

RESOLUTION NO. _____

130 DUVAL STREET EASEMENT

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING AN EASEMENT IN ORDER TO MAINTAIN AN EXISTING ELEVATED COVERED BALCONY, EMBED PLATE FOR FLOOD PANELS THAT EXTENDS 164.5 ± SQUARE FEET ONTO THE DUVAL STREET RIGHT-OF-WAY TOGETHER WITH SIX ELEVATED AIR CONDITIONING UNITS THAT EXTEND 178.5 ± SQUARE FEET ONTO THE 12 FOOT ALLEY WEST OF PARCEL RIGHT-OF-WAY ON PROPERTY LOCATED WITHIN THE HISTORIC RESIDENTIAL COMMERCIAL CORE DUVAL STREET GULFSIDE (HRCC-1) ZONING DISTRICT AT 130 DUVAL STREET (RE# 00000550-000000), PURSUANT TO SECTION 2-938 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 164.5 ± square feet along the Duval Street right-of-way and 178.5 ± square feet along the 12 foot Alley west of parcel RE# 00000550-000000 right-of-way, for the real property described in the attached specific purpose survey prepared by Reece & Associates, dated October 11, 2018, 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 grant of easement:

(1) Prior to the easement becoming effective, the Grantee shall obtain Commercial General Liability insurance that extends coverage to the property that is governed by this easement with limits of no less than \$1,000,000. 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. Grantee shall furnish an original Certificate of Insurance indicating, and such policy providing coverage to, City of Key West named as "Additional Insured".

(2) The easement shall terminate upon the removal of the existing elevated covered balcony, embed plate for flood panels together with the existing six elevated air conditioning units.

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

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

- (5) The owner 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.
- (6) The existing elevated covered balcony, the proposed embed plate for flood panels together with the existing six elevated air conditioning units shall be the total allowed construction within the easement area.
- (7) The easement area shall not be used in site size calculations such as lot, yard, and bulk calculations for site development.
- (8) The existing elevated covered balcony, proposed embed plate for flood panels together with the existing six elevated air conditioning units shall be the total allowed construction within the easement area.
- (9) The easement area shall not be used in site size calculations such as lot, yard, and bulk calculations for site development.
- (10) The City reserves the right to construct surface improvements within 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.

Passed and adopted by the City Commission at a meeting held this _____ day of _____, 2018.

Authenticated by the presiding officer and Clerk of the Commission on _____, 2018.

Filed with the Clerk _____, 2018.

Mayor Teri Johnston _____

Commissioner Gregory Davila _____

Commissioner Mary Lou Hoover _____

Commissioner Samuel Kaufman _____

Commissioner Clayton Lopez _____

Commissioner Billy Wardlow _____

Commissioner Jimmy Weekly _____

TERI JOHNSTON, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK