

# EXECUTIVE SUMMARY



**To:** Greg Veliz, City Manager

**Through:** Katie P. Halloran, Planning Director

**From:** Melissa Paul-Leto, Planner I

**Meeting Date:** November 17, 2020

**RE:** **Easement – 427 Catherine Street (RE # 00027960-000000)** – A request for an Easement Agreement for encroachments totaling 89.68-square feet, more or less, onto the Catherine Street right-of-way adjacent to property located within the Historic Residential Commercial Core Duval Street Oceanside (HRCC-1) Zoning District pursuant to Section 2-938 (b) (2) 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.

## ACTION STATEMENT:

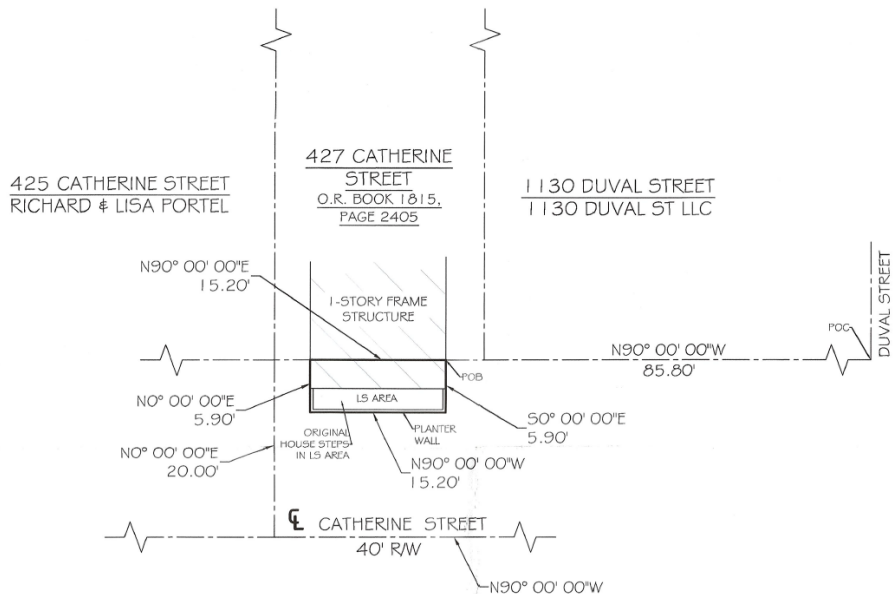
**Request:** To grant an easement in order to maintain a portion of the one-story framed house, front and side eaves, and planters that extend onto the Catherine Street right-of-way 89.68 square feet, more or less.

**Applicant:** Lewis C. Haskell and Susan M. Haskell

**Property Owners:** Lewis C. Haskell and Susan M. Haskell, Trustees

**Location:** 427 Catherine Street (RE # 00027960-000000)

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





*427 Catherine Street*

**BACKGROUND:**

This is a request for an easement pursuant to Section 2-938 (b) (2) of the Code of Ordinances of the City of Key West. The easement request is for a total of 89.68 square feet, more or less, to maintain a portion of the one-story framed house, front and side eaves, and planters onto the Catherine Street right-of-way as shown on the attached specific purpose survey. The one-story structure is a historic, contributing building in the Key West Historic District and was built circa 1923. Per HARC staff: The encroachment has likely been there for a number of years. The porch was enclosed sometime after the mid-90s, as the enclosure of the porch would not have been permitted by today's guidelines.



*Monroe County Library – photo 1965*

**City Actions:**

Development Review Committee:

August 27, 2020

City Commission:

November 17, 2020

**PLANNING STAFF ANALYSIS:**

As described in the Specific Purpose Surveys drawn by Eric A. Isaacs, P.S. of Florida Keys Land Surveying, dated June 22, 2020, the area of the easement request is for a total of 89.68 square feet more or less.

A site visit was conducted on August 23, 2020. The encroachment does not impede public passage.

If the request for the easement over City-owned land is granted, then the Owners would be required to pay an annual fee of \$300.00 to the City for the use of 89.68 square feet, more or less, of city property pursuant to Code Section 2-938(b)(2). The annual fee would be pro-rated based on the effective date of the easement.

**Options / Advantages / Disadvantages:**

**Option 1.** Approve the easement request of approximately 89.68 square feet on the Catherine Street right-of-way in order to maintain the portion of the front of the house, front and side eaves, and planters with the following conditions:

1. The easement shall terminate upon the removal of the portion of the front of the house, front and side eaves, and planters.
2. The City may unilaterally terminate the easement upon a finding of public purpose by vote of the Key West City Commission.
3. The Owners shall pay the annual fee of \$300.00 specified in Code Section 2-938(b)(2).
4. The Owners shall irrevocably appoint the City Manager as its agent to permit the removal of the encroachments if the annual fee required by the Code of Ordinances is not paid.
5. 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 \$1,000,000.00. 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".
6. The easement areas shall not be used in site size calculations such as lot, yard, and bulk calculations for site development.
7. The City reserves the right to construct surface or sub-surface improvements within the easement areas.
8. The areas to maintain a portion of the front of the house, front and side eaves, and planters onto Catherine Street shall be the total allowed within the easement area.
9. To the fullest extent permitted by law, the Owners 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.

**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.

**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 \$300.00 annually as part of the approval of the requested easement.

**Option 2.**

Deny the easement request with the following conditions:

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. The City would however lose the potential to collect the revenue of the easement agreement.