

RESOLUTION NO. _____

911 CENTER STREET EASEMENT

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING AN EASEMENT AGREEMENT IN ORDER TO MAINTAIN 132.3 SQUARE FEET, MORE OR LESS, TO INCLUDE AN OVERHANG, A PORTION OF OPEN PORCH AND PAVERS ONTO THE CENTER STREET RIGHT-OF-WAY LOCATED WITHIN THE HISTORIC NEIGHBORHOOD COMMERCIAL (HNC-1) ZONING DISTRICT AT 911 CENTER STREET, KEY WEST, FLORIDA (RE#00017490-000000); PURSUANT TO SECTION 2-938 (b)(3) OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; 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 132.3 square feet, more or less, for the real property described in the attached specific purpose survey was prepared by J. Lynn O'Flynn, P.S.M. of J. Lynn O'Flynn, Inc, dated August 11, 2021, 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 granting of the easement:

- (1) The fence shall be removed.
- (2) The coconut palms shall remain, and the City will be responsible for maintenance.
- (3) The property owner may add additional plantings between the house and palm trees once an updated landscape plan is approved.
- (4) The easement shall terminate upon the removal of the 132.3 square feet, more or less, to include an overhang, a portion of open porch and pavers on the Center Street right-of-way.

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

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

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

(8) Prior to the easement becoming effective, the Owners shall obtain Homeowner or Personal 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 Homeowner or Personal General Liability form. Grantees shall furnish an original Certificate of Insurance indicating, and such policy providing coverage to, City of Key West named as "Additional Insured" or "Additional Interest".

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

(10) The City reserves the right to construct surface or sub-surface improvements within the easement areas.

(11) The subject area includes one hundred thirty-two and a third (132.3) square feet, more or less, to include an overhang, a portion of open porch and pavers on the Center Street right-of-way and shall be the total allowed within the easement area.

(12) To the fullest extent permitted by law, the Grantee expressly agrees to indemnify and hold harmless the City of Key West, their respective officers, directors, agents and employees (herein called the "indemnities") from and all liability for damages.

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 _____, 2022.

Authenticated by the presiding officer and Clerk of the Commission on _____, 2022.

Filed with the Clerk _____, 2022.

Mayor Teri Johnston _____

Vice Mayor Samuel Kaufman _____

Commissioner Gregory Davila _____

Commissioner Mary Lou Hoover _____

Commissioner Clayton Lopez _____

Commissioner Billy Wardlow _____

Commissioner Jimmy Weekley _____

TERI JOHNSTON, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK