

SPOTTSWOOD, SPOTTSWOOD AND SPOTTSWOOD

ATTORNEYS AND COUNSELORS AT LAW 500 FLEMING STREET P. O. BOX 900 KEY WEST, FLORIDA 33041-1900

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OF COUNSEL:

JOHN M. SPOTTSWOOD (1920 – 1975) ROBERT A. SPOTTSWOOD

VIA HAND DELIVERY AND ELECTRONIC MAIL

May 19, 2017

Patrick Wright, Planning Director City of Key West Planning Department 3140 Flagler Avenue Key West, Florida 33040

RE: Application for Conditional Use – 328 Simonton Street, Key West, Florida 33040

Dear Mr. Wright,

Please allow this letter and supporting documentation to serve as my client's, 328 Simonton Street LLC ("Applicant"), application for a Conditional Use at 328 Simonton Street, Key West, Florida 33040 ("Property"). The Applicant desires a conditional use for Unit C of the subject property, as provided in Section 122-808.

Conditional Use and Development Plan:

Existing Conditions:

- A. Survey: Please find a copy of the survey for the subject Property included in this application.
- B. Existing size, type and location of trees, hedges and other features: Not applicable. This property currently houses a legal commercial kitchen that prepares food for sale and consumption at an offsite licensed restaurant (see attached licenses). The Applicant is proposing to operate this kitchen as a stand-alone catering business, all food also for offsite consumption, which is defined as a change in use per this zoning district. As such, this portion of this application is not applicable because this application only seeks a conditional use for an existing interior unit of the subject Property.
- C. Existing stormwater retention areas and drainage flows: Not applicable as this application only seeks a conditional use for an existing interior unit of the subject Property.

D. A sketch showing adjacent land uses, buildings and driveways: Not applicable as this application only seeks a conditional use for an existing interior unit of the subject Property.

Proposed Development:

- A. **Site Plan**: There is a legally existing commercial prep kitchen located in Unit C (in the rear of the building). Because it is already in existence, there are no site plans to submit. Enclosed in this application, please find photographs of the existing kitchen and a unit layout of the first floor.
- B. **Building Elevations**: Not applicable as this application only seeks a conditional use for an existing interior unit of the subject Property.
- C. **Drainage Plan**: Not applicable as this application only seeks a conditional use for an existing interior unit of the subject Property.
- D. Landscape Plan: Not applicable as this application only seeks a conditional use for an existing interior unit of the subject Property.

Solutions Statement: Currently there is a legally existing commercial prep kitchen in Unit C that prepares food for sale at an off-site licensed restaurant. That business is currently building its own prep kitchen closer to their primary restaurant and will no longer need to use the kitchen located at 328 Simonton Street, Unit C. The Applicant seeks to use this legally existing kitchen to open a stand-alone catering business with no onsite consumption area, which triggers the need for a conditional use as provided in section 122-808 of the Land Development Regulations.

Conditional Use Criteria Section 122-62:

A. Findings:

The Planning Board may find that the application meets the Code purpose of ensuring that "a conditional use shall only be permitted on specific sites where the proposed use may be adequately accommodated without generating adverse impacts on properties and land uses within the immediate vicinity."

B. Characteristics of use described

- 1. Scale and intensity of the proposed conditional use as measured by the following:
 - a. **Floor area ratio**: The current interior square footage of Unit C is 591.2 square feet. The square footage of this commercial unit shall not increase.
 - b. **Traffic generation**: The granting of this conditional use will not generate any additional traffic to the neighborhood. The kitchen is already existing and being used as a commercial prep kitchen for an off-site licensed restaurant. Due to the size of the kitchen, it never has more than two to three employees working at a time. The new catering business will similarly only have two employees working at a time and will have no onsite sales or onsite consumption area.

- c. **Square feet of enclosed building for each specific use**: The square footage of the entire building is 4,212 square feet. The square footage of the subject commercial unit (Unit C) is 591.2 square feet.
- d. **Proposed employment**: The applicant proposes to employ two people for the catering business that will be located in Unit C.
- e. **Proposed number and type of service vehicles**: Applicant will have one catering van.
- f. **Off-street parking needs**: The property has zero off-street parking spaces, and this conditional use triggers no additional parking needs. There is one loading zone, and all employees working in the building have Employee Parking Permits from the City of Key West.
- 2. On or off-site improvement needs generated by the proposed conditional use and not identified on the list in subsection (b)(1) of this section including the following:
 - a. Utilities: The property has an upgraded commercial garbage and recycling account.
 - b. Public facilities, especially any improvements required to ensure compliance with concurrency management as provided in chapter 94: Not applicable.
 - c. Roadway or signalization improvements, or other similar improvements: Not applicable.
 - d. **Accessory structures or facilities**: Not applicable. This Application is for a conditional use only. The application does not propose any exterior renovations or modifications.
 - e. Other unique facilities/structures proposed as part of site improvement: Not applicable.
- 3. On-site amenities proposed to enhance site and planned improvements. Amenities including mitigative techniques such as:
 - a. **Open space**: Not applicable. This application is for a conditional use for an existing unit only. The application does not propose any exterior renovations.
 - b. **Setbacks from adjacent properties**: The structure is a historic structure and all of the site dimensions, i.e. setbacks, are legally nonconforming.
 - c. Screening and buffers: Not applicable.
 - d. Landscaped berms proposed to mitigate against adverse impacts to adjacent sites: No changes to the current landscaping configuration are proposed.
 - e. Mitigative techniques for abating smoke, odor, noise, and other noxious impacts: This kitchen was purposefully designed as a small commercial kitchen so that there would be no significant impact on the surrounding area. The kitchen has no hood and there are no frying capabilities; there are no frying or grease laden

vapors present. Also, the Applicant has upgraded commercial garbage and recycling service.

C. Criteria for conditional use review and approval

- 1. Land use compatibility: The conditional use requested is compatible and harmonious with the adjacent land uses and will not adversely impact land use activities in the immediate vicinity. The properties on either side of 328 Simonton are: The Studios of Key West (art studio, book store, etc.), and Simonton Court Guest House (transient use). Directly across the street is The Angling Company (retail store) and a transient rental. Behind the subject property is The Carriage House (guest house / transient use with a restaurant). This is a mixed use neighborhood with transient, residential and commercial uses in extremely close proximity to each other. This legally existing prep kitchen has been in existence and harmonious with the neighborhood for several years. It will continue to exist in the same manor with conditional use approval. There will be no additional intensity or additional traffic generation as a consequence of this conditional use approval.
- 2. Sufficient site size, adequate site specifications, and infrastructure to accommodate the proposed use. The size and shape of the site are adequate to accommodate the proposed scale and intensity of the conditional use requested.
- 3. **Proper use of mitigative techniques**: This kitchen was purposefully designed as a small commercial kitchen so that there would be no significant impact on the surrounding area. The kitchen has no hood and there are no frying capabilities; there will be no frying or grease laden vapors present. Also, the Applicant has upgraded commercial garbage and recycling service. Land use activities in the immediate vicinity will not be burdened with adverse impacts detrimental to the general public health, safety or welfare.
- 4. **Hazardous Waste**: No materials that contain hazardous waste will be used in connection with the proposed use.
- 5. **Compliance with applicable laws and ordinances**: The Applicant will comply with all applicable laws and regulations as a condition of approval. (See attached Fire Inspection.)
- 6. Additional criteria applicable to specific land uses
 - a. Land uses within a conservation area: Not applicable. This site is not located within a conservation area.
 - b. **Residential development**: Not applicable. This application is not for a residential development.

- c. **Commercial or mixed use development**: There is no new development proposed as part of this application. This application is for a conditional use for an existing unit only.
- d. **Development within or adjacent to historic district**: There is no new development proposed as part of this application. This application is for a conditional use for an existing unit only. The structure is a historic structure and all of the site dimensions are conforming or legally nonconforming.
- e. **Public facilities or institutional development**: Not applicable. Public facilities or institutional development is not being proposed as part of this application.
- f. Commercial structures, uses and related activities within tidal waters: Not applicable. The subject property is not located within tidal waters.
- g. Adult entertainment establishments: Not applicable.

If you should have any questions, comments, or concerns, please do not hesitate to contact me.

Sincerely

Cristina Spottswood, Esq.

For the Firm

Enclosures:

Application
Check for \$2,150.00
(\$2,000.00 Application fee + \$150.00 Fire and Advertising fee)
Survey
Photographs of Existing Kitchen
First Floor – Unit Layout
State Licenses
Fire Inspection Report
Easement

DEVELOPMENT PLAN AND CONDITIONAL USE APPLICATION

City of Key West Planning Department 1300 White Street, Key West, FL 33040 (305) 809-3720



Development Plan & Conditional Use Application

Applications will not be accepted unless complete

| | Development PlanConditional UseHistoric DistrictMajorXYes_XMinorNo |
|-------|--|
| | Minor No |
| Pleas | se print or type: |
| 1) | Site Address: 328 Simonton Street, Unit C, Key West, Florida 33040 |
| 2) | Name of Applicant: Cristina L. Spottswood, Esq., Spottswood, Spottswood, Spottswood & Sterling |
| 3) | Applicant is: Owner Authorized Representative X (attached Authorization and Verification Forms must be completed) |
| 4) | Address of Applicant: 500 Fleming Street, Key West, Florida 33040 |
| 5) | Applicant's Phone # (305)294-9556 |
| 6) | Email Address: Cristy@SpottswoodLaw.com |
| 7) | Name of Owner, if different than above 328 Simonton Street, LLC |
| 8) | Address of Owner 205 Elizabeth Street, Unit 1, Key West, FL 33040 |
| 9) | Owner Phone # Email |
| 10) | Zoning District of Parcel HNC-1 RE# 00004170-000100 |
| 11) | Is Subject Property located within the Historic District? Yes X No |
| | If Yes: Date of approval: N/A HARC approval #: N/A |
| | OR: Date of meeting: N/A |
| 12) | Description of Proposed Development and Use. Please be specific, list existing and proposed buildings and uses, number of dwelling units, parking, restaurant seats, vehicles proposed, etc. If there is more than one use, describe in detail the nature of each use (Give concise description here and use a separate sheet if necessary). |
| | See Attached Description. |
| | |
| | |
| | |

DEVELOPMENT PLAN AND CONDITIONAL USE APPLICATION

City of Key West Planning Department 1300 White Street, Key West, FL 33040 (305) 809-3720

Has subject Property received any variance(s)? Yes____X___No _____

13)



| lf | Yes: Date of approval <u>Unknown</u> Resolution # <u>Unknown</u> |
|-------|---|
| | Attach resolution(s). See Attached Explanation. |
| 14) A | re there any easements, deed restrictions or other encumbrances on the subject property? |
| Υ | es <u>X</u> No |
| lf | Yes, describe and attach relevant documents. |
| _ | |
| _ | See Attached Easement. |
| | |
| Α | . For both Conditional Uses and Development Plans, provide the information requested from the attached Conditional Use and Development Plan sheet. |
| В | . For Conditional Uses only, also include the Conditional Use Criteria required under Chapter 122, Article III, Sections 122-61 and 122-62 of the Land Development Regulations (see attached copy of criteria). |
| С | . For <i>Major Development Plans</i> only, also provide the Development Plan Submission Materials required under Chapter 108, Article II, Division 7, Sections 108-226 through 108-248 of the Land Development Regulations (see attached copy of criteria) and any additional information as |

Please note, development plan and conditional use approvals are quasi-judicial hearings and it is improper to speak to a Planning Board member or City Commissioner about the project outside of the hearing.

an Engineer or Architect.

