District Court of Appeal in accordance with Florida rule of appellate Procedure 9.110. The Notice of Appeal must be filed within 30 days of the final agency action.
6. Section 373.617(2), Florida Statutes, provides:
Any person substantially affected by a final action of any agency with respect to a permit may seek review within 90 days of the rendering of such decision and request monetary damages and other relief in the circuit court in the judicial circuit in which the affected property is located; however, circuit court review shall be confined solely to determining whether final agency action is an unreasonable exercise of the state's police power constituting a taking without just compensation. Review of final agency action for the purpose of determining whether the action is in accordance with existing statutes or rules and based on component substantial evidence shall proceed in accordance with Chapter 120.
7. Please be advised that exhaustion of administrative remedies is generally a prerequisite to appeal to the District Court of Appeal or the seeking of Circuit Court review of final agency action by the District on the permit application. There are, however, exceptions to the exhaustion requirement. The applicant is advised to consult the case law as to the requirements of exhaustion exceptions.

40E-1.521 Initiation of Formal Proceedings.

(1) Initiation of formal proceedings shall be made by petition to the District. The term petition as used herein includes any application or other document which expresses a request for formal proceedings. Each petition should be printed, typewritten or otherwise duplicated in legible form on white paper or standard legal size. Unless printed, the impression shall be on one side of the paper only and lines shall be double-spaced and indented.

(2) All petitions filed under these rules shall contain:

- (a) The name and address of the District and the District's file or identification number, if known;
- (b) The name and address of the petitioner or petitioners;
- (c) An explanation of how each petitioner's substantial interests will be affected by the District's determination;
- (d) A statement of when and how petitioner received notice of the District's decision or intent to render a decision;
- (e) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (f) A concise statement of the ultimate facts which petitioner believes entitle petitioner to the relief sought as well as the rules and statutes which support petitioner's claim for relief;
- (g) A demand for the relief to which the petitioner deems himself entitled; and
- (h) Other information which the petitioner contends is material.

(3) Upon receipt of a petition for formal proceedings, the District shall review the petition for the degree of compliance with subsection (2) and shall accept those petitions in substantial compliance therewith which have been timely filed and which state a dispute which is within the jurisdiction of the District to resolve. If accepted, the District shall designate the presiding officer. The District shall promptly give written notice to all parties of the action taken on the petition, and shall state with particularity its reasons therefor.

(4) If the District designates a Hearing Officer assigned by the Division of Administrative Hearings as the presiding officer, the District Clerk shall forward the petition and all materials filed with the District to the Division of Administrative Hearings, and shall notify all parties of its action.

Specific Authority 373.044, 373.113 F.S.

Law Implemented 120.53(1), 120.57 F.S.

History — New 9-3-81.

Formerly 16K-1.09(1), 16K-1.112(1) through (3), 16K-1.12

DRAFT
Subject to Governing
Board Approval

LAST DATE FOR GOVERNING BOARD ACTION:
February 9, 1989

SURFACE WATER MANAGEMENT STAFF REVIEW SUMMARY

APPLICATION NO.: 06288-F

PROJECT NAME: Ocean Walk

APPLICANTS NAME AND ADDRESS: Ocean Walk Associates, Limited Partnership
800 Atlantic Blvd, #432
Key West, FL 33040

OWNER: Ocean Walk Associates, Limited Partnership

DEVELOPER: Ocean Walk Associates, Limited Partnership

ENGINEER: Post, Buckley, Schuh and Jernigan

LOCATION: Monroe County S3,34/T67,68S/R25E

SECTION 3.34, TOWNSHIP 67.68 SOUTH, RANGE 25 EAST

PROJECT AREA 16.08 ACRES DRAINAGE AREA 10.15* ACRES
* Approximately six acres of salt marsh will be left undisturbed.

ABSTRACT:

On June 28, 1988, an application for construction of a 16.08 acre project was submitted. The parcel which is located in Monroe County has been scheduled for development since the early 1970's. Prior to submittal of this application, site activities had prompted FDER and the Corps of Engineers enforcement action which resulted in a 1982 Court Order. Based on the U.S. District Court Order which allowed filling of wetlands above the compromise Mean High Water Line, staff recommendation is for approval.

BACKGROUND:

Early in the 1970's, the owner(s) of the parcel in question and adjacent land to the north began construction of a perimeter dike around approximately 52 acres of land and submerged bottoms. Upon passage of the Randall Act in 1973, the Florida Department of Pollution Control began enforcement action to halt the work. In an attempt to resolve the enforcement action an application for a water quality certification permit (predecessor to the dredge and fill permit) was submitted. The application for a marina and fill project was subsequently denied. This denial was upheld in an administrative hearing.

Enforcement action was again initiated by the state which was then joined by the Army Corps of Engineers. These efforts culminated in a January, 1982 court decision which gave the property owner the right to fill all wetlands above Mean High Water. Some restoration of tidal wetlands was required under the court order. The owner did not exercise the right to fill wetlands between 1982 and the present time.

In 1986 the applicant requested a legal opinion from the District with respect to the impact of the Federal Court Order on the District's regulatory jurisdiction over the subject site. The Office of Counsel reviewed the January 15, 1982 Order issued by U.S. District Judge Sidney M. Aronovitz which stated that " . . . the United States of America and the State of Florida are enjoined from requiring perspective permitting of the property . . . south of the compromise mean high water line. The defendants shall be free to fill and develop such property subject to compliance with all applicable City of Key West requirements and all applicable rules and regulations setting the placement, location, height, density and method or manner of fill; and, condition further, that... defendants . . . caused partial restoration of the area below the compromise mean high waterline as ordered herein. "

In December of 1986, staff responded by letter stating an opinion that the judges' decision was binding on the District in regard to filling of the wetlands above the compromise mean high water line, but did not eliminate the need to secure a surface water management permit.

FACILITIES:

PROPOSED: Construction and Operation of a surface water management system is requested for a 16.08 acre residential project consisting of 296 affordable housing units. Runoff will be directed through inlets and culverts to a 1.73 acre naturally vegetated tidally influenced detention area. Discharge will be directed through a control structure consisting of 1-2.5 foot wide weir with a crest at elevation 2.5 feet NGVD and 2-3 inch diameter bleeders with invert at elevation 1.9 feet NGVD to a tidal salt marsh which has culvert connections to the Atlantic Ocean.

EVALUATION:

WATER QUALITY

- A. ADVERSE IMPACTS EXPECTED: NO
- B. BEST MANAGEMENT PRACTICES UTILIZED: Water quality detention volume will be provided within an existing salt marsh. One half inch of detention is being provided in this area to satisfy the pretreatment required for parcels discharging to "Outstanding Florida Waters".
- C. REQUIRED DETENTION 1.1 AC-FT
DETENTION METHOD Detention Within Salt Marsh
DETENTION PROVIDED 1.1 AC-FT

WATER QUANTITY

Discharge quantities for this project have been limited to pre-development rates. The proposed design of the project incorporates equalizing culverts so as not to impede tidal circulation of the areas currently receiving surface tidal sheet flow.

ENVIRONMENTAL

The subject parcel is almost entirely a wetland within the limits of Outstanding Florida Waters. Some areas within the wetland have been adversely impacted by historic activities at the site and a small isolated upland does exist, but the majority of the area is dominated by functional wetlands. Inundation of the site by tidal action and rainfall appear to be a regular event, evidenced by the low elevation, the lack of exotic vegetation and the presence of algal mats. Secondary productivity appears to be high and typical of the upper wetland zones in the Keys. A salt marsh area of 1.7 acres, has been preserved in the final plan and is intended as an on-site detention area.

LAND USE

PRESENT ZONING Multi-family, ALLOWED DENSITY 18.4 DU/A
Residential
PROPOSED USE Multi-Family, PROPOSED DENSITY 18.4 DU/A
Residential

COMPATIBLE: YES

POTABLE WATER Florida Keys Aqueduct Authority

WASTEWATER TREATMENT: City of Key West

APPLICABLE LAND AREA

	<u>Project</u>	<u>Phase Construction</u>
Total	<u>16.08</u> acres;	<u>10.15</u> acres
Water Management	<u>1.73</u> acres;	<u>1.73</u> acres
Impervious	<u>7.53</u> acres;	<u>7.53</u> acres
Dwelling	<u>296</u> units;	<u>296</u> units
Commercial/Industrial	<u>N/A</u> sq ft;	<u>N/A</u> sq ft

Location: Northeast of Key West International Airport's main runway.

City: Key West

County: Monroe

Special District: N/A

SFWD Basin: Atlantic Ocean

Operation Entity: Ocean Walk Associates

Staff recommendation is for approval.

APPLICATION REVIEWER:

SUPERVISOR/CHECKER:

TECHNICAL: J. Needle

A. Waterhouse

WATER QUALITY: J. Needle

S. Anderson

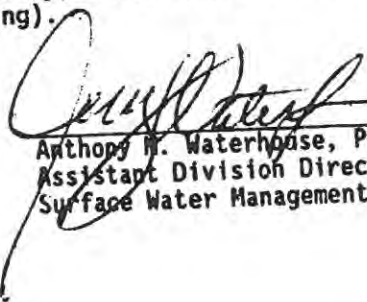
ENVIRONMENTAL: S. Bradow

C. Padera

MAJOR ISSUES: Preservation of Salt Marshes

Subject to the following 12 Standard Limiting and 12 Special Conditions (for conceptual approvals only, these conditions as a minimum will apply to subsequent construction permitting).

DIVISION APPROVAL:



DATE: 12/22/88

Anthony H. Waterhouse, P.E.
Assistant Division Director
Surface Water Management Division

DRAFT
Subject to Governing
Board Approval

LIMITING CONDITIONS

1. THE PERMITTEE SHALL PROSECUTE THE WORK AUTHORIZED IN A MANNER SO AS TO MINIMIZE ANY ADVERSE IMPACT OF THE WORKS ON FISH, WILDLIFE, NATURAL ENVIRONMENTAL VALUES, AND WATER QUALITY. THE PERMITTEE SHALL INSTITUTE NECESSARY MEASURES DURING THE CONSTRUCTION PERIOD, INCLUDING FULL COMPACTION OF ANY FILL MATERIAL PLACED AROUND NEWLY INSTALLED STRUCTURES, TO REDUCE EROSION, TURBIDITY, NUTRIENT LOADING AND SEDIMENTATION IN THE RECEIVING WATERS.
2. WATER QUALITY DATA FOR THE WATER DISCHARGED FROM THE PERMITTEE'S PROPERTY OR INTO SURFACE WATERS OF THE STATE SHALL BE SUBMITTED TO THE DISTRICT AS REQUIRED. PARAMETERS TO BE MONITORED MAY INCLUDE THOSE LISTED IN CHAPTER 17-3. IF WATER QUALITY DATA IS REQUIRED, THE PERMITTEE SHALL PROVIDE DATA AS REQUIRED, ON VOLUMES OF WATER DISCHARGED, INCLUDING TOTAL VOLUME DISCHARGED DURING THE DAYS OF SAMPLING AND TOTAL MONTHLY DISCHARGES FROM THE PROPERTY OR INTO SURFACE WATERS OF THE STATE.
3. THE PERMITTEE SHALL COMPLY WITH ALL APPLICABLE LOCAL SUBDIVISION REGULATIONS AND OTHER LOCAL REQUIREMENTS. IN ADDITION THE PERMITTEE SHALL OBTAIN ALL NECESSARY FEDERAL, STATE, LOCAL AND SPECIAL DISTRICT AUTHORIZATIONS PRIOR TO THE START OF ANY CONSTRUCTION OR ALTERATION OF WORKS AUTHORIZED BY THIS PERMIT.
4. THE OPERATION PHASE OF THIS PERMIT SHALL NOT BECOME EFFECTIVE UNTIL A FLORIDA REGISTERED PROFESSIONAL ENGINEER CERTIFIES THAT ALL FACILITIES HAVE BEEN CONSTRUCTED IN ACCORDANCE WITH THE DESIGN APPROVED BY THE DISTRICT. WITHIN 30 DAYS AFTER COMPLETION OF CONSTRUCTION OF THE SURFACE WATER MANAGEMENT SYSTEM, THE PERMITTEE SHALL SUBMIT THE CERTIFICATION AND NOTIFY THE DISTRICT THAT THE FACILITIES ARE READY FOR INSPECTION AND APPROVAL. UPON APPROVAL OF THE COMPLETED SURFACE WATER MANAGEMENT SYSTEM, THE PERMITTEE SHALL REQUEST TRANSFER OF THE PERMIT TO THE RESPONSIBLE ENTITY APPROVED BY THE DISTRICT.
5. ALL ROADS SHALL BE SET AT OR ABOVE ELEVATIONS REQUIRED BY THE APPLICABLE LOCAL GOVERNMENT FLOOD CRITERIA.
6. ALL BUILDING FLOORS SHALL BE SET AT OR ABOVE ELEVATIONS ACCEPTABLE TO THE APPLICABLE LOCAL GOVERNMENT.
7. OFF-SITE DISCHARGES DURING CONSTRUCTION AND DEVELOPMENT SHALL BE MADE ONLY THROUGH THE FACILITIES AUTHORIZED BY THIS PERMIT. NO ROADWAY OR BUILDING CONSTRUCTION SHALL COMMENCE ON-SITE UNTIL COMPLETION OF THE PERMITTED DISCHARGE STRUCTURE AND DETENTION AREAS. WATER DISCHARGED FROM THE PROJECT SHALL BE THROUGH STRUCTURES HAVING A MECHANISM SUITABLE FOR REGULATING UPSTREAM WATER STAGES. STAGES MAY BE SUBJECT TO OPERATING SCHEDULES SATISFACTORY TO THE DISTRICT.
8. NO CONSTRUCTION AUTHORIZED HEREIN SHALL COMMENCE UNTIL A RESPONSIBLE ENTITY ACCEPTABLE TO THE DISTRICT HAS BEEN ESTABLISHED AND HAS AGREED TO OPERATE AND MAINTAIN THE SYSTEM. THE ENTITY MUST BE PROVIDED WITH SUFFICIENT OWNERSHIP SO THAT IT HAS CONTROL OVER ALL WATER MANAGEMENT FACILITIES AUTHORIZED HEREIN. UPON RECEIPT OF WRITTEN EVIDENCE OF THE SATISFACTION OF THIS CONDITION, THE DISTRICT WILL ISSUE AN AUTHORIZATION TO COMMENCE CONSTRUCTION.
9. THE PERMIT DOES NOT CONVEY TO THE PERMITTEE ANY PROPERTY RIGHT NOR ANY RIGHTS OR PRIVILEGES OTHER THAN THOSE SPECIFIED IN THE PERMIT AND CHAPTER 40E-4, FAC.
10. THE PERMITTEE SHALL HOLD AND SAVE THE DISTRICT HARMLESS FROM ANY AND ALL DAMAGES, CLAIMS, OR LIABILITIES WHICH MAY ARISE BY REASON OF THE CONSTRUCTION, OPERATION, MAINTENANCE OR USE OF ANY FACILITY AUTHORIZED BY THE PERMIT.
11. THIS PERMIT IS ISSUED BASED ON THE APPLICANT'S SUBMITTED INFORMATION WHICH REASONABLY DEMONSTRATES THAT ADVERSE OFF-SITE WATER RESOURCE RELATED IMPACTS WILL NOT BE CAUSED BY THE COMPLETED PERMIT ACTIVITY. IT IS ALSO THE RESPONSIBILITY OF THE PERMITTEE TO INSURE THAT ADVERSE OFF-SITE WATER RESOURCE RELATED IMPACTS DO NOT OCCUR DURING CONSTRUCTION.
12. PRIOR TO DEWATERING, PLANS SHALL BE SUBMITTED TO THE DISTRICT FOR APPROVAL. INFORMATION SHALL INCLUDE AS A MINIMUM: PUMP SIZES, LOCATIONS AND HOURS OF OPERATION FOR EACH PUMP. IF OFF-SITE DISCHARGE IS PROPOSED, OR OFF-SITE ADVERSE IMPACTS ARE EVIDENT, AN INDIVIDUAL WATER USE PERMIT MAY BE REQUIRED. THE PERMITTEE IS CAUTIONED THAT SEVERAL MONTHS MAY BE REQUIRED FOR CONSIDERATION OF THE WATER USE PERMIT APPLICATION.

SPECIAL CONDITIONS

1. MINIMUM BUILDING FLOOR ELEVATION 10.0 FEET NGVD.
2. MINIMUM ROAD CROWN ELEVATION 3.0 FEET NGVD.
3. DISCHARGE FACILITIES:

DESCRIPTION: 1-2.5 FEET WIDE BROAD CRESTED WEIR WITH THE CREST AT ELEVATION 2.5 FEET NGVD AND 2-3 INCH DIAMETER PVC BLEEDER PIPES WITH INVERTS AT ELEVATION 1.9 FEET NGVD.

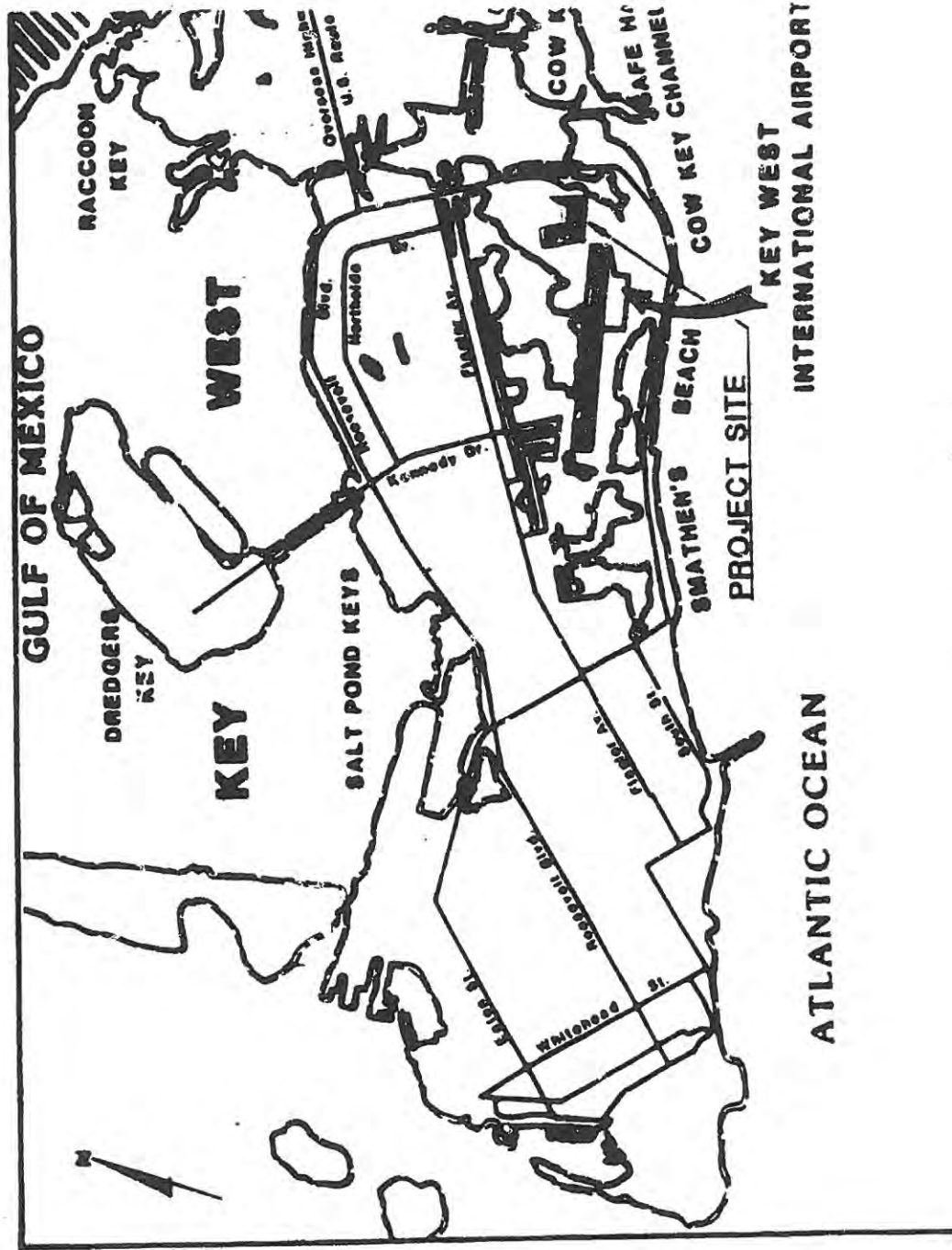
RECEIVING WATER: TIDALLY INFLUENCED SALT MARSH

CONTROL ELEVATION: 1.9 FEET NGVD

4. THE PERMITTEE SHALL BE RESPONSIBLE FOR THE CORRECTION OF ANY WATER QUALITY, EROSION, OR SHOALING PROBLEMS THAT RESULT FROM THE CONSTRUCTION OR OPERATION OF THE SURFACE WATER MANAGEMENT SYSTEM.
5. MEASURES SHALL BE TAKEN DURING CONSTRUCTION TO INSURE THAT SEDIMENTATION AND/OR TURBIDITY PROBLEMS ARE NOT CREATED IN THE RECEIVING WATER.
6. THE DISTRICT RESERVES THE RIGHT TO REQUIPE THAT WATER QUALITY TREATMENT METHODS BE INCORPORATED INTO THE DRAINAGE SYSTEM IF SUCH MEASURES ARE SHOWN TO BE NECESSARY.
7. OPERATION OF THE SURFACE WATER MANAGEMENT SYSTEM SHALL BE THE RESPONSIBILITY OF OCEAN WALK ASSOCIATES.

