




MEMORANDUM

Date: June 8, 2023

To: Honorable Mayor and Commissioners

Via: Albert P. Childress
City Manager 

From: Katie Halloran
Planning Director

Subject: **Request for an Easement Agreement at 700 Eisenhower Drive (RE #00023310-000000)**

Introduction

The City Planning Department recommends approval with conditions of an approximately one-thousand, two-hundred eighty and forty-one hundredths (1,280.41) square-foot easement encroaching City-owned property adjacent to 700 Eisenhower Drive (RE #00023310-000000). The requested easement area consists of the front portion of an existing historic structure, two (2) air-conditioning units, utility meters, a wooden deck to access the utility meters, and a portion of a fenced-in side yard.

Background

This is a request for an easement agreement for property adjoining 700 Eisenhower Drive, located within the Historic Medium Density Residential (HMDR) zoning district, pursuant to Section 2-938 of the Code of Ordinances of the City of Key West. The subject property is a corner lot at the intersection of Angela Street and Eisenhower Drive. The property is owned by Key West Lodge #1760 Loyal Order of Moose Inc, and currently operates as The Moose Lodge, a not-for-profit organization. The property owner is represented by Trepanier and Associates, Inc.

The requested easement would allow the property owner to maintain the front portion of the historic building, utility meters, a wooden deck to access the utility meters, two air-conditioning units, and a portion of a fenced-in side yard. Historic photos of the property depict that the structure was originally constructed with a setback from the sidewalk; however, a two-story addition was later constructed. The construction date of the two-story addition is unverifiable.

This easement request was reviewed at the April 26, 2023 Development Review Committee (DRC) meeting. The following comments regarding the easement request were provided during and following the meeting from the Fire Department, Urban Forester, and the Historic Preservation Planner:

- Fire – The side yard adjacent to the easement area shall remain accessible and debris free.
- HARC – The side of the historic structure is showing signs of spalling. The owner shall maintain the structure in good repair.
- HARC – The existing mural was part of a City Commission approval. The mural shall be maintained in a state of good repair pursuant to the HARC guidelines.
- Urban Forestry – There is a Royal Poinciana located within the side yard of the property, the property owner shall be responsible for the maintenance of the Royal Poinciana.

Despite the fenced-in portion of the side yard not being immediately adjacent to the City's right-of-way, the Planning Department remains consistent in finding that a fence or wall which restricts public access to public land is not in the best interest of the citizens of Key West. As such, the voluntary construction or re-construction of such restricting structure is not supported by the Planning Department. Historically, easement agreements permit repairs or maintenance of encroaching structures, but not the replacement or reconstruction of approved encroaching structures in their same footprint.

Pursuant to these findings, the Planning Department recommends that individual picket repair be permitted; however, voluntary reconstruction of the picket fence shall be within the Grantee's private property. In the event the Grantee reconstructs the picket fence the Grantee shall only reconstruct a picket fence in the same form as what currently exists.

Additionally, although the area is not included within the requested easement area, the Planning Department suggests that it be a condition of the easement agreement that the property owner upkeeps the side yard adjacent to the requested easement area, including mowing or weed whacking any overgrowth that could pose a threat to the health, safety, or general welfare of nearby residents.



Photo depicts Google Street view of the façade of the historic structure.



Photo depicts Google Street view of the northeastern portion of the property.



Photo depicts the eastern portion of the property, such area includes the aforementioned wooden deck, utility meters, AC units, and fenced-in side yard.

Procurement

If the request for the easement over City-owned land is granted, the Grantee shall be required to pay an annual fee of \$400.00 to the City for the use of 1,280.41 square-feet, more or less, portion of City property pursuant to Code Section 2-938(b)(3). The annual fee would be prorated per the effective date of the easement. The fee would be deposited into the General Fund.

Recommendation

The City Manager's Office recommends that the easement agreement for 700 Eisenhower Drive be approved with the following additional conditions:

1. The Grantee shall maintain the mural on the façade of the concrete block structure in a state of good repair.
2. The Grantee shall maintain the historic structure in good repair; maintenance shall include, but not be limited to, repairing any spalling in the exterior concrete block walls.
3. The Grantee shall be responsible for the maintenance of the Royal Poinciana tree located within the side yard of the property.
4. The Grantee shall maintain the adjacent side yard as an accessible, debris free pathway for emergency personnel.
5. The Grantee shall upkeep the portions of the side yard adjacent to the requested easement area, including mowing or weed whacking any overgrowth that could pose as a threat to the health, safety, or general welfare of nearby residents.
6. Individual picket repair shall be permitted; however, voluntary reconstruction of the picket fence shall be within the Grantee's private property. In the event the Grantee reconstructs the picket fence the Grantee shall only reconstruct a picket fence in the same form as what currently exists.

The City Manager's Office recommends the Mayor and Commission approve the resolution, with conditions, authorizing the City Manager to execute an easement agreement with Key West Lodge #1760 Loyal Order of Moose Inc, the owner of the property located at 700 Eisenhower Drive (RE #00023310-000000).

Exhibits:

Exhibit A – Proposed Easement Agreement

Exhibit B – Application & Supporting Documents