

ORDINANCE NO. 14-16

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, PURSUANT TO SECTION 1.08 OF THE CITY CHARTER, CALLING FOR A REFERENDUM AUTHORIZING THE CITY OF KEY WEST TO ACCEPT TITLE TO APPROXIMATELY 8.87 ACRES OF LAND LOCATED AT 1801 NORTH ROOSEVELT BLVD., AND COMMONLY REFERRED TO AS CITY MARINA AT GARRISON BIGHT FROM THE STATE OF FLORIDA WITHOUT COST FOR CONTINUED USE FOR PUBLIC PARKING, PUBLIC BOAT RAMPS, PUBLIC DOCKMASTER FACILITY, AND A COMMERCIAL AND LIVE-ABOARD MARINA; AUTHORIZING THE CITY CLERK TO TAKE ALL NECESSARY ACTION TO PLACE THIS MEASURE ON THE BALLOT FOR NOVEMBER 4, 2014; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on April 10, 1963, the City Commission passed Resolution No. 2218, authorizing the conveyance of approximately 11 acres of upland and submerged lands to the State of Florida for the purpose of constructing the Garrison Bight Causeway, also commonly known as the Palm Avenue Bridge, including roadway, bridge and parking areas, pursuant to the Count Secondary Road program for the fiscal year of 1963-1964; and

WHEREAS, at the time of the conveyance referred to in the preceding paragraph, the City of Key West and the State of Florida agreed that upon completion of the construction of the causeway, the State of Florida would convey approximately 8.87

acres of the subject property back to the City of Key West without cost for the continued use of public parking, public boat ramps, public dockmaster facility, and a commercial and live-aboard marina; and

WHEREAS, the transfer of the subject property back to the City of Key West did not take place; and

WHEREAS, on September 17, 2002, the District Secretary for the Florida Department of Transportation indicated his consent to the conveyance of the subject property back to the City of Key West; and

WHEREAS, on May 6, 2003, the City Commission passed Resolution No. 03-167, formally requesting that the State of Florida convey the subject property back to the City of Key West; and

WHEREAS, Section 1.08 of the Charter of the City of Key West provides that "Annexation or acquisition by any means, of any and all real property may only be by a vote of the electors of the City"; and

WHEREAS, the deadline to have items to the Supervisor of Elections is mid-August in order to allow City voters the opportunity to vote in the November election as to whether the City of Key West should accept title to the subject property without cost; and

WHEREAS, the City anticipates having additional information regarding the acquisition of City Marina at Garrison Bight available prior to the November 4, 2014 election, to allow voters to make an educated decision; and

WHEREAS, should the voters approve the referendum, the City Commission will hold a public hearing to gain additional citizen input prior to any final vote to accept title to the subject property; and

WHEREAS, Florida Statutes Section 101.161 provides procedures for a referendum and Florida Statutes Section 100.342 provides for notice for a referendum election; and

WHEREAS, the City desires, in accordance with the terms of its Charter, to acquire title to the real property upon terms acceptable to the City Commission upon a public hearing, in accordance with Key West City Code of Ordinances section 2-901; and

WHEREAS, the City Commission desires that the proposed referendum appear on the regularly scheduled election ballot of November 4, 2014;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF KEY WEST**

**FLORIDA:**

Section 1: That a referendum for the acquisition of real property commonly known as City Marina at Garrison Bight, located at 1801 North Roosevelt Blvd. shall be held on November 4, 2014.

Section 2: That the question appearing on the ballot shall be titled: "Referendum - Authorization to acquire City Marina at Garrison Bight for continued use for public parking, public boat ramps, public dockmaster facility, and a commercial and live-aboard marina."

Section 3: That the ballot question shall be worded as follows:

"Is the City of Key West authorized to acquire the real property located at 1801 North Roosevelt Blvd., and commonly referred to as City Marina at Garrison Bight, without cost, from the State of Florida for use for public parking, public boat ramps, public dockmaster facility, and a commercial and live-aboard marina, if deemed acceptable to the City Commission after a full hearing with public input?"