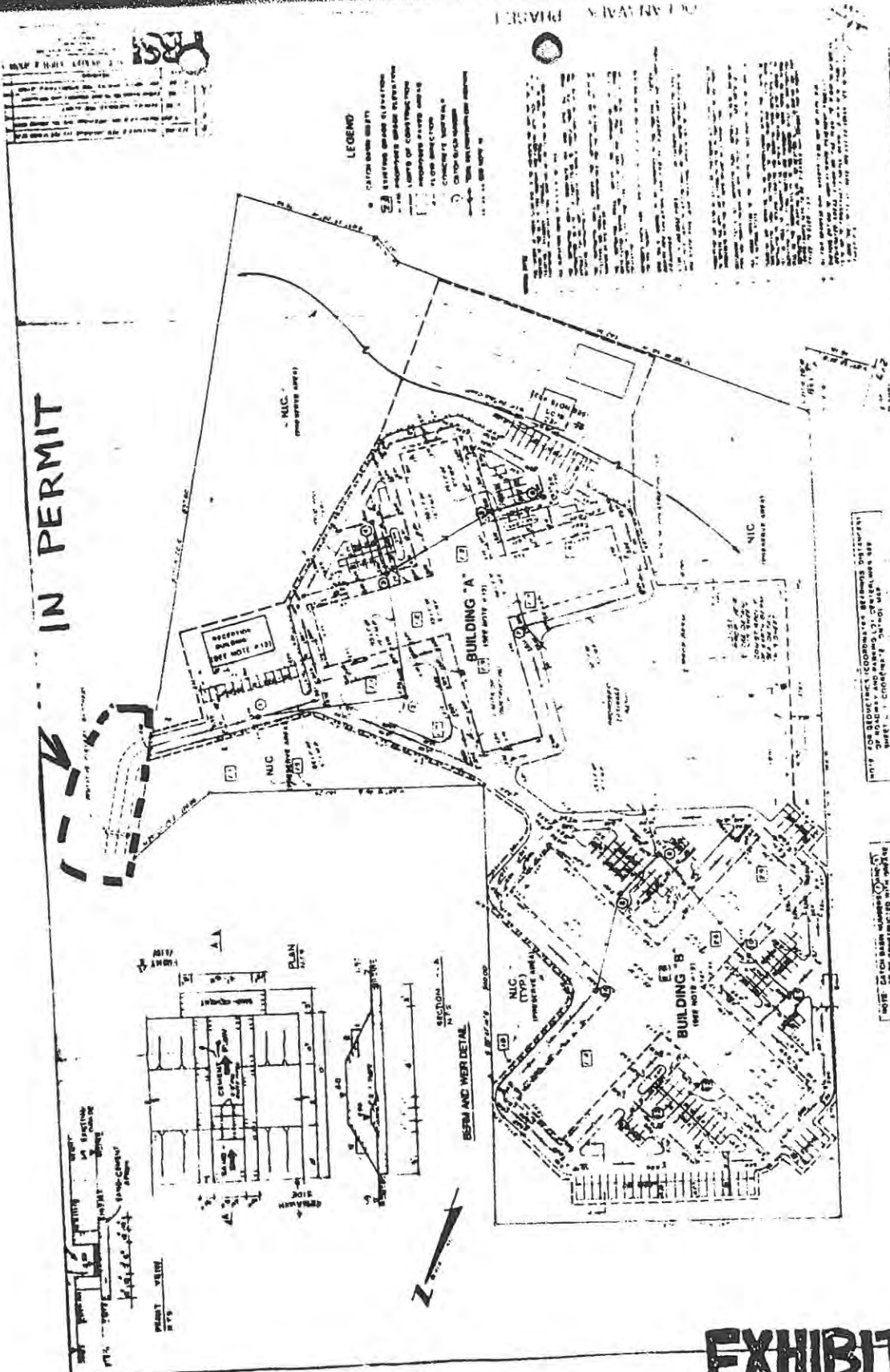
THE PERMITTEE SHALL PROVIDE TO THIS DISTRICT DOCUMENTATION OF APPROVAL PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.
8. PRIOR TO THE INITIATION OF ANY WITHDRAWAL OF WATER (IRRIGATION, DEWATERING, PUBLIC WATER SUPPLY, ETC.), IT WILL BE NECESSARY TO APPLY FOR A WATER USE PERMIT. THE PERMITTEE IS CAUTIONED THAT A MINIMUM OF 90 DAYS IS REQUIRED FOR CONSIDERATION OF THE WATER USE PERMIT APPLICATION. THE PERMITTEE IS CAUTIONED THAT THE ISSUANCE OF A SURFACE WATER MANAGEMENT PERMIT SHALL NOT BE CONSTRUED TO BE A GUARANTEE THAT WATER WILL BE AVAILABLE.
9. THE STORMWATER DETENTION BASIN SHALL BE LEFT IN ITS NATURAL VEGETATED STATE. NO ALTERATIONS TO VEGETATION OR TOPOGRAPHY ARE ALLOWED UNLESS APPROVED IN ADVANCE BY THE DISTRICT. ACTIVITIES PROHIBITED WITHIN THE DETENTION BASIN INCLUDE, BUT ARE NOT LIMITED TO: CONSTRUCTION OR PLACING OF BUILDINGS ON OR ABOVE THE GROUND; DUMPING OR PLACING SOIL OR OTHER SUBSTANCES SUCH AS TRASH; REMOVAL OR DESTRUCTION OF TREES, SHRUBS, OR OTHER VEGETATION; EXCAVATION, DREDGING OR REMOVAL OF SOIL MATERIAL; DIKING OR FENCING; AND ANY OTHER ACTIVITIES DETRIMENTAL TO DRAINAGE, FLOOD CONTROL, WATER CONSERVATION, EROSION CONTROL, OR FISH AND WILDLIFE HABITAT CONSERVATION OR PRESERVATION.

10. OPERATION OF THE SURFACE WATER MANAGEMENT SYSTEM WILL BE THE RESPONSIBILITY OF THE PERMITTEE. PRIOR TO TRANSFER OF TITLE FOR ANY PORTION OF THE PROJECT TO A THIRD PARTY MODIFICATION OF THE PERMIT WILL BE REQUIRED TO VERIFY CONTINUED COMPLIANCE WITH LIMITING CONDITION NO. 8.
11. PRIOR TO CONSTRUCTION OF THE ACCESS ROAD FOR THIS PROJECT, REVIEW AND APPROVAL FROM DISTRICT STAFF IS REQUIRED.
12. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION OF FUTURE PHASES, PAVING, GRADING, AND DRAINAGE PLANS SHALL BE SUBMITTED TO THE DISTRICT FOR REVIEW AND APPROVAL.



LOCATION MAP

EXHIBIT 1

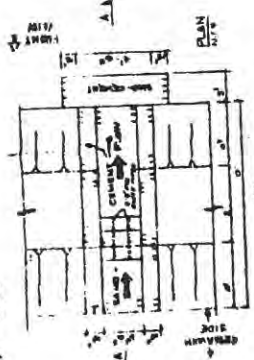


IN PERMIT

LEGEND

- 1. EXISTING BUILDING
- 2. EXISTING DRIVE
- 3. EXISTING SIDEWALK
- 4. EXISTING UTILITY
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- 6. EXISTING DRIVE
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- 147. EXISTING SIDEWALK
- 148. EXISTING UTILITY
- 149. EXISTING FENCE
- 150. EXISTING DRIVE
- 151. EXISTING SIDEWALK
- 152. EXISTING UTILITY
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- 186. EXISTING DRIVE
- 187. EXISTING SIDEWALK
- 188. EXISTING UTILITY
- 189. EXISTING FENCE
- 190. EXISTING DRIVE
- 191. EXISTING SIDEWALK
- 192. EXISTING UTILITY
- 193. EXISTING FENCE
- 194. EXISTING DRIVE
- 195. EXISTING SIDEWALK
- 196. EXISTING UTILITY
- 197. EXISTING FENCE
- 198. EXISTING DRIVE
- 199. EXISTING SIDEWALK
- 200. EXISTING UTILITY

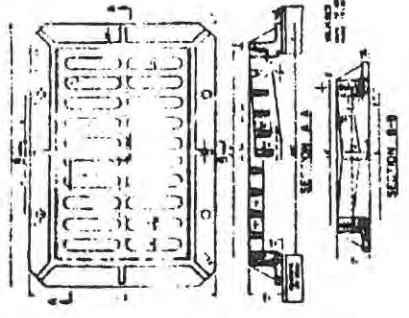
PERMIT PLAN



NOTE: FOR BIDDING, COORDINATE WITH THE CITY ENGINEER'S OFFICE FOR ALL UTILITIES AND PERMITS.

NOTE: CHECK WITH THE CITY ENGINEER FOR ALL UTILITIES AND PERMITS.

EXHIBIT 2



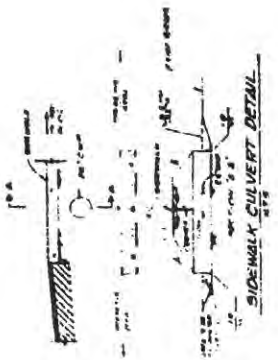
FRAME AND GRATE
S15



MANHOLE COVER (USF 310)
S16



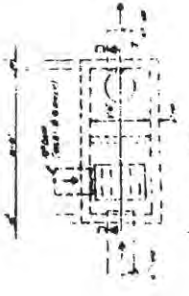
PRECAST CONCRETE SLAB
FOR METAL CATCH BASIN
S17



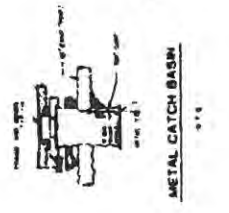
SIDEWALK CULVERT DETAIL
S18



PARKING PAVEMENT MARKING DETAIL
S19



CATCH BASIN
S20



METAL CATCH BASIN
S21



SECTION B-B
S22



HANDICAPPED SYMBOL DETAIL
SCALE: 1/4" = 1'-0"



SECTION D-D
S23



TYPICAL PARKING SECTION A-A
S24

STAFF REPORT DISTRIBUTION LIST

PROJECT Ocean Walk APPLICATION NUMBER 06288-F

INTERNAL DISTRIBUTION

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- H. Schloss
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- Ft. Myers
- X Inspection
- Kissimmee
- X Office of Counsel
- X Permit File

GOVERNING BOARD MEMBERS

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- Mr. James F. Garner
- Mr. Doran A. Jason
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- Mr. Nathaniel P. Reed
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- Mr. Fritz Stein
- Mr. Mike Stout
- Mr. J.D. York

EXTERNAL DISTRIBUTION

- X Applicant:
Ocean Walk Associates, Limited Partnership
- X Applicant's Consultant:
Post, Buckley, Schuh and Jernigan
- X Engineer, County of:
Monroe
- Engineer, City of:
Key West
- X Local Drainage District:

DEPT. OF ENVIRONMENTAL REGULATION

- X Ft. Myers
- Orlando
- Port St. Lucie
- Tallahassee
- West Palm Beach

BUILDING AND ZONING

- Boca Raton
- Boynton Beach
- Royal Palm Beach
- Tequesta
- West Palm Beach

COUNTY

- Broward -Director, Water Mgmt. Div.
-BCEQCB
- Collier -Agricultural Agent
- Dade -DERM
- Lee -Long Range Planning
-Mosquito Control
-E.P.S.
- Martin -Attorney
-Board of County Commissioners
-Community Development Director
- Palm Beach -Building Dept.
-School Bld., Plant Planning
- Polk -Water Resources Dept.

