

RESOLUTION NO. _____

302 AMELIA STREET EASEMENT

RESOLUTION OF THE CITY COMMISSION OF KEY WEST, FLORIDA, APPROVING AN EASEMENT OF APPROXIMATELY ONE-HUNDRED FORTY-EIGHT (148) SQUARE FEET, MORE OR LESS, AT A PROPERTY LOCATED AT 302 AMELIA STREET, IN ORDER TO REPAIR AN EXISTING WOOD FENCE THAT ENCROACHES ON THE AMELIA STREET AND THOMAS STREET RIGHTS-OF-WAY IN THE HISTORIC MEDIUM DENSITY RESIDENTIAL ZONING DISTRICT, 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 one-hundred forty-eight (148) square feet, more or less, for the real property described in the attached specific purpose survey was prepared by Eric A. Isaacs, P.S.M. of Florida Keys Land Surveying, dated June 30, 2022, 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) Ordinary repair and maintenance of the subject fence shall be permitted, which shall include repair and replacement of pickets and horizontal support beams. Replacement or

reconstruction of fence posts or vertical structural supports shall function to terminate this easement. The Easement shall terminate if the fence is enlarged, reconstructed, or replaced.

(2) A reconstructed fence shall be erected on the lot of the applicant and shall not extend into a public right-of-way.

(3) Grantee agrees that the improvements located on the Easement shall not be enlarged or expanded.

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

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

(6) 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.

(7) Prior to the easement becoming effective, the Owners shall obtain Commercial 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 Commercial 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".

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

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

(10) The subject area includes a one-hundred forty-eight (148) square-foot, more or less, portion of the Thomas and Amelia Street rights-of-way bounded by a wood fence and shall be the total allowed within the Easement area.

(11) 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 _____, 2023.

Authenticated by the presiding officer and Clerk of the
Commission on _____, 2023.

Filed with the Clerk _____, 2023.

Mayor Teri Johnston _____

Vice Mayor Samuel Kaufman _____

Commissioner Lissette Carey _____

Commissioner Mary Lou Hoover _____

Commissioner Clayton Lopez _____

Commissioner Billy Wardlow _____

Commissioner Jimmy Weekley _____

TERI JOHNSTON, MAYOR

ATTEST:

KERI O'BRIEN, CITY CLERK

BEARINGS: BACKS
ALL MEASUREMENTS ARE BASED
ON NAD83 (1983) ASSUMED
ALONG THE CENTERLINE OF
AMELIA STREET.

ALL ANGLES DETECTED
ARE IN DEGREES UNLESS
OTHERWISE INDICATED.

