

RESOLUTION NO. 14-

533 EATON STREET EASEMENT

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING AN EASEMENT OF 279.2 SQUARE FEET, MORE OR LESS, TO ADDRESS THE ENCROACHMENT OF EXISTING ROOF OVERHANGS ON CITY RIGHT-OF-WAY ABUTTING THE PROPERTY LOCATED AT 533 EATON STREET, KEY WEST, FLORIDA (RE # 00004130-000000); PROVIDING FEES AND CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE

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

Section 1: That an easement of 279.2 square feet, more or less, for the real property described in the attached specific purpose survey prepared by Frederick H. Hildebrandt of Island Surveying, Inc., dated January 6, 2014, is granted subject to the execution of the attached easement agreement, incorporating the minimum conditions described in section 2 below.

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

(1) The easement shall terminate upon the replacement of the structure.

(2) The City may unilaterally terminate the easement upon a finding of public purpose by a vote of the Key West City Commission.

(3) The owner shall pay the annual fee of \$400.00 specified in Section 2-938(b) of the Code of Ordinances.

(4) The owner shall irrevocably appoint the City Manager as its agent to permit the removal of the encroachment if the annual fee required by the Code of Ordinances is not paid.

(5) The easement shall terminate upon the failure of the property owner to maintain liability insurance in a minimum amount of two hundred thousand dollars (\$200,000.00) per person and three hundred thousand dollars (\$300,000.00) per incident (or such other amount as may be legislatively determined to be the maximum extend of sovereign immunity waiver) naming the City as an additional insured for that portion of real property which is the subject of this easement.

(6) The existing roof overhangs shall be the total allowed construction within the easement area.

(7) The easement area shall not be used in site size calculations such as lot, yard, and bulk calculations for site development.

(8) The City reserves the right to construct surface improvements within the easement area.

Section 3: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

Authenticated by the presiding officer and Clerk of the

Commission on \_\_\_\_\_, 2014.

Filed with the Clerk \_\_\_\_\_, 2014.

Mayor Craig Cates \_\_\_\_\_

Vice Mayor Mark Rossi \_\_\_\_\_

Commissioner Teri Johnston \_\_\_\_\_

Commissioner Clayton Lopez \_\_\_\_\_

Commissioner Billy Wardlow \_\_\_\_\_

Commissioner Jimmy Weekley \_\_\_\_\_

Commissioner Tony Yaniz \_\_\_\_\_

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CRAIG CATES, MAYOR

ATTEST:

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CHERYL SMITH, CITY CLERK