

OFFICE OF THE CITY ATTORNEY

SHAWN D. SMITH  
LARRY R. ERSKINE  
RON RAMSINGH  
CHRISTOPHER S. BRIDGER



PHONE: (305) 809-3770  
FAX: (305) 809-3771  
POST OFFICE BOX 1409  
KEY WEST, FL 33041-1409

## Executive Summary

**To:** City Commissioners

**From:** Larry R. Erskine, Chief Assistant City Attorney *LRE*

**Cc:** James K. Scholl, City Manager

**Date:** March 26, 2015

**Subject:** Approval of an amendment to the Easement Agreement for William Street adjacent to the Marker Resort.

**Action Statement:**

Request to consider and approve the attached Amendment to Easement Agreement pertaining to the easement granted to the City for the sidewalk located at the Marker Resort adjacent to William Street.

**Background:**

On January 6, 2015, the City Commission passed Resolution No. 15-013, approving an Easement Agreement granting the City the right to use a portion of the Marker Resort property adjacent to 200 William Street as a public sidewalk. The request pertains to 2 technical amendments to the exhibits attached to the Easement Agreement which do not alter the easement in any manner. First, the Easement Agreement contains a legal description for the entire Marker Resort property which incorrectly includes a strip of land 2 feet in width, which is not part of the Marker Resort property. This strip of land is not part of the easement area granted to the City. Second, although a sketch of the easement area was attached to the original Easement Agreement, a detailed legal description of the easement area is being included to further describe the easement area. The Amendment to Easement Agreement clarifies the original Easement Agreement by attaching new exhibits which address these 2 issues.

**Recommendation:**

Approve the attached Amendment to Easement Agreement.