\_\_\_\_\_ Yes

\_\_\_\_\_ No

Section 4: That the City Clerk is hereby authorized and directed to take all necessary and proper action to place this question on the ballot of November 4, 2014, including the providing of notice of the election in accordance with law.

Section 5: If any section, provision, clause, phrase, or application of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, the remaining provisions of this Ordinance shall be deemed severable therefrom and shall be construed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

Section 6: All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.

Section 7: This Ordinance 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.

Read and passed on first reading at a regular meeting held  
this 5 day of August, 2014.

Read and passed on final reading at a regular meeting held  
this 19 day of August, 2014.

Authenticated by the presiding officer and Clerk of the  
Commission on 20 day of August, 2014.

Filed with the Clerk August 20, 2014.

Mayor Craig Cates	<u>Yes</u>
Vice Mayor Mark Rossi	<u>Yes</u>
Commissioner Teri Johnston	<u>Yes</u>
Commissioner Clayton Lopez	<u>Yes</u>
Commissioner Billy Wardlow	<u>Yes</u>
Commissioner Jimmy Weekley	<u>Yes</u>
Commissioner Tony Yaniz	<u>Yes</u>

  
\_\_\_\_\_  
CRAIG CATES, MAYOR

ATTEST:

  
\_\_\_\_\_  
CHERYL SMITH, CITY CLERK



## THE CITY OF KEY WEST

201 William Street Key West, FL 33040 (305) 809-3790

# EXECUTIVE SUMMARY

## EXECUTIVE SUMMARY

**TO:** Jim Scholl, City Manager

**CC:** Sarah Spurlock, Assistant City Manager

**FROM:** Doug Bradshaw, Port and Marine Services Director

**DATE:** July 17, 2014

**SUBJECT:** A referendum to accept title to approximately 8.87 acres of land located commonly referred to as City Marina at Garrison Bight from the State of Florida

### ACTION STATEMENT

A referendum authorizing the City of Key West to accept title to approximately 8.87 acres of land located at 1801 North Roosevelt Blvd., and commonly referred to as City Marina at Garrison Bight from the State of Florida.

### PROJECT ISSUE

Resolution No. 2218, adopted by the City Commission of the City of Key West on April 10, 1963 conveyed approximately 11 acres of City of Key West owned upland and submerged lands for the construction of Garrison Bight Causeway (Palm Ave Bridge), including roadway, bridge and parking areas under the County Secondary Road Program for the fiscal year of 1963-1964. It was the understanding by both parties that once construction was completed, the City of Key West would be transferred back approximately 8.87 acres of the land for the continued use for public parking, public boat ramps, public dockmaster facility, and a commercial and live-aboard marina. The transfer back to the City never occurred.

District Secretary, District Six Florida Department of Transportation (FDOT) on September 17, 2002 pursuant to the provisions of Section 337.25 Florida Statutes, agreed to quitclaim back the non-essential lands of the Garrison Bight Causeway. Resolution No. 03-167, adopted by the City Commission of the City of Key West on May 6, 2003, formally requested the reconveyance of the land.

City Staff has been working with FDOT since that Resolution was passed to complete the transfer. However, personnel changes in both the City and FDOT as well as survey requirements continued to change and the process dragged on for

*Key to the Caribbean - Average yearly temperature 77° F.*

several years. The City did finally receive a proposed quitclaim deed to the property mid-year 2013 and staff was ready to complete the transfer through City Commission approval. However, in 2007 the City of Key West Charter Section 1.08 was amended that required “Annexation or acquisition by any means, of any and all real property may only be by a vote of the electors of the City”. Transfer of the property from FDOT of the City of Key West is required to go to referendum.

### **OPTIONS**

There are three options:

1. Approve the ordinance and language in the referendum
2. Approve the ordinance with modified referendum language
3. Disapprove the ordinance and operate City Marina under a proposed License to the FDOT.

### **ADVANTAGES/DISADVANTAGES**

Option 1 and 2 transfers the land back to the City as originally intended and the City will continue to operate the marina. Without the transfer the City will continue to operate the marina under a license, but would have to get written approval from FDOT for any improvements or modifications to the property. Additionally by the City not being the property owner, FDOT would control all future uses and development.

