

City of Key West Planning Department
P.O. Box 1409, Key West, FL 33041-1409
(305) 809-3720

RECEIVED

MAY 04 2015

CITY OF KEY WEST
PLANNING DEPT.

Application for Transfer of Transient Units and / of Licenses

Please complete this application in its entirety accompanied by a check for **\$2,000.00** made out to the City of Key West. There is also **separate** fee of **\$50.00** for Fire Department Review and Advertising and Noticing fee of **\$100.00**. **Deliver the original and 2 signed & sealed surveys and site plans** to the Planning Department at 3140 Flagler Avenue. It is suggested that a pre-application discussion be scheduled as well as an appointment to deliver the application. Due to the complexity and individuality of each transaction, the Planning Department may need additional information prior to processing.

This application is for a transaction involving a transfer from one location (sender site) to another (receiver site). If there is an additional site at either end of the transfer process, this requires another application.

The owner(s) of both the sender site and receiver site are the applicants and must sign the application. Corporations and partnerships must sign as legally required. If another person is acting as the agent or authorized representative of the owner, supporting documentation must be provided as indicated.

The application process for a Transient Transfer is:
Development Review Committee (DRC)
Planning Board

A. Fill in the following information.

Sender Site

Address of Site

Unassigned pursuant to Planning Board
Resolution Nos. 2012-41; 2005-40;
and 2006-19 (3591 S. Roosevelt Blvd.)
RE# unassigned

Name(s) of Owner(s):

Hyatt & Hyatt, Inc., a Florida corporation

Name of Agent or Person to Contact:

Susan M. Cardenas, Esq.

Address: 221 Simonton Street
Key West, FL 33040

Telephone Number(s) (305) 294-0252

Email susan@keyslaw.net

Receiver Site

Address of Site

500 Duval Street, Second Floor
Key West, FL 33040

RE# 00009850-000000

Name(s) of Owner(s):

Paul L. Ferber Irrevocable Trust
11/21/68; and Old Kress Building
Company, Inc.

Name of Agent or Person to Contact:

Susan M. Cardenas, Esq.

221 Simonton Street
Key West, FL 33040

Telephone Number(s) (305) 294-0252

Email susan@keyslaw.net

For Sender Site:

SEE ATTACHED ANALYSIS FROM ACTING PLANNING DIRECTOR KEVIN BOND

"Local name" of property _____ Zoning district _____

Legal description _____

Current use: _____

Number of existing transient units: _____

Size of site _____ Number of existing city transient rental licenses: _____

What is being removed from the sender site? _____

What are your plans for the sender site? _____

For Receiver Site:

"Local name" of property Kress Building Zoning district HRCC-1

Legal description A tract of land in a part of Lot 2, Square 51, in the City of Key West Florida, according to Wm. A. Whitehead's map of the Island of Key West, Florida, and more particularly described in the Special Warranty Deed attached hereto.

Current use: First Floor - Commercial retail and restaurant uses; Second Floor - Commercial office space and storage plus 1 residential unit for the Margaritaville "Band Apartment"; Third Floor (Penthouse) - 1 residential unit

Size of site: 28,912 square feet Number of existing city transient rental licenses: 0

Number of existing transient and/or residential units: 1 existing non-transient residential unit (Penthouse); and 1 non-transient residential unit (unrecognized) (Margaritaville "Band Apartment").

Existing non-residential floor area 24,662 square feet

What will be transferred to the receiver site? 6 full size transient residential units

What are your plans for the receiver site? First Floor - Commercial retail and restaurant uses; Second Floor - 6 transient residential units + 1 additional transient residential unit if LUD granted for the "Band Apartment"; Third Floor (Penthouse) - 1 residential unit.

Sender Site: Current Owner Information

FOR INDIVIDUALS

1. NAME _____

2. NAME _____

ADDRESS _____

ADDRESS _____

TELEPHONE(1) _____

TELEPHONE(1) _____

(2) _____

(2) _____

FAX _____

FAX _____

FOR CORPORATIONS

A. CORPORATE NAME Hyatt & Hyatt, Inc.

B. STATE/COUNTRY OF INCORPORATION Florida

C. REGISTERED TO DO BUSINESS IN THE STATE OF FLORIDA X YES NO

D. NAMES OF OFFICERS AND DESIGNATIONS

Mark B. Hyatt, President

FOR PARTNERSHIPS

A. NAME OF PARTNERSHIP: _____

B. STATE OF REGISTRATION: _____

C. GENERAL PARTNER WITH AUTHORITY TO BIND PARTNERSHIP:

FOR CORPORATIONS AND PARTNERSHIPS

NAME AND ADDRESS OF PERSON "IN HOUSE" TO CONTACT:

c/o Susan M. Cardenas, Esq., Stones & Cardenas, 221 Simonton Street, Key West, FL
33040

TELEPHONE(S) 305-294-0252

FAX 305-292-5442

Receiver Site: Current Owner Information

FOR INDIVIDUALS

1. NAME Paul L. Ferber Irrevocable Trust U/T/D 11/21/1968, J. Thomas Dodson,
Trustee

ADDRESS c/o Susan M. Cardenas, Esq., Stones & Cardenas, 221 Simonton Street,
Key West, FL 33040

TELEPHONE(S) 305-294-0252 FAX 305-292-5442

(2) _____ (2) _____

FAX _____ FAX _____

FOR CORPORATIONS

A. CORPORATE NAME Old Kress Building Company, Inc.

B. STATE/COUNTRY OF INCORPORATION Florida

C. REGISTERED TO DO BUSINESS IN THE STATE OF FLORIDA X YES NO

D. NAMES OF OFFICERS AND DESIGNATIONS

John Cohan, President John Wiseman, Secretary

FOR PARTNERSHIPS

A. NAME OF PARTNERSHIP: _____

B. STATE OF REGISTRATION: _____

C. GENERAL PARTNER WITH AUTHORITY TO BIND PARTNERSHIP:

FOR CORPORATIONS AND PARTNERSHIPS

NAME AND ADDRESS OF PERSON "IN HOUSE" TO CONTACT:

c/o Susan M. Cardenas, Esq., Stones & Cardenas, 221 Simonton Street, Key West, FL
33040

TELEPHONE(S) 305-294-0252 FAX 305-292-5442

REQUIRED ATTACHMENTS

Sender Site

1. Current survey N/A – unassigned status
2. Current floor plans N/A – unassigned status
3. Copies of current occupational license(s) for transient rental use
OR Letter from City Licensing Official verifying number of licenses and date N/A
4. Copy of last recorded deed to show ownership as listed on application. N/A
5. If property is mortgaged, a letter from the mortgagee consenting to the transfer of the transient licenses and the proposed disposition of the property N/A
6. Proposed site plan if changed for future use. N/A
7. Proposed floor plans if changed for future use. N/A
8. Detailed description of how use of transient rental units will be extinguished. N/A
9. Other Unassigned status

Receiver Site

1. Current survey
2. Current floor plans
3. Copies of current occupational license(s)
4. Copy of last recorded deed to show ownership as listed on application
5. If there is a homeowners or condominium association, provide proof of the association's approval of the transfer. (This approval must be by a majority vote as defined by the governing documents of the association). N/A
6. Proposed site plan if changed for future use. N/A
7. Proposed floor plans if changed for future use.
8. Other _____

~NOTE: The above items constitute one complete application package. Two signed & sealed surveys and site plans are required~

Signature Page and Verification Form for Sender Site

I (We) Susan M. Cardenas

owner(s) or authorized agent of the owner(s) of the real property located at

unassigned In the City of Key

West, Florida, RE# N/A state that all of the

information contained in this application and all of the answers to the above questions are true and correct to the best of my knowledge and belief.

Signature _____ Date: _____

Susan M. Cardenas, Florida Bar No. 0488526 Attorney
print name designation

Signature *Susan M. Cardenas* Date: May 2, 2015

Subscribed and sworn to or affirmed before me on MAY 4, 2015 by

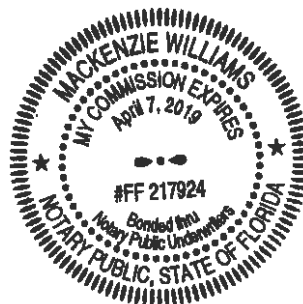
Susan M. Cardenas, personally known to me or

presenting personally known to me as identification.

Mackenzie Williams
Notary Public Signature, Seal

Name printed Mackenzie Williams Title Notary

Commission, Date _____



Signature Page and Verification Form for Receiver Site

I (We) Susan M. Cardenas

owner(s) or authorized agent of the owner(s) of the real property located at
500 Duval Street in the City of Key West, Florida,

RE# 00009850-000000 state that all of the information contained
in this application and all of the answers to the above questions are true and correct
to the best of my knowledge and belief.

Signature _____ Date: _____

Susan M. Cardenas, Florida Bar No. 0488526 Attorney
print name designation

Signature *Susan M. Cardenas* Date: May 2, 2015

Subscribed and sworn to or affirmed before me on May 4, 2015 by
Susan M. Cardenas, personally known to me or

presenting personally known identification.

Mackenzie Williams
Notary Public Signature, Seal

Name printed Mackenzie Williams Title _____

Commission, Date _____



SENDER SITE

ANALYSIS OF ACTING PLANNING DIRECTOR

KEVIN BOND

Susan Cardenas

From: Kevin Bond <kbond@cityofkeywest-fl.gov>
Sent: Wednesday, March 11, 2015 10:36 PM
To: Susan Cardenas
Cc: Larry Erskine; Carolyn Walker
Subject: RE: Hyatt and Hyatt Inc. 3591 S. Roosevelt "Southpointe Atlantic" approved rogo use

Hi, Susan.

Upon re-reading Planning Board Resolution No. 2012-41, I see the approval stated "allowing a transfer of nine transient units and associated business tax receipts from property located at 3591 South Roosevelt Boulevard (RE # 00054350-000000) to a status of unassigned to any particular property." As best I can tell, there are three remaining untransferred units/licenses from PB Res 2012-41. Due to the language above, I do not think we can use the original sender site of 915 Windsor Lane for purposes of a future transient transfer application and the parity requirement in City Code Section 122-1339(b). That being said, I do not think that means the transient units can be of unlimited size on a receiver site. Here is how I found some of the other units from the 915 Windsor Lane sender site were approved for redevelopment:

- CC Res 05-124 approved the redevelopment of former 24-room motel at 915 Windsor Lane into 6 "full-size" transient units. The old motel rooms were single-room units. Six of the ROGO equivalents were redeveloped into six 3-bed townhouse-type transient units at the Windsor property.
- PB Res 2005-041 approved the transfer of 15 small transient units from 915 Windsor to 3591 S Roosevelt for 9 full-size non-transient units. The receiver site units were going to be 3 bed non-transient units of 2,800 SF each.
- PB Res 2013-46 approved the transfer of 3 transient units/licenses from unassigned status to 520 Angela St for "one 3-bedroom single-family house...and a two bedroom one bath single-family house."

I would recommend that the future development of the remaining three units from PB Res 2012-41 on an eligible receiver site not exceed three bedrooms as is consistent with the above projects.

Kevin Bond, AICP, LEED Green Associate, Acting Planning Director / Senior Planner
City of Key West Planning Department
3140 Flagler Avenue
Key West, Florida 33040-4602
P [305.809.3725](tel:305.809.3725) | F [305.809.3978](tel:305.809.3978)
www.cityofkeywest-fl.gov

Susan Cardenas

Subject: FW: Hyatt and Hyatt Inc rogos w/ transient licenses sale

From: Kevin Bond [<mailto:kbond@cityofkeywest-fl.gov>]
Sent: Friday, April 10, 2015 5:41 PM
To: Susan Cardenas
Subject: RE: Hyatt and Hyatt Inc rogos w/ transient licenses sale

Hi, Susan.

Sorry for the delay. I have reviewed as many documents as I can find. It appears out of the four transient units from the sender site at 914 Frances Street:

- a total of three units were transferred to 3591 South Roosevelt Blvd through Planning Board Resolution Nos. 2005-040 and 2006-019, and
- one unit was transferred to 800 Eisenhower Drive as a 1.0 non-transient unit.

I cannot find a floor plan for the 800 Eisenhower project, but the three units transferred to 3591 South Roosevelt would have been used as 3-bedroom non-transient units of approximately 2,688 square feet each. So, as with the other project, I would recommend that future development of the remaining three units from Planning Board Resolution Nos. 2005-040 and 2006-019 on an eligible receiver site not exceed three bedrooms.

The hearing for the rescinding of the above resolutions will be scheduled for the May 21 Planning Board meeting. Please feel free to contact me with any questions. Thank you.

Kevin Bond, AICP, LEED Green Associate, Senior Planner

City of Key West Planning Department
3140 Flagler Avenue
Key West, Florida 33040-4602
P [305.809.3725](tel:305.809.3725) | F [305.809.3978](tel:305.809.3978)
www.cityofkeywest-fl.gov

From: Susan Cardenas [<mailto:susan@keyslaw.net>]
Sent: Tuesday, March 17, 2015 2:01 PM
To: Kevin Bond
Cc: Mark B. Hyatt; Shields Ferber; Claude Gardner; Jim Wiseman; Paul S. Ferber
Subject: RE: Hyatt and Hyatt Inc rogos w/ transient licenses sale

Kevin:

I have not seen the paper plans supplied to you by Mark Hyatt, however the supporting documentation that you sent to me last week appears to indicate that:

In PB Resolution 2005-039 and PB Resolution 2006-018, the City employed a parity analysis that the four transient rooms and two non-transient units originally located at 914 Frances Street were equivalent to three full-size, two-bedroom units. 1 unit was transferred to 800 Eisenhower (Resolution 2005-039) and 2 units were transferred to the Southpointe Atlantic development (Resolution 2006-018) as full size units with an average size of 2,695 sf.

In PB Resolution No. 2006-019, the City approved a transfer of 1 full-size transient unit from 914 Frances Street to the Southpointe Atlantic development as equivalent to one full size unit with an average size of 2,695 sf.

Will it be your recommendation here, as in 915 Windsor, that the future development of the remaining three units from PB Resolutions 2006-18 and 2006-19 on an eligible receiver site not exceed two bedrooms with square footage as is consistent with the Southpointe Atlantic project? If that is accurate, would you mind stating same so that I have I have a record of your comments?

Thank you,

Susan M. Cardenas
Stones & Cardenas
221 Simonton Street
Key West, FL 33040
Telephone: 305.294.0252, ext. 4
Facsimile: 305.292.5442
E-mail: susan@keyslaw.net
www.stonescardenas.com

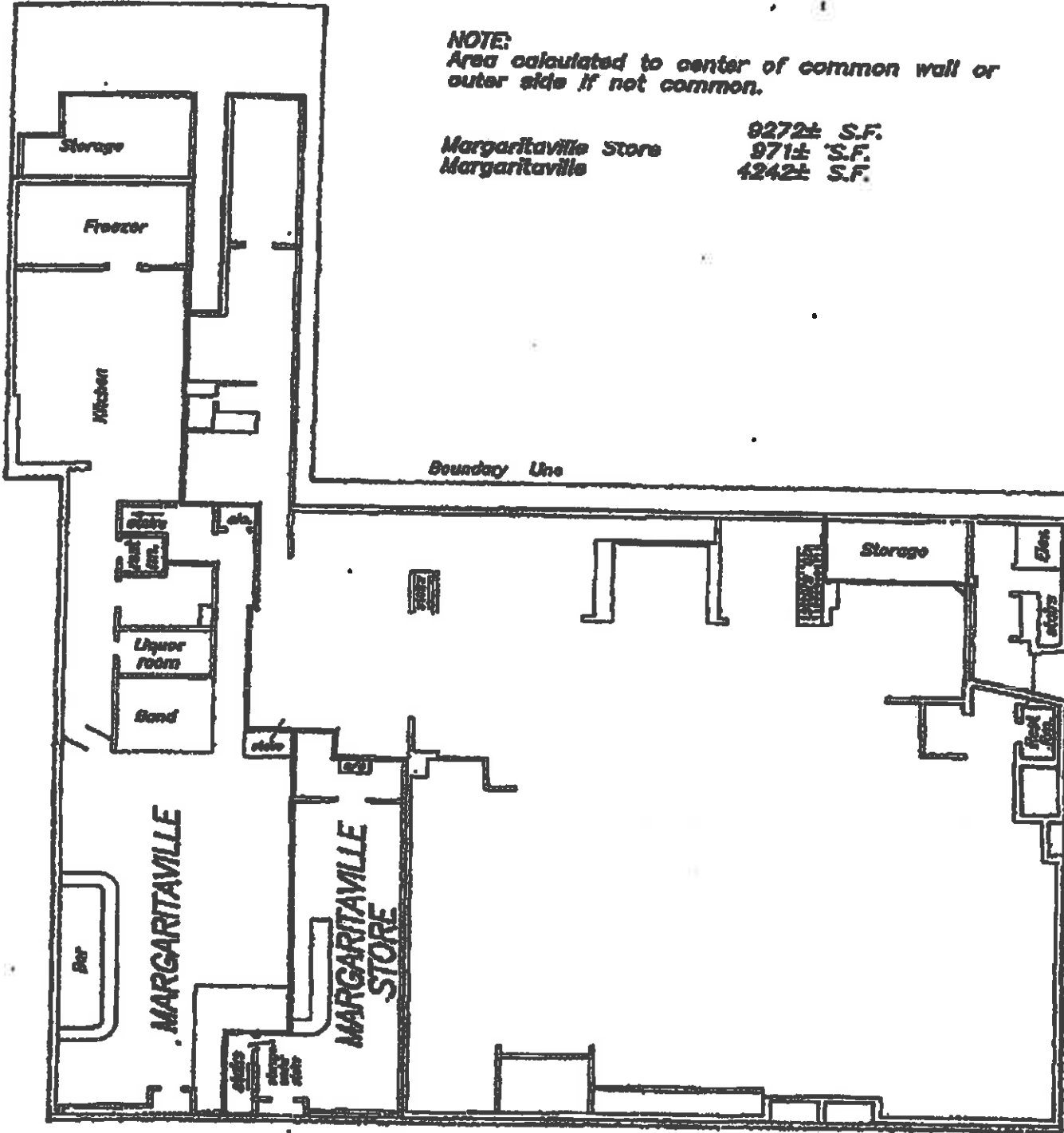
NOTICE: This e-mail is intended only for the individual(s) or entity(s) named within the message. This e-mail might contain legally privileged and confidential information. If you properly received this e-mail as a client or retained expert, please hold it in confidence to protect the attorney-client or work product privileges. Should the intended recipient forward or disclose this message to another person or party, that action could constitute a waiver of the attorney-client privilege. If the reader of this message is not the intended recipient, or the agent responsible to deliver it to the intended recipient, you are hereby notified that any review, dissemination, distribution or copying of this communication is prohibited by the sender and to do so might constitute a violation of the Electronic Communications Privacy Act, 18 U.S.C. section 2510-2521. If this communication was received in error we apologize for the intrusion. Please notify us by reply e-mail and delete the original message without reading same. Nothing in this e-mail message shall, in and of itself, create an attorney-client relationship with the sender. Communication by and responses to e-mail consumes attorney time and such time is billable. Thank you.

CURRENT FLOOR PLANS

1st. FLOOR

NOTE:
Area calculated to center of common wall or
outer side if not common.

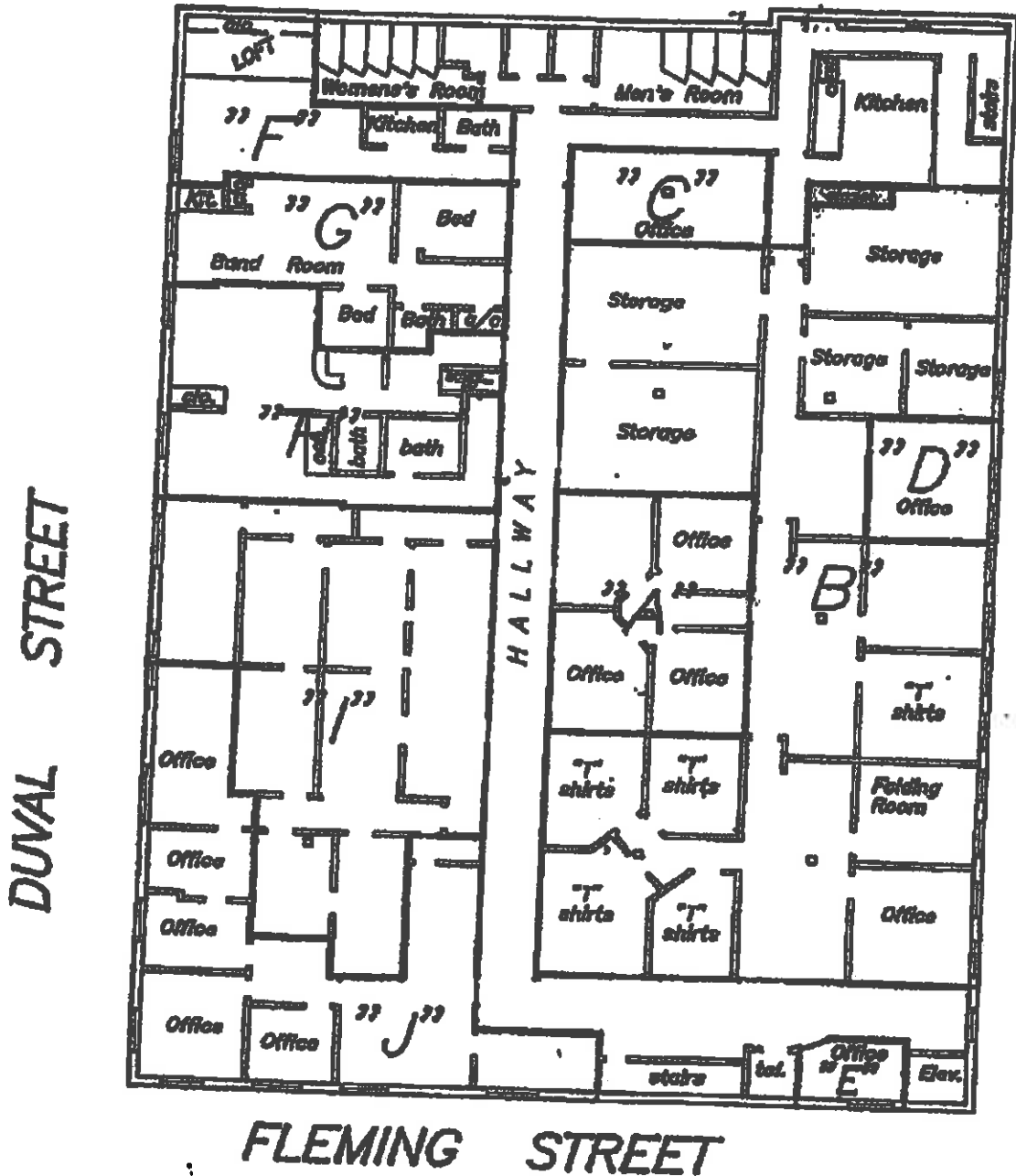
Margaritaville store	8272± S.F.
Margaritaville	971± S.F.
Margaritaville	4242± S.F.



