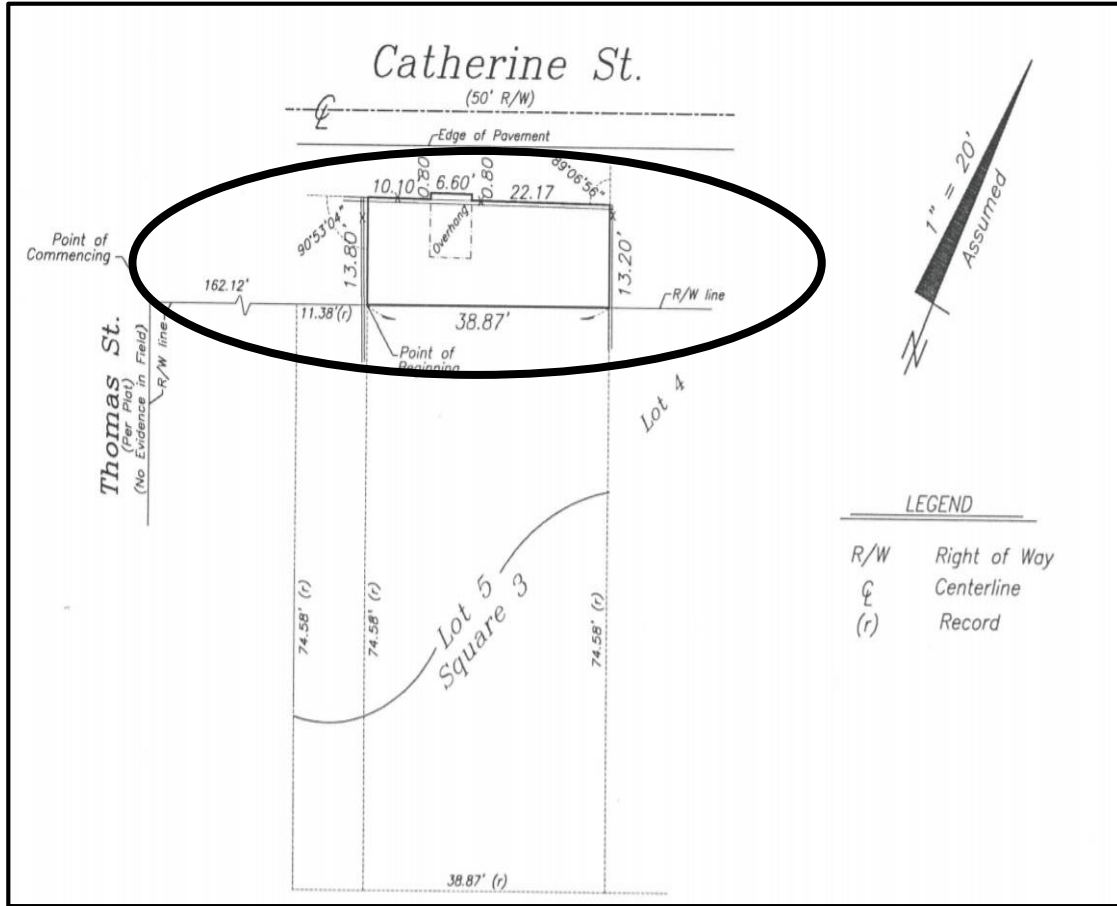




312 Catherine Street Easement Agreement Request



This is a request for an easement agreement pursuant to Section 2-938 of the Code of Ordinances of the City of Key West. The easement agreement request is for a total of 530.0-square feet, more or less, to maintain the existing encroachment of the boundary fence that extends onto the Catherine Street right-of-way, as shown on the specific purpose survey provided. The property is a contributing structure within the Key West historic district, built circa 1938.² The current owner acquired the property in February of 2020.

Recommendation

Based on the existing conditions, Planning Staff recommends to the City Commission APPROVAL of the proposed Resolution granting the requested easement agreement with the following conditions:

1. The easement shall terminate upon the removal of the structure.
2. The City may unilaterally terminate the easement upon a finding of public purpose by vote of the Key West City Commission.
3. The Owners shall pay the annual fee of \$400.00 specified in Code Section 2-938(b)(3).
4. The Owners 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. Prior to the easement becoming effective, the Owners shall obtain General Liability insurance that extends coverage to the property that is governed by this easement with limits of no less than \$300,000.00. Coverage must be provided by an insurer authorized to conduct business in the State of Florida and with terms and conditions consistent with the latest version of the Insurance Service Office's (ISO) latest filed General Liability form. The Owners shall furnish an original Certificate of Insurance indicating, and such policy providing coverage to, City of Key West named as "Additional Insured". The Owners shall provide proof of Insurance annually upon payment of annual fee.
6. The easement area shall not be used in site size calculations such as lot, yard, and bulk calculations for site development.
7. The City reserves the right to construct surface or sub-surface improvements within the easement area.
8. The area to maintain the existing encroachment of the boundary fence onto Catherine Street shall be the total allowed within the easement area.
9. To the fullest extent permitted by law, the Owners expressly agrees to indemnify and hold harmless the City of Key West, their respective officers, directors, agents and employees (herein called the "indemnitees") from any and all liability for damage.
10. Structural inspection of the boundary fence is performed annually.