D. For both Conditional Uses and Development Plans, one set of plans MUST be signed & sealed by

Detailed Explanations for Conditional Use Application for 328 Simonton Street

- Currently there is a design studio in Unit A, a beauty salon in Unit B and a legally existing commercial prep kitchen in Unit C that prepares food for sale at an off-site licensed restaurant. The business that occupies Unit C is currently building its own prep kitchen closer to their primary restaurant and will no longer need to use the kitchen located at 328 Simonton Street. The Applicant seeks to use this legally existing kitchen to open a stand-alone catering business with no onsite consumption area, which triggers the need for a conditional use as provided in section 122-808 of the Land Development Regulations. There is no Code section that covers this type of catering business, so the Applicant is required to seek a conditional use as a restaurant. This will not be a restaurant and there will be no consumption area at this site. Therefore there is no need for additional parking or for a parking variance. There will be one catering van associated with the business.
- (13) Applicant thinks there may have been a variance granted sometime around 1991 while renovations were being done on the property. Applicant has no knowledge of the exact nature of the variance nor does the applicant have copies of any resolution passed.



STATE OF FLORIDA DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

DIVISION OF HOTELS AND RESTAURANTS 2601 BLAIR STONE ROAD TALLAHASSEE FL 32399-1011

850-487-1395

MCGRAIL AND ROWLEY INC SEBAGO CATERING 205 ELIZABETH ST UNIT I KEY WEST FL 33040

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STATE OF FLORIDA DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

CAT5402819

ISSUED: 08/23/2016

CATERER (2013) MCGRAIL AND ROWLEY INC SEBAGO CATERING

IS LICENSED under the provisions of Ch.509 FS Expiration date OCT 1, 2017 L1608230001143

DETACH HERE

RICK SCOTT, GOVERNOR

KEN LAWSON, SECRETARY

STATE OF FLORIDA DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION DIVISION OF HOTELS AND RESTAURANTS

LICENSE NUMBER

CAT5402819

The CATERER (2013)
Named below IS LICENSED
Under the provisions of Chapter 509 FS,
Expiration date: OCT 1, 2017

MCGRAIL AND ROWLEY INC SEBAGO CATERING 328 SIMONTON ST KEY WEST FL 33040



NON-TRANSFERABLE



ISSUED: 08/23/2016

DISPLAY AS REQUIRED BY LAW

SEQ # L1608230001143

Licensee Details

Licensee Information

Name:

MCGRAIL & ROWLEY INC (Primary Name)

SEBAGO WATERSPORTS (DBA Name)

Main Address:

205 ELIZABETH ST STE I

KEY WEST Florida 33040

County:

MONROE

License Mailing:

205 ELIZABETH ST STE I KEY WEST FL 33040

.....

County:

MONROE

LicenseLocation:

200 WILLIAM

KEY WEST FL 33040

County:

MONROE

License Information

License Type:

Permanent Food Service

Rank:

Seating

License Number:

SEA5402683

Status:

Current, Active

Licensure Date:

12/30/1999

Expires:

10/01/2017

Special Qualifications

Qualification Effective

Risk Level 1

02/17/2017

Alternate Names

View Related License Information
View License Complaint
View Recent Inspections

2601 Blair Stone Road, Tallahassee FL 32399 :: Email: Customer Contact Center: :: Customer Contact Center: 850.487.1395

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KEY WEST FIRE DEPARTMENT FIRE MARSHAL'S OFFICE

This is to verify that the property Located at the address listed.

328 Simonton St. Key West, FL 33040.

Was inspected by this office on the following date: 04/04/2017

By the following Fire Inspector: G. Barroso

At the time of the said inspection, all areas concerning life safety were found to be in compliance with all Life Safety 101 (NFPA) codes as required by this office and the City of Key West.

Please do not hesitate to contact this office if you have any questions or if I may be of any further assistance.

Alan Averett, Fire Marshal
Key West Fire Department
1600 N. Roosevelt Boulevard
Key West, Florida 33040
305-809-3933 Office
305-292-8284 Fax
Aaverett@cityofkeywest-fl.gov
Serving the Southernmost City



INVOICE

Customer ID:

Customer Name: Service Period: Invoice Date: Invoice Number: 4-21242-22002

MCGRAIL AND ROWLEY INC 08/01/17-08/31/17 08/01/2017 8895482-1098-4

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Customer Service: (866) 690-1112

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Aug 30, 2017

If full payment of the invoiced amount is not received within your contractual terms, you may be charged a monthly late charge of 2.5% of the unpaid amount, with a minimum monthly charge of \$5, or such late charge allowed under applicable law, regulation or contract.

Your Total Due

\$311.80

If payment is received after 08/30/2017: **\$ 319.60**

See Reverse for Important Messages

Previous Balance

238.20

Payments

(238.20)

Adjustments 0.00

+

Current Charges 311.80

Customer ID:

+

____=

4-21242-22002

Total Due

Details for Service Location:

Mcgrail And Rowley Inc, 328 Simonton St, Key West FL 33040-6869

 Description
 Date
 Ticket
 Quantity
 Amount

 96 Gallon toter 2 x week
 08/01/17
 2.00
 89.24

 Disposal 95 gallon 2 x week
 08/01/17
 2.00
 222.56

Disposal 95 gallon 2 x week 08/01/17 2.00 222.56

Total charges for service location 311.80

Total Current Charges 311.80

----- Please detach and send the lower portion with payment --- (no cash or staples) -----

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WASTE MANAGEMENT INC. OF FLORIDA PO BOX 42930 PHOENIX, AZ 85080

(866) 690-1112 (305) 296-8297 (305) 296-8175 FAX

| Invoice Date | Invoice Date Invoice Number | | | |
|---|-----------------------------|---------------|--|--|
| 08/01/2017 | 8895482-1098-4 | 4-21242-22002 | | |
| Payment Terms | Total Due | Amount | | |
| Total Due by 08/30/2017 If Received after 08/30/2017 | \$311.80 \$319.60 | | | |

1098000042124222002088954820000003118000000031180 8

10290C54

MCGRAIL AND ROWLEY INC 205 ELIZABETH ST STE I KEY WEST FL 33040-6612 WASTE MANAGEMENT INC. OF FLORIDA PO BOX 105453 ATLANTA GA 30348-5453



990-0001386-1098-5

5 EASY WAYS TO PAY Automatic Payment

\$

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Make a payment from your financial institution using your Customer ID.



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Payable 24/7 using our automated system at 866-964-2729.



Write it, stuff it, stamp it, mail it. Envelope provided.



States the date payment is due to Waste Management. Anything beyond that date may incur additional charges. Your **Total Due** is the total amount of current charges and any previous unpaid balances combined.

Previous balance is the total due from your previous invoice. We subtract any Payments Received/Adjustments and add your Current Charges from this billing cycle to

get a Total Due on this invoice. If you have not paid all or a portion of your previous balance, please pay the entire Total Due to avoid a late charge or service interruption.

Service location details the total current charges of this invoice.

OUR NEW INVOICE

We're Making a Splash INVOICE Page 1 of 2 Customer ID Waste Management is pleased to How To Contact Us present our invoice in bright, vivid color! Your Payment Is Due Visit wm.com \$124.73 August 19, 2017 Visit wm.com to learn about our easy **•** • ways to pay, including how you can "Go Green" vious Balance Payr yourself by signing up for paperless billing and automatic payments.

If your service is suspended for non-payment, you may be charged a Resume charge to restart your service. For each returned check, a charge will be assessed on your next invoice equal to the maximum amount permitted by applicable state law.

| CHECK HERE TO CHANGE CONTACT INFO | | | | | |
|--|--|--|--|--|--|
| List your new billing information below. For a change of service address, please contact Waste Management. | | | | | |
| Address 1 | | | | | |
| Address 2 | | | | | |
| City | | | | | |
| State | | | | | |
| Zip | | | | | |
| Email | | | | | |
| Date Valid | | | | | |

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If I enroll in Automatic Payment services, I authorize Waste Management to pay my invoice by electronically deducting money from my bank account. I can cancel authorization by notifying Waste Management at wm.com or by calling the customer service number listed on my invoice. Your enrollment could take 1-2 billing cycles for Automatic Payments to take effect. Continue to submit payment until page one of your invoice reflects that your payment will be deducted.

| Email Address | | |
|-------------------------------|--|--|
| Date | | |
| Bank Account Holder Signature | | |

NOTICE: By sending your check, you are authorizing the Company to use information on your check to make a one-time electronic debit to your account at the financial institution indicated on your check. The electronic debit will be for the amount of your check and may occur as soon as the same day we receive your check.

In order for us to service your account or to collect any amounts you may owe (for non-marketing or solicitation purposes), we may contact you by telephone at any telephone number that you provided in connection with your account, including wireless telephone numbers, which could result in charges to you. Methods of contact may include text messages and using pre-recorded/artificial voice messages and/or use of an automatic dialing device, as applicable. We may also contact you by email or other methods as provided in our contract.

5 EASY WAYS TO PAY Automatic Payment

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Make a payment from your financial institution using your Customer ID.



One-Time Payment

At your desk or on the go, use wm.com or our WM mobile app for a quick and easy payment.



Payable 24/7 using our automated system at 866-964-2729.



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Previous balance is the total due from your previous invoice. We subtract any Payments Received/Adjustments and add your Current Charges from this billing cycle to

get a Total Due on this invoice. If you have not paid all or a portion of your previous balance, please pay the entire Total Due to avoid a late charge or service interruption.

Service location details the total current charges of this invoice.

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If your service is suspended for non-payment, you may be charged a Resume charge to restart your service. For each returned check, a charge will be assessed on your next invoice equal to the maximum amount permitted by applicable state law.

| CHECK HERE TO CHANGE CONTACT INFO | | | | | |
|--|--|--|--|--|--|
| List your new billing information below. For a change of service address, please contact Waste Management. | | | | | |
| Address 1 | | | | | |
| Address 2 | | | | | |
| City | | | | | |
| State | | | | | |
| Zip | | | | | |
| Email | | | | | |
| Date Valid | | | | | |

CHECK HERE TO SIGN UP FOR AUTOMATIC PAYMENT ENROLLMENT

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| Email Address | | |
|-------------------------------|--|--|
| Date | | |
| Bank Account Holder Signature | | |

NOTICE: By sending your check, you are authorizing the Company to use information on your check to make a one-time electronic debit to your account at the financial institution indicated on your check. The electronic debit will be for the amount of your check and may occur as soon as the same day we receive your check.

In order for us to service your account or to collect any amounts you may owe (for non-marketing or solicitation purposes), we may contact you by telephone at any telephone number that you provided in connection with your account, including wireless telephone numbers, which could result in charges to you. Methods of contact may include text messages and using pre-recorded/artificial voice messages and/or use of an automatic dialing device, as applicable. We may also contact you by email or other methods as provided in our contract.



INVOICE

Customer ID:

Customer Name: Service Period: Invoice Date: Invoice Number:

+

11-23920-73001

MCGRAIL AND ROWLEY INC 08/01/17-08/31/17 08/01/2017 8895485-1098-7

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Customer Service: **(866) 690-1112**

Your Payment Is Due

Aug 30, 2017

If full payment of the invoiced amount is not received within your contractual terms, you may be charged a monthly late charge of 2.5% of the unpaid amount, with a minimum monthly charge of \$5, or such late charge allowed under applicable law, regulation or contract.

Your Total Due

\$89.24

If payment is received after 08/30/2017: **\$ 94.24**

See Reverse for Important Messages

Previous Balance

89.24

Payments

(89.24)

Adjustments

+

0.00

Current Charges

89.24

Total Due

89.24

Customer ID: 11-23920-73001

Details for Service Location:

Mcgrail And Rowley Inc (Y), 328 Simonton St, Key West FL 33040-6869

| Description | | Ticket Quantity | | Amount | |
|----------------------------------|--|-----------------|------|--------|--|
| 96 Gallon recycle toter 2 x week | | | 2.00 | 89.24 | |
| Total Current Charges | | | | 89.24 | |

----- Please detach and send the lower portion with payment --- (no cash or staples) -----

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WASTE MANAGEMENT INC. OF FLORIDA PO BOX 42930 PHOENIX, AZ 85080

(866) 690-1112 (305) 296-8297 (305) 296-8175 FAX

| Invoice Date | Invoice Date Invoice Number | | | |
|---|-----------------------------|----------------|--|--|
| 08/01/2017 | 8895485-1098-7 | 11-23920-73001 | | |
| Payment Terms | Total Due | Amount | | |
| Total Due by 08/30/2017 If Received after 08/30/2017 | \$89.24 \$94.24 | | | |

109800011239207300108895485000000892400000008924 0

10290C54

MCGRAIL AND ROWLEY INC 205 ELIZABETH ST STE 1 KEY WEST FL 33040-6612 WASTE MANAGEMENT INC. OF FLORIDA PO BOX 105453 ATLANTA GA 30348-5453



240715

April 1, 1977

IN CONSIDERATION of the terms and conditions of the Articles of Agreement executed between the parties hereto dated December 13, 1974 and the further consideration of ONE DOLLAR (\$1,00), in hand paid by DAVID W. WOLKOWSKY to SCOTTISH RITE TEMPLE ASSOCIATION, INC., a Florida Corporation, the receipt of which is hereby acknowledged, SCOTTISH RITE TEMPLE ASSOCIATION, INC., a Florida Corporation, does hereby grant, bargain, sell and convey to DAVID W. WOLKOWSKY, 5 Daval Street, Key West, Monroe County, Florida, a perpetual easement, for ingress and egress only, being solely confined to ground foot traffic, which easement is described as follows:

EASEMENT

On the Island of Key West, Florida, and known on William A. Whitehead's map delineated in February A, D, 1829, as a part of Lot One (1) in Square Twenty-Four (24) and more particularly described by metes and bounds as follows:

Commencing at the Northwest corner of Simonton and Eaton Streets run in a Northwesterly direction along the Westerly right of way line of Simonton Street for a distance of Fifty (50) feet to a point of Beginning; thence continue in a Northwesterly direction along said Westerly right of way line of Simonton Street for a distance of Eight (8) feet; thence at right angles in a Southwesterly direction for a distance of Fifty (50) feet; thence at right angles in a Southeasterly direction for a distance of Eight (8) feet; thence at right angles in a Northeasterly direction for a distance of Fifty (50) feet back to the point of Beginning.

TO HAVE AND TO HOLD the said easement unto the said DAVID W. WOLKOWSKY, his heirs, administrators and assigns for their individual use only.

IN WITNESS WHEREOF, The parties to these presents have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in the presence of:

SCOTTISH RITE TEMPLE ASSOCIATION, INC., a Florida

Corporation

(SEAL)

ATTEST:

Sidney 6

(SEAL) ECCH, Secretary

As to Sidney G.

831m2488

Day lv. Cooking

(SEAL)

As to David W. Avolkowsky

As to David W. Wolkersky

This Instrument prepared by: HUGH R. PAPY, Attorney at Law 509 Whitehead Street
Key West, Florida 33040

STATE OF FLORIDA
COUNTY OF MONROE

I HEREBY CERTIFY that on this London April, A.D. 1977, before me personally appeared HUBERT W. GIBSON and SIDNEY G. LOWE, President and Secretary respectively of SCOTTISH RITE TEMPLE ASSOCIATION, INC., a corporation under the laws of the State of Florida to me known to be the persons who signed the foregoing instrument as such officers and severally acknowledged the execution thereof to be their free act and deed as such officers for the uses and purposes therein mentioned and that they affixed therto the official seal of said corporation, and that the said instrument is the act and deed of said corporation.

WITNESS my signature and official seal at Key West, in the County of Moarce, and State of Florida, the day and year last aforesaid.

RECORDED IN OFFICIAL RECORD BOOK

RALPH W. WHITE CLERK OF CIRCUIT COURT RECORD VERIFIED Notary Public, State of Fig.

My Commission expires:

Notory Poblic, State of Harida at Large My Commission Employs July 5, 1670 Souded by Assession Sin A. Co.

STATE OF FLORIDA
COUNTY OF MONROE

(SEAL)

I HEREBY CERTIFY that on this day, before, me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared DAVID W. WOLKOWSKY, to me known to the the person described in and who executed the foregoing instrument and he acknowledged before me that he executed the same,

WITNESS my hand and official seal in the County and State last aforesaid this day of April, A.D. 1977.

Notary Public, State of Florida

My Commission expires:
Notary Public, State of fig. 2 of Laids
My Commission Expires Fats 7, 1/21

-2-

REASSIGNMENT OF EASEMENT

IN CONSIDERATION of the terms and conditions of the Contract for Sale and Purchase executed between the parties bereto dated March 18, 1981, and the further consideration of ONE DOLLAR (\$1.00), in hand paid by SANDFORD MALLARY BIRDSEY to WILLIAM E. TIMMERMAN and ROBERT H. STONE, the receipt of which is hereby acknowledged, WILLIAM E. TIMMERMAN and ROBERT H. STONE, both single men over 18 years of age, do hereby reassign to SANDFORD MALLARY BIRDSEY, of 328 Simonton Street, Key Mest, Plorida, that certain perpetual easement from SCOTTISH RITE THROLE ASSOCIATION. SANDFORD HALLARY SIRUSEY, OF 128 SIMONTON STREET, Key West, Florid that certain perpetual sassment from SCOTTISH RITE TEMPLE ASSOCIATION, INC.,/fo DAVID W. WOLKOWSKY dated April 1, 1977, and assigned to them by DAVID W. WOLKOWSKY on Nay 2/, 1981, said easement being for ingress and egress only, being solely confined to ground foot traffic, which easement is described as follows:

On the Island of Key West, Florida, and known on William A. Whitehead's map delineated in February A.D. 1829, as a part of Lot One (1) in Square Twenty-Four (24) and more particularly described by metes and bounds as follows:

Commencing at the Northwest corner of Simonton and Eaton Streets, run in a Northwest corner or Simonton and Eaton Streets, run in a Northwesterly direction along the Westerly right-of-way line of Simonton Street for a distance of Fifty (50) feet to a Point of Beginning; thence continue in a Northwesterly direction along said Westerly right-of-way line of Simonton Street for a distance of Eight (8) feet; thence at right angles in a Southwesterly direction for a distance of Fifty (50) feet; thence at right angles in a Southeasterly direction for a distance of Eight (8) feet; thence at right angles in a Northeasterly direction for a distance of Fifty (50) feet back to the Point of Beginning.

TO HAVE AND TO HOLD the said easement unto the said SANDFORD MALLARY BIRDSEY, her heirs, administrators and assigns for her individual use only, reserving to DAVID W. WOLKOWSKY, his heirs, personal representatives and assigns the right to continue to use said

IN WITNESS WHEREOF, we have hereunto set our hands and seals the day and year first above written.

Signed, sealed and delivered in the presence of: weman

STATE OF OHIO:

COUNTY OF OTTAWA:

RECORDED IN OFFICIAL KE

I HEREBY CERTIFY that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknow-ledgments, WILLIAM E. TIMMERMAN and ROBERT H. STONE, both single men over 18 years of age, to me well known to be the persons described in and who executed the foregoing Reassignment of Easement, and they acknowledged before me that they executed the same freely and voluntarily for the purposes therein expressed.

WITNESS my hand and official seal at Put-in-Bay, County of Ottawa, and State of Ohio, this 774 day of May, A.D. 1981.

| 4 |)K | Their | 1 7 | 1 | nolde | |
|---|----|--------|--------|-----|-------|--|
| | | Notary | Public | , 7 | | |

My Commission Expires

PERMIT OF THE PERMIT

W. Forum

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MAY

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ASSIGNMENT OF EASEMENT

May 21, 1981

IN CONSIDERATION of One Dollar and other valuable consideration, the receipt of which is hereby acknowledged, DAVID W. WOLKOWSKY does hereby assign to WILLIAM E. TIMMERMAN and ROBERT H. STONE that certain perpetual easement from SCOTTISH RITE TEMPLE ASSOCIATION, INC., a Florida corporation, dated April 1, 1977, for ingress and egress only, being solely confined to ground foot traffic, which easement is described as follows:

> On the Island of Key West, Florida, and known on William A. Whitehead's map delineated in February A.D. 1829, as a part of Lot One (1) in Square Twenty-Four (24) and more particularly described by metes and bounds as follows:

Commencing at the Northwest corner of Simonton and Eaton Streets, run in a Northwesterly direction along the Westerly right-of-way line of Simonton Street for a distance of Fifty (50) feet to a Point of Beginning; thence continue in a Northwesterly direction along said Westerly right-of-way line of Simonton Street for a distance of Eight (8) feet; thence at right angles in a Southwesterly direction for a distance of Fifty (50) feet; thence at right angles in a South-easterly direction for a distance of Eight (8) feet; thence at right angles in a Northeasterly direction for a distance of Pifty (50) feet back to the Point of

TO HAVE AND TO HOLD said easement unto the said WILLIAM E. TIMMERMAN and ROBERT H. STONE, their heirs, personal representatives and assigns for their individual use only, reserving to the Assignor, his heirs, personal representatives and assigns the right to continue to use said easement.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.

Signed, sealed and delivered in the presence of:

DAVID W. WOLKOWSKY

STATE OF FLORIDA:

COUNTY OF MONROE:

I HEREBY CERTIFY that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, DAVID W. WOLKOWSKY, a single man over 18 years of age, to me well known to be the person described in and who executed the foregoing Assignment of Easement, and he acknowledged before me that he executed the same freely and voluntarily for the purposes therein expressed.

WITNESS my hand and official seal at Key West, County of Monroe, and State of Florida, this 2/4 day of May, A.D. 1981.

