

# Application

**EASEMENT APPLICATION**  
**City of Key West Planning Department**  
**605-A Simonton Street, Key West, FL 33040**  
**(305) 292-8229**



**Please read carefully before submitting applications**

**Easement Application**

Please print or type a response to the following:

1. Site Address 1809 Bertha St. (undeveloped tract between Skating Rink & La Brisa condo)
2. Name of Applicant Terrence Justice
3. Applicant is: Owner \_\_\_\_\_ Authorized Representative x  
(attached Authorization Form must be completed)
4. Address of Applicant 1616 George St.  
Key West, FL 33040
5. Phone # of Applicant 305.295.6234 Mobile# 305.304.4799 Fax# 305.237.5772
6. Name of Owner, if different than above AT&T Florida dba Bellsouth Telecommunications, Inc.
7. Address of Owner 9500 SW 180th ST  
Palmetto Bay, FL 33157-5623
8. Phone Number of Owner 305.232.7912 Fax# 305.234.5772
9. Zoning District of Parcel SF RE# 00064710-000000
10. Description of Requested Easement and Use. Please itemize if more than one easement is requested This easement is requested for the purpose of installing electronic communications equipment and in order to place said equipment at an elevation that meets the flood zone AE10 requirement of 10 feet above sea level.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
11. Are there any existing easements, deed restrictions or other encumbrances attached to the subject property? Yes \_\_\_\_\_ No x If Yes, please describe and attach relevant documents. \_\_\_\_\_  
\_\_\_\_\_

# Verification Form

**The following must be included with this application:**

1. Copy of a recorded warranty deed showing the current ownership and a legal description of the property. (This is usually the description of the property without the easement .) Please call if you have questions about this.
2. Two (2) original signed and sealed site surveys (**8½ x 11**) illustrating buildings and structures existing on the property as of the date of the request **with a legal description of the easement area requested, not a legal description of the entire property.**
3. Color photographs from different perspectives showing the encroachment onto city property.
4. Application Fee by check payable to the City of Key West in the amount of \$1000.00, plus \$400.00 for each additional easement on the same parcel.
5. Notarized Verification Form
6. Notarized Authorization Form (if applicable, where a representative is applying on behalf of the owner)

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**Verification Form**

This form should be completed by the applicant. Where appropriate, please indicate whether applicant is the owner or a legal representative. If a legal representative, please have the owner(s) complete the following page, "Authorization Form."

I, Terrence K. Justice, being duly sworn, depose and say

Name(s) of Applicant(s)

that: I am (check one) the ☐ Owner ☒ Owner's Legal Representative  
for the property identified as:

1616 George St., Key West, FL 33040

Street Address and Commonly Used Name if any

\_\_\_\_\_  
Signature of Owner/Legal Representative

\_\_\_\_\_  
Signature of Joint/Co-owner

Subscribed and sworn to (or affirmed) before me on \_\_\_\_\_ (date) by

\_\_\_\_\_ (name). He/She is personally known to me or has

presented \_\_\_\_\_ as identification.

**Notary's Signature and Seal**

\_\_\_\_\_  
Name printed or stamped

\_\_\_\_\_  
Title or Rank

\_\_\_\_\_  
Commission Number, if any

# Authorization Form



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**City of Key West Planning Department**  
**605-A Simonton Street, Key West, FL 33040**  
**(305) 292-8229**



**Authorization Form**

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

I, Kathy Reed \_\_\_\_\_ authorize

Please Print Name(s) of Owner(s)

Terrence K. Justice

Please Print Name of Representative

to be the representative for this application and act on my/our behalf before the City Commission and any other body reviewing the application.

Kathy Reed  
Signature of Owner

\_\_\_\_\_  
Signature of Joint/Co-owner if applicable

Subscribed and sworn to (or affirmed) before me on May 12<sup>th</sup>, 2010 (date) by

\_\_\_\_\_  
Please Print Name of Affiant(s)

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

A. Lamardo  
Notary's Signature and Seal



A. Lamardo Name of Acknowledger printed or stamped

\_\_\_\_\_  
Title or Rank

DD 798849 Commission Number, if any

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Terrence K. Justice

Please Print Name of Representative

to be the representative for this application and act on my/our behalf before the City Commission and any other body reviewing the application.

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Signature of Joint/Co-owner if applicable

Subscribed and sworn to (or affirmed) before me on \_\_\_\_\_ (date) by

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as identification.

\_\_\_\_\_  
Notary's Signature and Seal

\_\_\_\_\_  
Name of Acknowledger printed or stamped

\_\_\_\_\_  
Title or Rank

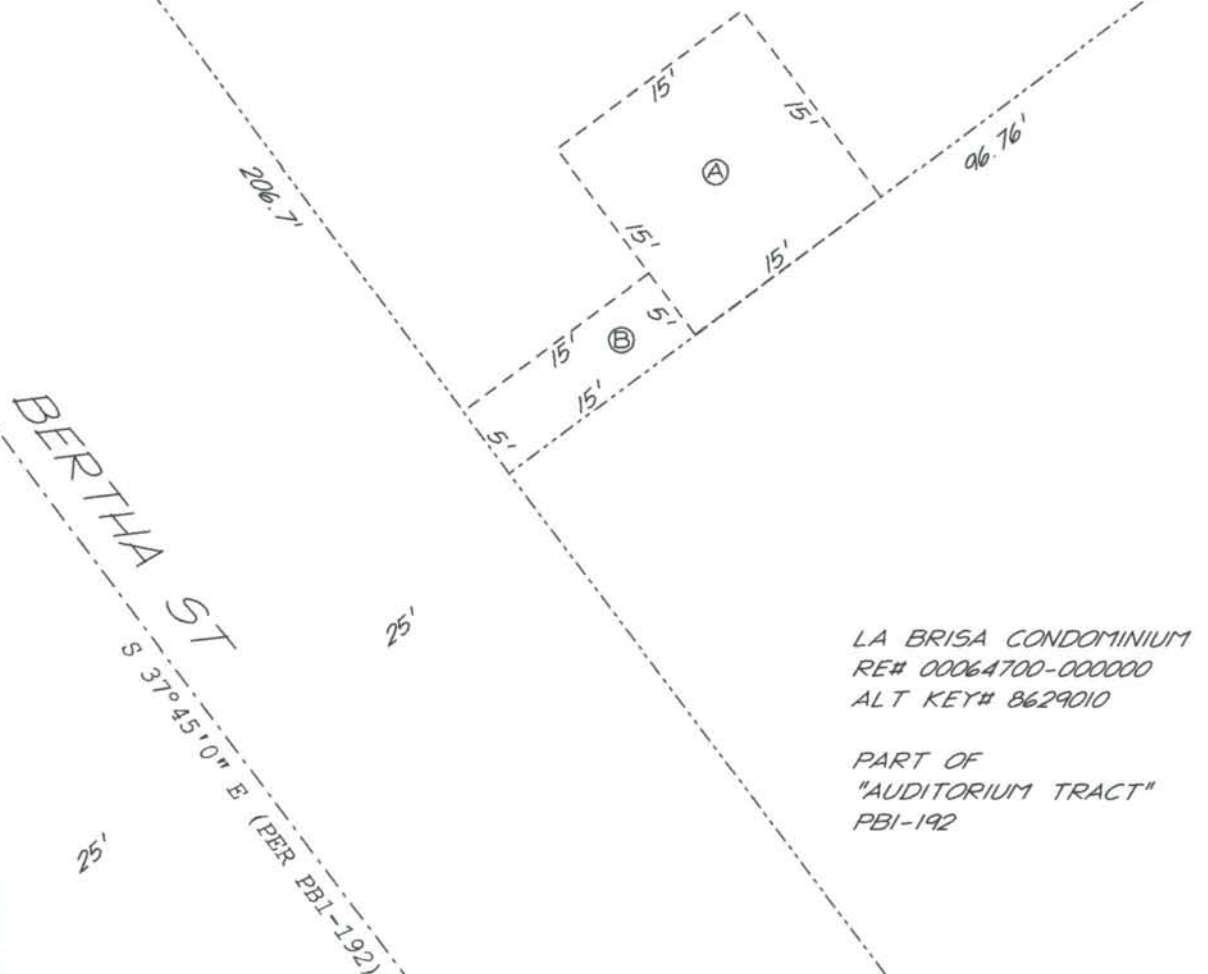
\_\_\_\_\_  
Commission Number, if any



PROPOSED AT&T EASEMENT  
TWO SECTIONS AS FOLLOWS:

Ⓐ A 15'x 15' SQUARE SECTION IN WHICH AT&T IS GRANTED PERMISSION TO INSTALL ABOVE-GROUND APPURTENANCES AND EQUIPMENT, INCLUDING AN ELEVATED PLATFORM ON WHICH TO INSTALL ELECTRONIC EQUIPMENT AT OR ABOVE THE FLOOD ZONE REQUIREMENT OF 10 FEET ABOVE SEA LEVEL.

Ⓑ A 5'x 15' STRIP IN WHICH AT&T IS GRANTED PERMISSION TO PLACE ONLY BELOW-GROUND PIPES AND CABLES FOR THEIR INGRESS-EGRESS AND CONNECTION TO THE EQUIPMENT IN SECTION A. AT&T IS FURTHER REQUIRED TO PLACE SAID PIPES AND CABLES USING TECHNIQUES (SUCH AS BORING) THAT WILL NOT HARM THE ROOTS OF THE GUMBO LIMBO OR ANY OTHER TREE THAT MAY EXIST IN THE VICINITY.



LA BRISA CONDOMINIUM  
RE# 00064700-000000  
ALT KEY# 8629010

PART OF  
"AUDITORIUM TRACT"  
PBI-192





MONROE COUNTY SCHOOL BOARD  
RE# 00065080-000000  
ALT KEY# 1065609

KW NO. 25-26

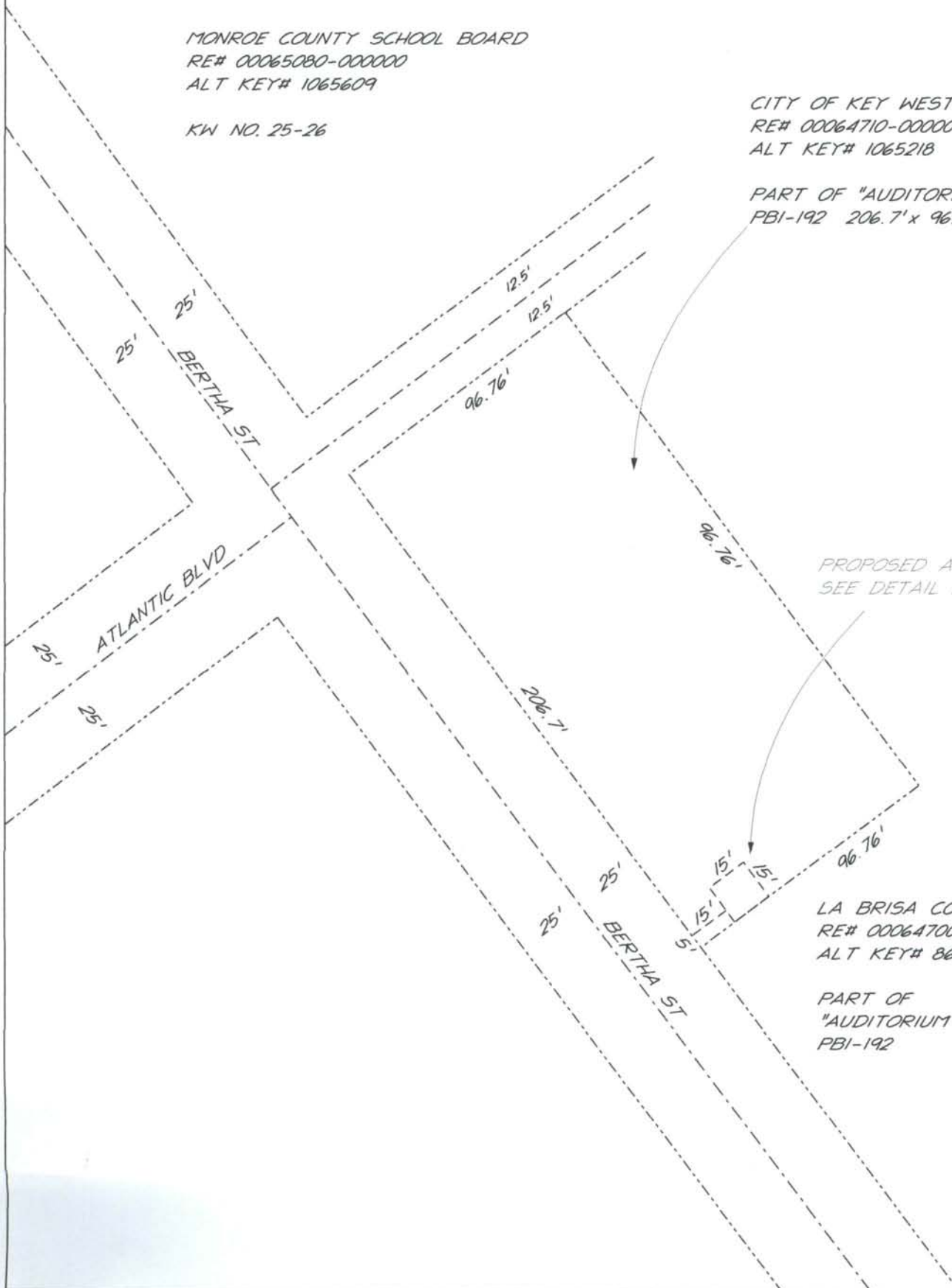
CITY OF KEY WEST TRACT  
RE# 00064710-000000  
ALT KEY# 1065218

PART OF "AUDITORIUM TRACT"  
PBI-192 206.7' x 96.76'

PROPOSED AT&T EASEMENT  
SEE DETAIL DWG 2 OF 2

LA BRISA CONDOMINIUM  
RE# 00064700-000000  
ALT KEY# 8629010

PART OF  
"AUDITORIUM TRACT"  
PBI-192



**Deed**

This Document Prepared By and Return to:  
JOHN M. SPOTTSWOOD, JR., ESQ.  
SPOTTSWOOD, SPOTTSWOOD & SPOTTSWOOD  
500 FLEMING STREET  
KEY WEST, FL 33040

RCD Jan 29 2004 08:46AM  
DANNY L KOLHAGE, CLERK

DEED DOC STAMPS 0.70  
01/29/2004 DEP CLK

Parcel ID Number:

## Warranty Deed

This Indenture, Made this 28<sup>th</sup> day of August, 2003 A.D., Between  
EDWARD B. KNIGHT, Trustee of The Edward B. Knight Living Trust  
dated January 23, 1997

of the County of **Monroe**  
CITY OF KEY WEST

State of **Florida**, grantors, and

whose address is: P.O. Box 1409, Key West, FL 33040

of the County of **Monroe**

State of **Florida**, grantee.

