

THE CITY OF KEY WEST
PLANNING DEPARTMENT

P.O. BOX 1409
KEY WEST, FL 33041-1409



To: Chairman and Members of the Board of Adjustment
From: Brendon Cunningham, Senior Planner
Through: Amy Kimball-Murley, AICP, Planning Director
Meeting Date: July 2, 2008
Application: A Variance from the provisions of Section 108-572(7) regulating parking for motels, hotels and other transient lodging facilities, for property located at 1401 Duval Street, RE# 00036330-000000

APPLICATION DATA

Property Owner: Estate of Hilario Ramos, Jr. & Matilde Generosa Ramos Revocable Trust
Applicant/Agent: Michael Halpern, P.A.
Address: 1401 Duval Street, RE# 00036330-000000
Zoning: HCT (Historic Commercial Tourist) District

REQUEST

A Variance to Sec. 108-572(7) from a total of six vehicle parking spaces required to five with the substitution of four bicycle parking spaces for one automobile space. The proposed guest house requires five parking spaces for the guest rooms and one for a manager.

BACKGROUND

The applicant wishes to convert a residence into a five room guest house.

ANALYSIS - EVALUATION FOR COMPLIANCE WITH THE LAND DEVELOPMENT REGULATIONS

The criteria for evaluating a variance are listed in Section 90-395 of the City Code. The Board of Adjustment before granting a variance must find all of the following criteria. However, per Section 108-574 of the code, specific to bicycle substitutions, "...hardship conditions shall not be a mandatory condition of obtaining the subject variance." Therefore, conditions one through four, as hardship-related conditions, do not apply.

1. Existence of special conditions or circumstances. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other land, structures or buildings in the same zoning district.

Not applicable.

2. Conditions not created by applicant. That the special conditions and circumstances do not result from the action or negligence of the applicant.

Not applicable.

3. Special privileges not conferred. That granting the variance requested will not confer upon the applicant any special privileges denied by the land development regulations to other lands, buildings or structures in the same zoning district.

Not applicable.

4. Hardship conditions exist. That literal interpretation of the provisions of the land development regulations would deprive the applicant of rights commonly enjoyed by other properties in this same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant.

Not applicable.

5. Only minimum variance granted. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

The request for a parking variance for the substitution of four bicycle spaces for one vehicle parking space would be the minimum needed.

6. Not injurious to the public welfare. That the grant of the variance will be in harmony with the general intent and purpose of the land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public interest or welfare.

The variance request would not detract from the general welfare of the neighborhood or result in a safety hazard to the public.

7. Existing nonconforming uses of other property not the basis for approval. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

This request is not based existing conditions on surrounding properties.

The board of adjustment shall make factual findings regarding the following:

1. That the standards established by Section 90-395 of the City Code have not been met by the applicant for a variance.

The applicant can meet the standards established by the City Code for the requested parking variance.

2. That the applicant has demonstrated a "good neighbor policy" by contacting or attempting to contact all noticed property owners who have objected to the variance application, and by addressing the objections expressed by these neighbors.

The Planning Department has not received any public input to date.

RECOMMENDATION

The Planning Department, based on the criteria established by the City Code, recommends the request for a vehicle parking variance be **approved**.



**OFFICE OF THE FIRE MARSHAL
MEMORANDUM**

DATE: 6/20/08
TO: Cheri Smith, City Clerk
FROM: Alan Averette, Fire Inspector

SUBJECT: BOA-July, 2008-Summary

❖ 1401 Duval Street – No Objections

RESOLUTION NO. _____

VARIANCE: 1401 DUVAL STREET

A RESOLUTION OF THE KEY WEST BOARD OF ADJUSTMENT TO ALLOW FOR THE SUBSTITUTION OF FOUR BICYCLE PARKING SPACES FOR ONE VEHICLE SPACE BY GRANTING A VARIANCE TO OFF-STREET PARKING REGULATIONS, UNDER THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA FOR PROPERTY LOCATED AT 1401 DUVAL STREET (RE# 000036330-000000)

WHEREAS, the Board of Adjustment finds that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other land, structures or buildings in the same district; and

WHEREAS, the Board of Adjustment finds that the special conditions do not result from the action or negligence of the applicant; and

WHEREAS, the Board of Adjustment finds that granting the variance requested will not confer upon the applicant any special privileges denied by the land development regulations to other lands, buildings or structures in the same zoning district; and

WHEREAS, the Board of Adjustment finds that literal interpretation of the provisions of the land development regulations would deprive the applicant of rights commonly enjoyed by other properties in this same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant; and

WHEREAS, the Board of Adjustment finds that the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure; and

WHEREAS, the Board of Adjustment finds that the grant of the variance will be in harmony with the general intent and purpose of the land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public interest or welfare; and

WHEREAS, the Board of Adjustment finds that no nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance; and

WHEREAS, the Board of Adjustment finds that the applicant has demonstrated a "good neighbor policy" by contacting or making a reasonable attempt to contact all noticed property owners who have objected to the variance application, and by addressing the objections expressed by those neighbors.

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the City of Key West, Florida:

Section 1. That A variance to **OFF-STREET PARKING REGULATIONS**, under the Code of Ordinances OF THE CITY OF KEY WEST, FLORIDA, ARE HEREBY GRANTED AS FOLLOWS: FROM SEC. 108-572(7), A TOTAL OF 6 SIX VEHICLE PARKING SPACES REQUIRED TO FIVE SPACES, WITH ONE BEING SUBSTITUTED WITH FOUR BICYCLE SPACES FOR PROPERTY LOCATED AT 1401 DUVAL STREET, KEY WEST, FLORIDA (RE# 00036330-000000).

Section 2. It is a condition of this variance that full, complete, and final application for all permits required for any new construction for any use and occupancy for which this variance is wholly or partly necessary, whether or not such construction is suggested or proposed in the documents presented in support of this variance, shall be submitted in its entirety within two years after the date hereof; and further, that no application or reapplication for new construction for which the variance is wholly or partly

necessary shall be made after expiration of the two-year period without the applicant obtaining an extension from the Board of Adjustment and demonstrating that no change of circumstances to the property or its underlying zoning has occurred.

Section 3. The failure to submit a full and complete application for permits for new construction for which this variance is wholly or partly necessary, or the failure to complete new construction for use and occupancy pursuant to this variance in accordance with the terms of a City building permit issued upon timely application as described in Section 2 hereof, shall immediately operate to terminate this variance, which variance shall be of no force or effect.

Section 4. This variance does not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of applicant's assertion of legal authority respecting the property.

Section 5. This variance is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit or development order will be rendered to the Florida Department of Community Affairs. Pursuant to Chapter 9J-1,

F.A.C., this permit or development order is not effective for forty five (45) days after it has been properly rendered to the DCA with all exhibits and applications attached to or incorporated by reference in the development order; that within the forty five (45) day review period the DCA can appeal the permit or development order to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the permit or development order until the appeal is resolved by agreement or order.

Section 6. This Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

Read and passed on first reading at a regular meeting held this _____ day of _____, 2008.

Authenticated by the presiding officer and Clerk of the Board on _____ day of _____, 2008.

Filed with the Clerk on _____, 2008.

MORGAN McPHERSON, CHAIRMAN
BOARD OF ADJUSTMENT

ATTEST:

CHERYL SMITH, CITY CLERK

VARIANCES ARE QUASI-JUDICIAL HEARINGS AND IT IS IMPROPER TO SPEAK TO A CITY COMMISSIONER ABOUT THE VARIANCE OUTSIDE OF THE HEARING.

RECEIVED

Variance Application

MAY 20 2008

City of Key West
Planning Department

CITY OF KEY WEST
PLANNING DEPT

Please note, variances are quasi-judicial hearings and it is improper to speak to a City Commissioner about the variance outside of the hearing.

Please print or type a response to the following:

1. Site Address 1401 DUVAL STREET
2. Name of Applicant ESTATE OF HILARIO RAMOS, JR. & MATILDE GENEROSA RAMOS REVOCABLE TRUST
3. Applicant is: Owner X Authorized Representative X
(attached Authorization Form must be completed)
4. Address of Applicant C/O MICHAEL HALPERN, P.A.
209 DUVAL STREET, 2ND FL., KEY WEST, FLORIDA 33040
5. Phone # of Applicant (305) 296-5667 Mobile# 797-7023 Fax# (305) 294-9852
6. Name of Owner, if different than above SAME AS ABOVE
7. Address of Owner SAME AS ABOVE
8. Phone Number of Owner SAME AS ABOVE Fax# SAME AS ABOVE
9. Zoning District of Parcel HCT RE# 00036330-000000
10. Description of Proposed Construction, Development, and Use
5 UNIT GUEST HOUSE

11. Description of Variances Being Requested:

Standard Allowed/Required	Standard Requested	Existing Condition
<u>SIX (6) VEHICLE PARKING SPACES AND FOUR (4) BICYCLE PARKING SPACES</u>	<u>FIVE (5) VEHICLE PARKING SPACES (INCLUDING ONE HANDICAPPED SPACE) & SECTION 108-574 SUBSTITUTION OF FOUR (4) BICYCLE PARKING SPACES OR ONE (1) VEHICLE PARKING SPACE FOR A TOTAL OF EIGHT (8) BICYCLE PARKING SPACES</u>	<u>FIVE (5) VEHICLE PARKING SPACES & FOUR (4) BICYCLE PARKING SPACES</u>

12. Is Subject Property located within the Historic District? Yes No
If Yes, indicate date of HARC approval as well as the HARC Approval Number. Attach minutes of the meeting.

ALREADY
Date SUBMITTED HARC # _____

13. Are there any easements, deed restrictions or other encumbrances attached to the subject property? Yes _____ No If Yes, please describe and attach relevant documents. _____

14. Will the work be within the dripline (canopy) of any tree on or off the property?
YES _____ NO If yes, provide date of landscape approval, and attach a copy of such approval.

The following must be included with this application:

- Copy of a recorded deed showing ownership and a legal description of the subject property
- Site Plan as specified on Variance Application Information Sheet
- Survey
- N/A Elevation drawings
- Application Fee (to be determined according to fee schedule)
- Notarized Verification Form
- Notarized Authorization Form (if applicable)
- N/A Floor Plans of existing and proposed development

RECEIVED

MAY 20 2008

CITY OF KEY WEST
PLANNING DEPT

STANDARDS FOR CONSIDERING VARIANCES

Before any variance may be granted, the board of adjustment must find all of the following:

(1) Existence of special conditions or circumstances. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other land, structures or buildings in the same zoning district.

NOT APPLICABLE TO SECTION 108-574 SUBSTITUTION

(2) Conditions not created by applicant. That the special conditions and circumstances do not result from the action or negligence of the applicant.

NOT APPLICABLE TO SECTION 108-574 SUBSTITUTION

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MAY 20 2008

CITY OF KEY WEST
PLANNING DEPT

(3) Special privileges not conferred. That granting The variance requested will not confer upon the applicant any special privileges denied by the land development regulations to other lands, buildings or structures in the same zoning district.

THE GRANTING OF THIS VARIANCE WOULD NOT CONFER UPON APPLICANT ANY SPECIAL

PRIVILEGES DENIED BY THE LDRs IN THE SAME ZONING DISTRICT, AS SUCH VARIANCES

HAVE ALREADY BEEN GRANTED TO NEIGHBORING PROPERTIES.

(4) Hardship conditions exist. That literal interpretation of the provisions of the land development regulations would deprive the applicant of rights commonly enjoyed by other properties in this same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant.

NOT APPLICABLE TO SECTION 108-574 SUBSTITUTION

(5) Only minimum variance granted. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

THE VARIANCE REQUESTED IS THE MINIMUM VARIANCE THAT WILL MAKE POSSIBLE

THE REASONABLE USE OF THE LAND, AS THE VARIANCE REQUESTED IS FOR ONLY

ONE (1) PARKING SPACE

(6) Not injurious to the public welfare. That the grant of the variance will be in harmony with the general intent and purpose of the land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public interest or welfare.

THE SUBSTITUTION OF FOUR (4) BICYCLE PARKING SPACES FOR ONE (1)
OWNER / MANAGER'S PARKING SPACE WILL HAVE NO EFFECT ON PUBLIC WELFARE. THE
OWNER / MANAGER ALREADY HAS PARKING AVAILABLE ON ADJACENT PROPERTIES.

(7) Existing nonconforming uses of other property not the basis for approval. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

NOT APPLICABLE TO THIS APPLICATION

- (b) The board of adjustment shall make factual findings regarding the following:
- (1) That the standards established in subsection (a) have been met by the applicant for a variance.
 - (2) That the applicant has demonstrated a "good neighbor policy" by contacting or attempting to contact all noticed property owners who have objected to the variance application, and by addressing the objections expressed by these neighbors.

RECEIVED

MAY 20 2008

CITY OF GLEN WEST
PLANNING DEPT

Verification Form

Please note, variances are quasi-judicial hearings and it is improper to speak to a City Commissioner about the variance outside of the hearing.

This form should be completed by the applicant. Where appropriate, please indicate whether applicant is the owner or a legal representative. If a legal representative, please have the owner(s) complete the following page, "Authorization Form."

I, MICHAEL HALPERN, PERSONAL REPRESENTATIVE, being duly sworn, depose and say Name(s) of Applicant(s)

that: I am (check one) the Owner X Owner's Legal Representative for the property identified as the subject matter of this application:

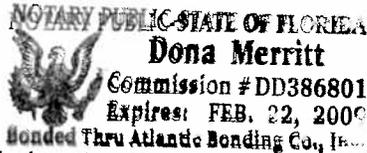
1401 DUVAL STREET, KEY WEST, FLORIDA 33040 Street Address and Commonly Used Name if any

All of the answers to the above questions, drawings, plans and any other attached data which make up this application, are true and correct to the best of my knowledge and belief and that if not true or correct, are grounds for revocation of any action reliant on said information.

Signature of Owner/Legal Representative as Personal Representative Signature of Joint/Co-owner

Subscribed and sworn to (or affirmed) before me on 5/19/08 (date) by Michael Halpern (name). He/She is personally known to me or has presented personally known as identification.

Dona Merritt Notary's Signature and Seal



Dona Merritt Name of Acknowledger typed, printed or stamped

Notary Public Title or Rank DD 386801 Commission Number, if any

RECEIVED

MAY 20 2008

CITY OF KEY WEST PLANNING DEPT

Verification Form

Please note, variances are quasi-judicial hearings and it is improper to speak to a City Commissioner about the variance outside of the hearing.

This form should be completed by the applicant. Where appropriate, please indicate whether applicant is the owner or a legal representative. If a legal representative, please have the owner(s) complete the following page, "Authorization Form."

I, MATILDE RAMOS, TRUSTEE, being duly sworn, depose and say
Name(s) of Applicant(s)

that: I am (check one) the Owner Owner's Legal Representative
for the property identified as the subject matter of this application:

1401 DUVAL STREET, KEY WEST, FLORIDA 33040
Street Address and Commonly Used Name if any

All of the answers to the above questions, drawings, plans and any other attached data which make up this application, are true and correct to the best of my knowledge and belief and that if not true or correct, are grounds for revocation of any action reliant on said information.

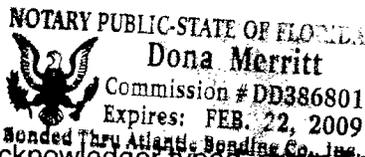
Matilde Ramos _____
Signature of Owner/Legal Representative Signature of Joint/Co-owner
As Trustee

Subscribed and sworn to (or affirmed) before me on 5/19/08 (date) by

Matilde Ramos (name). He/She is personally known to me or has
As Trustee

presented personally known as identification.

Dona Merritt
Notary's Signature and Seal



Dona Merritt Name of Acknowledger typed, printed or stamped

Notary Public Title or Rank DD 386 801 Commission Number, if any

RECEIVED
MAY 20 2008
CITY OF KEY WEST
PLANNING DEPT

Authorization Form

Please note, variances are quasi-judicial hearings and it is improper to speak to a City Commissioner about the variance outside of the hearing.

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

I, MATILDE RAMOS, TRUSTEE authorize
Please Print Name(s) of Owner(s)

MICHAEL HALPERN AND / OR MICHELLE HALPERN
Please Print Name of Representative

to be the representative for this application and act on my/our behalf before the Board of Adjustment.

Matilde Ramos Signature of Owner as Trustee Signature of Joint/Co-owner if applicable

Subscribed and sworn to (or affirmed) before me on 5/19/08 (date) by

Matilde Ramos, as Trustee
Please Print Name of Affiant

He/She is personally known to me or has presented personally known as identification.

Dona Merritt
Notary's Signature and Seal

NOTARY PUBLIC-STATE OF FLORIDA
 Dona Merritt
Commission # DD386801
Expires: FEB. 22, 2009
Bonded Thru Atlantic Bonding Co., Inc.


MAY 20 2008
CITY OF KEY WEST
FLORIDA

Dona Merritt Name of Acknowledger printed or stamped

Notary Public Title or Rank

DD 386 801 Commission Number, if any

Return to: (enclose self-addressed stamped envelope)
Name: Harold E. Wolfe, Jr., Esq.
Address: 2300 Palm Beach Lakes Blvd., Suite 302
West Palm Beach, Florida 33409

Doc# 1649730 06/25/2007 1:19PM
Filed & Recorded in Official Records of
MONROE COUNTY DANNY L. KOLHAGE

This Instrument Prepared by: HAROLD E. WOLFE, JR., P.A.

06/25/2007 1:19PM
DEED DOC STAMP CL: PA \$0.70

Address: 2300 Palm Beach Lakes Blvd., Suite 302
West Palm Beach, Florida 33409
Telephone: (561) 697-4100

Property Appraiser's Parcel Identification:
00036330-000000

Doc# 1649730
Bk# 2304 Pg# 5

WARRANTY DEED

THIS INDENTURE, made this 25th day of May, 2007, by and between MATILDE G. RAMOS, a single woman, as to an undivided one-half (1/2) interest in the below-described real property as a tenant in common, whose mailing address is 1401 Duval Street, Key West, Florida 33040, hereinafter referred to as the "Grantor" and MATILDE GENEROSA RAMOS, as Trustee of the MATILDE GENEROSA RAMOS REVOCABLE TRUST dated May 25th, 2007, whose mailing address is 1401 Duval Street, Key West, Florida 33040, hereinafter referred to as "Grantee".

WITNESSETH:

That the Grantor, for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, an undivided one-half (1/2) interest in the below-described real property as a tenant in common in all that certain land and the improvements thereon located in the County of Monroe, State of Florida and more particularly described as follows:

Part of Lots Two (2) and Four (4) in Square Five (5) of Tract Sixteen (16) of the City of Key West according to diagram of said Tract 16 made by Frederick Filer and John Boyle and recorded in Book N, Pages 476 and 715 and more particularly described in Deed recorded in Book G-66, Pages 91-92, inclusive, in the Office of the Clerk of the Circuit Court in and for Monroe County, Florida.

MAY 20 2008

This Conveyance is made subject to the following:

1. Real estate taxes for the current year and all subsequent years.
2. Applicable zoning regulations and ordinances.
3. All of the covenants, conditions, restrictions and easements of record, if any, which may now affect the aforescribed property.
4. Perpetual easement for encroachments now existing or hereafter existing caused by the settlement or movement or improvement or caused by minor inaccuracies in building or

rebuilding.

- 5. Limitations, conditions, restrictions and easements of record, if any.

TOGETHER with the improvements thereon and all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

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

AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said property in fee simple; that the Grantor has good right and lawful authority to sell and convey said property; that the Grantor hereby fully warrants the title to said property and will defend the same against the lawful claims of all persons whomsoever; and that said property is free of all encumbrances, except as stated above and except for taxes accruing subsequent to December 31st, 2006.

IN WITNESS WHEREOF, the said Grantor has hereunto set her hand and seal the day and year first above written.

Signed, sealed and delivered
in our presence:

Donald L. Evans
Signature of Witness

Matilde G. Ramos
MATILDE G. RAMOS

Donald L. Evans
Printed Name of Witness

Duak Fenwick
Signature of Witness

Duak Fenwick
Printed Name of Witness



MAY 20 2008

CITY OF NEW WEST
PLANNING DEPT

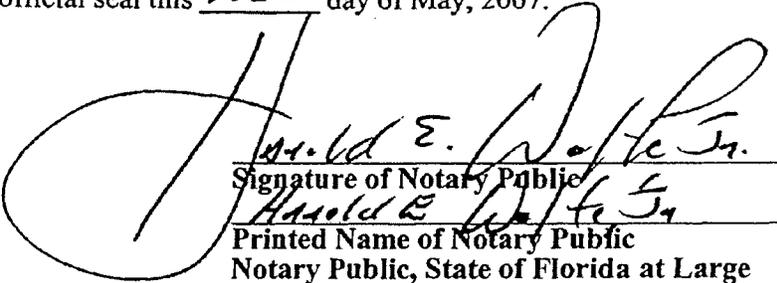
STATE OF FLORIDA)
) SS
COUNTY OF DADE)

Doc# 1549730
Bk# 2304 Pg# 7

BEFORE ME personally appeared MATILDE G. RAMOS, the signor who personally appeared before me at the time of this notarization, and is personally known to me or has produced _____ as identification and is known to be the person described in and who executed the foregoing instrument and acknowledged to and before me that she executed said instrument for the purposes therein expressed.

WITNESS my hand and official seal this 25th day of May, 2007.

NOTARY PUBLIC - STATE OF FLORIDA
 Harold E. Wolfe, Jr.
Commission # DD627474
Expires: JAN. 20, 2011
BONDED THRU ATLANTIC BONDING CO., INC.


Signature of Notary Public
Harold E. Wolfe, Jr.
Printed Name of Notary Public
Notary Public, State of Florida at Large

Serial Number of Commission

My commission expires:

[Notarial Stamp or Seal]



MAY 20 2008

CITY OF NEW ORLEANS
PLANS

MONROE COUNTY
OFFICIAL RECORDS

Doc# 1644531
Bk# 2296 Pg# 1450

IN THE CIRCUIT COURT OF THE
SIXTEENTH JUDICIAL CIRCUIT, IN AND
FOR MONROE COUNTY, FLORIDA

PROBATE DIVISION

FLORIDA BAR NO.: 278297

CASE NO.: 2007-CP 95K

IN RE: THE ESTATE OF)
)
HILARIO RAMOS, JR.)
_____)

JUDGE DAVID J. AUDLIN, JR.

ORDER APPOINTING PERSONAL REPRESENTATIVE

On the Petition of Michael Halpern, Esq. for administration of the Estate of Hilario Ramos, Jr., Deceased, the Court finding that the Decedent died on April 29, 2007, and that Michael Halpern, Esq. is entitled to appointment as personal representative by reason of the fact that he is the person nominated under the Decedent's Last Will and Testament as Personal Representative and is entitled to preference in appointment as Personal Representative under Fla. Stat. § 733.301(1)(a)1, it is

ADJUDGED that Michael Halpern, Esq. is appointed personal representative of the Estate of the decedent, and that upon taking the prescribed oath, filing designation of resident agent and acceptance, Letters of Administration shall be issued. *BOND WAIVED*

ORDERED on this 18 day of May, 2007.

RECEIVED

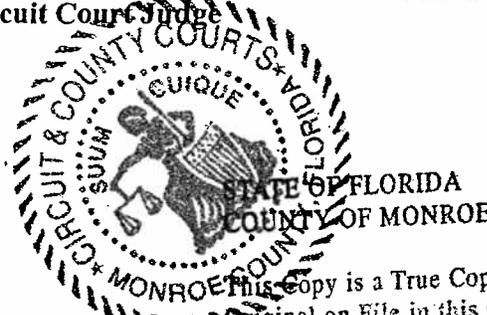
MAY 20 2008

David J. Audlin, Jr.

David J. Audlin, Jr.
Circuit Court Judge

CITY OF KEY WEST
PLANNING DEPT

Harold E. Wolfe, Jr., P.A.
Attorney for Personal Representative
2300 Palm Beach Lakes Boulevard
Executive Centre Building, Suite 302
West Palm Beach, Florida 33409
Telephone - 561-697-4100
Facsimile - 561-697-4101
Florida Bar No.: 278297



This copy is a True Copy of the
Original on File in this Office. Witness
my hand and Official Seal.

This 22nd day of June
A.D., 2007

DANNY L. KOLHAGE
Clerk Circuit Court

Copies to:

Michael Halpern, Esq.
Harold E. Wolfe, Jr., Esq.

MONROE COUNTY
OFFICIAL RECORDS

By *[Signature]*
D.C.

RECEIVED

MAY 20 2008

CITY OF KEY WEST
PLANNING DEPT

IN THE CIRCUIT COURT OF THE
SIXTEENTH JUDICIAL CIRCUIT, IN AND
FOR MONROE COUNTY, FLORIDA

PROBATE DIVISION

FLORIDA BAR NO.: 278297

CASE NO.: 2007-CP-95-K

IN RE: THE ESTATE OF)
)
HILARIO RAMOS, JR.)
)
_____)

JUDGE DAVID J. AUDLIN, JR.

FILED
CITY OF KEY WEST
FLORIDA
MAY 21 PM 1:55
2008

LETTERS OF ADMINISTRATION

TO ALL WHOM IT MAY CONCERN:

WHEREAS, HILARIO RAMOS, JR., a resident of the City of Key West, County of Monroe, State of Florida, whose social security number is [REDACTED], died on April 29, 2007 at Coral Gables, Dade County, Florida, owning assets in the State of Florida, and

WHEREAS, MICHAEL HALPERN, ESQ., the person nominated in the decedent's Last Will and Testament as Personal Representative and the person entitled to preference in appointment as Personal Representative under Fla. Stat. §733.301(1)(a)1, has been appointed Personal Representative of the Estate of the decedent and has performed all acts prerequisite to issuance of Letters of Administration in the Estate.

NOW, THEREFORE, I, the undersigned Circuit Judge, declare MICHAEL HALPERN, ESQ. to be duly qualified under the laws of the State of Florida to act as Personal Representative of this Estate, with full power to administer the Estate according to law; to ask, demand, sue for, recover, and receive the property of the decedent and to act for and in the name of the decedent; to

use any broker for the sale of the Estate assets, such as stocks and bonds; to pay the Estate assets or the cash sale value of such assets over to an Estate depository, if one is so designated; to pay the debts of the decedent as far as the assets of the Estate will permit and the law direct; and to make distribution of the Estate according to law.

WITNESS my hand and seal of this Court this the 18 day of May, 2007.


David J. Audlin, Jr.
Circuit Court Judge

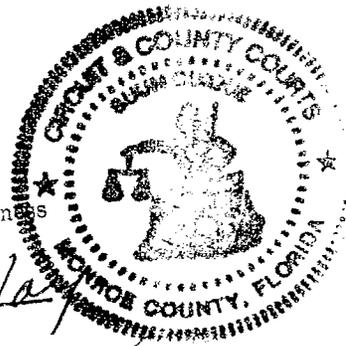
Copies furnished to:

Michael Halpern, Esq.
209 Duval Street
Key West, Florida 33040

Harold E. Wolfe, Jr., Esq.
Harold E. Wolfe, Jr., P.A.
Florida Bar No.: 278297
Attorney for Personal Representative
2300 Palm Beach Lakes Blvd.
Executive Centre Building; Suite 302
West Palm Beach, Florida 33409


MAY 20 2008
CIRCUIT COURT OF WEST
PALM BEACH

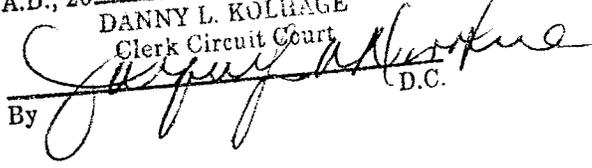
STATE OF FLORIDA
COUNTY OF MONROE



This Copy is a True Copy of the Original on File in this Office. Witness my hand and Official Seal.

This 22 day of May

A.D., 2007
DANNY L. KOLLAGE
Clerk Circuit Court

By  D.C.

380860

REC 935 PAGE 96

RAMOS FORM 01

5.80

WARRANTY DEED
MADE BY INDIVID

This Warranty Deed Made the 1st day of September A. D. 1984, by GENEROSA LOPEZ, a widow, MATILDA G. RAMOS (a/k/a MATILDE G. RAMOS), a single woman, and HILARIO RAMOS, JR., a single man, hereinafter called the grantor, to MATILDE G. RAMOS and HILARIO RAMOS, JR.

whose postoffice address is 1401 Duval Street, Key West, Monroe County, Florida 33040, hereinafter called the grantees

(Whereas and herein the terms "grantee" and "grantee" include all the parties to this instrument and their heirs, legal representatives and assigns of themselves, and the successors and assigns of corporations)

Witnesseth: That the grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, alienates, releases, conveys and confirms unto the grantees, all that certain land situate in Monroe County, Florida, to-wit:

Part of Lots Two (2) and Four (4) in Square Five (5) of Tract Sixteen (16) of the City of Key West according to diagram of said Tract 16 made by Frederick Miller and John Boyles and recorded in Book N, Pages 476 and 715 and more particularly described in Deed recorded in Book G-66, Pages 91-92, inclusive, in the Office of the Clerk of the Circuit Court in and for Monroe County, Florida.

RESERVING unto the Grantor GENEROSA LOPEZ a life estate in and to the above described property.

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CITY OF KEY WEST
PLANNING DEPARTMENT

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantees that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 1983.

Recorded in Official Records Book
in Monroe County, Florida
Record Verified
DANNY A. KOEHLER
Clerk Circuit Court

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

[Signatures of Generosa Lopez, Matilde G. Ramos, and Hilario Ramos, Jr.] (L.S.)

STATE OF FLORIDA,
COUNTY OF MONROE

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 GENEROSA LOPEZ, a widow, MATILDA G. RAMOS (a/k/a MATILDE G. RAMOS), a single woman, and HILARIO RAMOS, JR., a single man, to me known to be the persons described in and who executed the foregoing instrument and they acknowledged before me that they were the same.

WITNESS my hand and official seal in the County and State last aforesaid this 1st day of September, A. D. 1984.

[Signature of Notary Public]
Notary Public.

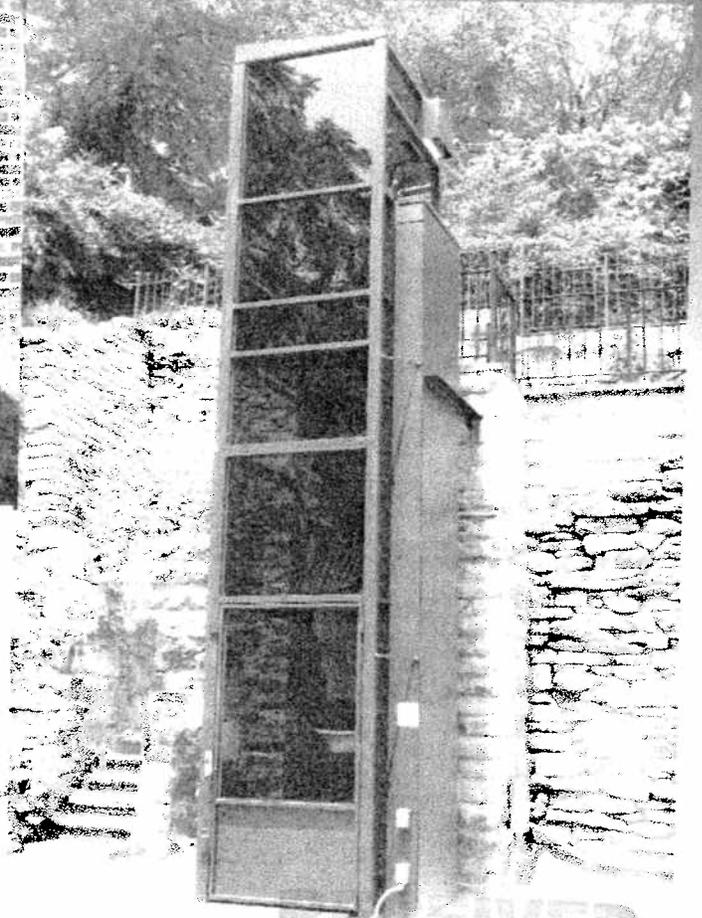
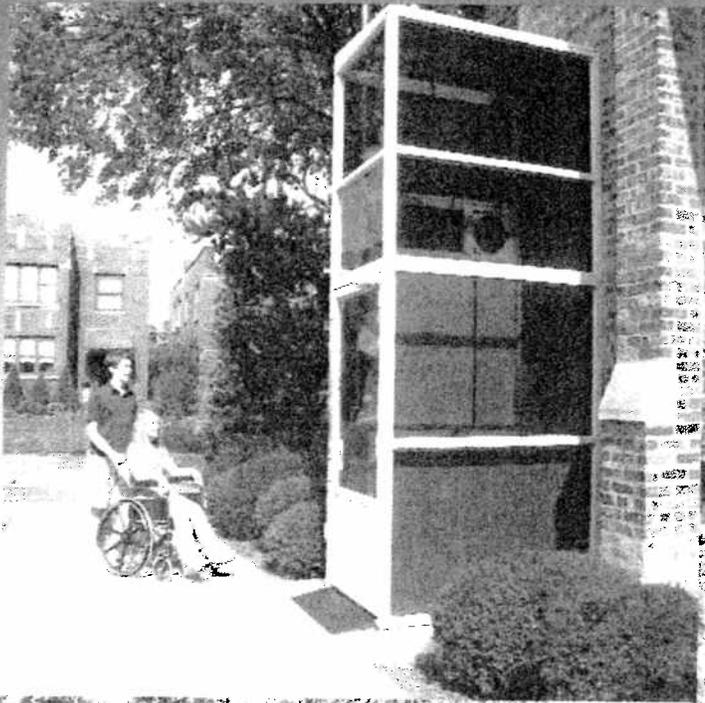
This instrument prepared by: MICHAEL HALPEAN, Atty. at Law

Address 2508 N. Roosevelt Blvd. MONROE COUNTY, FLA.
NOTARY PUBLIC, STATE OF FLORIDA
MY COMMISSION EXPIRES APR 21 1987
(LICENSED) 31811 GENERAL INDEMNITY FUND

SPACE BELOW FOR RECORDEE USE

LANE? - AUGUST 7
CLERK CIR. CT.
MONROE COUNTY, FLA.
75 MR-4 P328

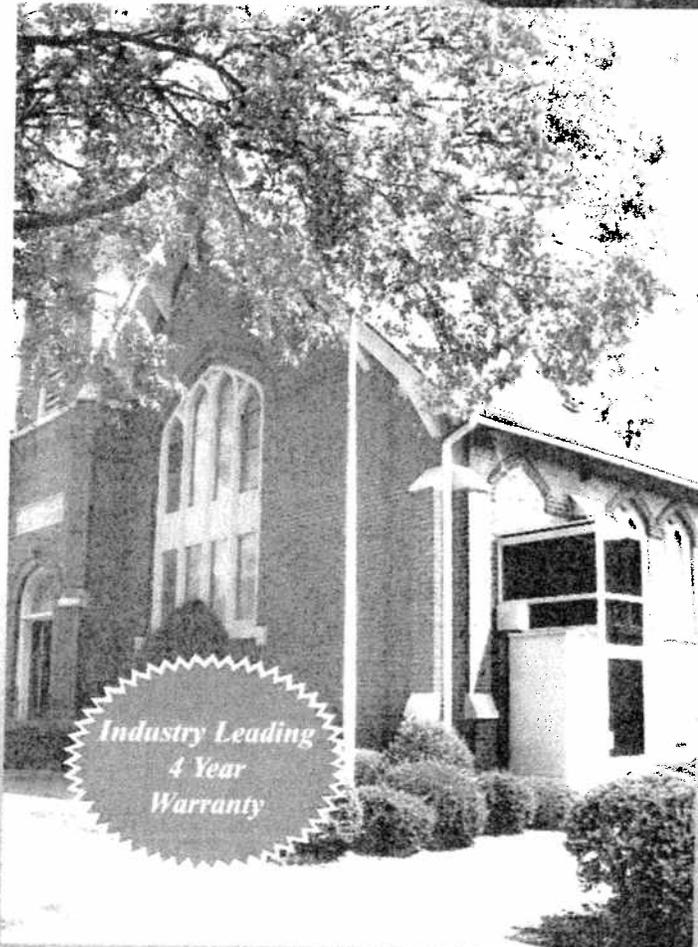
Vertical Platform Lifts



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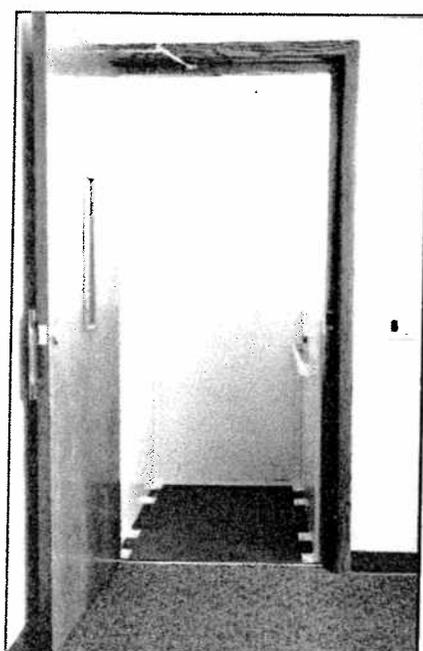
CITY OF KEY WEST
PLANNING DEPT.



Industry Leading
4 Year
Warranty

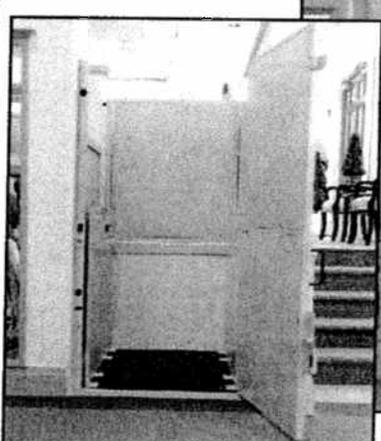
National Wheel-O-Vator is capable of customizing the vertical platform lift while maintaining the durability and dependability individuals have come to associate with our lifts.

Model BC - Acme screw drive
Model HBC - Hydraulic drive

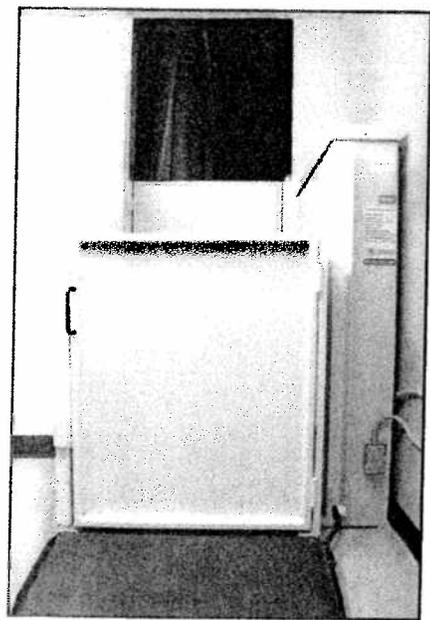


BC with runway enclosure built by others

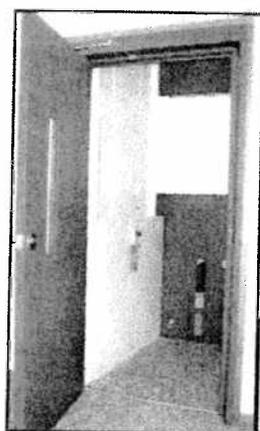
The BC and HBC models are manufactured as an unenclosed lift. This unit is often installed within a vertical runway enclosure built by others. In some commercial settings, where the travel distance is less than 5 feet, a BC or HBC may be installed unenclosed. Because of its versatility, this model can overcome architectural barriers in a variety of different settings. Common applications include: churches, libraries, restaurants, and schools. Each vertical platform lift is manufactured to conform to ANSI A18.1 safety guidelines. Check with local authorities for code regulations.



Flush mounted steel door

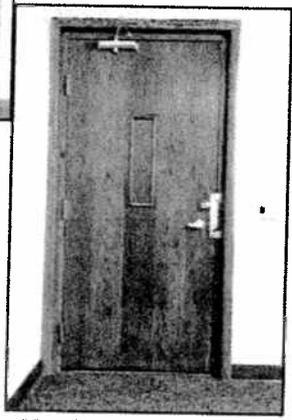


Unenclosed BC



Fired rated steel door

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PLANNING DEPT



Non-fired rated wood door

National Wheel-O-Vator can supply a wide variety of flush mounted doors/gates to finish the job. Typical doors are flush mounted steel units ranging in height from 42" to 80". We also produce non-fire rated wood doors that come finished or unfinished. If required, fire rated steel doors can be supplied, which are primed in gray. Local codes and regulations will specify the type of door permitted in your area.

Our engineering experts can design a vertical platform lift to meet the needs of most building applications.

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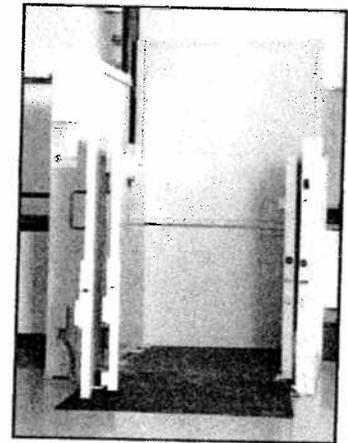
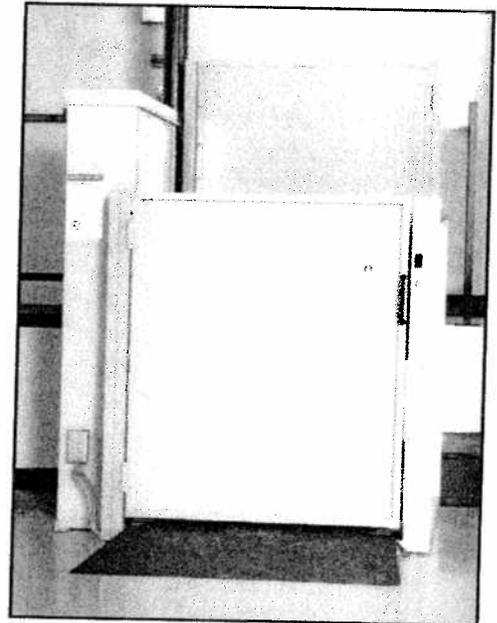
14 42 00/NAT
Buyline 6071

CITY OF KEY WEST
PLANNING DEPT

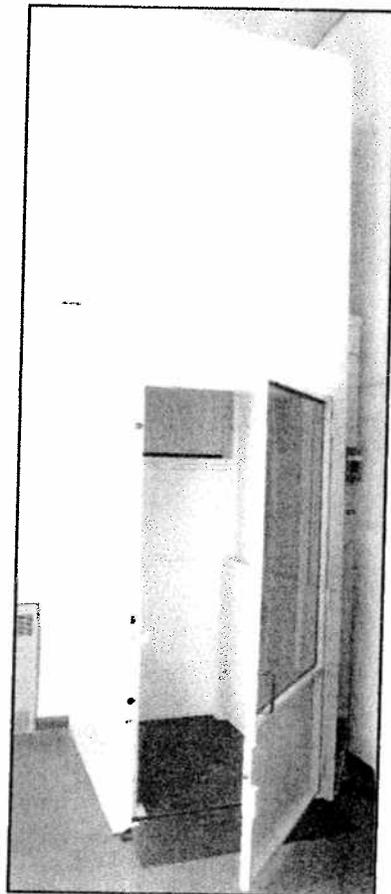
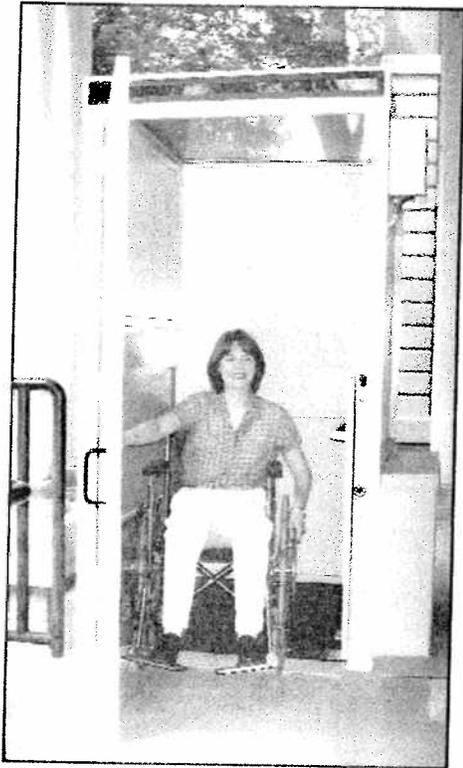
Model CDE - Acme screw drive
Model HCDE - Hydraulic drive



CDE/HCDE models are manufactured with a steel runway enclosure to eliminate the need for a separate enclosure to be built on site. A structural steel framework is used on indoor enclosures, while an aluminum framework is used on outdoor units to prevent corrosion.



CDE 3-gate shown in the above two pictures.



Our 3-gate CDE is used to reduce the enclosure height, therefore; providing a cleaner "line of sight" for the user.

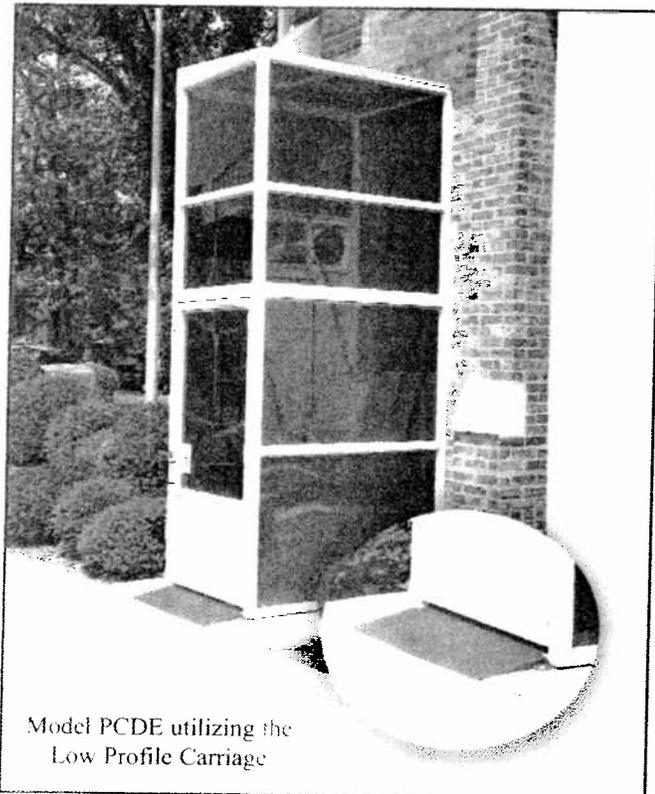
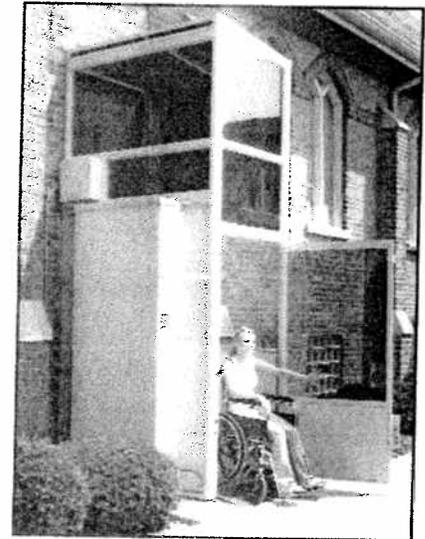
Runway enclosures can be extended and roofs added to protect the user from inclement weather. In such cases, optional lighting and a ventilation system may be required.

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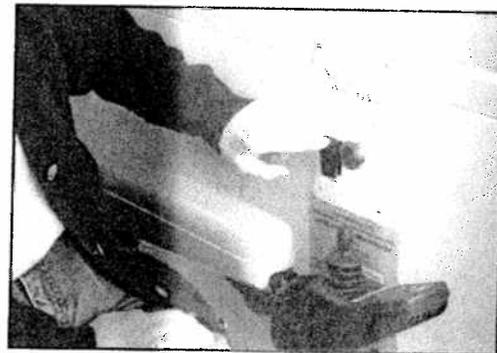
CITY OF KEY WEST
PLANNING DEPT.

Model PCDE - Acme screw drive
Model HPCDE - Hydraulic drive

The PCDE and HPCDE models come equipped with a factory supplied enclosure with either clear or tinted acrylic panels. These attractive models allow light into the runway and permit the user to see outside the unit during operation.



Model PCDE utilizing the
Low Profile Carriage

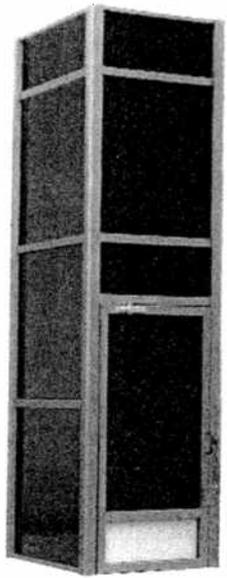


A main control panel is found on the side guard of each vertical lift. This panel consists of a constant pressure switch and an emergency stop button.

Options

"Our options will help you travel faster and in the most contemporary looking vertical platform lift you can find anywhere."

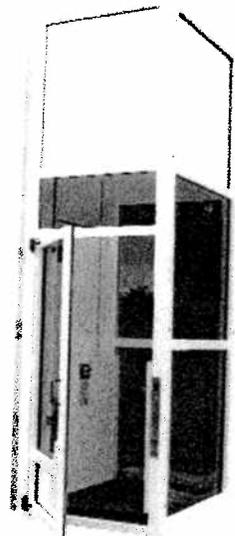
**14 42 00/NAT
Buyline 6071**



FSV Package - The fastest screw driven vertical platform lift available in the market today. The FSV package allows for travel speeds up to 30 feet per minute on all of our Acme Screw Drive units, which means you get to your destination up to 3 times faster than other vertical platform lifts. Contact your local dealer for details.

Standby Power Package - An optional standby power package is available on all our screw drive vertical platform lifts. This package allows the unit to be raised or lowered under emergency battery power. (The hydraulic unit comes standard with battery power.)

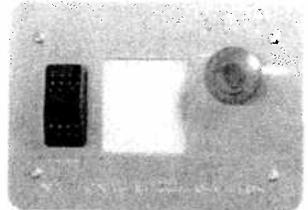
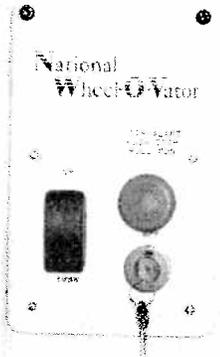
Extruded Aluminum Enclosure Package - For those seeking a vertical platform lift with a contemporary look and feel, an extruded aluminum enclosure package is available for our Model CDE and PCDE. This package includes aluminum side guards, complimented by a stainless steel grab rail and call/sends.



