MEMORANDUM

Date: October 1, 2026

To: The Naval Properties Local Redevelopment Authority

Via: Brian L. Barroso
City Manager

CC: Patrick T. Wright, Growth Management Director

From: Tina Burns, Community Development Program Manager

Subject: Approving the Declaration of Restrictive Covenant between the Naval Properties Local Redevelopment Authority of the City of Key West and the Florida Department of Environmental Protection putting certain restrictions on the City owned property known as The Lofts and Apartments of Bahama Village. (File ID: 26-5347)

Introduction

This request approves and authorizes the execution of the Declaration of Restrictive Covenant between the Naval Properties Local Redevelopment Authority of the City of Key West and the Florida Department of Environmental Protection. The declaration establishes specific land-use restrictions applicable to the City-owned property identified as The Lofts and Apartments of Bahama Village.

Background

The United States Navy conveyed surplus land within the Truman Annex, specifically the property identified as Parcel F (also referenced as Parcel 1 and Parcel 2 in Exhibits A, B, and C of the Florida Department of Environmental Protection's Declaration of Restrictive Covenant) and known locally as the Lofts and Apartments at Bahama Village, located at 918 Fort Street to the City of Key West on December 3, 2002. The transfer occurred through an Economic Development Conveyance pursuant to the Base Realignment and Closure (BRAC) process. As part of the conveyance, the property became subject to specific restrictions, covenants, easements, and permitted uses that run with the land in perpetuity.

In accordance with the environmental remedy and long-term stewardship obligations associated with the BRAC process, institutional controls are required to ensure continued protection of human health and the environment. The Declaration of Restrictive Covenant (DRC) establishes legally enforceable land use and activity restrictions necessary to maintain the effectiveness of the approved environmental remedy. These land use controls ensure compliance with Florida Department of Environmental Protection (FDEP) standards by limiting certain uses of the property and providing direction for soil management, monitoring, and reporting. Such long-term stewardship measures support the safe reuse and redevelopment of former military property while preserving the integrity of the environmental remedy.

On September 3, 2026, the City Commission authorized the Chair of the Naval Properties Local Redevelopment Authority (LRA) to serve as signatory on behalf of the Authority, as required by the Florida Department of Environmental Protection prior to final approval of the DRC.

The Declaration of Restrictive Covenant has been reviewed and approved by the Office of General Counsel within FDEP, and is ready for execution by the Grantor, the Naval Properties Local Redevelopment Authority of the City of Key West.

Following the execution by the LRA Chair, FDEP will conduct a final review and issue its recommendation to the FDEP District Director for execution. Once fully executed by all parties, the DRC will be recorded in the public land records. The covenant will then run with the land, binding all current and future owners, tenants, occupants, and successors in interest.

Procurement

There is no costs or related expenses associated with this request. The covenant formalizes existing environmental management obligations associated with the property.

Recommendation

The City Manager's Office recommends the Naval Properties Local Redevelopment Authority of the City of Key West to approve and authorize the execution of the Declaration of Restrictive Covenant between the Naval Properties Local Redevelopment Authority of the City of Key West and the Florida Department of Environmental Protection as a requirement of the reuse of the former military property through restoration ensuring environmental compliance.