OTHER

- Fred Vidzes, Big Cypress Basin
- Kissimmee River Coordinating Council
- X Joan Borel
- Friends of Florida
- Rt. 4, Box 89
- Summerland Key, FL 33042

South Florida
Water Management District

SURFACE WATER MANAGEMENT PERMIT NO. 44-00075-8

(NON-ASSIGNABLE)

DATE ISSUED: January 12, 1989

AUTHORIZING: **CONSTRUCTION AND OPERATION OF A WATER MANAGEMENT SYSTEM
SERVING 16.08 ACRES OF RESIDENTIAL LANDS DISCHARGING INTO
A TIDALLY INFLUENCED SALT MARSH.**

LOCATED IN: MONROE COUNTY, SECTION 3,34 TWP. 67, 68 RGE. 25

ISSUED TO: **Ocean Walk Associates, LTD. Partnership
(Ocean Walk)
800 Atlantic Blvd., #432
Key West, FL 33040**

This Permit is issued pursuant to Application for Permit No. 06288-F dated June 24, 19 88. Permittee agrees to hold and save the South Florida Water Management District and its successors harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, operation, maintenance, or use of any work or structure involved in the Permit. Said application, including all plans and specifications attached thereto, as addressed by the staff report, is by reference made a part hereof.

This Permit may be revoked or modified at anytime pursuant to the appropriate provisions of Chapter 373, Florida Statutes.

This Permit does not convey to Permittee any property rights or privileges other than those specified herein, nor relieve the Permittee from complying with any law, regulation, or requirement affecting the rights of other bodies or agencies. All structures and works installed by Permittee hereunder shall remain the property of the Permittee.

Within thirty (30) days after the completion of the construction of any work or structure relative to this permit, the Permittee shall file with the District a written statement of completion on the appropriate form provided by the Board.

SPECIAL CONDITIONS ARE AS FOLLOWS:

SEE SHEETS 2,3 OF 4 - 12 SPECIAL CONDITION.
SEE SHEET 4 OF 4 - 12 LIMITING CONDITIONS.

FILED WITH THE CLERK OF THE SOUTH
FLORIDA WATER MANAGEMENT DISTRICT

ON Original signed by:
BY Vern Kalsar

DEPUTY CLERK

SOUTH FLORIDA WATER MANAGEMENT
DISTRICT, BY ITS GOVERNING BOARD

Original Signed
By Thomas E. Huser
Assistant Secretary

SPECIAL CONDITIONS

1. MINIMUM BUILDING FLOOR ELEVATION 10.0 FEET NGVD.
2. MINIMUM ROAD CROWN ELEVATION 3.0 FEET NGVD.
3. DISCHARGE FACILITIES:

DESCRIPTION: 1-2.5 FEET WIDE BROAD CRESTED WEIR WITH THE CREST AT ELEVATION 2.5 FEET NGVD AND 2-3 INCH DIAMETER PVC BLEEDER PIPES WITH INVERTS AT ELEVATION 1.9 FEET NGVD.

RECEIVING WATER: TIDALLY INFLUENCED SALT MARSH

CONTROL ELEVATION: 1.9 FEET NGVD

4. THE PERMITTEE SHALL BE RESPONSIBLE FOR THE CORRECTION OF ANY WATER QUALITY, EROSION, OR SHOALING PROBLEMS THAT RESULT FROM THE CONSTRUCTION OR OPERATION OF THE SURFACE WATER MANAGEMENT SYSTEM.
5. MEASURES SHALL BE TAKEN DURING CONSTRUCTION TO INSURE THAT SEDIMENTATION AND/OR TURBIDITY PROBLEMS ARE NOT CREATED IN THE RECEIVING WATER.
6. THE DISTRICT RESERVES THE RIGHT TO REQUIRE THAT WATER QUALITY TREATMENT METHODS BE INCORPORATED INTO THE DRAINAGE SYSTEM IF SUCH MEASURES ARE SHOWN TO BE NECESSARY.
7. OPERATION OF THE SURFACE WATER MANAGEMENT SYSTEM SHALL BE THE RESPONSIBILITY OF OCEAN WALK ASSOCIATES.

THE PERMITTEE SHALL PROVIDE TO THIS DISTRICT DOCUMENTATION OF APPROVAL PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.

8. PRIOR TO THE INITIATION OF ANY WITHDRAWAL OF WATER (IRRIGATION, DEWATERING, PUBLIC WATER SUPPLY, ETC.), IT WILL BE NECESSARY TO APPLY FOR A WATER USE PERMIT. THE PERMITTEE IS CAUTIONED THAT A MINIMUM OF 90 DAYS IS REQUIRED FOR CONSIDERATION OF THE WATER USE PERMIT APPLICATION. THE PERMITTEE IS CAUTIONED THAT THE ISSUANCE OF A SURFACE WATER MANAGEMENT PERMIT SHALL NOT BE CONSTRUED TO BE A GUARANTEE THAT WATER WILL BE AVAILABLE.
9. THE STORMWATER DETENTION BASIN SHALL BE LEFT IN ITS NATURAL VEGETATED STATE. NO ALTERATIONS TO VEGETATION OR TOPOGRAPHY ARE ALLOWED UNLESS APPROVED IN ADVANCE BY THE DISTRICT. ACTIVITIES PROHIBITED WITHIN THE DETENTION BASIN INCLUDE, BUT ARE NOT LIMITED TO: CONSTRUCTION OR PLACING OF BUILDINGS ON OR ABOVE THE GROUND; DUMPING OR PLACING SOIL OR OTHER SUBSTANCES SUCH AS TRASH; REMOVAL OR DESTRUCTION OF TREES, SHRUBS, OR OTHER VEGETATION; EXCAVATION, DREDGING OR REMOVAL OF SOIL MATERIAL; DIKING OR FENCING; AND ANY OTHER ACTIVITIES DETRIMENTAL TO DRAINAGE, FLOOD CONTROL, WATER CONSERVATION, EROSION CONTROL, OR FISH AND WILDLIFE HABITAT CONSERVATION OR PRESERVATION.

10. OPERATION OF THE SURFACE WATER MANAGEMENT SYSTEM WILL BE THE RESPONSIBILITY OF THE PERMITTEE. PRIOR TO TRANSFER OF TITLE FOR ANY PORTION OF THE PROJECT TO A THIRD PARTY MODIFICATION OF THE PERMIT WILL BE REQUIRED TO VERIFY CONTINUED COMPLIANCE WITH LIMITING CONDITION NO. 8.
11. PRIOR TO CONSTRUCTION OF THE ACCESS ROAD FOR THIS PROJECT, REVIEW AND APPROVAL FROM DISTRICT STAFF IS REQUIRED.
12. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION OF FUTURE PHASES, PAVING, GRADING, AND DRAINAGE PLANS SHALL BE SUBMITTED TO THE DISTRICT FOR REVIEW AND APPROVAL.

