

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING AND ALLOWING SH5 LTD, OWNER OF THE MARRIOTT BEACHSIDE HOTEL TO APPLY FOR AN EASEMENT AGREEMENT FOR APPROXIMATELY 1,753 SQUARE FEET, OF ACCRETED LAND ADJACENT TO THE HOTEL AND TO NORTH ROOSEVELT BOULEVARD ("DINGHY BEACH"); AUTHORIZING THE CITY MANAGER TO EXECUTE NECESSARY DOCUMENTS UPON CONSENT OF THE CITY ATTORNEY; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, over a period of years, tidal and storm forces built a parcel of accreted land alongside North Roosevelt Blvd. as it curves toward the northeast shore of Key West; and

WHEREAS, this property has been referred to as "Dinghy Beach"; and

WHEREAS, the owner of the hotel property adjacent to the property, SH5 LTD, dba Key West Marriott Beachside Hotel and Beachside Key West Resort Condominium ("SH5"), has provided City Commissioners and staff with correspondence and legal memoranda that assert "accreted land inures to the ownership of the upland owner" and that the hotel owns the area known as Dinghy Beach; and

WHEREAS, the Florida Department of Transportation (FDOT)

which owns the North Roosevelt Boulevard right-of-way/sidewalk also adjacent to the parcel of interest, has denied interest in the accreted land; and

WHEREAS, City staff recommends allowing SH5 to apply for an easement with the City, due to significant administrative and financial costs that would be required to make "Dinghy Beach" a functional pocket park or public beach; and

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

Section 1: That SH5 is encouraged and authorized to apply for an easement agreement with the City of approximately 1,753 square feet of accreted lands for the area known as Dinghy Beach.

Section 2: That the City Manager is authorized to execute necessary documents upon the advice and consent of the City Attorney.

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 _____ day of _____, 2022.

Filed with the Clerk on _____, 2022.

Mayor Teri Johnston	_____
Vice Mayor Sam 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