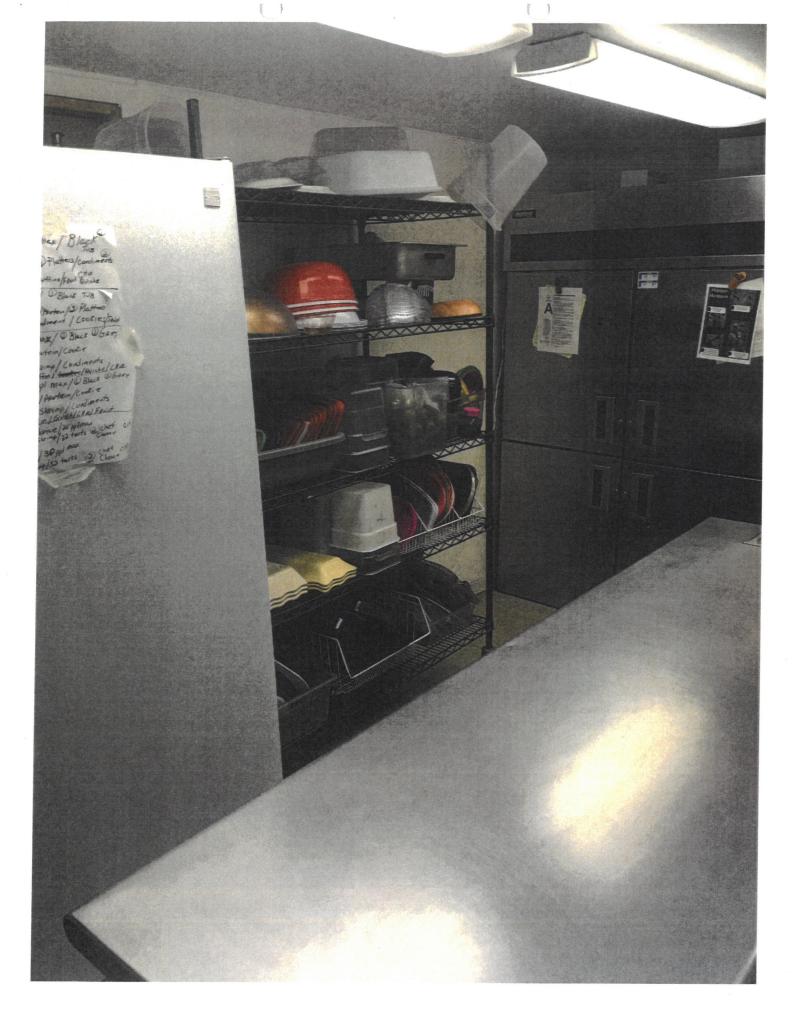
ry Public, State of

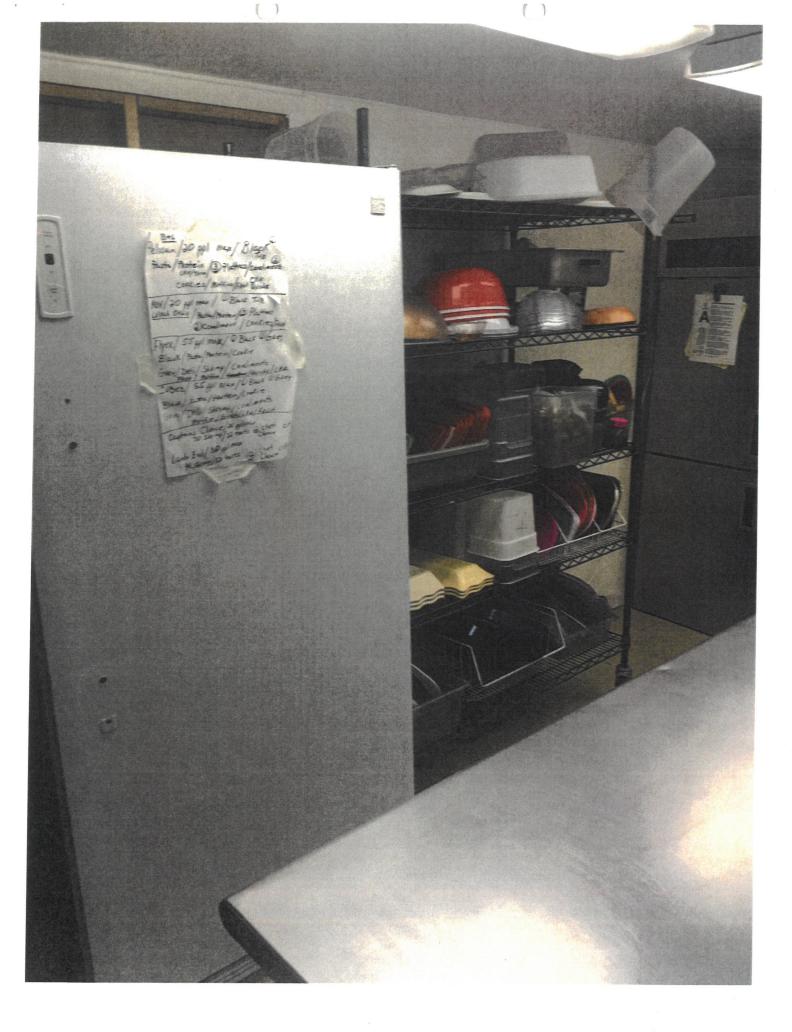
My Commission expires: 1-29-84

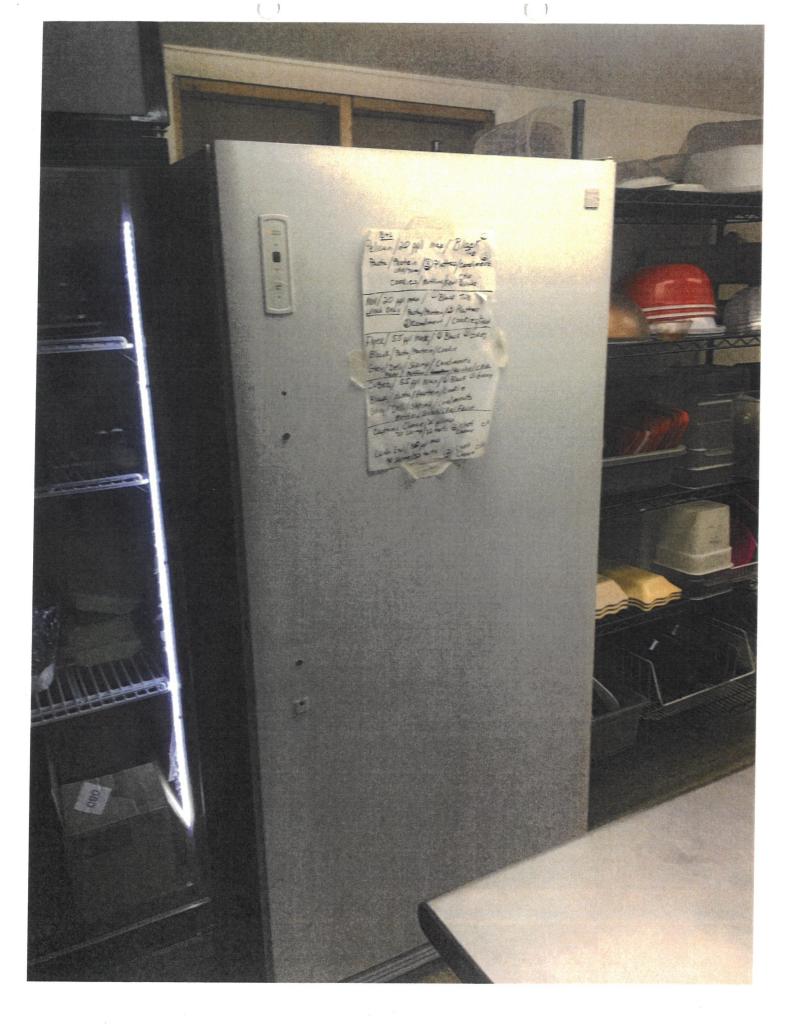
(SEAL)











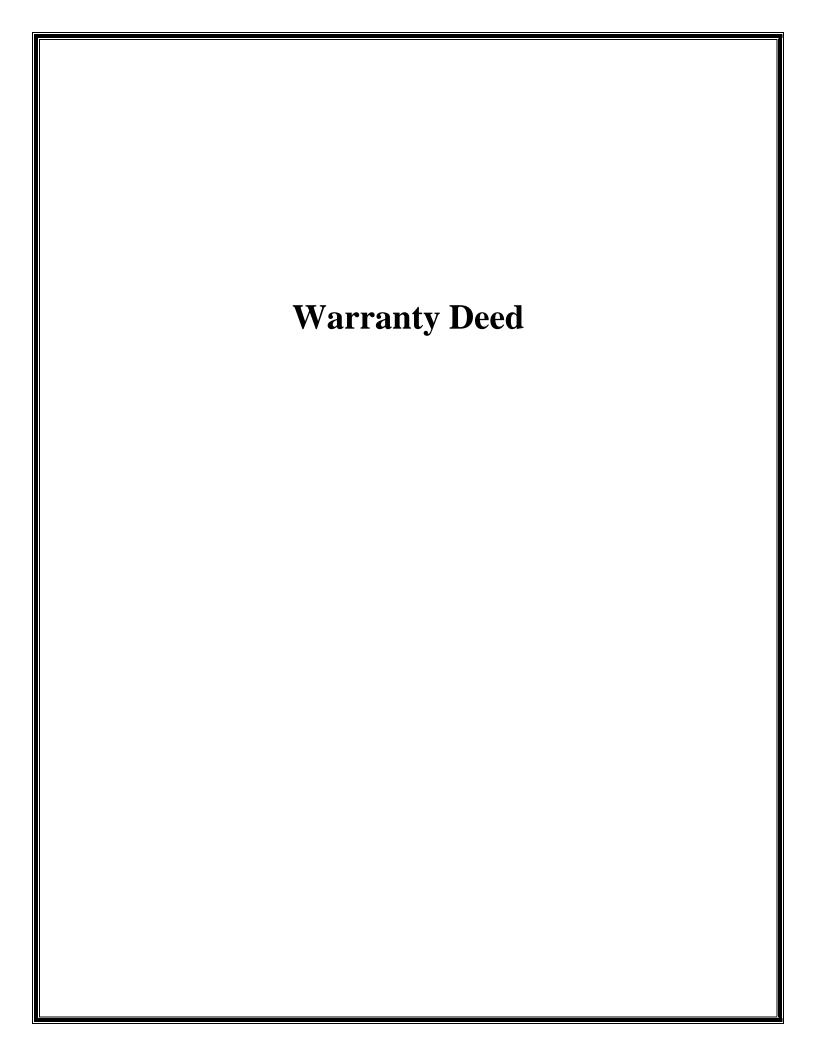












Return to: (Enclose self addressed stamped envelope)

Name: J

John S. Bohatch, Esq.

Address:

GUTTENMACHER & BOHATCH, P.A.

2600 Douglas Road Coral Gables, FL 33134 MONROE COUNTY DANNY L. KOLHAGE

Doc# 1518191 05/24/2005

Filed & Recorded in Official Records of

DEED DOC STAMP CL: JILL

\$0.70

This Instrument Prepared By:

John S. Bohatch, Esq.