Witnesseth that the GRANTORS, for and in consideration of the sum of

-----TEN DOLLARS (\$10)----- DOLLARS,  
and other good and valuable consideration to GRANTORS in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, have  
granted, bargained and sold to the said GRANTEE and GRANTEE'S heirs, successors and assigns forever, the following described land, situate,  
lying and being in the County of **Monroe** State of **Florida** to wit:

On the Island of Key West and known as part of the Auditorium Tract as  
recorded in Plat Book 1, Page 192, Monroe County, Florida Records, but  
more particularly described as follows: Beginning at the intersection  
of the Northeasterly line of Bertha Street with Northwesternly line of  
the Auditorium Tract; thence in a Southeasterly direction along the  
Northeasterly line of Bertha Street a distance of 206.7 feet; thence  
at right angles and in a Northeasterly direction a distance of 96.76  
feet; thence at right angles and in a Northwesternly direction a  
distance of 206.7 feet to a point on the Northwesternly line of the  
said Auditorium Tract; thence at right angles and in a Southwesterly  
direction along the Northwesternly line of the said Auditorium Tract a  
distance of 96.76 feet back to the point of beginning.

This Deed is made and accepted on the condition that the land conveyed  
be used solely as the site of a hockey rink as now used and located,  
hockey and accessory uses such as concession stand and sanitary  
facilities for the youth of Key West, and that grantee, grantee's  
heirs or assigns shall forever use the land and premises solely for  
the purpose of a hockey rink. In the event that the property conveyed  
by this deed is not used solely and perpetually as the site of a  
hockey rink, then the land and premises shall revert to grantor,  
grantor's heirs or assigns and grantee, grantee's heirs or assigns

(Continued on Attached)

and the grantors do hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

In Witness Whereof, the grantors have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in our presence:

Erica N. Hughes  
Printed Name: ERICA N. HUGHES  
Witness

Edward B. Knight Trustee (Seal)  
EDWARD B. KNIGHT, Trustee  
P.O. Address:

Robin R. Giddin  
Printed Name: ROBIN R. GIDDIN  
Witness

STATE OF **Florida**  
COUNTY OF **Monroe**

The foregoing instrument was acknowledged before me this 28<sup>th</sup> day of August, 2003 by  
EDWARD B. KNIGHT, Trustee of the Edward B. Knight Living Trust dated  
January 23, 1997

who is personally known to me or who has produced Florida driver's license as identification.

Robin R. Giddin  
Printed Name: ROBIN R. GIDDIN  
Notary Public  
April 1, 2007  
BONDED THRU TROY FAIR INSURANCE, INC.

# Warranty Deed - Page 2

Parcel ID Number:

FILE #1422428  
BK#1970 PG#2226

shall forfeit all rights thereto.

Subject to condition, limitations, restrictions and easements of record, and taxes for the year 2003 and subsequent years.

MONROE COUNTY  
OFFICIAL RECORDS

**EXHIBIT "A"**  
**EASEMENT LEGAL DESCRIPTION**  
**FOR AT&T FLORIDA**

On the Island of Key West and known as part of the Auditorium Tract as recorded in Plat Book 1, Page 192, Monroe County, Florida Records, but more particularly described as follows: Commence at the intersection of the Northeasterly line of Bertha Street with Northwesternly line of the Auditorium Tract; thence in a Southeasterly direction along the Northeasterly line of Bertha Street a distance of 206.7 feet to a Point of Beginning of the following described easement; thence at right angles and in a Northeasterly direction a distance of 32 feet; thence at right angles and in a Northwesternly direction a distance of 15 feet to a point; thence at right angles and in a Southwesterly direction a distance of 15 feet to a point; thence at right angles and in a Southeasterly direction a distance of 10 feet to a point; thence at right angles and in a Southwesterly direction a distance of 17 feet to a point in the Northeasterly line of Bertha Street; thence at right angles and in a Southeasterly direction along the Northeasterly line of Bertha Street a distance of 5 feet back to the Point of Beginning.

**E.R. BROWNELL & ASSOCIATES, INC**

This Description and the accompanying Sketch of Specific Purposes Survey are not valid without the signature and raised seal of a Florida Licensed Surveyor and Mapper. This Description and the accompanying Sketch of Specific Purposes Survey are not valid one without the other.



# Survey

# SKETCH OF SPECIFIC PURPOSE SURVEY

## SURVEYOR'S NOTES:

Elevations are referred to the National Geodetic Vertical Datum, 1929 (NGVD 29). Elevations are based on a National Ocean Survey (NOS) Benchmark T 397, the same being a brass disk set flush in the top of a low beachside retaining wall, located 48.6 feet South-Southeast of the centerline of State Highway A1A (Roosevelt Boulevard), 2.50 miles Northwest of the intersection of US Highway 1 and 82.3 feet West-Southwest of a power pole number R-6-14; elevation 5.18 feet.

## SURVEYOR'S CERTIFICATION:

This is to certify to the herein named firm and/or persons, that in my professional opinion, this map or plat of the herein described property is true and correct as recently surveyed and platted under my direction. I further certify that this map or plat meets the Minimum Technical Standard Requirements, adopted by the Board of Professional Surveyors and Mappers, pursuant to Chapter 472.027 Florida Statutes, as set forth in Chapter 5J-17, Florida Administrative Code, under Sections 5J-17.051 and 5J-17.052 and is a "SPECIFIC PURPOSE SURVEY" as defined in Section 5J-17.050(j).

Dated: 7/8/10 E.R. BROWNELL & ASSOCIATES, INC.