Architect White is the standard color for extruded aluminum



Our aluminum grab rail is a required option on all commercial lifts.



A stainless steel face plate with emergency platform lighting is available as an option. To make the unit more secure, an on/off keyed switch can be added on all operating panels.

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ADMIN DEPT

Low Profile Carriage

We encourage all vertical platform lifts to be installed in a pit to provide the user an unobstructed entrance to the unit. However, many applications cannot be pitted and a lower level ramp is required. Ramps are typically 30" long.

Our "low profile carriage" option is available on all enclosed vertical platform lifts. This feature reduces the lower landing height by approximately 50%. National Wheel-O-Vator's design reduces the ramp length to 16" in new construction and as short as 10" in existing construction. The low profile carriage decreases the total space required and greatly enhances user convenience.

Model WOV 355

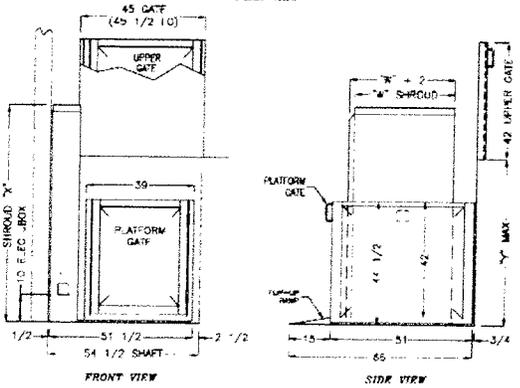
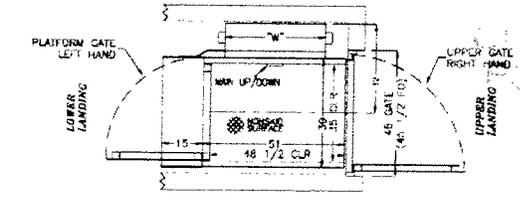


The WOV355 is a vertical platform lift that looks like an elevator. This model has a 1:2 roped hydraulic drive and full height interior platform walls. A suspended style ceiling with florescent lighting is also provided to complete the enclosure. Similar to our other vertical models, the control panel buttons on the WOV 355 require constant pressure for the lift to raise and lower.

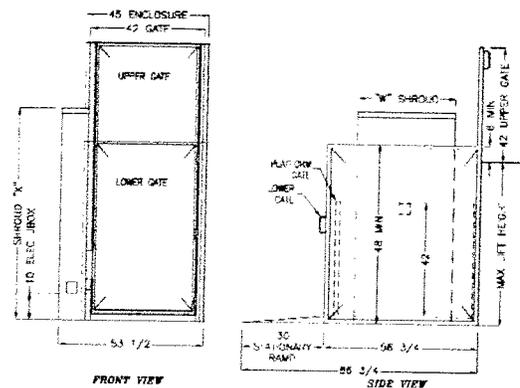
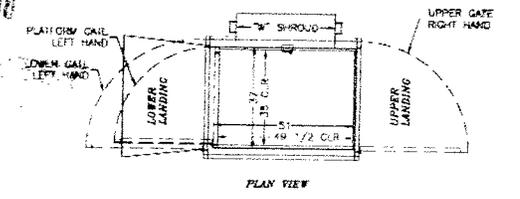


Drawings

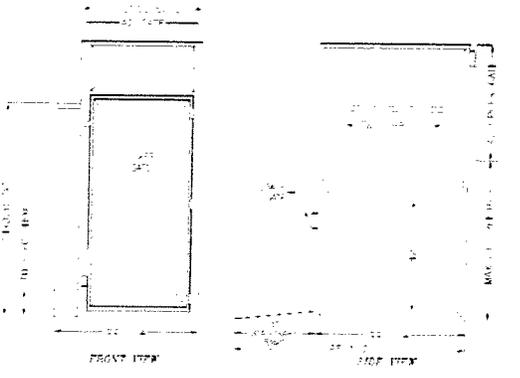
MAY 20 2008



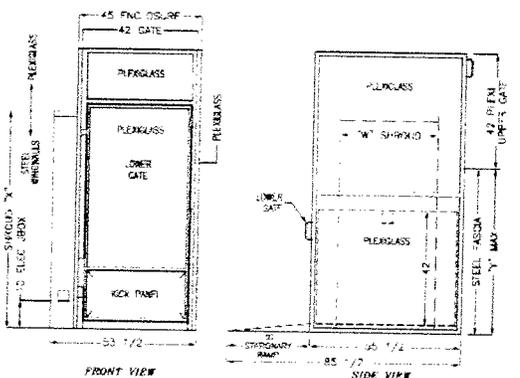
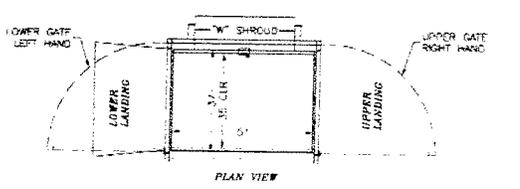
BC/HBC Model with Extruded Aluminum Side Guard



CDE/HCDE Model 3-Gate with Steel Side Guard



CDE/HCDE Model 2-Gate with Steel Side Guard



PCDE/HPCDE Model with Steel Side Guard

Please note: All units are shown with equipment dimensions only and are subject to change. Changes in platform size and configuration will change dimensions. Additional room for running clearances will also be required. The drawing dimensions will increase with the FSV (Fast Speed Vertical) package.

MODELS RE*, BC, CDE, PCDE		ACME SCREW DRIVE				Shroud Dimension "W" All Units 36 1/4" (0.92m)				
MODEL	24(RE ONLY)	42	60	72	96	108	120	144	156	168
MAX. LIFT HGT	27"	45"	63"	75"	99"	111"	123"	147"	159"	171"
SHROUD "X"	45"	63"	81"	93"	118"	130"	142"	171"	183"	195"
MODELS HBC, HCDE, HPCDE		1:2 CHAIN HYDRAULIC DRIVE				Shroud Dimension "W" All Units 41 3/8" (1.05m)				
MODEL	24(RE ONLY)	42	60	72	96	108	120	144	156	168
MAX. LIFT HGT	NA	45"	63"	75"	99"	111"	123"	147"	159"	171"
SHROUD "X"	NA	69"	87"	99"	123"	135"	147"	171"	183"	195"

REFERENCE: *RE AVAILABLE IN 24, 42, 60, 72 MODELS ONLY - LIFT HEIGHT MUST INCLUDE PIT DEPTH, WHEN PITTED

Vertical Platform Lift - Guide Specifications

14 42 00/NAT
Buyline 6071

Below is a general guide specification containing performance and descriptive requirements which apply to a variety of standard and custom National Wheel-O-Vator products.

PART 1 - GENERAL

1.1 REFERENCES

- A. The lift shall be designed and tested in accordance with ICC/ANSI A117.1, NEC and ASME A18.1
- B. All designs, clearances, construction, workmanship and installation shall be in accordance with the requirements and codes adopted by the authority having jurisdiction. The platform lift shall be subject to local, city and state approval prior to and following installation.

1.2 SYSTEM DESCRIPTION

A. The product described herein, manufactured by The National Wheel-O-Vator Co., Inc., is a vertical platform lift consisting of a machine tower with a lifting platform, selected and dimensioned to provide adequate lifting height to suit the individual building requirements. The lift can be used either indoors or outdoors to vertically transport a wheelchair user or mobility impaired person over a barrier creating access to or within a building.

B. Performance

1. Rated Load: 750 pound capacity
2. Travel Speed: Acme Screw-9 fpm
FSV Acme Screw-30 fpm
Hydraulic-20 fpm
3. Lifting Height: _____ (14' max)

1.3 QUALITY ASSURANCE

- A. Manufacturer: A company with not less than fifteen years of experience in the design and fabrication of vertical platform lifts.
- B. Technical services: Manufacturer and dealer shall work with architects, engineers and contractors to adapt the platform lift product to the design and structural requirements of the building, site, and code requirements.

1.4 WARRANTY

A. Unit shall have a four (4) year limited parts warranty on the basic unit, including all electrical and drive system components.

PARTS 2 - PRODUCTS

2.1 MANUFACTURER U.S. OWNED & OPERATED

A. The unit shall be manufactured by National Wheel-O-Vator, as distributed by _____

2.2 FABRICATION

A. Drive Systems:

1. Acme Screw: Motor minimum of 3/4 HP, instant reverse, 1750 RPM, 115 VAC, single phase (220 volt optional). Back-up safety nut and auto-lubrication system.
2. Hydraulic: 24 VDC 1 1/2 HP. Drive = 1:2 leaf chain hydraulic with type "A" instantaneous slack chain safety device.

B. Platform shall be constructed of 12 gauge minimum zinc clad steel. If unit is not installed in a 3" pit, a stationary ramp shall be provided that extends under the lower landing gate/door.

C. Platform side panels must be 42" high (36" residential). Side panel framework shall be a minimum of 1"x 1 1/2"x .065 steel tubing for indoor units and 1x1 1/2x .125 aluminum tubing for outdoor unit. Solid infill panels shall be a minimum of 18 gauge zinc clad steel.

D. The mainframe support tubings shall be a combination of square and rectangular steel tubing with a minimum .120 wall thickness.

E. Carriage arms shall be a minimum of 1"x2" steel flat bar along with 1/2" thick steel flat bar uprights. Cam rollers shall be used for axial carriage guidance and wear pads used for horizontal stability. On Hydraulic units, cam rollers shall be supported by a minimum 6.25#/ft. "T" rail with tongue and groove ends mated at the split sections of the machine tower.

F. Upper and lower limit switches

G. Upper final limit switch

H. Secondary safety nut (Acme Screw) or Slack Chain Device (Hydraulic)

I. 24V low voltage controls

J. Grounded electrical system

K. Non-skid platform and access ramp

L. Platform safety pan or runway enclosure

M. Emergency stop button

N. Top and bottom landing gates/doors provided with combination mechanical lock with positive opening electrical contacts. (Local code may vary)

O. Grab rail

P. Machine Tower

1. Acme Screw: Machine tower structural side plates shall be of 12 gauge steel and front and back covers shall be 18 gauge zinc clad steel minimum.

2. Hydraulic: The removable machine tower sides shall be of 16 gauge zinc clad steel and front and back covers shall be 18 gauge zinc clad steel minimum. The machine tower shall be split for ease of installation with bottom section of tower no taller than 69 inches.

PART 3 - EXECUTION

3.1 ACCEPTABLE INSTALLERS

A. Subcontractor Qualifications: A company that is listed as an authorized National Wheel-O-Vator dealer.

B. Electrical devices, services and final connections shall be by a qualified electrician.

3.2 INSTALLATION

A. Unit shall be installed and operated in accordance with the ICC/ANSI A117.1, NEC and ASME A18.1 Guidelines.

B. Coordinate work with general contractor.

C. Leave standard electrical connection drawings with electrical contractor to make final electrical connection.

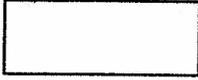
D. The installation of the vertical platform lift shall be made in accordance with the approved plans and specifications and the manufacturers installation instructions.

3.3 FIELD QUALITY CONTROL

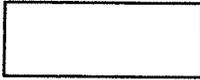
A. Load the vertical lift to rated capacity and test for several cycles to insure proper operation. No mechanical failures shall occur and no wear that would affect the reliability of the unit shall be detected.

* Note: Specifications are subject to change.

Color Selections



Pearl White
Texture - *Standard*



Architect White
Optional



Lentan
Optional



Brown Texture
Optional



Gray
Optional



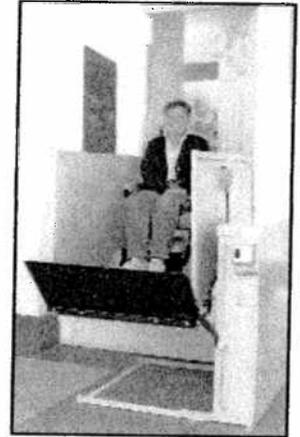
Black Texture
Optional

Model RE - Acme screw drive

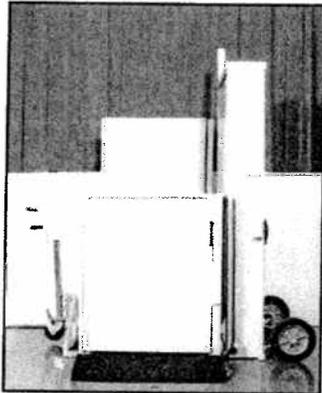


The RE model unit is designed with the homeowner in mind. This lift is similar to the BC model; however, the platform side guards and gates are only 36" tall, thus making the unit "for residential use only".

The RE model is an affordable alternative to lengthy, costly, and unsightly ramps. The lifting heights of 24", 42", 60", and 72" will satisfy most applications. For heights greater than 72", a BC model may be used.



Model BC Portable Vertical Platform Lift



The portable vertical platform lift can be an ideal solution for access to a stage or platform. Since the unit is equipped with wheels, it can be moved when access to the stage is not necessary, and the room needs to be used for other functions. In some cases, a variance may be required.

Other Products

In addition to offering a complete line of vertical platform lifts, National Wheel-O-Vator also provides top of the line inclined platform lifts, residential elevators and commercial LU/LA elevators.



"Providing our partners unequalled value by offering products of the highest quality, complimented by unrivaled customer service"

The National Wheel-O-Vator Co., Inc.

509 W. Front Street
Roanoke, IL 61561-0348
Ph: 888-353-8898 Fax: 309-923-5091
Architectural Support: 800-968-5438

Email: vertical@wheelovator.com
Web site: www.wheelovator.com

VPL 8/2006

Your Authorized Dealer is:

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CITY OF KEY WEST
PLANNING DEPT

WINGS OF IMAGINATION INC
1316 DUVAL ST
KEY WEST, FL 33040-3132

SOUTHERNMOST BEACH MOTELS
1319 DUVAL STREET
KEY WEST, FL 33040

RAMEY ROBERT III
1300 DUVAL ST
KEY WEST, FL 33040

MORGAN HUGH J
404 SOUTH STREET
KEY WEST, FL 33040

SOUTHERNMOST BEACH MOTELS
PARTNERSHIP
121 W LONG LAKE RD THIRD FLOOR
BLOOMFIELD HILLS, MI 48304

507 SOUTH STREET CORP
209 DUVAL ST
KEY WEST, FL 33040

GUEST SERVICES INC
1317 DUVAL STREET
KEY WEST, FL 33040

MORGAN HUGH J
404 SOUTH STREET
KEY WEST, FL 33040

SANTIAGO RAMONA LOUISE AND
INOCENTE
1327 DUVAL ST
KEY WEST, FL 33040

CITY OF KEY WEST
P O BOX 1409
KEY WEST, FL 33040

RAMOS MATILDE GENEROSA REV
TRUST 05/25/2007
1401 DUVAL ST
KEY WEST, FL 33040

BLUE MARLIN MOTEL INC
121 US HIGHWAY 1 SUITE 101 -
ROCKLAND KEY
KEY WEST, FL 33040

SOUTHWHITEHEAD LC
P O BOX 1146
KEY WEST, FL 33041

SOUTHERNMOST STATION LLC
915 OLD SANTA FE TRAIL
SANTA FE, NM 87505

SANTIAGO FAMILY PARTNERSHIP
LTD
407 SOUTH ST
KEY WEST, FL 33040

RAMOS MATILDE GENEROSA REV
TRUST 05/25/2007
1401 DUVAL ST
KEY WEST, FL 33040

SOUTHERNMOST BEACH MOTELS
1319 DUVAL STREET
KEY WEST, FL 33040

SOUTHERNMOST BEACH MOTELS
1319 DUVAL STREET
KEY WEST, FL 33040

RAMOS HILARIO JR ESTATE
209 DUVAL ST
KEY WEST, FL 33040

CITY OF KEY WEST
P O BOX 1409
KEY WEST, FL 33041

MOORE JOYCE P
910 JAMES ST
KEY WEST, FL 33040

1401 Duval St.

- Legend**
- the Buffer
 - the Buffer Target
 - Real Estate Number
 - Parcel Lot Text
 - Block Text
 - Hooks/Leads
 - Lot Lines
 - Easements
 - Road Centerlines
 - Water Names
 - Parcels
 - Shoreline
 - Section Lines

PALMIS

Monroe County Property Appraiser
500 Whitehead Street
Key West, FL

DISCLAIMER: The Monroe County Property Appraiser's office maintains data on property within the County solely for the purpose of fulfilling its responsibility to secure a just valuation for ad valorem tax purposes of all property within the County. The Monroe County Property Appraiser's office cannot guarantee its accuracy for any other purpose. Likewise, data provided regarding one tax year may not be applicable in prior or subsequent years. By requesting such data, you hereby understand and agree that the data is intended for *ad valorem tax purposes only* and should not be relied on for any other purpose.

Date Created: June 10, 2008 2:38 PM