DUVAL STREET

FLEMING STREET

2nd. FLOOR



NOTE:
Area calculated to center of common wall or
outer side if not common (except hallway).

- A. 652 ± S.F.
- B. 4018± S.F.
- C. 251± S.F.
- D. 226± S.F.
- E. 101± S.F.
- F. 541± S.F.
- G. 654± S.F.
- H. 90± S.F.
- I. 1624± S.F.
- J. 1318± S.F.

Frederick F. Hillbrandt

[Signature]
Professional Engineer No. 68810
Professional Land Surveyor No. 2748

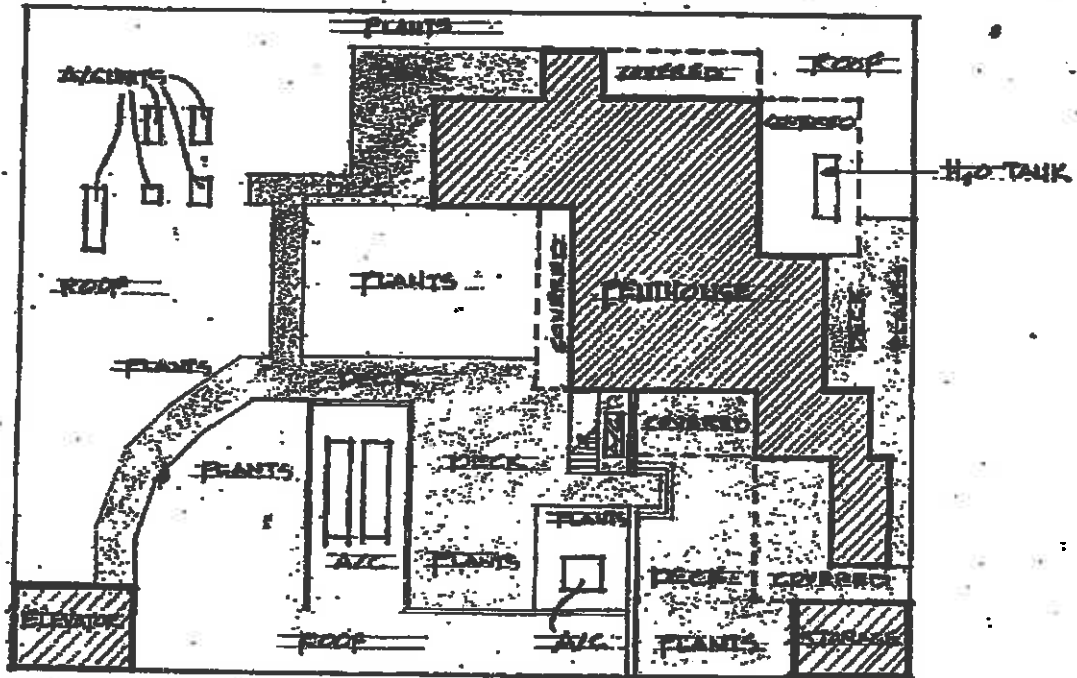
State of Florida

Date:

11/13/97

PENTHOUSE APT. & ROOF

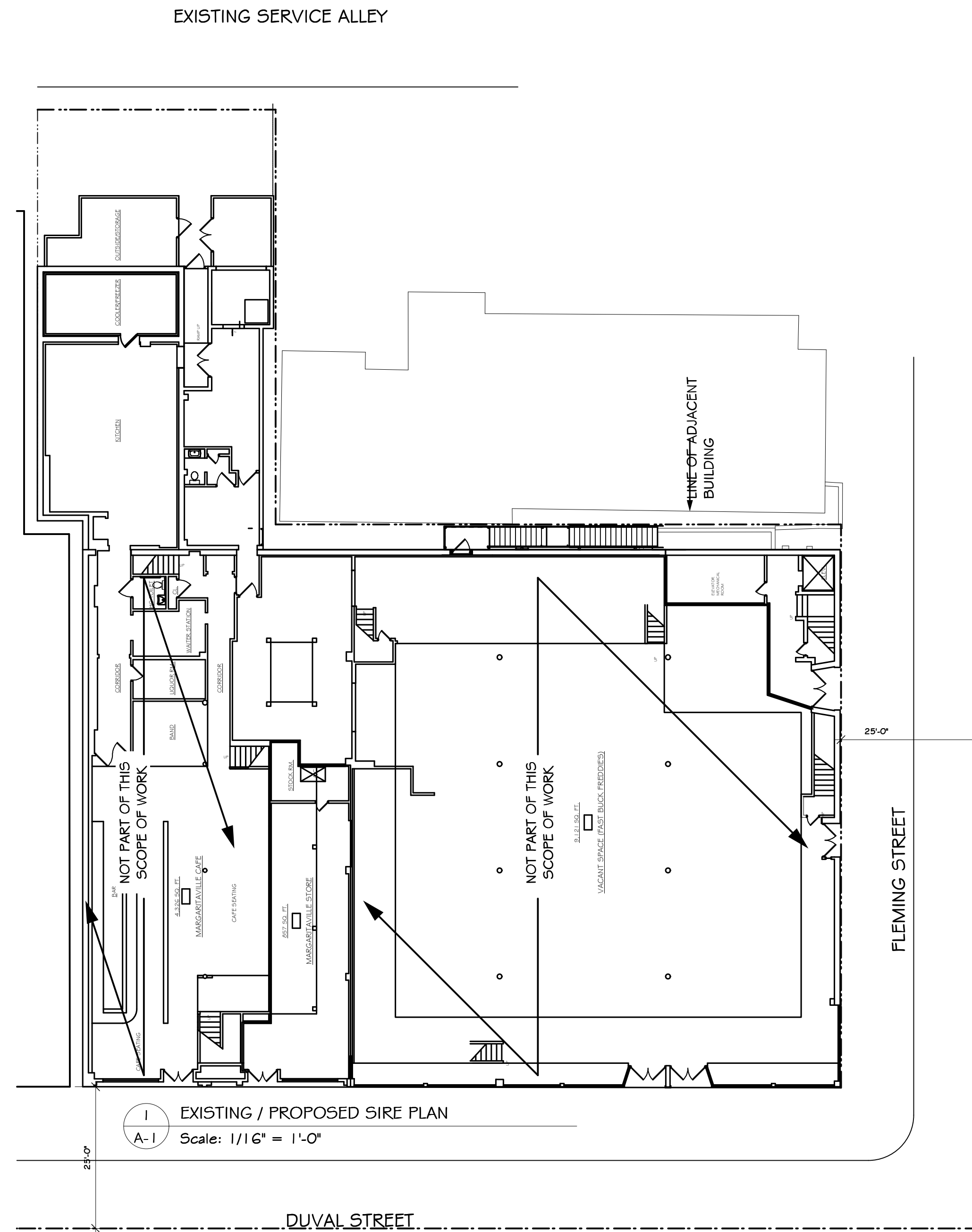
772573 REC 1245 PAGE 1864
EXHIBIT A - page 1



SITE PLAN
SCALE: 1" = 20'



2 SITE LOCATION PLAN
A-1



1 EXISTING / PROPOSED SIRE PLAN
A-1 Scale: 1/16" = 1'-0"

500 DUVAL STREET

KEY WEST, FLA.

PROJECT APPROVALS:

ITEM	DATE	APPROVAL # MEETING HELD
H.A.R.C.		
BOARD OF ADJUSTMENT		
DEV. REVIEW COMMITTEE		
CITY OF KEY WEST DEV. AGREEMENT		
KEY WEST BUILDING DEPARTMENT		

LEGAL DESCRIPTION:

A tract of land in a part of Lot 2, Square 51 in the City of Key West, Florida, according to Wm. A. Whitehead's Map of the Island of Key West, Florida and being more particularly described by metes and bounds as follows:

Commencing at the intersection of the Southeastery property line of Fleming Street and the Northwestery property line of Duval Street said intersection also to be known as the Point of Beginning of the tract of land hereinafter described, bear South 56°30' West along the Southeastery property line of Fleming Street for a distance of 100.00 feet to a point; thence bear South 33°30' East for a distance of 100.00 feet to a point; thence bear South 56°30' West for a distance of 73.20 feet to a point on the Southeastery property line of Prospect Lane; thence bear South 33°30' East along the Southeastery property line of Prospect Lane for a distance of 42.00 feet to a point; thence bear North 56°30' East for a distance of 73.20 feet to a point; thence bear North 33°30' West for a distance of 8.00 feet to a point; thence bear North 56°30' East for a distance of 100.00 feet to a point on the Northwestery property line of Duval Street; thence bear North 33°30' West along the Northwestery property line of Duval Street for a distance of 134.00 feet; back to the Point of Beginning.

INDEX OF DRAWINGS

- A-1 SITE PLAN / DATA
- A-2 PROPOSED FLOOR PLAN #1
- A-3 PROPOSED FLOOR PLAN #2
- A-4 LIFE SAFETY FOR 2ND FLOOR
- A-5 EXISTING FLOOR PLAN
- A-6 EXISTING ELEVATIONS

DESIGN NOTES:

THIS STRUCTURE
DESIGNED TO MEET
180 MPH. WIND
LOADING A.S.C.E.
07-10 REQUIRMENTS
FLOOR LIVE LOAD
40 LBS/SQ. FT

SEAL - ARCHITECT

DRAWING TITLE:
SITE PLAN

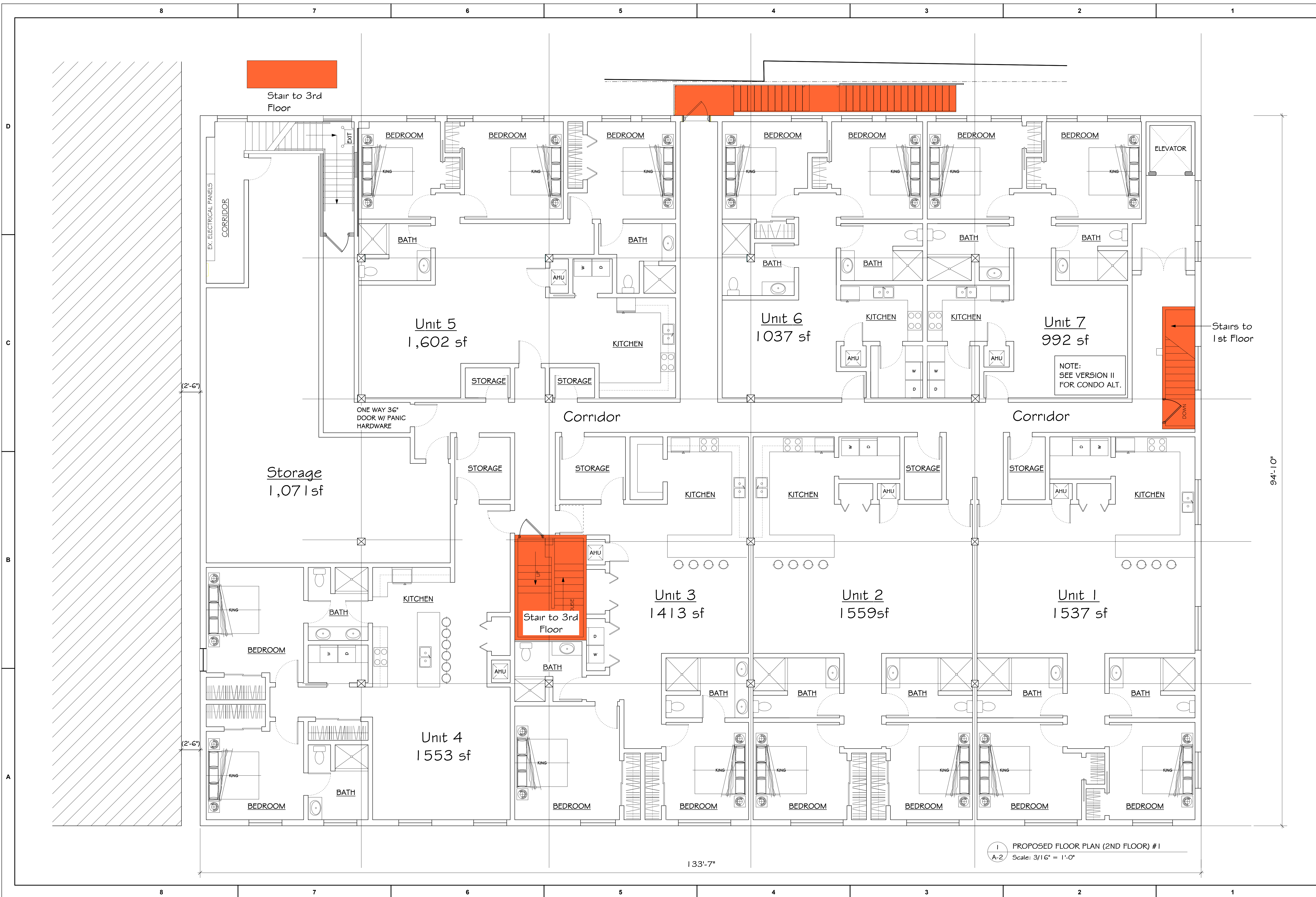
PROJECT NUMBER:
14.13
DRAWN: TSN
CHECKED: PMP
DATE: 05.18.2015

SHEET #
A-1
OF

PROJECT:
KRESS BUILDING
500 DUVAL STREET
KEY WEST, FL 33040

471 U.S. HIGHWAY 1
SUITE 101
KEY WEST, FL 33040
305-296-1692

PETER PIKE
ARCHITECT



REVISIONS:	DATE

PETER PIKE ARCHITECT

471 U.S. HIGHWAY 1
 SUITE 101
 KEY WEST, FL 33040
 305-296-1692

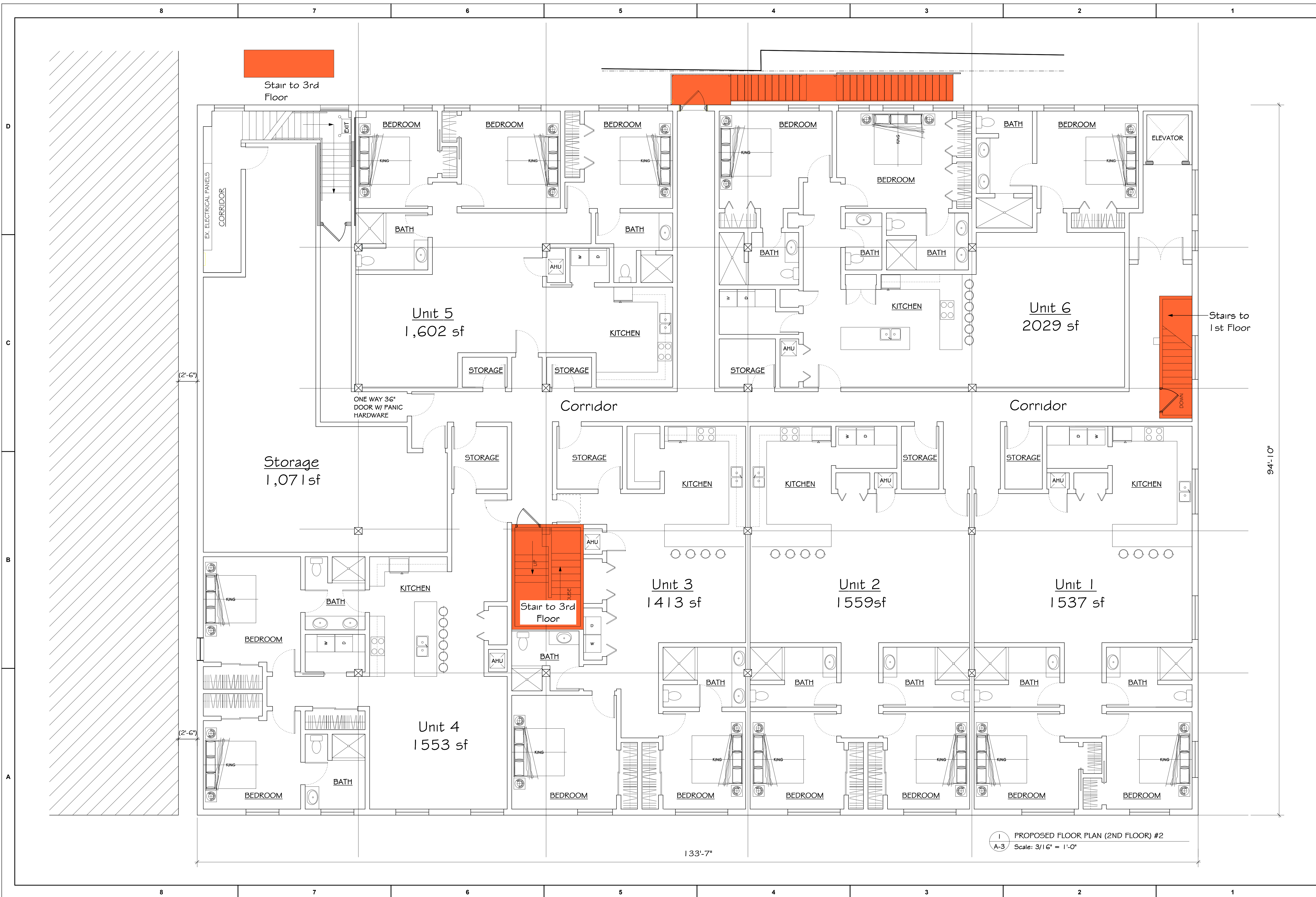
PROJECT:
KRESS BUILDING
 500 DUVAL STREET
 KEY WEST, FL 33040

DRAWING TITLE:
DD FLOOR PLAN #1

PROJECT NUMBER:
 14.13
 DRAWN: TSN
 CHECKED: PMP
 DATE: 05.18.2015

SHEET #
A-2
 OF

1 PROPOSED FLOOR PLAN (2ND FLOOR) #1
 A-2 Scale: 3/16" = 1'-0"



REVISIONS:	DATE

PETER PIKE ARCHITECT
 471 U.S. HIGHWAY 1
 SUITE 101
 KEY WEST, FL 33040
 305-296-1692

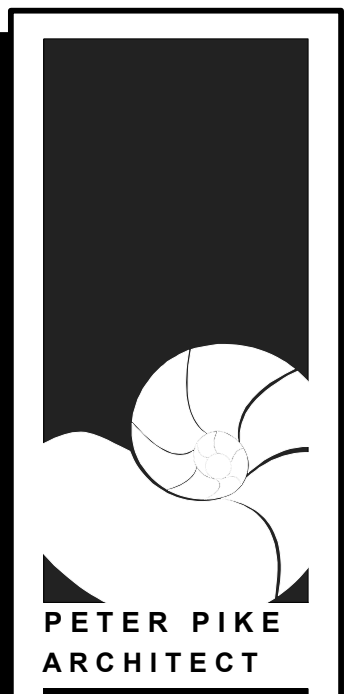
PROJECT:
KRESS BUILDING
 500 DUVAL STREET
 KEY WEST, FL 33040

DRAWING TITLE:
DD FLOOR PLAN #2

PROJECT NUMBER: 14.13
 DRAWN: TSN
 CHECKED: PMP
 DATE: 05.18.2015

SHEET #
A-3
 OF

1 PROPOSED FLOOR PLAN (2ND FLOOR) #2
 A-3 Scale: 3/16" = 1'-0"



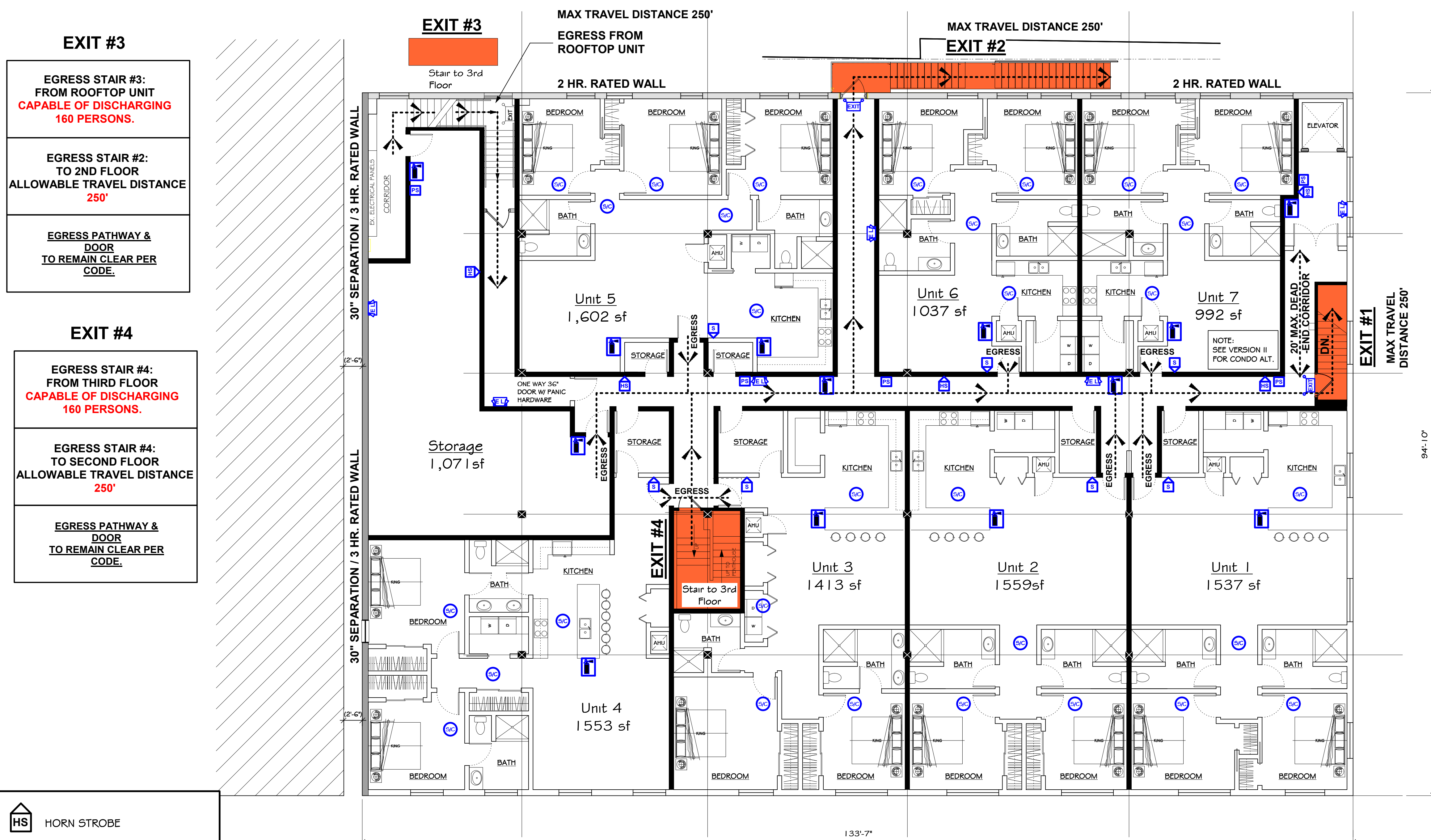
PETER PIKE ARCHITECT
471 U.S. HIGHWAY 1
SUITE 101
KEY WEST, FL 33040
305-296-1692

PROJECT:
KRESS BUILDING
500 DUVAL STREET
KEY WEST, FL 33040

DRAWING TITLE:
EGRESS & FIRE PLAN

PROJECT NUMBER:
14.13
DRAWN: TSN
CHECKED: PMP
DATE: 05.18.2015

SHEET #
A-4
OF



EXIT #3

EGRESS STAIR #3:
FROM ROOFTOP UNIT
CAPABLE OF DISCHARGING
160 PERSONS.