Thomas Brownell, Executive Vice President  
Professional Land Surveyor # 2891  
State of Florida

Reproductions of this drawing are not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper

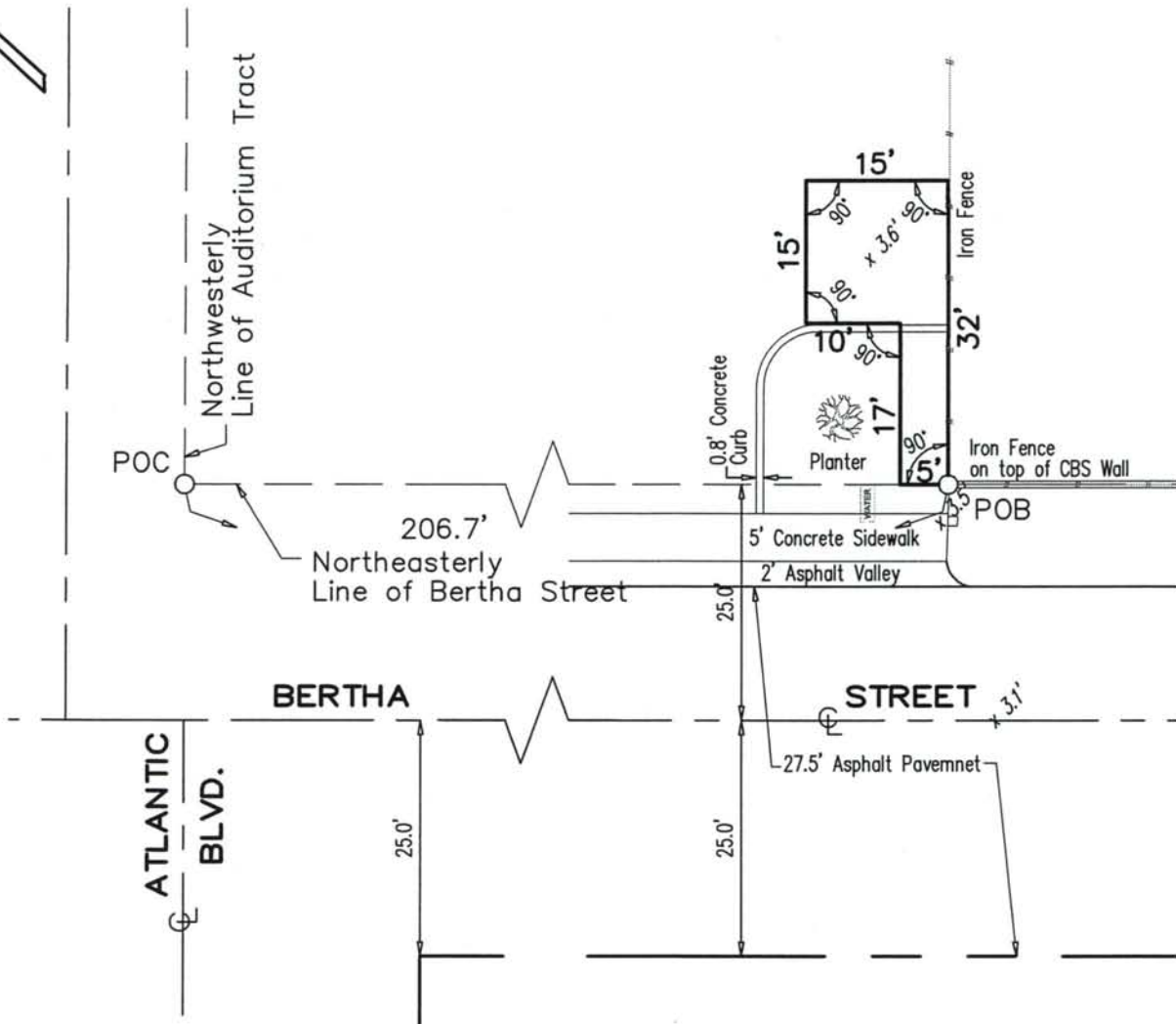
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AT&T FLORIDA

### E.R. BROWNELL & ASSOC., INC.

CONSULTING ENGINEERS  
2434 SW 28th LANE  
PH: 305.860.3866

LAND SURVEYORS  
Miami, Florida, 33133  
FAX: 305.860.3870



Q: \Proj\SFL 2107\SFL 2107.dwg

POC	Point of Commencement
POB	Point of Beginning
CL	Centerline

**E.R. BROWNELL & ASSOC., INC.**

**LAND SURVEYORS**  
Miami, Florida, 33133  
FAX: 305.860.3870

Sk No.: SM-2416

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Dated: 7/8/10 E.R. BROWNELL & ASSOCIATES, INC.



Thomas Brownell, Executive Vice President  
Professional Land Surveyor # 2891  
State of Florida

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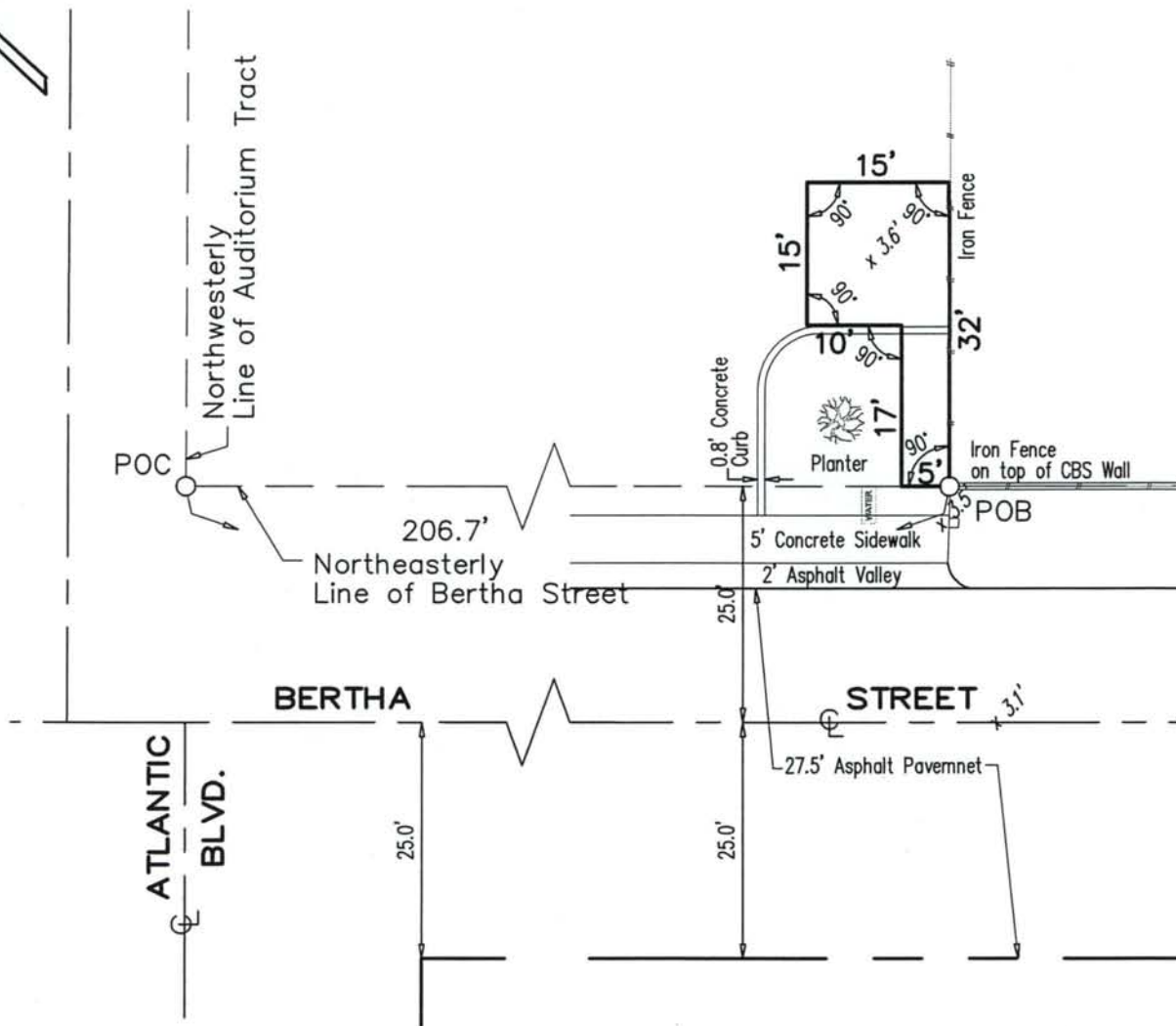
AT&T FLORIDA