LIMITING CONDITIONS

1. THE PERMITTEE SHALL PROSECUTE THE WORK AUTHORIZED IN A MANNER SO AS TO MINIMIZE ANY ADVERSE IMPACT OF THE WORKS ON FISH, WILDLIFE, NATURAL ENVIRONMENTAL VALUES, AND WATER QUALITY. THE PERMITTEE SHALL INSTITUTE NECESSARY MEASURES DURING THE CONSTRUCTION PERIOD, INCLUDING FULL COMPACTION OF ANY FILL MATERIAL PLACED AROUND NEWLY INSTALLED STRUCTURES, TO REDUCE EROSION, TURBIDITY, NUTRIENT LOADING AND SEDIMENTATION IN THE RECEIVING WATERS.
2. WATER QUALITY DATA FOR THE WATER DISCHARGED FROM THE PERMITTEE'S PROPERTY OR INTO SURFACE WATERS OF THE STATE SHALL BE SUBMITTED TO THE DISTRICT AS REQUIRED. PARAMETERS TO BE MONITORED MAY INCLUDE THOSE LISTED IN CHAPTER 17-3. IF WATER QUALITY DATA IS REQUIRED, THE PERMITTEE SHALL PROVIDE DATA AS REQUIRED, ON VOLUMES OF WATER DISCHARGED, INCLUDING TOTAL VOLUME DISCHARGED DURING THE DAYS OF SAMPLING AND TOTAL MONTHLY DISCHARGES FROM THE PROPERTY OR INTO SURFACE WATERS OF THE STATE.
3. THE PERMITTEE SHALL COMPLY WITH ALL APPLICABLE LOCAL SUBDIVISION REGULATIONS AND OTHER LOCAL REQUIREMENTS. IN ADDITION THE PERMITTEE SHALL OBTAIN ALL NECESSARY FEDERAL, STATE, LOCAL AND SPECIAL DISTRICT AUTHORIZATIONS PRIOR TO THE START OF ANY CONSTRUCTION OR ALTERATION OF WORKS AUTHORIZED BY THIS PERMIT.
4. THE OPERATION PHASE OF THIS PERMIT SHALL NOT BECOME EFFECTIVE UNTIL A FLORIDA REGISTERED PROFESSIONAL ENGINEER CERTIFIES THAT ALL FACILITIES HAVE BEEN CONSTRUCTED IN ACCORDANCE WITH THE DESIGN APPROVED BY THE DISTRICT. WITHIN 30 DAYS AFTER COMPLETION OF CONSTRUCTION OF THE SURFACE WATER MANAGEMENT SYSTEM, THE PERMITTEE SHALL SUBMIT THE CERTIFICATION AND NOTIFY THE DISTRICT THAT THE FACILITIES ARE READY FOR INSPECTION AND APPROVAL. UPON APPROVAL OF THE COMPLETED SURFACE WATER MANAGEMENT SYSTEM, THE PERMITTEE SHALL REQUEST TRANSFER OF THE PERMIT TO THE RESPONSIBLE ENTITY APPROVED BY THE DISTRICT.
5. ALL ROADS SHALL BE SET AT OR ABOVE ELEVATIONS REQUIRED BY THE APPLICABLE LOCAL GOVERNMENT FLOOD CRITERIA.
6. ALL BUILDING FLOORS SHALL BE SET AT OR ABOVE ELEVATIONS ACCEPTABLE TO THE APPLICABLE LOCAL GOVERNMENT.
7. OFF-SITE DISCHARGES DURING CONSTRUCTION AND DEVELOPMENT SHALL BE MADE ONLY THROUGH THE FACILITIES AUTHORIZED BY THIS PERMIT. NO ROADWAY OR BUILDING CONSTRUCTION SHALL COMMENCE ON-SITE UNTIL COMPLETION OF THE PERMITTED DISCHARGE STRUCTURE AND DETENTION AREAS. WATER DISCHARGED FROM THE PROJECT SHALL BE THROUGH STRUCTURES HAVING A MECHANISM SUITABLE FOR REGULATING UPSTREAM WATER STAGES. STAGES MAY BE SUBJECT TO OPERATING SCHEDULES SATISFACTORY TO THE DISTRICT.
8. NO CONSTRUCTION AUTHORIZED HEREIN SHALL COMMENCE UNTIL A RESPONSIBLE ENTITY ACCEPTABLE TO THE DISTRICT HAS BEEN ESTABLISHED AND HAS AGREED TO OPERATE AND MAINTAIN THE SYSTEM. THE ENTITY MUST BE PROVIDED WITH SUFFICIENT OWNERSHIP SO THAT IT HAS CONTROL OVER ALL WATER MANAGEMENT FACILITIES AUTHORIZED HEREIN. UPON RECEIPT OF WRITTEN EVIDENCE OF THE SATISFACTION OF THIS CONDITION, THE DISTRICT WILL ISSUE AN AUTHORIZATION TO COMMENCE CONSTRUCTION.
9. THE PERMIT DOES NOT CONVEY TO THE PERMITTEE ANY PROPERTY RIGHT NOR ANY RIGHTS OR PRIVILEGES OTHER THAN THOSE SPECIFIED IN THE PERMIT AND CHAPTER 40E-4, FAC.
10. THE PERMITTEE SHALL HOLD AND SAVE THE DISTRICT HARMLESS FROM ANY AND ALL DAMAGES, CLAIMS, OR LIABILITIES WHICH MAY ARISE BY REASON OF THE CONSTRUCTION, OPERATION, MAINTENANCE OR USE OF ANY FACILITY AUTHORIZED BY THE PERMIT.
11. THIS PERMIT IS ISSUED BASED ON THE APPLICANT'S SUBMITTED INFORMATION WHICH REASONABLY DEMONSTRATES THAT ADVERSE OFF-SITE WATER RESOURCE RELATED IMPACTS WILL NOT BE CAUSED BY THE COMPLETED PERMIT ACTIVITY. IT IS ALSO THE RESPONSIBILITY OF THE PERMITTEE TO INSURE THAT ADVERSE OFF-SITE WATER RESOURCE RELATED IMPACTS DO NOT OCCUR DURING CONSTRUCTION.
12. PRIOR TO DEWATERING, PLANS SHALL BE SUBMITTED TO THE DISTRICT FOR APPROVAL. INFORMATION SHALL INCLUDE AS A MINIMUM: PUMP SIZES, LOCATIONS AND HOURS OF OPERATION FOR EACH PUMP. IF OFF-SITE DISCHARGE IS PROPOSED, OR OFF-SITE ADVERSE IMPACTS ARE EVIDENT, AN INDIVIDUAL WATER USE PERMIT MAY BE REQUIRED. THE PERMITTEE IS CAUTIONED THAT SEVERAL MONTHS MAY BE REQUIRED FOR CONSIDERATION OF THE WATER USE PERMIT APPLICATION.

Tree Inventory

**Tree Inventory for Permit to remove trees as per development plan
Landscape demolition plan L0.01**

**Ocean Walk Apartments
3900 S. Roosevelt Blvd.
Key West, Fl.**

In accordance to Sec 110-323 the following is an inventory of all existing trees in the area of proposed construction impact, including ingress to and egress from this area. The inventory shall state size, diameter and species of each tree.

Landscape consultant conducted a ground-based visual assessment of the tree crown, trunk, above-ground roots, and site conditions around the trees to evaluate the structure, health and value of the trees. The assessment did not include the use of tools.

The assessment is generalized into four grades that includes conditions indicating the presence of health and/or structural deficiencies including, but not limited to: dead, diseased, broken stems, and/or roots; weakly attached branches and co-dominant stems; crossing limbs; mechanical damage and cracks; indications of decay and infestations; root plate lifting; abnormal trunk flare; lack of trunk flare; restricted or undermined roots; unusual tree architecture including lean, low live crown ratio, poor taper, and/or crown asymmetry.

Tree condition rating is **good; fair; poor; dead**. The general ratings reflect whether or not a tree is likely to continue contributing to the urban forest (good to fair) or whether the tree is at or near the end of its life (poor to dead).

The numbered trees (Tree 0) are selected for removals as per plans in the designated areas. The tree numbers below correspond to the tree numbers on the Landscape demolition plan L0.01. Some trees identified at the site are in the direct two buildings area some are located in the disturbed upland area.