EGRESS STAIR #2:
TO 2ND FLOOR
ALLOWABLE TRAVEL DISTANCE
250'

EGRESS PATHWAY &
DOOR
TO REMAIN CLEAR PER
CODE.

EXIT #4

EGRESS STAIR #4:
FROM THIRD FLOOR
CAPABLE OF DISCHARGING
160 PERSONS.

EGRESS STAIR #4:
TO SECOND FLOOR
ALLOWABLE TRAVEL DISTANCE
250'

EGRESS PATHWAY &
DOOR
TO REMAIN CLEAR PER
CODE.

EXIT #2

EGRESS STAIR #2:
TO EXTERIOR
CAPABLE OF DISCHARGING
146 PERSONS.

EGRESS STAIR #2:
TO EXTERIOR
ALLOWABLE TRAVEL DISTANCE
250'

EGRESS PATHWAY &
DOOR
TO REMAIN CLEAR PER
CODE.

EXIT #1

EGRESS STAIR #1:
TO FIRST FLOOR
CAPABLE OF DISCHARGING
156 PERSONS.

EGRESS STAIR #1:
TO FIRST FLOOR
ALLOWABLE TRAVEL DISTANCE
250'

EGRESS PATHWAY &
DOOR
TO REMAIN CLEAR PER
CODE.

- HORN STROBE
 - STROBE
 - PULL STATION
 - ANNUNCIATOR PANEL
 - FIRE EXTINGUISHER LOCATION
 - FIRE ALARM LOCATION
 - FIRE ALARM CONTROL PANEL
 - EMERGENCY EGRESS SIGN / LIGHTING
 - INTERCONNECTED SMOKE CO2 DETECTOR TO FCP
- NOTE: EMERGENCY EGRESS SIGNAGE / LIGHTING TO BE: GREEN LED, FULLY ADJUSTABLE HEADS, POLYCARBONATE COMBINATION UNIT, W/ BATTERY BACKUP. UNITS TO BE MOUNTED FOR VISUAL LINE OF SITE COMPLIANCE.
- NOTE: EMERGENCY LIGHTING TO BE: FULLY ADJUSTABLE HEADS, POLYCARBONATE UNIT, W/ BATTERY BACKUP.

ALLOWABLE HEIGHTS AND BUILDING AREAS TABLE 503 FBC
OCCUPANCY CLASS RESIDENTIAL GROUP R-2 PROTECTED

ITEM	EXISTING	FBC TABLE 500	PROPOSED	REMARK	COMPLIANCE
TYPE CONSTRUCTION	TYPE 3B	TYPE 3B	TYPE 3B		YES
MAX. HT IN FEET	40'	55'	EXISTING		YES
OCCUPANCY	B	R-2	R-2		YES
MAX # STORIES	3	4	EXISTING		YES
MAX AREA	12,665 2ND FL.	16,000	EXISTING		YES

CALCULATED OCCUPANCY LOAD PER TABLE 1004.1.1 FBC
OCCUPANCY CLASS RESIDENTIAL GROUP R-2 PROTECTED

TYPE CONSTRUCTION	TYPE R-2 PROTECTED				
OCCUPANCY TYPE	AREA	LOAD PER 1004.1.1	REQ. EGRESS PER 1005.1	EGRESS PROVIDED	COMPLIANCE
2ND FL. RESIDENTIAL	11,454 SQ. FT.	200 SQ. FT./OCCUPANT (57)	26 X .2'=36" EGRESS WIDTH	42" EGRESS WIDTH	YES
2ND FL. STORAGE	1,211 SQ. FT.	300 SQ. FT./OCCUPANT (4)	26 X .2'=36" EGRESS WIDTH	42" EGRESS WIDTH	YES
3RD FL. RESIDENTIAL	2,565 SQ. FT.	200 SQ. FT./OCCUPANT (13)	26 X .2'=36" EGRESS WIDTH	42" EGRESS WIDTH	YES
TOTAL OCCUPANT LOAD AT 2ND & 3RD FLOOR		74 PERSONS			

FIRE EXTINGUISHERS REQUIRED:
12,665 SQ. FT. @ 1 PER 3000 SQ. FT. (LIGHT HAZARD) = 5 TYPE "2-A" PROVIDED

1 2ND FLOOR - EGRESS & FIRE PLAN
A-4 Scale: 3/16" = 1'-0"

FIRE ALARM NOTE:
FIRE CONTROL PANEL & ANNUNCIATION TO BE CONNECTED TO THE EXISTING FIRE PANEL ALARM.

CONSTRUCTION / LIFE SAFETY NOTES:

OCCUPANCY TYPE IS R-2 PROTECTED.
ALL EXISTING EXTERIOR WALLS ARE NON-COMBUSTIBLE / 2 & 3 HOUR RATED CONSTRUCTION, SEE PLAN.
PROPOSED INTERIOR WALLS CONSISTING OF METAL STUD & 5/8" TYPE "X" FIRE RATED G.W.B. @ BOTH FACES.

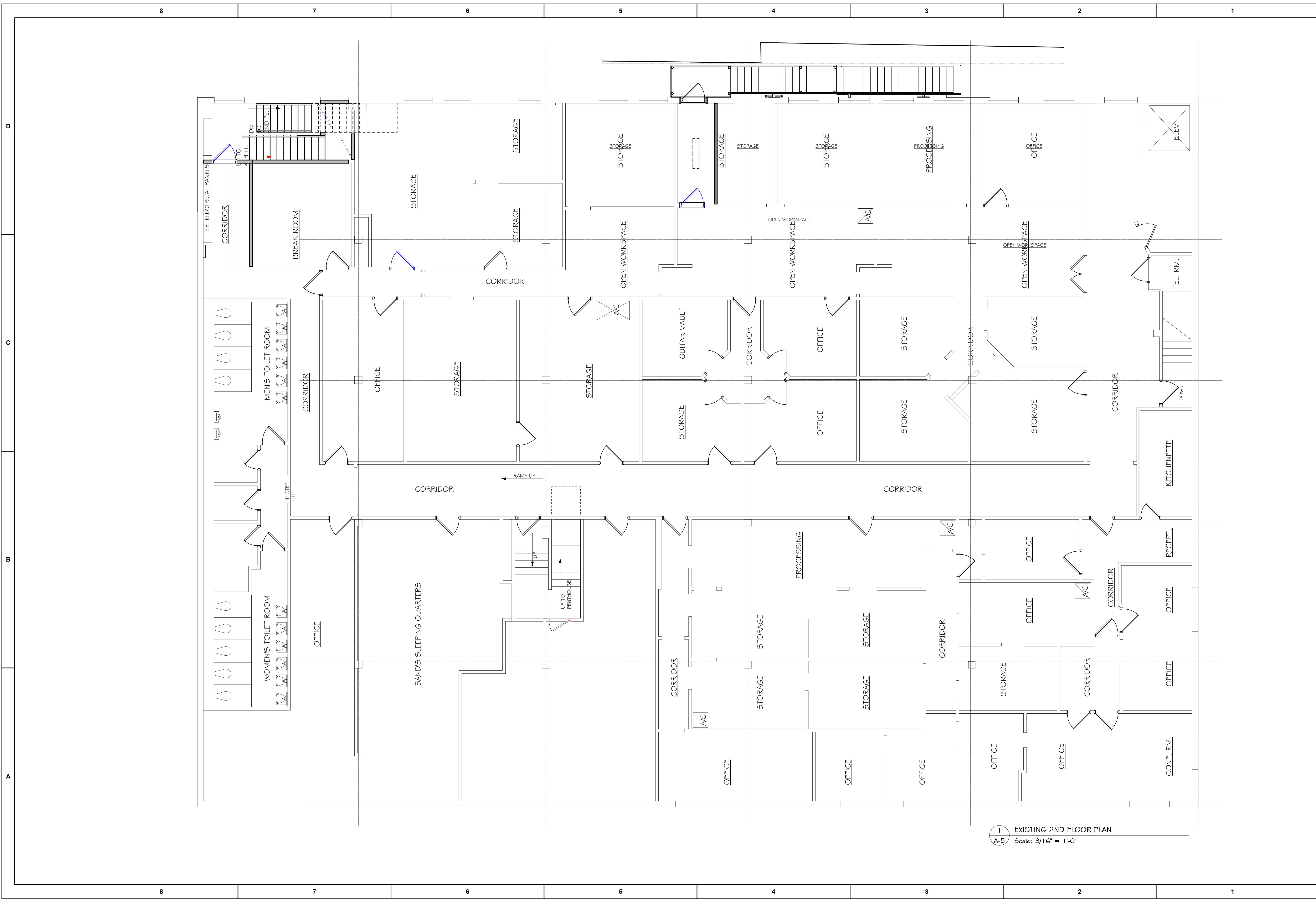
NOTE: THIS IS A FULLY PROTECTED BUILDING WITH AN EXISTING FIRE SPRINKLER SYSTEM. THIS WILL BE REPLACED WITH A NEW ENGINEERED SPRINKLER SYSTEM PER FBC 903.3.1.1 2010.

CONTRACTOR TO PROVIDE SHOP DRAWINGS OF SPRINKLER SYSTEM & AUTOMATIC ALARM SYSTEM AND INSTALL SYSTEM COMPLIANT TO FBC 907.2 2010.