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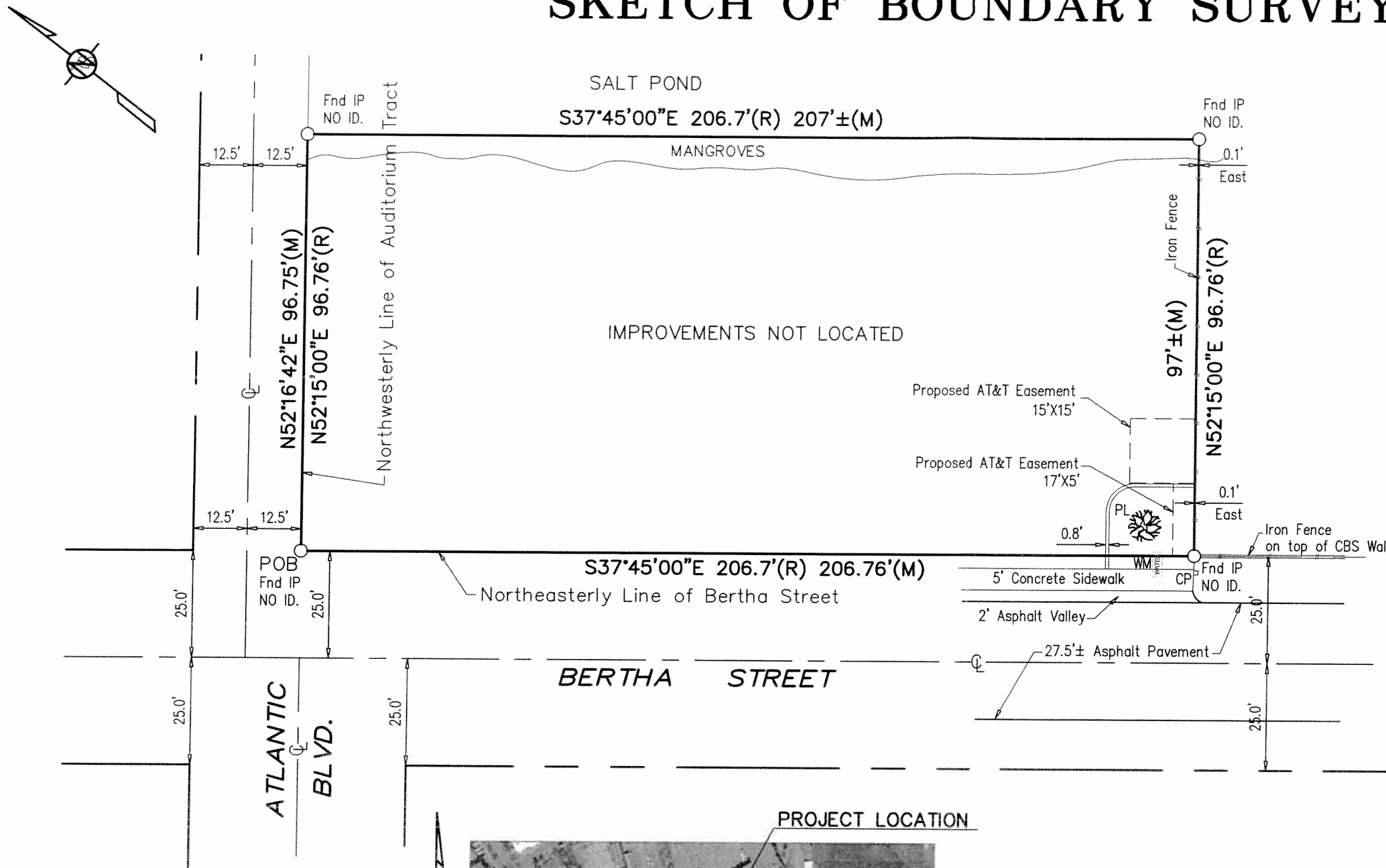
POC	Point of Commencement
POB	Point of Beginning
CL	Centerline

**E.R. BROWNELL & ASSOC., INC.**

**LAND SURVEYORS**  
Miami, Florida, 33133  
FAX: 305.860.3870

Sk No.: SM-2416

# SKETCH OF BOUNDARY SURVEY



LOCATION MAP  
Not to Scale

## ABBREVIATIONS:

WM	Water Meter
CP	Concrete Pole
PL	Planter
Fnd	Found
IP	Iron Pipe
(R)	Record Dimension
(M)	Measure Dimension
CBS	Concrete Block Structure
POB	Point of Beginning
CL	Centerline

## LEGAL DESCRIPTION:

On the Island of Key West and known as part of the Auditorium Tract as recorded in Plat Book 1, Page 192, Monroe County, Florida Records, but more particularly described as follows: Beginning at the intersection of the Northeastly line of Bertha Street with Northwestly line of the Auditorium Tract; thence in a Southeasterly direction along the Northeastly line of Bertha Street a distance of 206.7 feet; thence at right angles and in Northeastly direction a distance of 96.76 feet; thence at right angles and in Northwestly direction a distance of 206.7 feet to a point on the Northwestly line of the Auditorium Tract; thence at right angles and in Southwestly direction along the Northwestly line of said Auditorium Tract a distance of 96.76 feet back to the Point of Beginning.

## SURVEYOR'S NOTES:

Bearings are based on an assumed meridian, where the Northeastly line of Bertha Street, as recorded in Plat Book 1, Page 192, Monroe County, Florida Records bears S37°45'00"E.

This SKETCH OF BOUNDARY SURVEY does not represent a Mean High Water Line Survey as defined under Chapter 5J-17.050(g) Florida Administrative Code nor does this Survey purport to determine the nature and/or limit of ownership interests to the salt pond on and adjacent to the subject property. The location of improvements lies outside of the requested scope of survey.

Right of Way as shown is based on the recorded Plat and the record description. Any notorious evidence of occupation and/or use of the described parcel for Right-of-Way, Ingress or Egress are shown on this survey drawing. However, this survey does not purport to reflect any recorded instruments or Right-of-Way other than shown on the recorded plat or stated in the legal description, as it appears on this drawing.

This sketch shown hereon in its graphic form is the record depiction of the surveyed lands described herein and will in no circumstances be supplanted in authority by any other graphic or digital format of this Survey. This map is intended to be displayed at a scale of 1"=30' or smaller. At the maximum intended displayed scale the survey and sketch's positional accuracy value occupies 1/20" on the display.

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Dated: 7/8/10 E.R. BROWNELL & ASSOCIATES, INC.

