

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING PERMISSION FOR HISTORIC MARKERS, INC. D/B/A HISTORIC KEY WEST TO PLACE UP TO ONE HUNDRED (100) "500 YEARS OF PARADISE" BANNERS AT CERTAIN LOCATIONS IN THE VICINITY OF MALLORY SQUARE, WHITEHEAD STREET, FRONT STREET AND GREENE STREET IN ACCORDANCE WITH SECTIONS 114-35 AND 114-103(A)(2) OF THE CODE OF ORDINANCES; PROVIDING CONDITIONS; RESCINDING PRIOR RESOLUTIONS 12-177 AND 12-087 UPON COMMENCEMENT OF THE PROJECT; PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, as part of a state-wide celebration of the 500 year anniversary of Ponce deLeon's discovery of Florida, Historic Key West, a project of Historic Markers, Inc. requested permission to display banners commemorating the history of Key West at several locations within the historic district of Key West; and

WHEREAS, in Resolution 12-087, the City Commission approved placement of banners along Duval Street and Truman Avenue, and in Resolution 12-177, amended the approved locations of banners to include Mallory Square; and

WHEREAS, Historic Markers, Inc. has since submitted a request to amend the proposed banner design, quantity and locations, to conform to Department of Transportation Regulations, and to enhance the visibility of the proposed banners in the downtown area; and

WHEREAS, the City Commission has determined that display of the proposed "500 Years of Paradise" banners in the vicinity of Mallory Square, Greene Street, Front Street and Whitehead Street, would enhance the streetscape at no cost to the taxpayers; and

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

Section 1: That permission is hereby granted to Historic Markers, Inc. d/b/a Historic Key West in accordance with sections 114-35 and 114-103(a)(2) of the Code of Ordinances for the placement of up to 100 banners on street light poles in Mallory Square, Whitehead Street, Front Street and Greene Street, as described in the email from Bruce Neff, Executive Director of Historic Markers, Inc. attached hereto, from January 1, 2013 through November/December, 2013, in coordination with the installation of the City's holiday decorations.

Section 2: That this permission is conditioned upon approval of the plan by the City's Historic Architectural Review Commission.

Section 3: That this permission is further conditioned upon the following:

- A. Historic Markers, Inc. d/b/a Historic Key West shall engage a licensed sign erection contractor or general contractor to erect, remove and repair the banners in accordance with section 114-31(6) of the Code of Ordinances.

- B. Historic Markers, Inc. d/b/a Historic Key West and its contractor shall execute an indemnification agreement, in a form acceptable to the City Manager and the City Attorney, in favor of the City.
- C. Historic Markers, Inc. d/b/a Historic Key West and its contractor shall furnish and maintain public liability and property damage insurance protecting the City from all claims and damage to property or bodily injury, including death, which may arise from the existence, installation and maintenance of the banners. Such insurance shall provide coverage of not less than \$200,000.00 for bodily injury and property damage respectively, per occurrence. The policy shall not terminate or be cancelled without 45 days' written notice to the City's chief building official, sent via certified mail.
- D. In the event of a hurricane warning issued by the National Weather Service for the City of Key West, Historic Markers, Inc. d/b/a Historic Key West and its contractor shall immediately remove all banners and attachments installed pursuant to this authorization.

Section 4: That Resolutions No. 12-087 and 12-177 shall be rescinded automatically upon commencement of the plan approved in this resolution.

Section 5: 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 \_\_\_\_\_, 2012.

Authenticated by the presiding officer and Clerk of the Commission on \_\_\_\_\_, 2012.

Filed with the Clerk \_\_\_\_\_, 2012.

\_\_\_\_\_  
CRAIG CATES, MAYOR

ATTEST:

\_\_\_\_\_  
CHERYL SMITH, CITY CLERK