GUTTENMACHER & BOHATCH, P.A.

2600 Douglas Road Coral Gables, FL 33134 Doc# 1518191

Bk# 2116 Pg# 2412

WARRANTY DEED

THIS INDENTURE made this 12th day of May, 2005, by and between PAUL H. MCGRAIL, a married man, joined by his wife, TAMMY LYNCH MCGRAIL, whose address is 328 Simonton Street, Key West, Florida, 33040, as Grantor, and 328 SIMONTON STREET, LLC, a Florida limited liability company, whose address is 328 Simonton Street, Key West, Florida, 33040, Grantee,

WITNESSETH: that the said Grantor, for and in consideration of the sum of Ten and 00/100 (\$10.00) Dollars and other good and valuable consideration to said Grantor, in hand paid, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said Grantee, its successors, heirs, and assigns forever, the following described property, situate lying and being in the County of Monroe, State of Florida, to wit:

On the Island of Key West, Florida, and known on William A. Whitehead's Map delineated in February, A.D., 1829, as a part of Lot One (1), Square Twenty-Four (24), and more particularly described by metes and bounds as follows:

COMMENCING at the Northwesterly corner of Simonton and Eaton Streets, run in a Northwesterly direction along the Westerly right of way line of Simonton Street for a distance of Fifty-eight (58) feet to the Point of Beginning; thence continue in a Northwesterly direction along said Westerly right of way line of Simonton Street for a distance of Thirty-nine (39) feet; thence at right angles in a Southwesterly direction for a distance of 42.5 feet; thence at right angles in a Southwesterly direction for a distance of 11.47 feet; thence at right angles in a Southwesterly direction for a distance of 4.1 feet; thence at right angles in a Southwesterly direction for a distance of 12.55 feet; thence at right angles in a Southwesterly direction for a distance of 7.7 feet; thence at right angles in a Southeasterly direction for a distance of 13.25 feet; thence at right angles in a Northeasterly direction for a distance of 4.4 feet; thence at right angles in a Southeasterly direction for a distance of 1.61 feet; thence at right angles in a Northeasterly direction for a distance of 50.0 feet back to the Point of Beginning.

TOGETHER with a perpetual easement concerning the following described property to-wit:

Doc# 1518191 Bk# 2116 Pg# 2413

On the Island of Key West, Florida, and known on William A. Whitehead's Map delineated in February, A.D., 1829, as a part of Lot One (1), Square Twenty-four (24) and more particularly described by metes and bounds as follows:

COMMENCING at the Northwest corner of Simonton and Eaton Streets, run in a Northwesterly direction along the Westerly right of way line of Simonton Street for a distance of Fifty (50) feet to a Point of Beginning; thence continue in a Northwesterly direction along said Westerly right of way line of Simonton Street for a distance of Eight (8) feet; thence at right angles in a Southwesterly direction for a distance of Fifty (50) feet; thence at right angles in a Northeasterly direction for a distance of Fifty (50) feet; thence at right angles in a Northeasterly direction for a distance of Fifty (50) feet back to the Point of Beginning.

Property Appraiser's Parcel Identification No.:

00004170-000100

SUBJECT TO: Taxes for the year 2005, and subsequent years.

SUBJECT TO: Conditions, limitations, reservations and easements of record.

TOGETHER with all the tenements, hereditaments and appurtenances, with every privilege, right, title, interest and estate, reversion, remainder and easement thereunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the same in fee simple forever.

AND the said Grantor does hereby covenant with said Grantee that the said Grantor is lawfully seized of the said property; that it is free of all encumbrances except as above stated; that he/she/it has good right and lawful authority to sell the same; and that the said Grantee shall have quiet enjoyment thereof. The said Grantor does hereby fully warrant the title to said property, and will defend the same against the lawful claims of all persons whomsoever.

| IN WITNESS WHEREOF, | Grantor has hereunto | set Gra | ntor's | hand a | nd seal | the day |
|-------------------------------|----------------------|---------|--------|--------|---------|---------|
| and year first above written. | | | | / | 1 | • |

Signed, sealed and delivered in the presence of:

Signature of Witness

Printed Name of Witness

PAUL H. MCGRAIL

Doc# 1518191 Bk# 2116 Pg# 2414

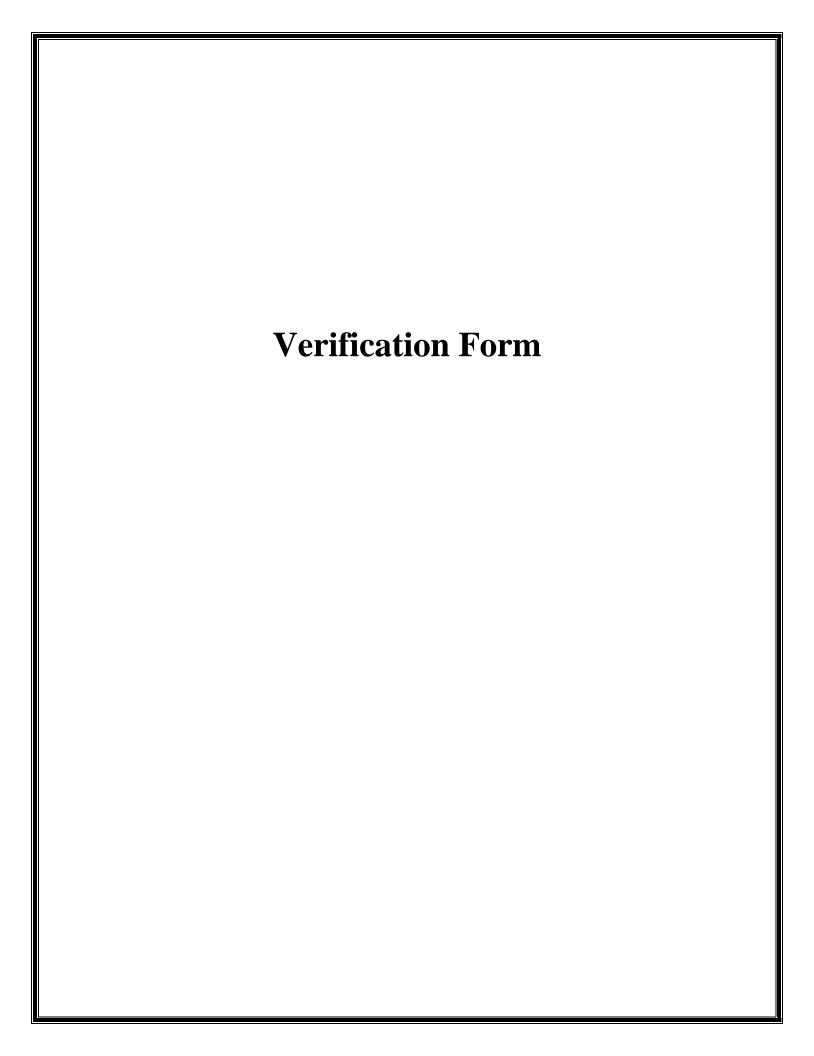
| Synami andine | DK# 2110 Fg# 2414 |
|---|---|
| Signature of Witness Susan M. Cardens Printed Name of Witness | |
| Signature of Witness Mark Stanton Printed Name of Witness | TAMMY LYNCH MCGRAIL |
| Signature of Witness Susan M. Cardenas Printed Name of Witness | |
| STATE OF FLORIDA: COUNTY OF MONROE: | |
| authorized to administer oaths and take acknow who is personally known to me to be the individing instrument, or who produced | r personally appeared before me, an officer duly bledgments, PAUL H. MCGRAIL, a married man, dual described in and who executed the foregoing increase the same freely and voluntarily for the purposes |
| WITNESS my hand and official seal at Florida, this day of May, 2005. | Key West, County of Monroe and State of |
| My Commission Express MSSION ASSION | Smath Carden OTARY PUBLIC |
| #DD 343226 #DD 343226 #DD 343226 #DD 343226 | |

Doc# 1518191 Bk# 2116 Pg# 2415

STATE OF FLORIDA: COUNTY OF MONROE:

| I HEREBY CERTIFY that on this day personally appeared before me, an officer duly |
|---|
| authorized to administer oaths and take acknowledgments, TAMMY LYNCH MCGRAIL, a |
| married woman, who is personally known to me to be the individual described in and who |
| executed the foregoing instrument, or who produced Florida Drivers |
| , as identification, and she acknowledged before me that she |
| executed the same freely and voluntarily for the purposes therein expressed. |
| WITNESS my hand and official seal at Key West, County of Monroe and State of |
| Florida, this 12th day of May, 2005. |
| Susan M. Cardenas Printed Name of Notary WILL CAROLLING NOTARY PUBLIC |
| Printed Name of Notary M. CARDEN NOTARY PUBLIC |
| My Commission Expires Complex 23, 20 4 4 10 343226 4 10 10 10 10 10 10 10 10 10 10 10 10 10 |

MONROE COUNTY OFFICIAL RECORDS



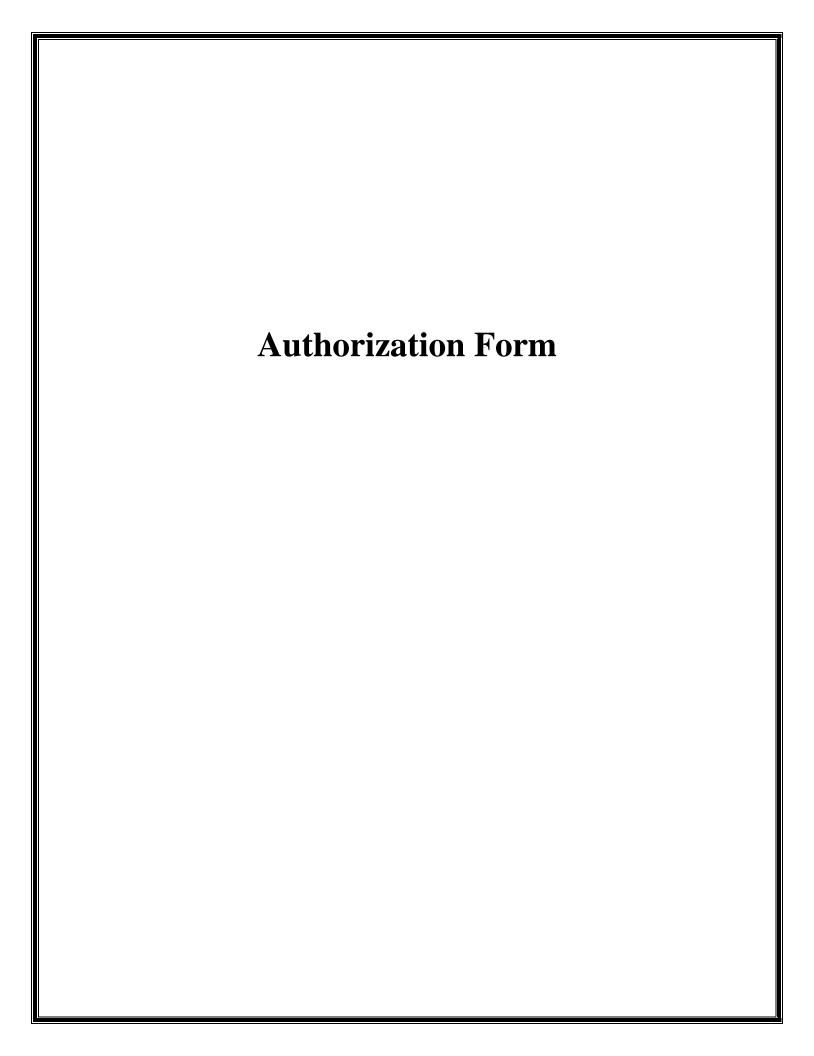
City of Key West Planning Department



Verification Form

(Where Authorized Representative is an entity)