*Thomas Brownell*  
Thomas Brownell, Executive Vice President  
Professional Land Surveyor # 2891  
State of Florida

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Sketch Number: 35807

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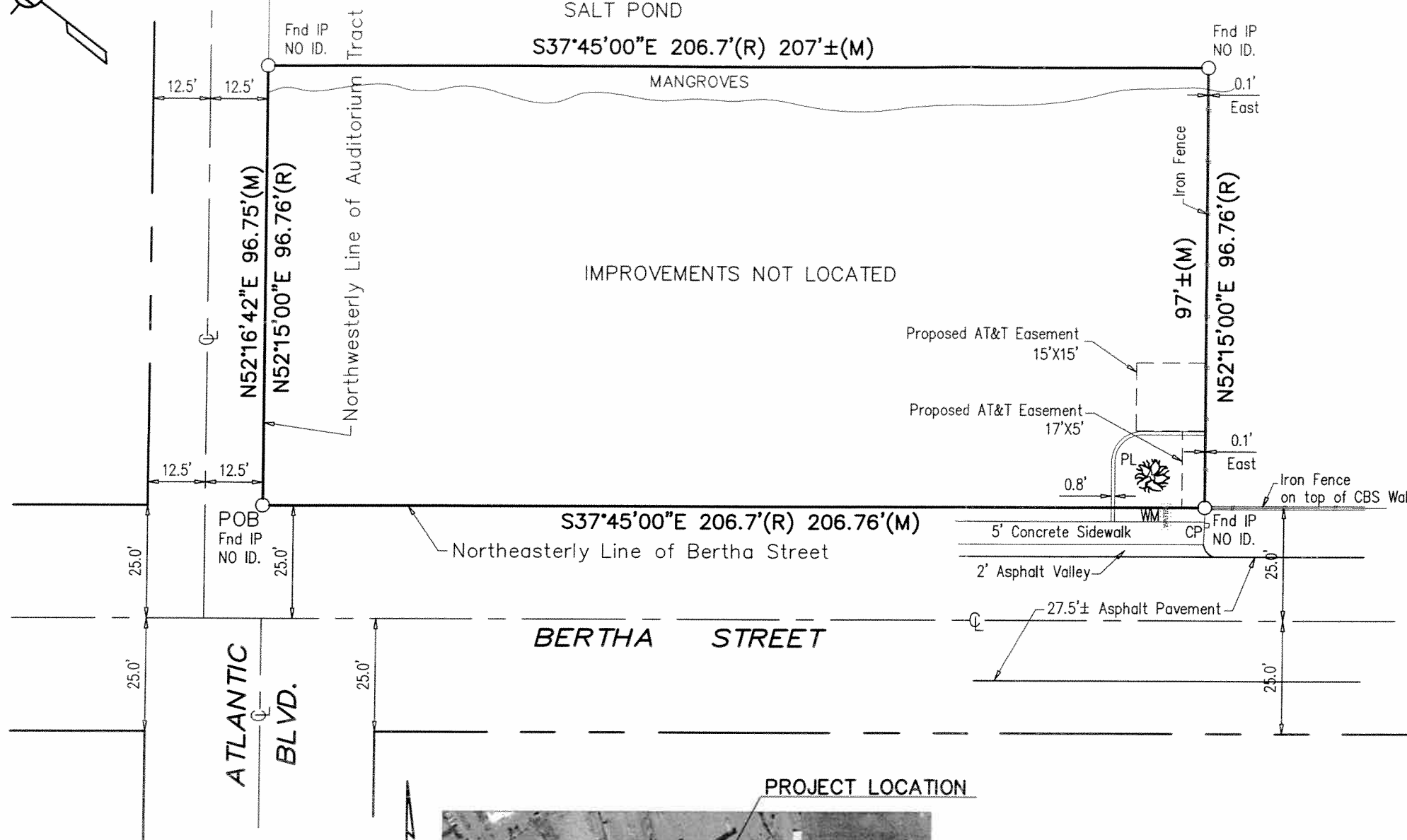
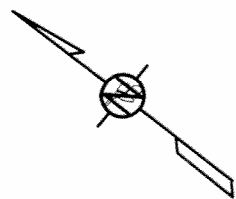
**E.R. Brownell & Associates, Inc.**  
SURVEYORS & MAPPERS  
CONSULTING ENGINEERS & PLANNERS  
2434 SW 28 LANE  
MIAMI, FLORIDA, 33133  
305.860.3866  
LB. 761

**AT&T FLORIDA**  
1809 BERTHA ST, KEY WEST, FL

Prepared For:

F.B. FILE	Drawn by: ALR	Chk. by: TB	J.N. SFL2107	Scale: 1"=30'
Date: 07/8/10				
Sk. No. 35807				

# SKETCH OF BOUNDARY SURVEY



LOCATION MAP  
Not to Scale

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*Thomas Brownell*  
Thomas Brownell, Executive Vice President  
Professional Land Surveyor # 2891  
State of Florida

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F.B. FILE	Date: 07/8/10	Drawn by: ALR	Chk. by: TB	J.N. SFL2107	Scale: 1"=30'	35807	1809 BERTHA ST, KEY WEST, FL	AT&T FLORIDA	E.R. Brownell & Assoc., Inc. CONSULTING ENGINEERS 2434 SW 28 LANE 305.860.3866	SURVEYORS & MAPPERS Miami, Florida, 33133 305.860.3870 (FAX)	