

## EXECUTIVE SUMMARY



**To:** Jim Scholl, City Manager  
**Through:** Patrick Wright, Planning Director  
**From:** Melissa Paul-Leto, Planner I  
**Meeting Date:** November 20, 2018

**RE:** **Easement – 130 Duval Street (RE # 00000550-000000)** – A request for 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 RE# 00000550-000000 right-of-way on property located within the Historic Residential Commercial Core Duval Street Gulfside (HRCC-1) zoning district pursuant to Section 2-938 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

### ACTION STATEMENT:

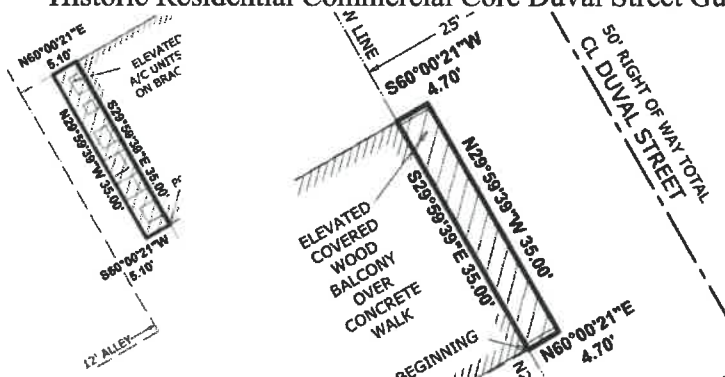
Request: To grant an easement to maintain an existing elevated covered balcony, embed plate for flood panels together with six elevated air conditioning units that extends 164.5 ± square feet onto the Duval Street right-of-way and 178.5 ± square feet onto the 12-foot Alley west of parcel RE# 00000550-000000 right-of-way.

Applicant: Tara Tedrow

Property Owner: 130 Duval Street, Inc.

Location: 130 Duval Street (RE # 00000550-000000)

Zoning: Historic Residential Commercial Core Duval Street Gulfside (HRCC-1)



**BACKGROUND:**

The property is located at the corner of Duval Street and Greene Street. The property contains a two-story ground level commercial structure. According to the Monroe County Property Appraiser's records the nonconforming structure was built in 1989 and pre-dates current City code. The building is a noncontributing structure within the historic district. This is a request for an easement pursuant to Section 2-938 of the Code of Ordinances of the City of Key West. The easement request is for an existing elevated covered balcony that extends 4.70 feet into the Duval Street right-of-way for a length of thirty-five (35.0') feet, together with an existing six elevated air conditioning units that extend (5.10') feet into the 12-foot Alley west of parcel RE# 00000550-000000 right-of-way for a length of thirty-five (35.0') feet.

**City Actions:**

Development Review Committee:

October 25, 2018

City Commission:

December 4, 2018

**PLANNING STAFF ANALYSIS:**

As described in the Specific Purpose Survey prepared by Reece & Associates, dated October 11, 2018, the portion of an existing elevated covered balcony projects 4.70 feet into the Duval Street right-of-way and runs 35 feet along Duval Street, together with the six elevated air conditioning units project 5.10 feet into the rear alley right-of-way and runs thirty-five (35.0') feet along the rear alley. The total area of the requested easement is 164.5 ± square feet along the Duval Street right-of-way and 178.5 ± square feet into the 12-foot Alley west of parcel RE# 00000550-000000 right-of-way and runs fifty-nine (59) feet and thirty-nine (39) inches. The combined total area of the easement is 343 ± square feet.

The encroachment does not impede public passage on the City sidewalks. The encroachment allows for access to the elevated commercial building.

If the request for an easement over City-owned land is granted, then the owner would be required to pay an annual fee of \$400.00 to the City for the use more than 100 square feet of City property pursuant to Code Section 2-938(b). The annual fee would be prorated based on the effective date of the easement.

**Options / Advantages / Disadvantages:**

**Option 1.** Approve the easement with the following conditions:

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, 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.

**Consistency with the City's Strategic Plan, Vision and Mission:** Granting the requested easement would not be inconsistent with the Strategic Plan.

**Financial Impact:** The City would collect \$400.00 annually as part of the approval of the easement.

**Option 2.** Deny the easement based on findings that the City's needs outweigh the request.

1. The owner will obtain the appropriate permits for the removal of all items that encroach onto the City right-of-way
2. All encroachments on the City right-of-way will be removed within 90 days.

**Consistency with the City's Strategic Plan, Vision and Mission:** Denial of the requested easement would not be inconsistent with the Strategic Plan.

**Financial Impact:** There would be no cost to the City for denying the easement; however, the City would lose the potential to collect the annual revenue of the easement agreement.

**RECOMMENDATION: Option 1.**

Based on the existing conditions, the Planning Department recommends to the City Commission **APPROVAL** of the proposed Resolution granting the requested easement with conditions as outlined above.