| I. Richard McChesney | , in my capacity as | Associate Attorney | |
|--|---|---|----|
| (print name) | | (print position; president, managing member) | |
| of Spottsw | ood, Spottswood, Spot | ttswood & Sterling, PLLC | |
| (print nan | ne of entity serving as Auth | horized Representative) | |
| | | orized Representative of the Owner (as appears ubject matter of this application: | 0 |
| 3 | 328 Simonton Street, Ke | ey West, FL 33040 | |
| | Street Address of su | | |
| application, are true and correct | et to the best of my knot any representation her drepresentation shall be | ans and any other attached data which make up towledge and belief. In the event the City or rein which proves to be untrue or incorrect, a subject to revocation. | th |
| Signature of Authorized Represen | ntative | | |
| Subscribed and sworn to (or aff Richard McChes Name of Authorized Representation | Firmed) before me on this tive | s 10/10/17 by | |
| He/She is personally known to | me or has presented | as identification. | |
| Francesca S Name of Acknowledger typed, prin 698690 Commission Number, if | c. Chavez | Notary Public State of Florida Francesca Santiago Chavez My Commission GG 098590 Expires 04/27/2021 | |



City of Key West Planning Department



Authorization Form

(Individual or Joint Owner)

Please complete this form if someone other than the owner is representing the property owner in this matter.

I, 328 Simonton Street, LLC, a Florida Corporation authorize Please Print Name(s) of Owner(s) as appears on the deed Spottswood, Spottswood, Spottswood & Sterling, PLLC

Please Print Name of Representative

to be the representative for this application and act on my/our behalf before the City of Key West.

Signature of Owner

Signature of Joint/Co-owner if applicable

Subscribed and sworn to (or affirmed) before me on this

Date

by Paul Haliday McGrail

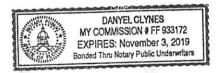
Name of Owner

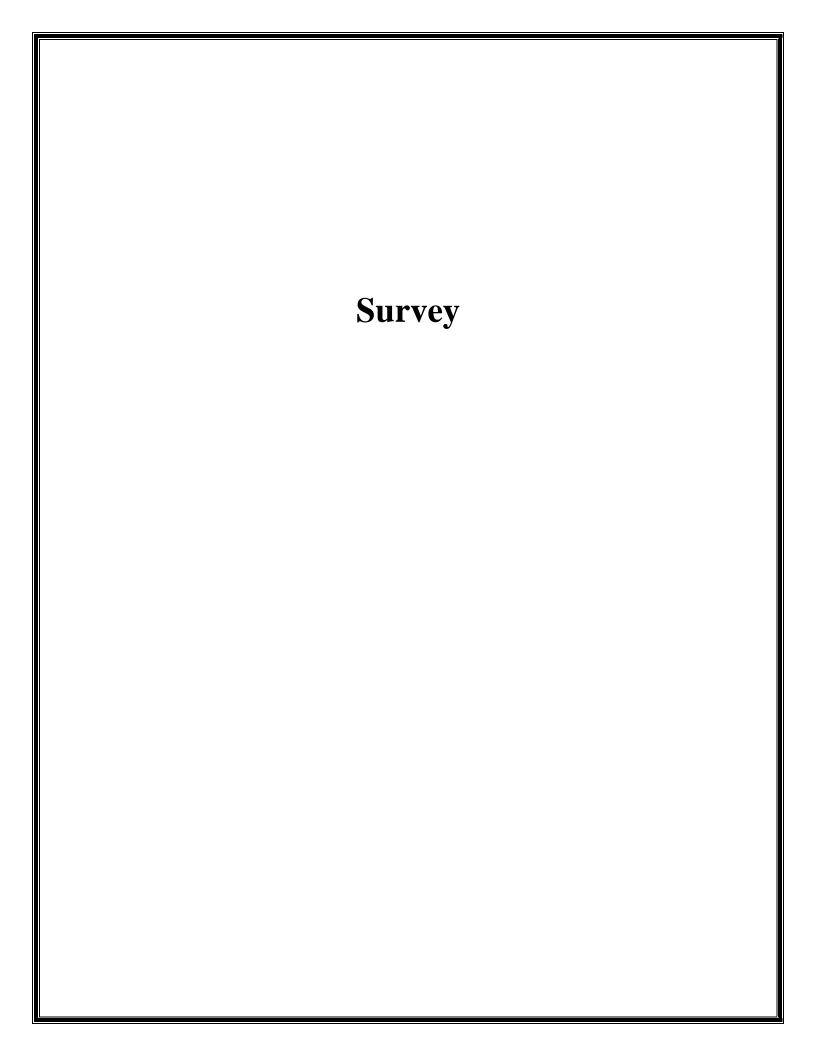
He/She is personally known to me or has presented FC 10 # M204.688.61. as identification.

Danyel Clynes

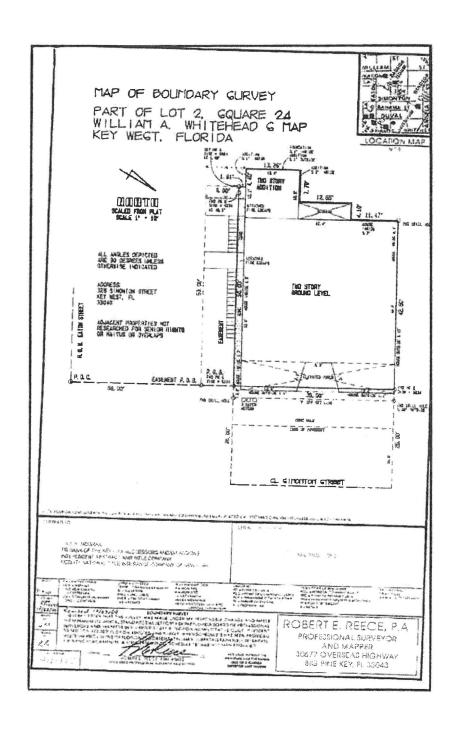
Name of Acknowledger typed, printed or stamped

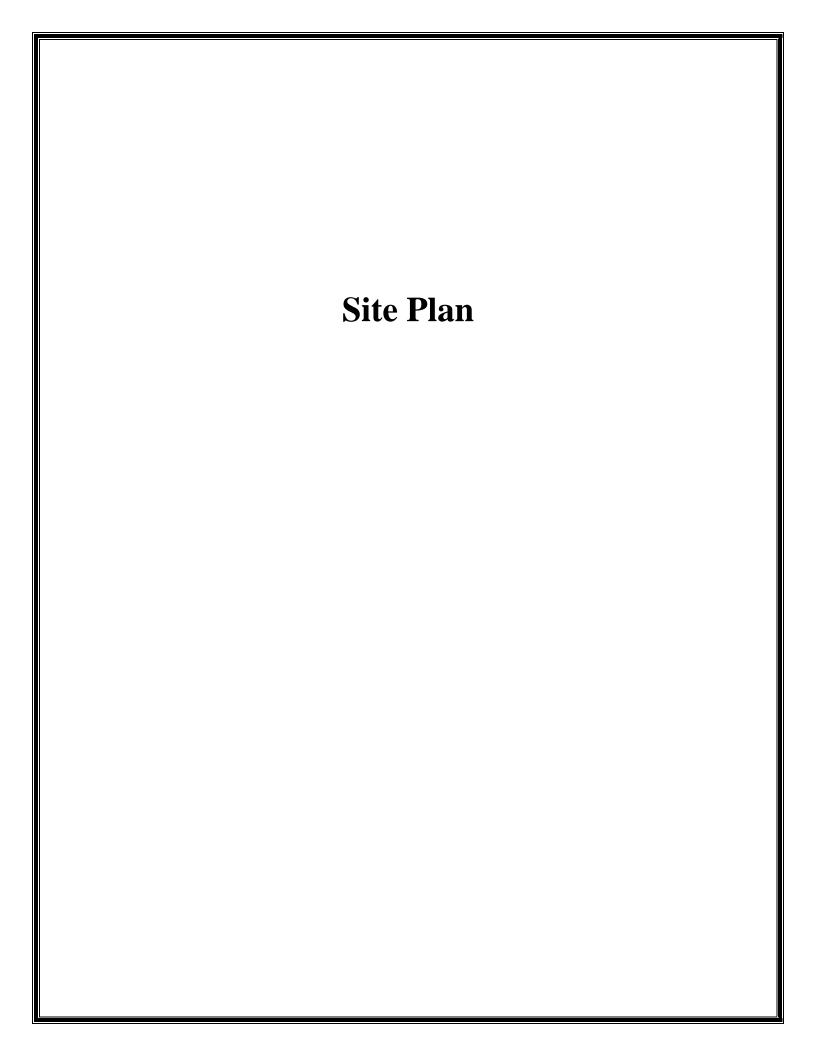
Commission Number, if any

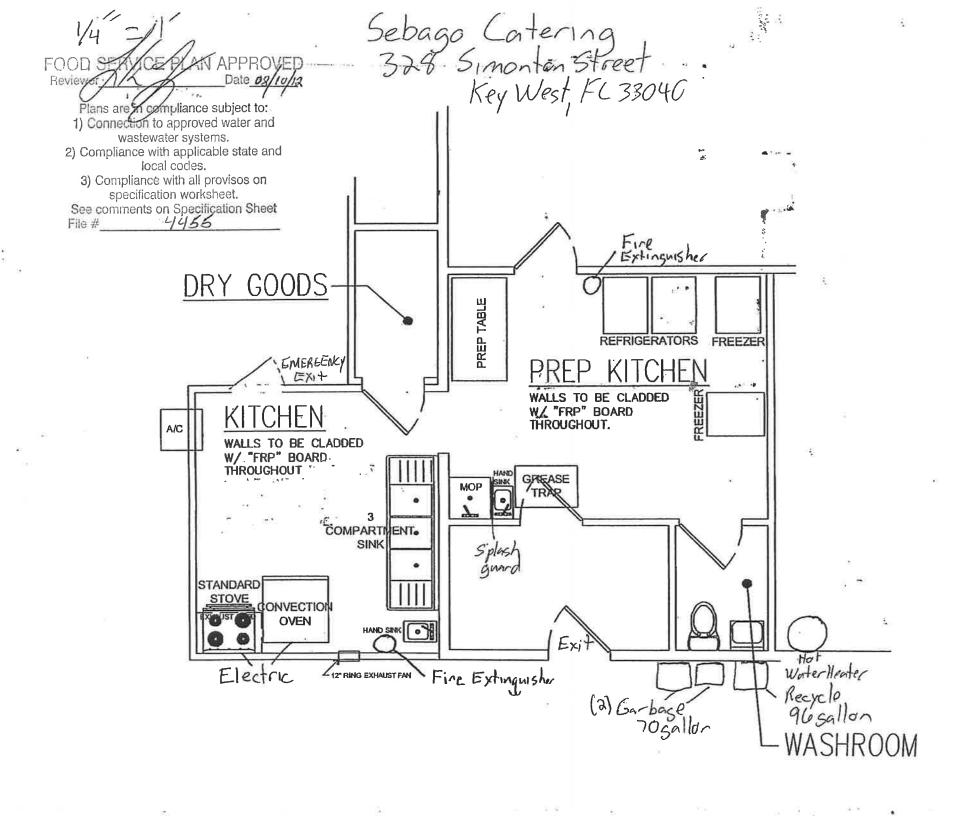


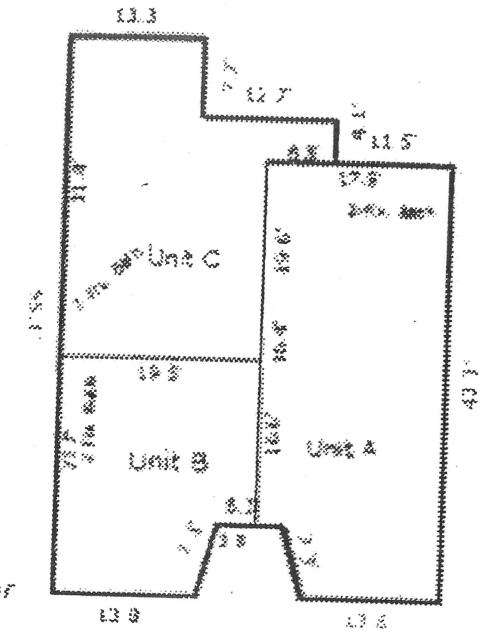


SURVEY MAP

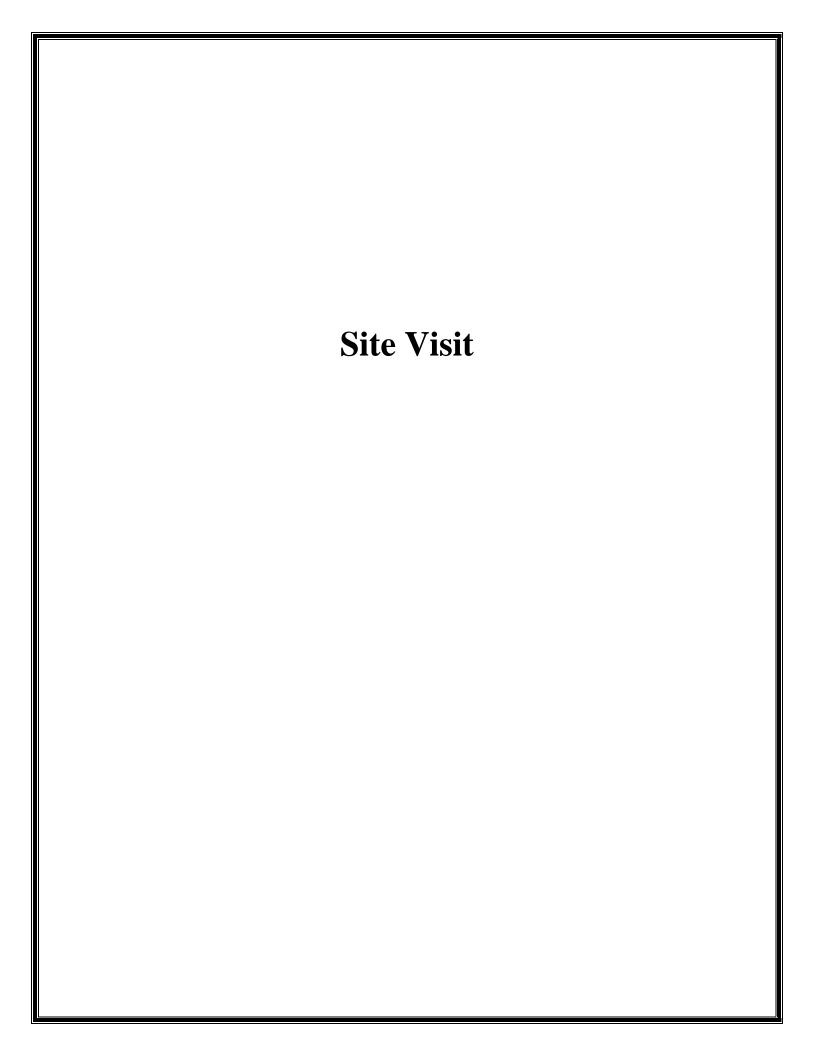






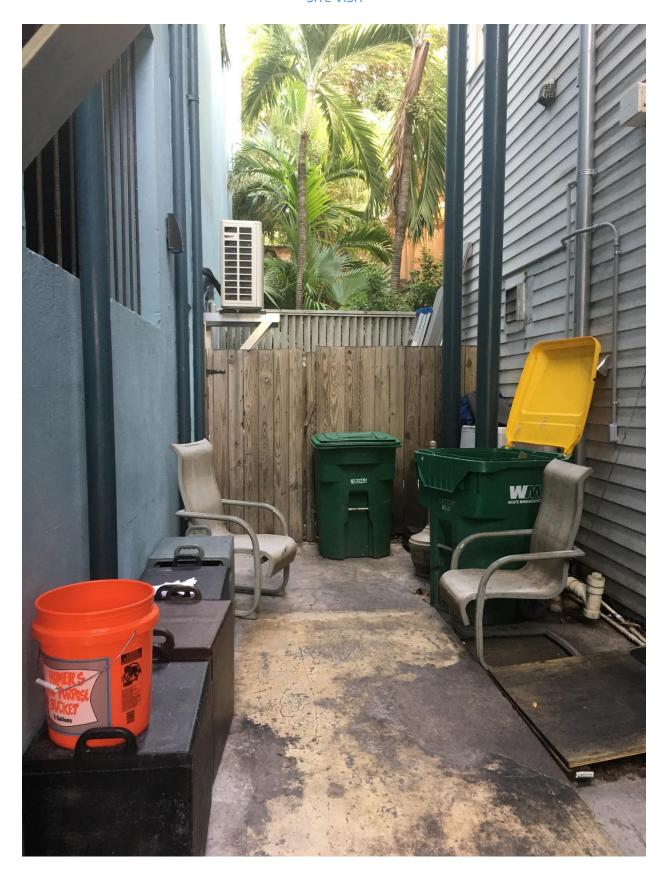


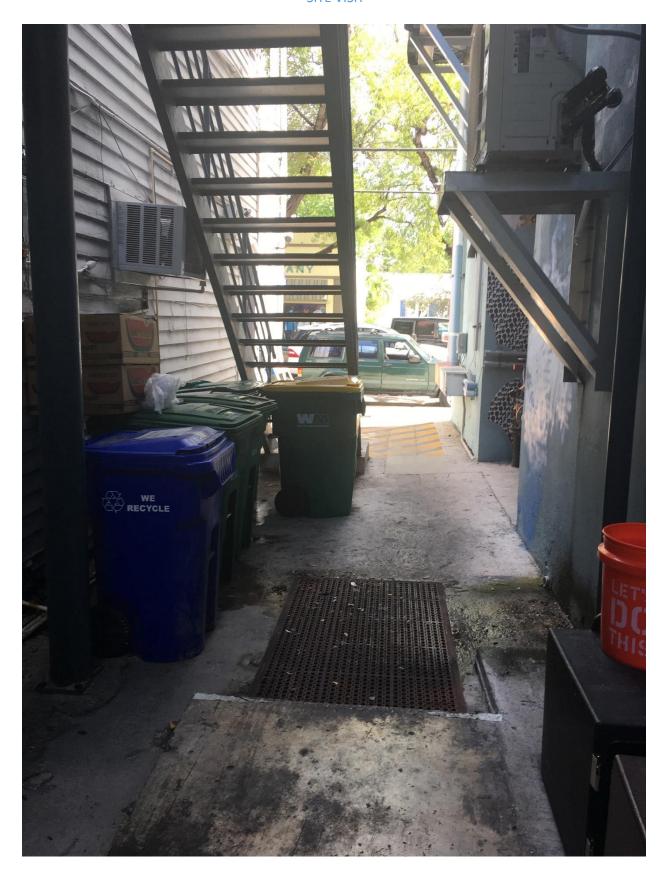
First Floor

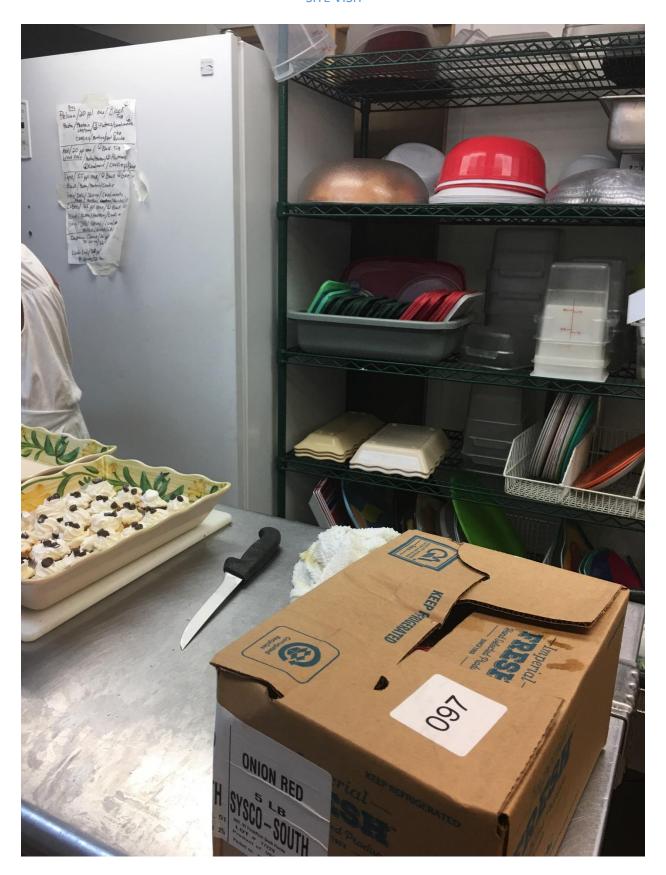




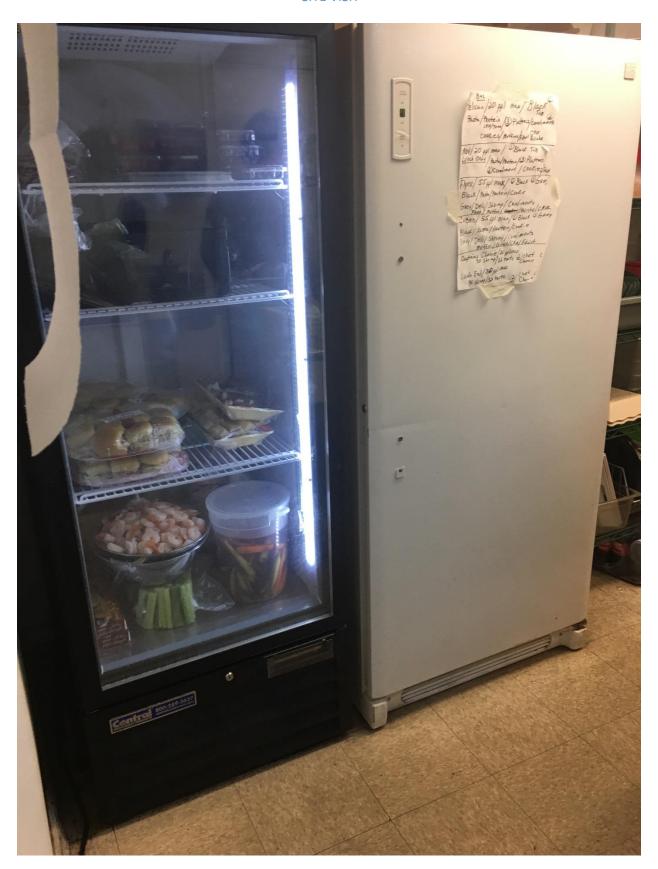




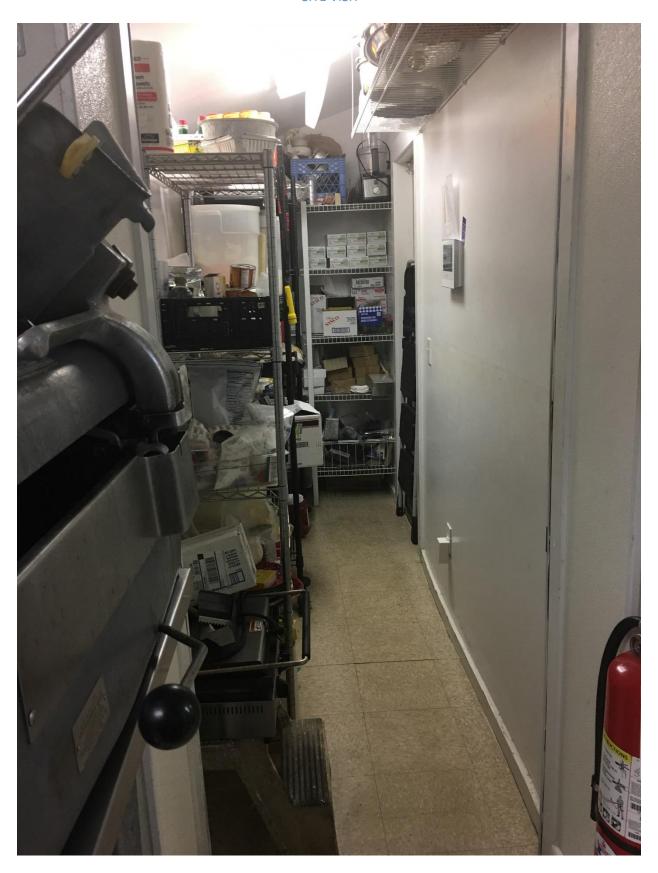






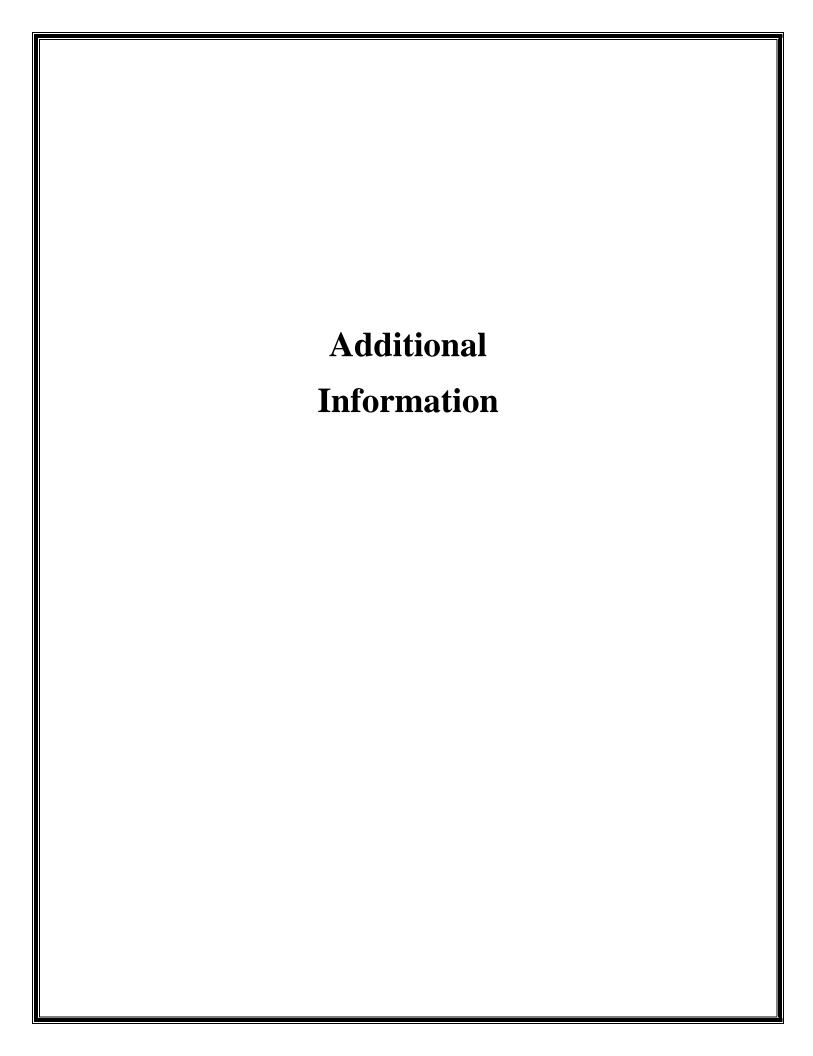














305-294-5687 ext 2 courtney@keywestflorida.com

The menu pricing is based on "drop off service" and includes disposable presentation, paper plates and plastic utensils. All pricing is subject to 7.5% tax and a 20% gratuity/service fee.

Cocktail Party Selections

Jumbo Shrimp Cocktail

Jumbo shrimp cocktail served with cocktail sauce

\$6.00 per person (two per person)

Shrimp Ceviche

Shrimp, diced onion, peppers, avocado and cilantro melded together for a refreshing flavor.

Small: \$45 (serves 25)

Large: \$85 (serves 50)

Miniature Crab Cakes

Tender crabmeat tossed with a tasty combination of special ingredients then baked to golden brown.

\$60.00 per dozen

Conch Fritters

Golden conch fritters served with a key lime honey mustard sauce. \$25/dozen

Smoked Fish Dip

Delicate smoked white fish fused with a cream cheese base, house recipe herbs & spices served with assorted buttery crackers.

Small: \$45 (serves 25)

Large: \$85 (serves 50)



Jerked Beef Filet Kabobs

Caribbean flair added to an American favorite! Tender cubes of beef filet tossed in our special jerk seasoning. Skewered with seasonal fresh vegetables. **\$40.00 per dozen**

Jerked Chicken Kabobs

Caribbean flair added to an American favorite! Tender cubes of chicken tossed in our special jerk seasoning. Skewered with seasonal fresh vegetables. **\$30.00 per dozen**

Chicken Wings Caribbean Style

Golden baked chicken wings tossed in a sweet and spicy chili glaze with fresh chopped tomatoes and green onion. \$20.00 per dozen

Quesadilla Trumpets \$25 per dozen/minimum one dozen per filling. Served with seasoned sour cream.

- Blackened shrimp with jack cheese
- Grilled chicken, jack cheese cilantro and tomatoes
- Three cheese

Miniature Slider Platter

Feed a crowd with our selection of favorites served on a potato roll. Assortment of turkey with smoked gouda and a garlic aioli, tender roast beef with cheddar, red onion and a horseradish cream spread and honey ham with granny smith apples, brie and a sweet and spicy mustard.

Small: \$80.00 (serves 25)

Large: \$150.00 (serves 50)



Miniature Pressed Cubanitas

Roasted Pork, Ham, Swiss Cheese and pickles. Pressed and served panini style.

Small: \$80.00 (serves 25) Large: \$150.00 (serves 50)

Crudités Platter

An assortment of fresh, crisp, colorful vegetables. Served with chef's selection of dip.

