RESOLUTION NO. _____

417 ELIZABETH STREET REAR EASEMENT

RESOLUTION OF THE CITY COMMISSION OF KEY WEST, FLORIDA, APPROVING AN EASEMENT OF APPROXIMATELY TWO HUNDRED AND TWO POINT SIXTEEN (202.16) SQUARE FEET, AT A PROPERTY LOCATED AT 417 ELIZABETH STREET REAR, IN ORDER TO INSTALL TWO (2) WATER LINES FROM ESTABLISHED WATER METERS WHICH ENCROACH ON CITY OWNED RIGHT OF WAY ADJACENT TO RUSSELL LANE FOR A PROPERTY LOCATED WITHIN THE HISTORIC MEDIUM DENSITY RESIDENTIAL (HMDR) 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.

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

Section 1: That an Easement to allow for the continued encroachment onto City right-of-way as described on the survey prepared by Eric A. Isaacs of Florida Keys Land Surveying dated May 5th, 2025, is granted subject to the execution of the attached Easement agreement and further subject to the minimum conditions described in Section 2 below.

Section 2: That the following conditions shall apply to the granting of the easement:

1. The Easement shall terminate if the water lines are enlarged, reconstructed, or replaced beyond the materials and three-dimensional footprint described herein.

2. Ordinary repair and maintenance shall be permitted.
3. A reconstructed water line shall be erected in the same materials and three-dimensional footprint as contemplated in this easement after a review for consistency by the Planning Department.
4. Grantee agrees that the improvements located on the Easement shall not be enlarged or expanded beyond what is approved herein.
5. The Easement shall allow for the existing encroachments as depicted on the survey prepared by Eric A. Isaacs of Florida Keys Land Surveying dated May 5th, 2025, and a total easement area of 202.16 square feet as depicted on the survey prepared by Eric A. Isaacs of Florida Keys Land Surveying dated May 5th, 2025. Additional or future easement area shall require an amendment in accordance with Sec. 2-938 of the City Code.
6. Any and all fencing shall be subject to the review and approval of the City of Key West Historic Architectural Review Commission (HARC) consistent with HARC Guidelines.
7. The City may unilaterally terminate the easement upon a finding of public purpose by vote of the Key West City Commission.
8. The Grantee shall pay the annual fee as specified in Section 2-938(b)(3) of the City Code.
9. Grantee 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.

10. 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”.

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

12. The City reserves the right to construct surface or sub-surface improvements within the City owned easement areas.

13. The City reserves the right of entry/re-entry for the easement areas for the purposes of inspection, maintenance, improvements, and operations in connection with City owned/leased property.

14. 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 "indemnitees") from any and all liability for damages caused by or resulting from the Grantee's improvement in the easement area.

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.

Section 4: This resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit or development order shall be rendered to the Florida Department of Commerce (DOC). Pursuant to Chapter 73C-44, F.A.C., this permit or development order is not effective for 45 days after it has been properly rendered to the DOC with all exhibits and applications attached to or incorporated by reference in this approval; that within the 45-day review period, the DEO can appeal the permit or development order to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the permit until the appeal is resolved by agreement or order.

Passed and adopted by the City Commission at a meeting held this _____ day of _____, 2025.

Authenticated by the presiding officer and Clerk of the Commission on _____, 2025.

Filed with the Clerk _____, 2025.

Mayor Danise Henriquez	_____
Vice Mayor Donald “Donie” Lee	_____
Commissioner Lisette Carey	_____
Commissioner Aaron Castillo	_____
Commissioner Monica Haskell	_____
Commissioner Mary Lou Hoover	_____
Commissioner Sam Kaufman	_____

_____
Danise Henriquez, MAYOR

ATTEST:

_____
KERI O’BRIEN, CITY CLERK