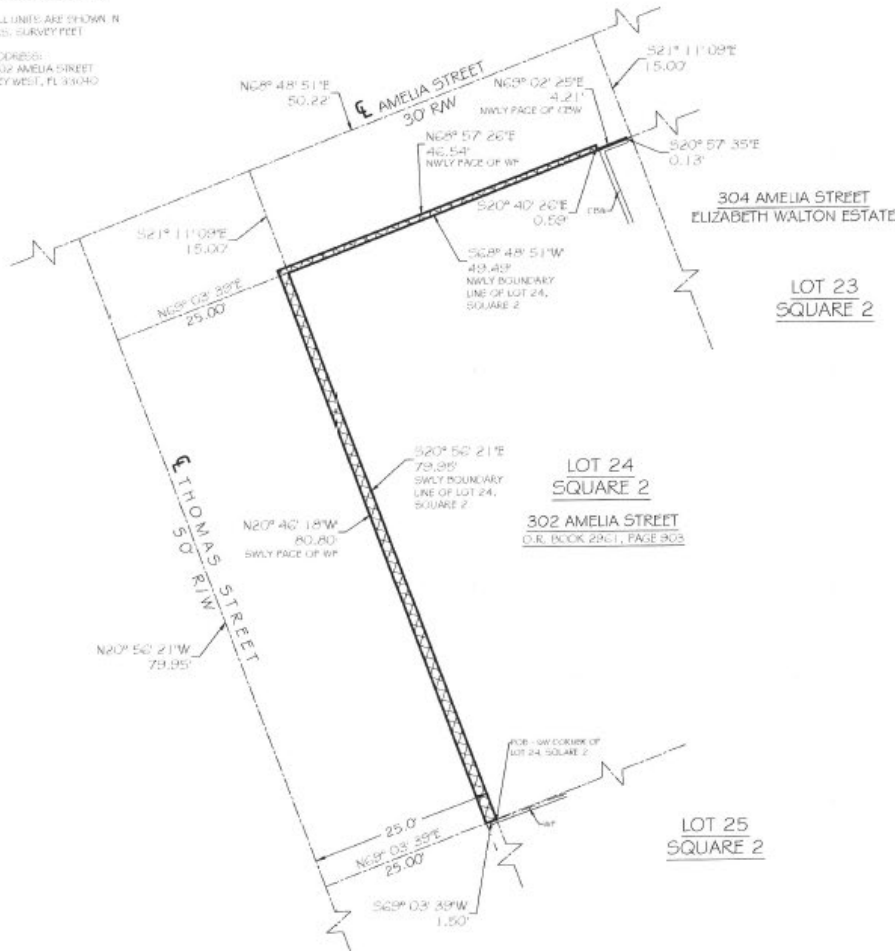
ALL UNITS ARE SHOWN IN
U.S. SURVEY FEET

ADDRESS:
302 AMELIA STREET
KEY WEST, FL 33040

LEGAL DESCRIPTION SKETCH

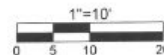


LOCATION MAP - NTS
SEC. 06 T28S R25E



SURVEYOR NOTES

- THIS IS NOT A BOUNDARY SURVEY. ANY BOUNDARY OR RIGHT OF WAY LINES SHOWN HEREON ARE FOR REFERENCE PURPOSES ONLY, AND ARE A GRAPHICAL REPRESENTATION OF THE BOUNDARY BASED ON AND REFERENCED TO THE BOUNDARY SURVEY COMPLETED BY FLORIDA KEYS LAND SURVEYING, WITH A STREET ADDRESS OF 302 AMELIA STREET, KEY WEST, FL 33040, CONVEYED TO SUNSHINE PROPERTIES, LLC, WITH A MAP DATE OF 06/06/2022.
- ALL BOUNDARY DIMENSIONS AND IMPROVEMENTS LOCATIONS SHOWN HEREON ARE SOLELY BASED ON THE SAID SURVEY BY FLORIDA KEYS LAND SURVEYING.



*VERIFY ORIGINAL SCALE OF 2"

TOTAL AREA = 147.92 SQFT ±

CERTIFIED TO:

LINDSAY PROPERTIES, LLC

NOTE: FOUNDATIONS REMAIN THE SURFACE ARE NOT SHOWN. MEASURED DIMENSIONS SHALL BE BASED ON THE FOLLOWING LIST OF APPROPRIATIONS THAT MAY BE FOUND ON THIS SHEET:
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LEGAL DESCRIPTION:

A portion of the public Right of Ways of Thomas Street and Amelia Street, on the Island of Key West, adjacent to Lot 24, Square 2, Tract 10, Flat of Tracts 10 and 15, Key West, according to the map on plat thereof as recorded in Plat Book 1, Page 40, of the Public Records of Monroe County, Florida, and being more particularly described as follows, to-wit:

Beginning at the Northwesterly corner of the said lot 24, Square 2, thence S62°10'00"00"E for a distance of 1.50 feet to a point on the Southwesterly base of an existing wood fence; thence S62°10'00"E and along the said Southwesterly base of an existing wood fence for a distance of 80.80 feet to the Northwesterly corner of the said wood fence; thence N62°10'00"E and along the Northwesterly base of the said wood fence for a distance of 46.54 feet to the Northwesterly corner of the said concrete block wall; thence S20°40'00"E for a distance of 0.58 feet to a point on the Northwesterly base of an existing concrete block wall; thence N62°10'00"E along the Northwesterly face of the said concrete block wall for a distance of 4.21 feet to the Northwesterly corner of the said concrete block wall; thence S20°40'00"E along the Northwesterly base of the said concrete block wall for a distance of 0.13 feet to a point on the Northwesterly boundary line of the said lot 24, Square 2; thence S20°40'00"E along the Northwesterly boundary line of the said lot 24, Square 2 for a distance of 79.95 feet back to the Point of Beginning. Containing 147.92 Square Feet, more or less.

FLORIDA KEYS LAND SURVEYING
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 CUDDELL, FL 33042
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 FAX: (305) 508-7373
 EMAIL: FLKSL@aol.com