CONSTRUCTION FIRED RATED ASSEMBLY PER TABLE 601

BUILDING ELEMENT	TYPE 3-B FIRE RATING REQUIRED	RATING PROVIDED
STRUCTURAL FRAME	2 & 3 HR. (SEE PLAN)	2 & 3 HR. PROVIDED
STRUCTURAL COLUMNS	2 HR.	2 HR. PROVIDED
COMMON WALLS	1 HR.	1 HR. PROVIDED (UL-U41 1/U465)
FLOOR CONSTRUCTION	2 HR. EXISTING TO REMAIN	2 HR. PROVIDED EXISTING TO REMAIN
CEILING CONSTRUCTION	1 HR.	1 HR. PROVIDED

CONSTRUCTION IN COMPLIANCE



REVISIONS:	DATE


PETER PIKE
 ARCHITECT
 471 U.S. HIGHWAY 1
 SUITE 101
 KEY WEST, FL 33040
 305-296-1692

PROJECT:
KRESS BUILDING
 500 DUVAL STREET
 KEY WEST, FL 33040

DRAWING TITLE:
EXISTING 2ND FLOOR PLAN
 PROJECT NUMBER: 14.13
 DRAWN: TSN
 CHECKED: PMP
 DATE: 05.18.2015

SHEET #
A-5
 OF

1 EXISTING 2ND FLOOR PLAN
 A-5 Scale: 3/16" = 1'-0"



2 EXIST. FLEMING STREET ELEVATION
A-G Scale: 1/8" = 1'-0"

1 EXIST. DUVAL STREET ELEVATION
A-G Scale: 1/8" = 1'-0"

3 EXIST. REAR ELEVATION
A-G Scale: 1/8" = 1'-0"

4 EXIST./ PROPOSED UN-EXPOSED SIDE ELEVATION
A-G Scale: 1/8" = 1'-0"

REVISIONS:	DATE

PETER PIKE ARCHITECT

471 U.S. HIGHWAY 1
SUITE 101
KEY WEST, FL 33040
305-296-1692

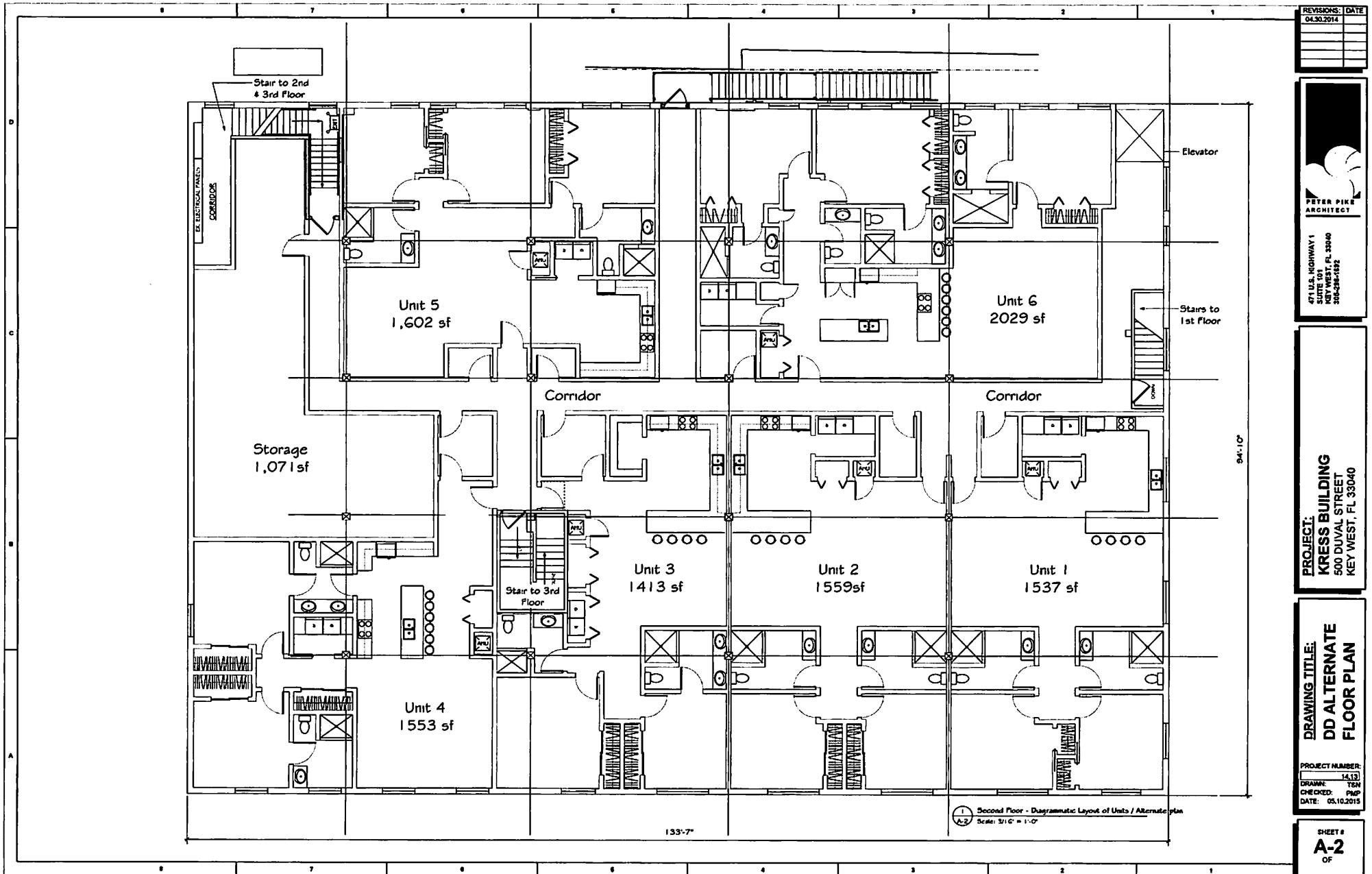
PROJECT:
KRESS BUILDING
500 DUVAL STREET
KEY WEST, FL 33040

DRAWING TITLE:
EXISTING ELEVATIONS

PROJECT NUMBER:
14.13
DRAWN: TSN
CHECKED: PMP
DATE: 05.18.2015

SHEET #
A-6
OF

Proposed Floor Plans



REVISIONS:	DATE

PETER PIKE ARCHITECT

471 U.S. HIGHWAY 1
SUITE 101
KEY WEST, FL 33040
305-854-9192

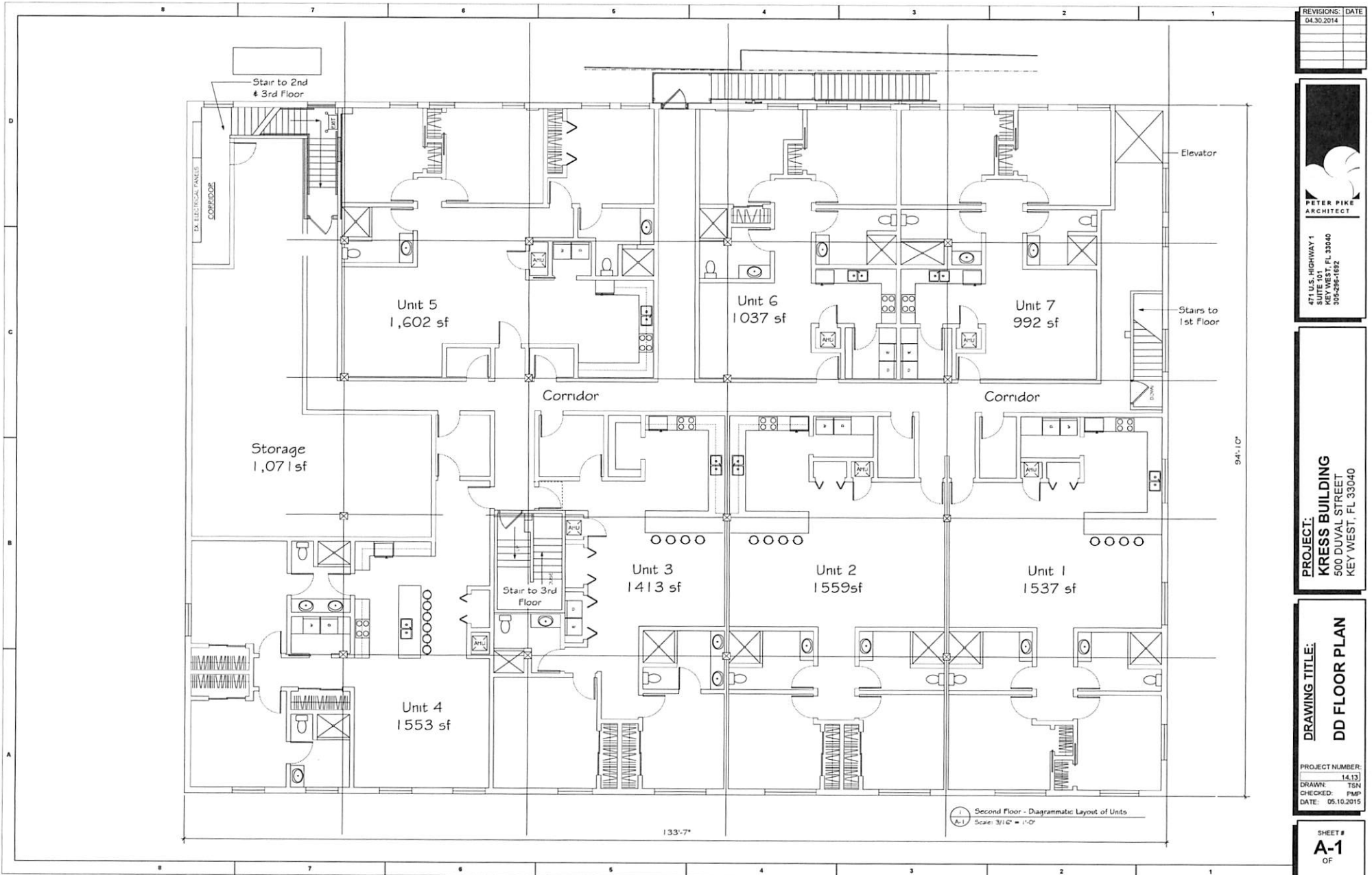
PROJECT:
KRESS BUILDING
500 DUVAL STREET
KEY WEST, FL 33040

DRAWING TITLE:
DD ALTERNATE
FLOOR PLAN

PROJECT NUMBER:
1413

DRAWN: JPM
CHECKED: PJP
DATE: 05.10.2015

SHEET #
A-2
OF



REVISIONS:	DATE
04.30.2014	


PETER PIKE ARCHITECT
 471 U.S. HIGHWAY 1
 KEY WEST, FL 33040
 305-296-1892

PROJECT:
KRESS BUILDING
 500 DUVAL STREET
 KEY WEST, FL 33040

DRAWING TITLE:
DD FLOOR PLAN

PROJECT NUMBER: 1413
DRAWN: TSN
CHECKED: PMP
DATE: 05.10.2015

SHEET #
A-1
 OF

1 Second Floor - Diagrammatic Layout of Units
 A-1 Scale: 3/16" = 1'-0"

CURRENT OCCUPATIONAL LICENSES

HE CITY OF KEY WEST - OL
License File Changes - General Information

Type information, press Enter.

Last activity:

Business control 24803

Created: 02/03/15 by KEYWKGP

Business name & address

Mailing address

CVS #10169

ONE CVS DRST

500 DUVAL ST

LIC. DEPT/MD 23062A

KEY WEST

FL 33040

WOONSOCKET

RI 02895

License number : 15 00030510

Appl, issue, expir . . . 20315 20415 93015

License status (F4) . . AC ACTIVE

Classification (F4) . . 11D RETAIL/MAILORDER/WHSALE 5,001-10,000 SF

Exemption (F4)

License comments RETAIL 8,867 SQ FT

License restrictions . .

Gross receipts

Reprint this license . N Y=Yes, N=No

Additional charges . . N Y=Yes, N=No

Miscellaneous . . N Y=Yes, N=No

Extra requirements . . N * Y=Yes, N=No

Sub codes N Y=Yes, N=No

More...

F3=Exit F5=Code description

F9=Applicant/Qualifier

F10=Business maintenance

F12=Cancel

F24=More keys

THE CITY OF KEY WEST - OL
License File Changes - General Information

Type information, press Enter.

Last activity:

Business control 763

Updated: 05/04/15 by KEYWKGP

Business name & address

Mailing address

JIMMY BUFFETT'S MARGARITAVILLE

D/O JOSE AGOTE -999 BRICKELL

500 DUVAL ST

STE 700

KEY WEST

FL 33040

MIAMI

FL 33131

License number : 15 00029314

Appl, issue, expir 72514 72514 93015

License status (F4) AC ACTIVE

Classification (F4) 04F FOOD SERVICE ACTIVITIES 121 & OVER SEATS

Exemption (F4)

License comments RESTAURANT SEATING 179

License restrictions

Gross receipts

Reprint this license . N Y=Yes, N=No

Additional charges . . N Y=Yes, N=No

Miscellaneous . . N Y=Yes, N=No

Extra requirements . . N * Y=Yes, N=No

Sub codes N Y=Yes, N=No

More...

F3=Exit F5=Code description

F9=Applicant/Qualifier

F10=Business maintenance

F12=Cancel

F24=More keys

HE CITY OF KEY WEST - OL
License File Changes - General Information

Type information, press Enter.

Last activity:

Business control 765

Created: 07/25/14 by KEYWBLD

Business name & address

Mailing address

JIMMY BUFFETT'S MARGARITAVILLE
500 DUVAL ST
KEY WEST FL 33040

C/O JOSE AGOTE - 999 BRICKELL
STE 700
MIAMI FL 33131

License number : 15 00029315

Appl, issue, expir 72514 72514 93015

License status (F4) AC ACTIVE

Classification (F4) 11C RETAIL/MAILORDER/WHSALE 2,001-5,000 SF

Exemption (F4)

License comments RETAIL: CLOTHING AND GIFTS

License restrictions

Gross receipts

Reprint this license . N Y=Yes, N=No

Additional charges . . N Y=Yes, N=No

Miscellaneous . . . N Y=Yes, N=No

Extra requirements . . N * Y=Yes, N=No

Sub codes N Y=Yes, N=No

More...

F3=Exit F5=Code description
F10=Business maintenance

F9=Applicant/Qualifier
F12=Cancel

F24=More keys

SPECIAL WARRANTY DEED

07/03/2014 10:41AM
DEED DOC STAMP CL: Krys \$35,000.00

**THIS INSTRUMENT PREPARED BY
AND RECORD AND RETURN TO:**

C. Guy Bond, Esq.
Law Offices of C. Guy Bond, P.A.
11437 Central Parkway, Suite 102
Jacksonville, Florida 32224

Doc# 1988743
Bk# 2692 Pg# 1545

SPECIAL WARRANTY DEED
with Assignment of Leases

THIS DEED is made as of this 05th day of June, 2014, by **OLD KRESS BUILDING COMPANY, INC.** a Florida corporation, hereinafter called Grantor, whose address for purposes of this deed is 500 Duval St., Key West, FL 33040, to **J. Thomas Dodson, as Trustee of the PAUL L. FERBER IRREVOCABLE TRUST U/T/D 11/21/68**, hereinafter called Grantee, whose address for purposes of this deed is c/o The Ferber Company, 151 Sawgrass Corners Drive, Suite 202, Ponte Vedra Beach, Florida 32082.

WITNESSETH:

THAT, the Grantor, for and in consideration of the sum of Ten and NO/100 Dollars and other valuable considerations, in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said Grantee **AN UNDIVIDED FIFTY PERCENT (50%) INTEREST** in and to: (i) the land situate, lying and being in Monroe County, Florida and which is more particularly described in Exhibit "A," (the "Property") attached hereto and by this reference made a part hereof, subject to the life estate held by David Williams Wolkowsky pursuant to the Warranty Deed recorded in Official Records Book 1245, page 1857, of the public records of Monroe County, Florida; and (ii) all tenant leases demising portions of the land including, without limitation, the leases described on Exhibit "B," attached hereto and by this reference made a part hereof. Grantee by acceptance of this deed, assumes, in common with Grantor, the obligations of Grantor under said leases accruing after the date hereof.

TO HAVE AND TO HOLD the same, unto the grantee in fee simple. And the Grantor hereby covenants with the Grantee that at the time of the delivery of this deed, Grantor has good right, full power and lawful authority to convey the undivided Fifty Percent (50%) interest in the Property, that Grantee may peaceably and quietly enjoy and possess the undivided Fifty Percent (50%) interest in Property, that the undivided Fifty Percent (50%) interest in Property is free from encumbrances made by the Grantor unless set forth in this deed and that the Grantor will warrant and defend the same against the lawful claims and demands of all persons claiming by, through or under the Grantor, but against none other.

GRANTOR also covenants with Grantee that David Williams Wolkowsky has released the Right of First Refusal contained in the deed to Grantor recorded in Official Records Book 1245, page 1859 of the public records of Monroe County, Florida by virtue of the

instrument attached hereto as Exhibit "C," attached hereto and by the reference made a part hereof.

This conveyance is subject to the covenants, restrictions, easements and other matters set forth in Exhibit "D," attached hereto and by the reference made a part hereof, and to ad valorem taxes levied or which may become a lien subsequent to December 31 of the calendar year next preceding the date hereof.

IN WITNESS WHEREOF, the said Grantor has caused this instrument to be executed as of the day and year first above written.

Signed, sealed and delivered
in the presence of:

**OLD KRESS BUILDING COMPANY,
INC.,** a Florida corporation

By Anthony V. Falanga
Its: President

[Signature]
Print Name: JAMES T. HENRIKSON

[Signature]
Print Name: DONNE M. BOSOLD

STATE OF FLORIDA
COUNTY OF MONROE

The foregoing instrument was acknowledged before me this 25th day of June, 2014, by Anthony V. Falanga, the President of Old Kress Building Company, Inc., a Florida corporation, on behalf of the corporation. He is personally known to me or has produced a Florida driver's license as identification.

Linda C. Adams
Printed Name: _____

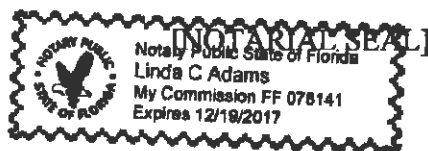


EXHIBIT "A"

A tract of land in a part of Lot 2, Square 51 in the City of Key West, Florida, according to Wm. A. Whitehead's Map of the Island of Key West, Florida and being more particularly described by metes and bounds as follows:

Commencing at the intersection of the Southeasterly property line of Fleming Street and the Southwesterly property line of Duval Street said intersection also to be known as the Point of Beginning of the tract of land hereinafter described, bear South 56 degrees and 30 minutes West along the Southeasterly property line of Fleming Street for a distance of 100.00 feet to a point; thence bear South 33 degrees and 30 minutes East for a distance of 100.00 feet to a point; thence bear South 56 degrees and 30 minutes West for a distance of 73.20 feet to a point on the Northeasterly property line of Prospect Lane; thence bear South 33 degrees and 30 minutes East along the Northeasterly property line of Prospect Lane for a distance of 42.00 feet to a point; thence bear North 56 degrees and 30 minutes East for a distance of 73.20 feet to a point; thence bear North 33 degrees and 30 minutes West for a distance of 8.00 feet to a point; thence bear North 56 degrees and 30 minutes East for a distance of 100.00 feet to a point on the Southwesterly property line of Duval Street; thence bear North 33 degrees and 30 minutes West along the Southwesterly property line of Duval Street for a distance of 134.00 feet, back to the Point of Beginning.

Exhibit B

1. Lease Between Old Kress Building Company, Inc. and The Margaritaville Store Of Key West, LLC, dated May 8, 2012 as assigned to IMCMV Key West Café, LLC
2. Lease Between Old Kress Building Company, Inc. and Margaritaville of Key West, LLC, dated May 8, 2012, as assigned to IMCMV Key West Café, LLC
3. Lease Between Old Kress Building Company, Inc. and Fast Buck Freddie's, Inc. date May 8, 2012
4. Lease Between Old Kress Building Company, Inc. and Jimmy Buffett dated January 1, 2012

EXHIBIT C
DAVID WOLKOWSKY
P.O. Box 1429
Key West, FL 33041

April 15, 2014

Doc# 1988743
Bk# 2692 Pg# 1549

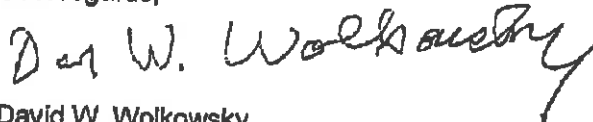
Anthony V. Falcone
500 Duval St.
Key West, FL 33040

re: purchase of one-half interest in Old Kress real estate

Dear Tony,

Thank you for informing me of the pending agreement whereby Southeast Investments, Inc. will purchase a 50% ownership of the real property owned by Old Kress Building Company, Inc. for \$5 million. Please accept this letter as confirmation that I will not be exercising, and I hereby waive, my right of first refusal to purchase a 50% ownership interest in the Old Kress property for \$5 million.

Best regards,



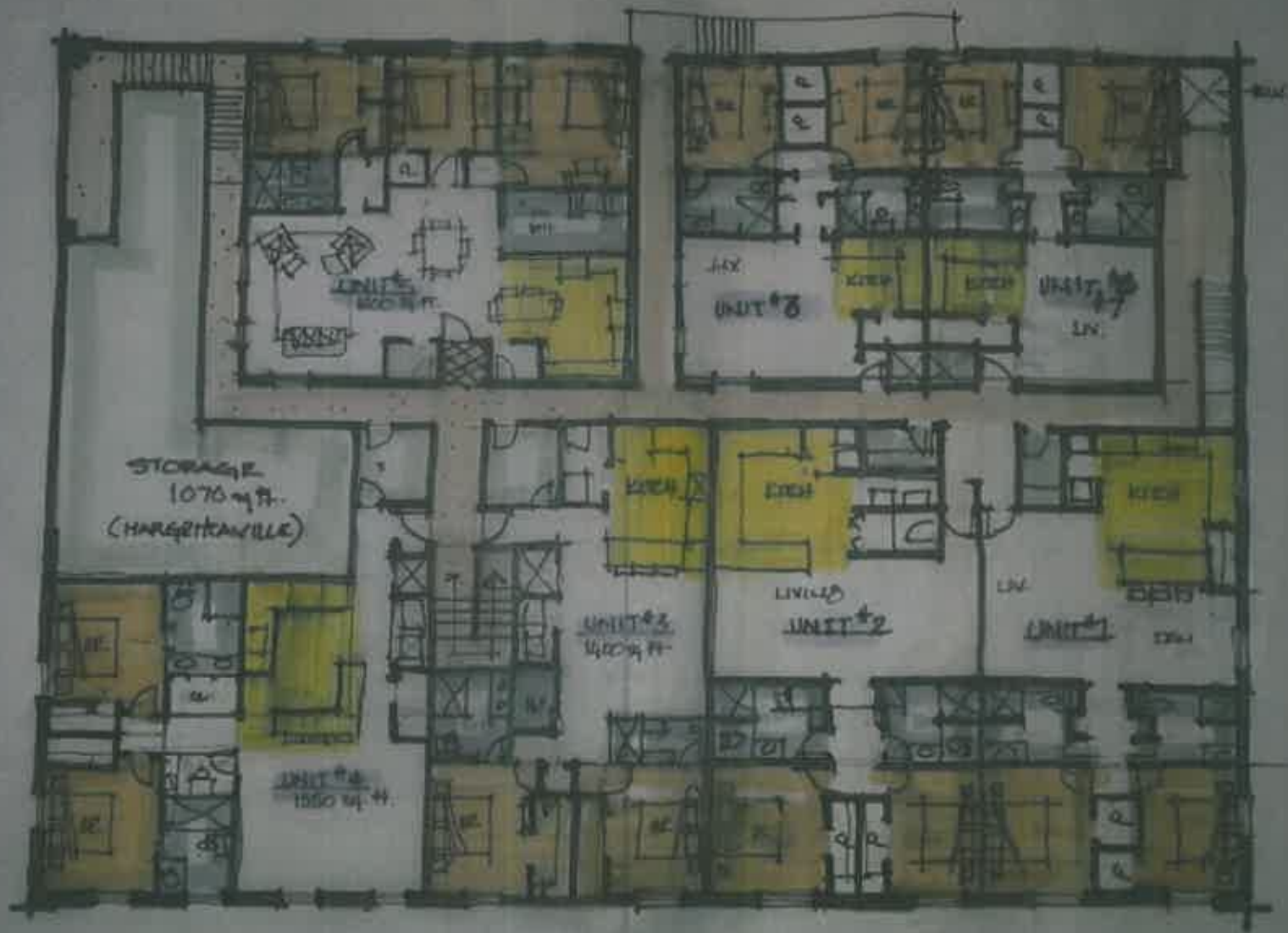
David W. Wolkowsky

Copy: Old Kress Building Company, Inc.

EXHIBIT D

1. Taxes and assessments for the year 2014 and subsequent years, which are not yet due and payable, under Parcel ID #00009850-000000-066825
2. State Law under Chapter 76-190 and Chapter 22F8.02 of the Florida Administrative Code for Land Planning for the Florida Keys Area of Critical Concern recorded in Official Records Book 668, Page 43, and Final Judgment recorded in Official Records Book 1788, Page 1257, of the Public Records of Monroe County, Florida.
3. City of Key West Area of Critical State Concern, Rule 27F-15 of the Florida Administrative Code, adopted by the Administration Commission pursuant to Section 380.05, Florida Statutes, on February 7, 1984, effective February 28, 1984, recorded in Official Records Book 906, Page 200, of the Public Records of Monroe County, Florida.
4. Subject to City Ordinance No. 81-43 and Amendment 82-5 thereof, which provides for the assessment and collection of waste in the City of Key West, Monroe County, Florida?
5. Code of Ordinances of the City of Key West, Section 74, which provides for the assessment and collection of sewer charges.
6. Subject to Restrictions imposed on property lying within the Historical Preservation Area of the City of Key West. (Subject premises are within this area.)
7. Subject to the Restrictions, Reservations, and Right of First Refusal, contained in the Warranty Deed from DAVID WILLIAMS WOLKOWSKY to OLD KRESS BUILDING COMPANY, INC., recorded February 19, 1993, in Official Records Book 1245, Page 1859, of the Public Records of Monroe County, Florida.
8. Terms, covenants, conditions and other matters contained in any unrecorded Lease(s) and all rights thereunder of the Lessee(s) and of any person claiming by, through or under the Lessee(s).

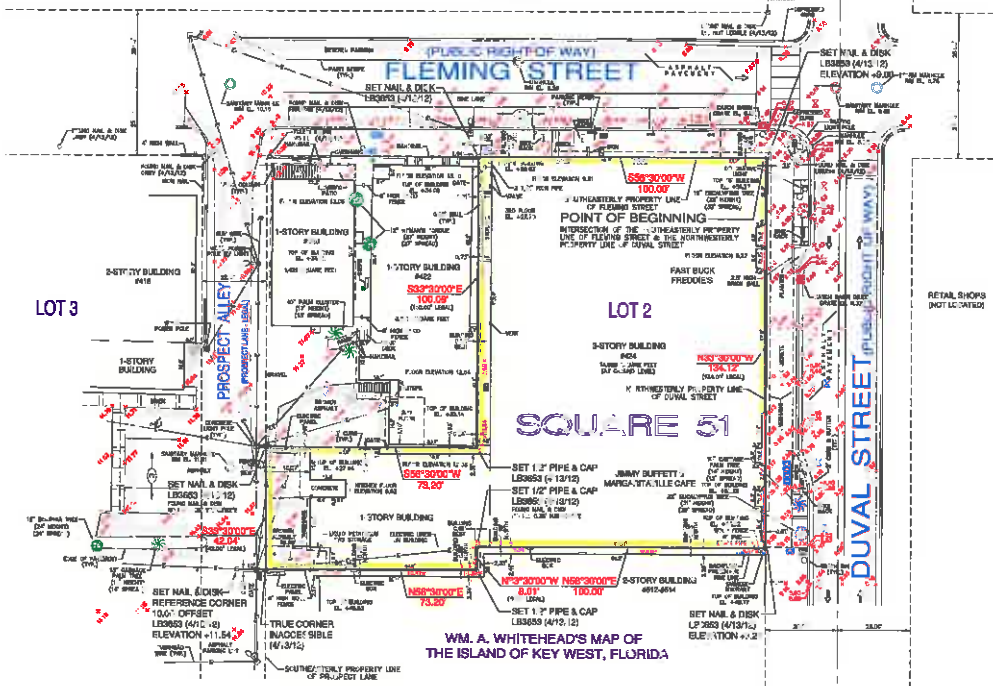
PROPOSED FLOOR PLANS
SECOND FLOOR



KRESS BUILDING
APR. LAYOUT 10-10



L.A. CUCHA HOTEL (NOT LOCATED)

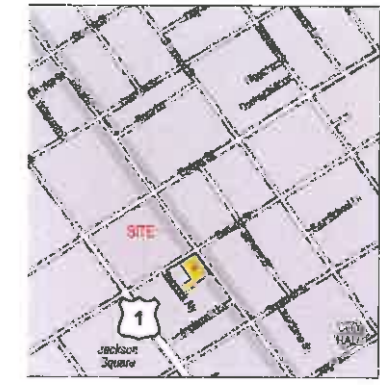
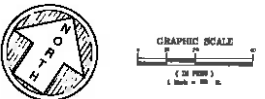


TREE LEGEND

- EXISTING TREE
- PROPOSED TREE
- TREE TO BE REMOVED

LEGEND

- CATCH BASIN
- MANHOLE
- LIGHT POLE
- WATER METER
- WATER VALVE
- CATCH BASIN INLET
- UTILITY POLE
- METER
- FIRE HYDRANT
- HANDHOLE
- SIGN
- FLAGPOLE
- CLEAN-IT
- 6" CURB
- 200" CURB & OUTER
- CONCRETE
- ASPHALT PAVEMENT
- CHAIN LINK FENCE
- OVERHEAD ELECTRIC LINE
- OVERHEAD SIGNAL LIGHT
- OVERHEAD ELECTRIC/SIGNAL LINE
- UNDERGROUND GAS LINE
- UNDERGROUND SANITARY LINE
- UNDERGROUND WATER LINE
- UNDERGROUND TELEPHONE LINE
- UNDERGROUND FIBER OPTIC LINE
- SEWER
- SANITARY
- PERMANENT REFERENCE MONUMENT
- IDENTIFICATION
- OFFICIAL RECORD BOOK



LOCATION SKETCH
NOT TO SCALE

LEGAL DESCRIPTION:

A tract of land in a part of Lot 2, Square 51 in the City of Key West, Florida, and being more particularly described by metes and bounds as follows: ...

SURVEYORS NOTES:

- The site lies on Section 6, Township 28 South, Range 28 East, City of Key West, Monroe County, Florida.
- All monuments are not noted in the Public Records of Monroe County, Florida unless otherwise noted.
- Easements herein are referred to in amended plats of S 3053 1/2 9 for the 1/2 boundary property line of Fleming Street and amended by 00 set back and disk.
- Boundaries of this lot are as shown on the plat of the National Geodetic Vertical Datum of 1928, based on 28 North Mark 794, 29, Elevation = 18417.
- Leads shown herein are based upon an area having a Zone Designation K by the National Emergency Management Agency (NEMA) in Flood Insurance Rate Map No. 11, 112010100, dated February 11, 2010, and as relative to the National Geodetic Vertical Datum of 1928.
- Monuments indicated herein are field measured by electronic measurement, unless otherwise noted.
- Leads shown herein containing 18467 square feet, or 429 acres, more or less.
- Trees shown are surveyed for their horizontal location and if any identification and/or name verification of all trees should be undertaken by the District of Forestry, only if similar or as indicated in this field.
- Underground maps, records and/or utility and monuments not shown unless otherwise noted.
- The approximate level of all utility shown herein were determined from As-Built plans and field notes and are not to be used for construction.
- The following information has been taken from the zoning map of the City of Key West, known as 18020-1 A Small Street Ordinance Ordinal (the said Ordinance is recorded in Case 1) See Chapter 122 in Subchapter 8 of the Key West Local Code of Ordinances at Westmonroe.com.
- Minimum Building Setbacks: Front 10 feet, Side 5 feet, Rear 5 feet, Street side none.
- Parking spaces are site None.
- Lead observations shown herein have been examined by field and as stated on in containing any errors or omissions.

SURVEYORS CERTIFICATION:

I do hereby certify that the "Boundary and Topographic Survey" was made under my responsible charge on April 15, 2010, in accordance with the Florida Statutes Chapter 218, and Florida Board of Professional Land Surveyors, duly established and adopted by ASLS and NSPS, and made the appropriate declaration as set forth in the Florida Administrative Code at 11A-07.000, Florida Statutes.

FORTIN, LEAVY, SKILES, INC., LE 7653

By: Daniel S. Fortin, For His Firm
Surveyor and Mapper, LE 7653
State of Florida

1. Refer to L. B. Chubb, The Insurance Company, Order No. 3717444 with a commitment date of March 15, 2010 and amended April 6, 2012. All easements and/or rights of way of record per this commitment that are applicable are shown in this Boundary and Topographic Survey.

1. GENERAL SECTION
1-5 Standard Exemptions
2. State Law under Chapter 76-180 and Chapter 229.11 of the Florida Administrative Code for Land Planning for the Florida State Area of Critical Environmental Concern recorded in U.S.R. 688, Page 4A, and final judgments recorded on 10/31/1981, Page 1259.
3. City of Key West Area of Critical Environmental Concern recorded in U.S.R. 105, Page 27, affects City parcel but not subject to location.
4. City Ordinance No. 11-02 and Amendment 11-03 there is a plan provided for the assessment and location of utility in the City of Key West, known as "Utility Study" (Attachment not provided).
5. Code of Ordinances of the City of Key West, Section 74, which provides for the assessment and location of utility in the City of Key West, known as "Utility Study" (Attachment not provided).
6. Restrictive and easements indicated in the Warranty Deed recorded in U.S.R. 1245, Page 1059, affects City parcel but not subject to location.
7. Additionally, additional, restrictive, easements and other matters indicated in any unrecorded leases and all rights thereunder of the landowners and of any person claiming by, through or under the Warranty Deed described herein are not provided. Not a survey matter.
NOTE: All restrictive easements in this commitment/plan shall refer to the public records of Monroe County, Florida, unless otherwise stated.

CVS Pharmacy #8904
600 DUVAL STREET
CITY OF KEY WEST
MONROE COUNTY, FLORIDA

ALTA/ACSM LAND TITLE SURVEY
CVS - 500 DUVAL STREET
CITY OF KEY WEST, MONROE COUNTY, FLORIDA

FORTIN, LEAVY, SKILES, INC.
 CONSULTING ENGINEERS, SURVEYORS & MAPPERS
 FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 0000463
 1101 S. GARDNER STREET, SUITE 200, JACKSONVILLE, FLORIDA 32205
 PHONE: 904-263-4600 FAX: 904-263-4601

Scale	ASIS/AS
Drawn By	11/20/10
Field Book	MAP
Plot No.	10010
Plot Area	4,891.97 sq. ft.
Lot Area	10010
Field Book	8191-04 RLL
Job No.	138410
Drawn By	DLH/MS
Checked By	DLH/MS

1 of 1