Small: \$35.00 (serves 25)

Large: \$65.00 (serves 50)

Mediterranean Antipasto Platter

Includes homemade hummus, roasted red peppers, roasted seasonal vegetables, feta cheese, Kalamata olives and assorted crackers.

Small: \$55.00 (serves 25)

Large: \$95.00 (serves 50)

Ropa Vieja Empandas

A delicious blend of shredded beef, peppers, onions and olives wrapped in a flaky dough served with a seasoned sour cream. \$25/dozen

Hummus Platter

Delicious platter of freshly made hummus. Choice of: garlic, Greek (feta, capers and Mediterranean olives), roasted red pepper, chipotle served with crispy flatbread crackers.

Small: \$40 (serves 25)

Large: \$75 (serves 50)

Cucumber Cups – Crispy European cucumbers stuffed with assortment of fillings: veggie dip, chicken salad, hummus, etc. Finished with a tangy balsamic drizzle.

Melissa Paul-Leto

From: Richard McChesney <richard@spottswoodlaw.com>

Sent: Tuesday, August 22, 2017 9:28 AM

To: Melissa Paul-Leto
Cc: Cristy Spottswood
Subject: 328 Simonton

Good Morning Melissa,

The property owner met with the fire inspector and the owner has decided to remove the range to avoid any fire issues with a future tenant. The fire inspector was satisfied with this to move it along. Do you need something from us documenting the agreement to remove the range? Do you need something from the fire inspector? Let me know and I will get whatever it is that is needed for this.

Thank you,

Richard J. McChesney, Esq.

Spottswood, Spottswood & Sterling 500 Fleming Street
Key West, FL 33040
(305) 294-9556 - Office
(305) 504-2696 - Fax
richard@spottswoodlaw.com

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Please note: This law firm may be deemed a "debt collector" under the Fair Debt Collection Practices Act. Any and all information obtained during and from communications may be used for the purpose of collecting debt.

CONFIDENTIALITY NOTICE:

This electronic mail transmission has been sent from a lawyer and/or law firm. It may contain information that is confidential, privileged, proprietary, or otherwise legally exempt from disclosure. If you are not the intended recipient, you are hereby notified that you are not authorized to read, print, retain, copy or disseminate this message, any part of it, or any attachments. If you have received this message in error, please delete this message and any attachments from your system without reading the content and notify the sender immediately of the inadvertent transmission. There is no intent on the part of the sender to waive any privilege, including the attorney-client privilege, which may attach to this communication. Thank you for your cooperation. Please be advised that emails may not be checked by the attorneys over prolonged periods; therefore, urgent matters should be brought to the attorneys' attention through means other than email.