DBH (Diameter at Breast Height) = **DSH** (Diameter at Standard Height) and mean the diameter of a tree's main trunk measured four and one-half (4½) feet above the ground surface. When a tree grows with multiple trunks, DSH shall be equal to the sum or aggregate of the individual stem diameters measured at four and one-half (4½) feet above grade. **(Sec.110-252)**

On site observation: The designated disturbed upland area is partially covered with dense vegetation extending from ground to canopy dominated by invasive species. A few trees are visually obscured by the dense covering making documenting with photos difficult. A few trees are totally obscured and a photo is not available but measurements were able to be obtained.

Tree 1: Pongam *Pongamia pinnata*

Observations: Not protected as per 110-253

Rating: Good

DBH: 70 inches



Tree 2 : Mahogany, *Swietenia mahagoni*

Observations: protected as per 110-253

Rating: Fair

DBH: 33 inches



Tree 3 : Mahogany, *Swietenia mahagoni*

Observations: protected as per 110-253

Rating: Fair

DBH: 43 inches



Tree 4: Mahogany, *Swietenia mahagoni*

Observations: protected as per 110-253

Rating: Poor

DBH: 44 inches



Tree 5: Buttonwood, *Conocarpus erectus*

Observations: protected as per 110-253

Rating: Good

DBH: 47 inches



Tree 6: Mahogany, *Swietenia mahagoni*

Observations: protected as per 110-253

Rating: Fair
DBH: 38 inches



Tree 7: Mahogany, *Swietenia mahagoni*
Observations: protected as per 110-253
Rating: Poor
DBH: 67 inches



Tree 8: Mahogany, *Swietenia mahagoni*
Observations: protected as per 110-253
Rating: Fair
DBH: 37 inches



Tree 9: Mahogany, *Swietenia mahagoni*

Observations: protected as per 110-253

Rating: Fair

DBH: 43 inches



Tree 10 : Mahogany, *Swietenia mahagoni*

Observations: protected as per 110-253

Rating: Poor

DBH: 35 inches



Tree 15, 16, 17: Pongam *Pongamia pinnata*

Observations: Not protected as per 110-253

Rating: Good

DBH:total (60", 38", 30) 128 inches



Tree 18: Buttonwood, *Conocarpus erectus*

Observations: protected as per 110-253

Rating: Good

DBH: 191 inches



Tree 19: Buttonwood, *Conocarpus erectus*

Observations: protected as per 110-253

Rating: Good

DBH: 160 inches



Tree 20: Buttonwood, *Conocarpus erectus*

Observations: protected as per 110-253

Rating: fair to poor

DBH: 41 inches



Tree 21: Buttonwood, *Conocarpus erectus*

Observations: protected as per 110-253

Rating: Good

DBH: Cluster of trees 214 total inches



Tree 22: Milkbark *Drypetes diversifolia*

Observations: protected as per 110-253

Rating: Good

DBH: two trees 10" and 11", 21 total inches



Tree 23: Shortleaf Fig, *Ficus citrifolia*

Observations: protected as per 110-253

Rating: Fair

DBH: 25 inches

No picture

Tree 24: Poisonwood, *Metopium toxiferum*

Observations: protected as per 110-253

Rating: fair to poor

DBH: 14 inches

No picture

Tree 25: Buttonwood, *Conocarpus erectus*

Observations: protected as per 110-253

Rating: Good

DBH: 35 inches

No pictures

Tree 26: Cluster of Blacktorch, *Erithalis fruticosa*

Observations: protected as per 110-253

Rating: fair

DBH: 11 inches

No picture

Tree 27: Buttonwood, *Conocarpus erectus*

Observations: protected as per 110-253

Rating: Good to fair (large multi co-dominant trunks)
DBH: 87 inches
No picture

Tree 28: Gumbo limbo, *Bursera simaruba*
Observations: protected as per 110-253
Rating: fair to poor
DBH: 25 inches



Tree 29: Poisonwood, *Metopium toxiferum*
Observations: protected as per 110-253
Rating: fair to poor
DBH: 24 inches



Tree 30: Buttonwood, *Conocarpus erectus*
Observations: protected as per 110-253
Rating: Good to fair (large multi co-dominant trunks)
DBH: 161 inches



Tree 31: Buttonwood, *Conocarpus erectus*
Observations: protected as per 110-253
Rating: Good to fair (large multi co-dominant trunks)
DBH: 62 inches
No picture

Tree 32: Buttonwood, *Conocarpus erectus*
Observations: protected as per 110-253
Rating: Good to fair (large multi co-dominant trunks)
DBH: 60 inches

Tree 33: Buttonwood, *Conocarpus erectus*
Observations: protected as per 110-253
Rating: Poor
DBH: 42 inches



Tree 33a: Black torch *Erithalis fruticosa*
Observations: protected as per 110-253
Rating: Good to fair
DBH: 19 inches



Tree 34: Buttonwood, *Conocarpus erectus*
Observations: protected as per 110-253
Rating: Good
DBH: 65 inches



Tree 35: Buttonwood, *Conocarpus erectus*
Observations: protected as per 110-253
Rating: Good
DBH: 38 inches



Tree 36: Black torch *Erithalis fruticosa*

Observations: protected as per 110-253

Rating: Good

DBH: 32 inches



Tree 37: Buttonwood, *Conocarpus erectus*

Observations: protected as per 110-253

Rating: Good to fair
DBH: 68 inches



Tree 37a: Sea-grape *Coccoloba uvifera*
Observations: protected as per 110-253
Rating: fair (multi co-dominant trunks)
DBH: 44 inches

Tree 38: Buttonwood, *Conocarpus erectus*
Observations: protected as per 110-253
Rating: fair
DBH: 14 inches



Tree 39: Jamaica Caper *Capparis cynophallophora*
Observations: protected as per 110-253
Rating: Good to fair
DBH: 41 inches



Tree 40: Jamaica Caper *Capparis cynophallophora*

Observations: protected as per 110-253

Rating: Good

DBH: 41 inches



Tree 41: Jamaica Caper *Capparis cynophallophora*

Observations: protected as per 110-253

Rating: Good to fair

DBH: 18 inches



Tree 42: Buttonwood, *Conocarpus erectus*
Observations: protected as per 110-253
Rating: fair
DBH: 14 inches



Tree 43: Buttonwood, *Conocarpus erectus*
Observations: protected as per 110-253
Rating: Good
DBH: 28 inches



Tree 44: Buttonwood, *Conocarpus erectus*

Observations: protected as per 110-253

Rating: Good

DBH: 10 inches



Tree 45: Buttonwood, *Conocarpus erectus*

Observations: protected as per 110-253

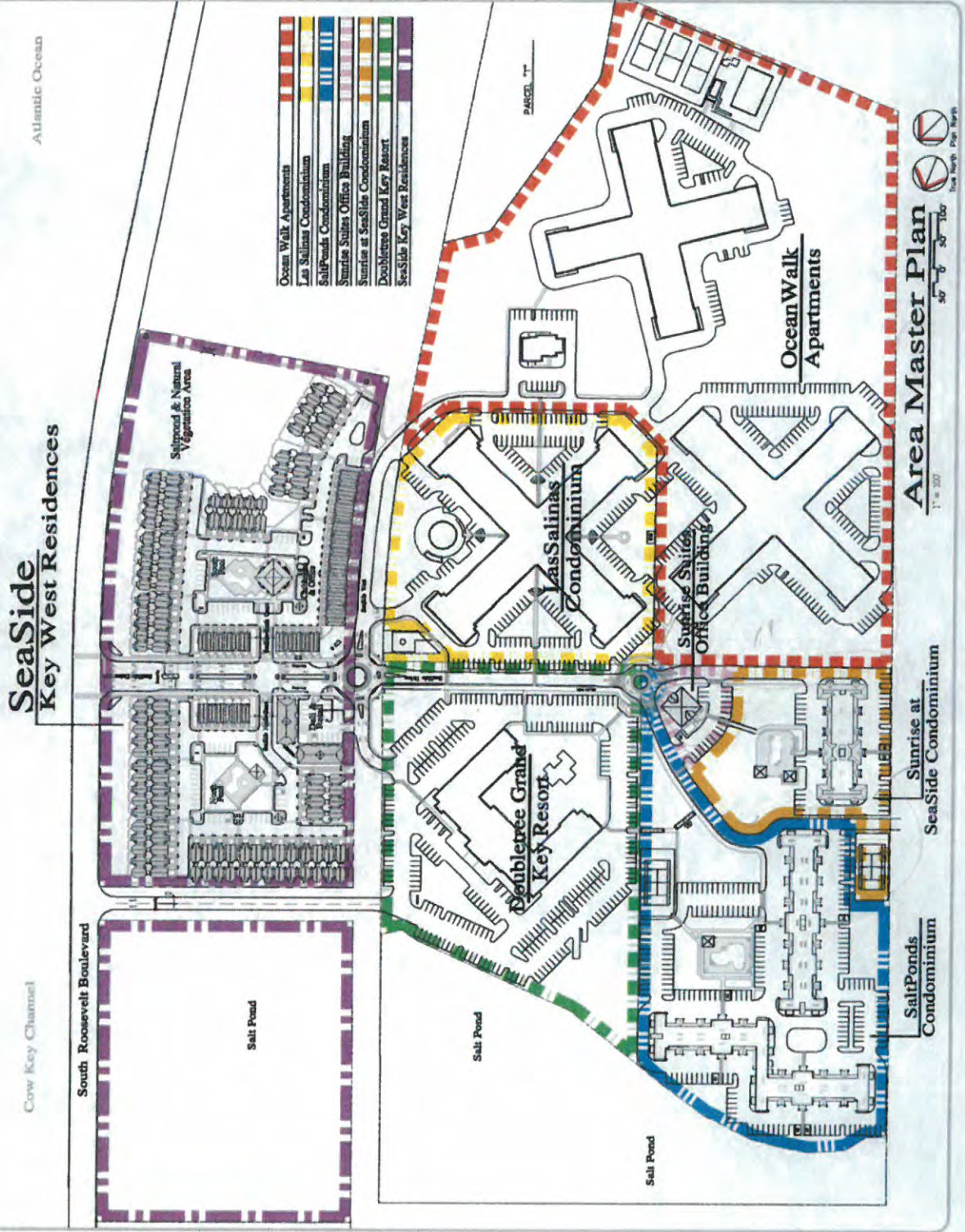
Rating: Good to fair

DBH: 54 inches



Attachments

SeaSide Key West Community Area Master Plan



Ocean Walk Apartments	[Red dashed line]
Las Salinas Condominium	[Yellow solid line]
SaltPonds Condominium	[Blue solid line]
Sunrise Suites Office Building	[Green solid line]
Sunrise at SeaSide Condominium	[Purple solid line]
Doubletree Grand Key Resort	[Green solid line]
SeaSide Key West Residences	[Purple solid line]

Area Master Plan
 1" = 100'
 30' 60' 150'

Sunrise at SeaSide Condominium
 SeaSide Condominium
 SaltPonds Condominium

Ocean Walk Apartments

Las Salinas Condominium

Sunrise Suites Office Building

Doubletree Grand Key Resort

SeaSide Key West Residences

Cow Key Channel

South Roosevelt Boulevard

Salt Pond

Salt Pond

Salt Pond

Atlantic Ocean

Stippled & Natural Vegetation Area

PARCEL "T"



North

RECEIVED
 05/23/08 8 09 AM
 ERC 1230

These 2-Record Drawings are submitted as attachments to engineers' certifications received on this date. Planned 8-15-06

Permit # 44-00075-5

NO.	REVISION	DATE	BY

PHASE II
 PAVING, GRADING
 AND DRAINAGE PLAN

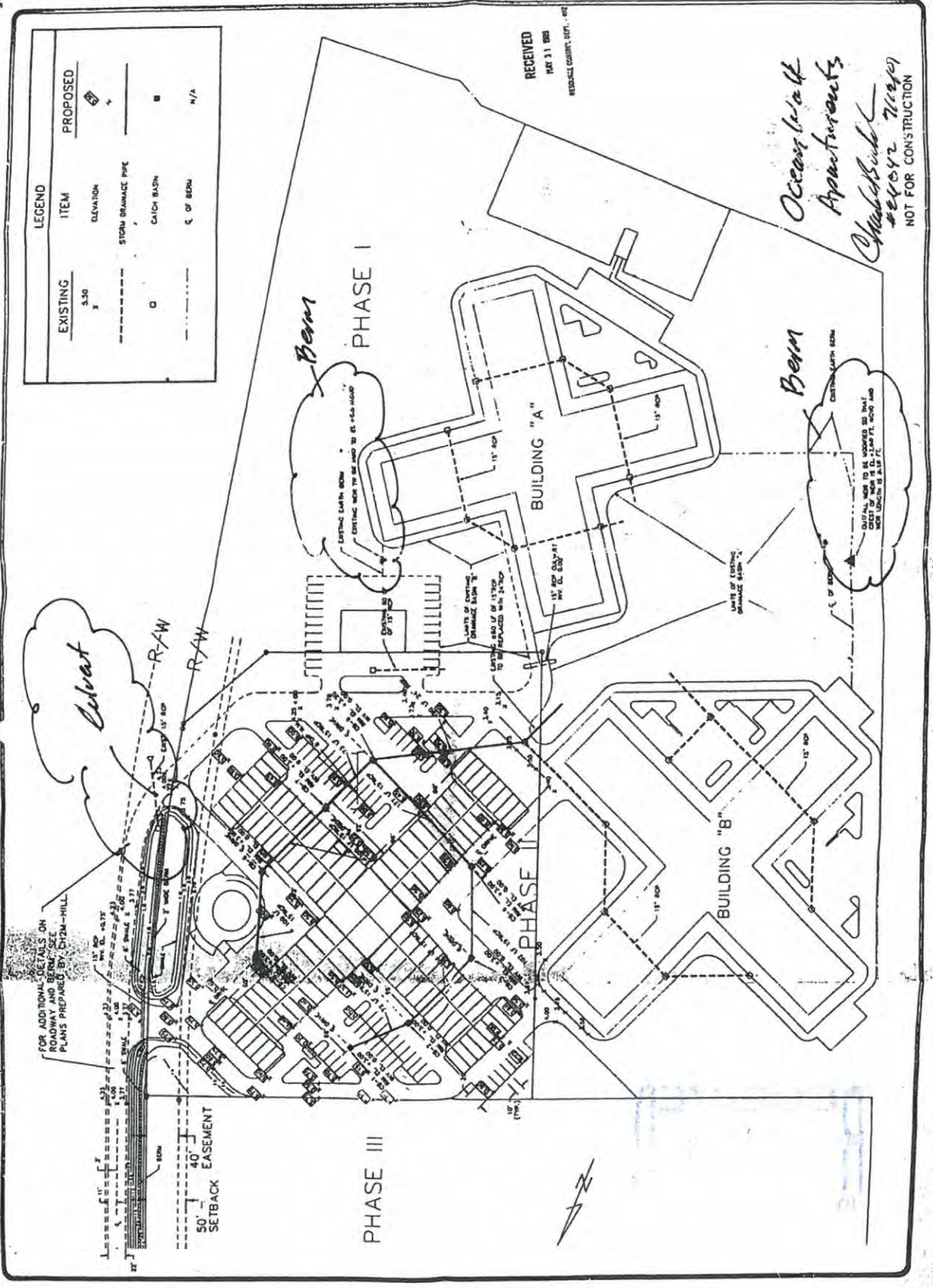
EAS ENGINEERING, INC.
 10700 S.W. 80th STREET
 SUITE 302
 MIAMI, FLORIDA 33176
 (305) 274-7350

OCEAN WALK ASSOCIATES, LP PARTNERSHIP
 500 ATLANTIC BOULEVARD, #13
 KEY WEST, FLORIDA 33047

NO.	REVISION	DATE	BY

PLANNED

LEGEND		PROPOSED
EXISTING	ITEM	
---	ELEVATION	5.30
---	STORM DRAINAGE PIPE	
□	CATCH BASIN	■
---	℄ OF BDM	N/A



RECEIVED
 MAY 31 2008
 HERRING COUNTY, DEPT. OF REC.

Ocean Walk
 Apartments
 Chadwick
 10/24/07
 NOT FOR CONSTRUCTION

FOR ADDITIONAL DETAILS ON ROADWAY AND SIDEWALKS ON PLANS PREPARED BY: ERM-HILL

50' SETBACK EASEMENT
 40'