### **FINANCIAL ISSUES**

Beyond minor cost for deed recording, there is no additional financial obligation required from the City.

### **RECOMMENDATION**

City staff recommends that City Commission approve the ordinance and language in the referendum.

# EXHIBIT "A"

**LEGEND:**

- ⊙ - Centerline
- C.B. - Chord Bearing
- C.D. - Chord Distance
- ∠ - Delta/Central Angle of Curve
- FDOT - Florida Department of Transportation
- F.P. - Financial Project
- L - Length of Curve
- LB - License Business
- NO. - Number
- O.R.B. - Official Record Book
- PG. - Page
- P.O.B. - Point of Beginning
- P.O.C. - Point of Commencement
- R - Radius
- R/W - Right-of-Way
- S.R. - State Road

**GENERAL NOTES:**

- THIS IS NOT A SURVEY
- Reproductions of this map are not valid without the signature and original raised seal of the Florida Licensed Surveyor and Mapper in responsible charge.
- Lands shown hereon were not abstracted by this office for rights-of-way, easements of record, ownership, abandonments, deed restrictions, or Murphy Act Deeds. This information should be obtained through appropriate verification.
- Bearings and dimensions for the Overall Parcel are taken from Official Record Book (O.R.B.) 296, Page 358 of the Public Records of Monroe County, Florida, with a reference bearing of S 72°28'07" W, shown along a parallel line 25.00 feet Northerly of the Centerline of Roosevelt Boulevard (State Road 5/U.S. 1).
- Bearings and dimensions for the Parcel 6001 are taken from Official Record Book (O.R.B.) 1290, Page 1531 of the Public Records of Monroe County, Florida.
- All other parcel lessout dimensions are calculated based on the aforementioned documents recorded in the Public Records of Monroe County, Florida, and the implied intent of the Sketch to Accompany Legal Description, prepared for the Florida Department of Transportation by Island Surveying, Inc., State Project No. 90500-2604, With a revised date of July 8, 2011.
- The Section Line between Section 32, Township 67 South, Range 25 East and Section 5, Township 68 South, Range 25 East could not be located and, thus is not shown.
- Additions and/or deletions to survey maps, sketches or reports by any party other than the signing party are prohibited without the written consent of the signing party.

  
 \_\_\_\_\_  
 SELVIN P. BRUCE                      DATE                      01/28/2013  
 PROFESSIONAL SURVEYOR AND MAPPER  
 FLORIDA LICENSE NO. 5290

This document consists of eight (8) sheets and shall not be considered full, valid, and complete unless each sheet is attached to the other.

			<b>FLORIDA DEPARTMENT OF TRANSPORTATION</b>			
			<b>SKETCH TO ACCOMPANY LEGAL DESCRIPTION</b>			
			STATE ROAD NO. N/A		MONROE COUNTY	
			BY	DATE	PREPARED BY	DATA SOURCE
			DRAWN	0. HAUSER	12/18/12	C.S.A. CENTRAL, INC LB 7938
			CHECKED	S BRUCE	12/18/12	SEE GENERAL NOTES
REVISION	BY	DATE	F.P. NO. N/A			SECTION 90010
						SHEET 1 OF 8

## EXHIBIT "A"

### LEGAL DESCRIPTION - OVERALL PARCEL (O.R.B. 296, PG. 358):

Commencing at the intersection of the centerlines of First Street and Roosevelt Boulevard according to the Plat of Sunshine Subdivision; Plat No. 3, a Subdivision in the City of Key West, Florida, as recorded in Plat Book 2, at Page 169, in the Public Records of Monroe County, Florida, run N 37°17'38" W a distance of 26.56 feet to a point being in the Northerly Right of Way line of Roosevelt Boulevard and being the POINT OF BEGINNING; thence S 72°28'07" W on said Northerly Right of Way line a distance of 300.76 feet to a point on said Northerly Right of Way line; thence N 17°31'53" W a distance of 274.71 feet to a point on a curve concave to the Southwesterly and having a tangent bearing of N 68°41'05" W through said point; thence Westerly on said curve having a central angle of 44°08'45", and a radius of 616.20 feet, through an angle of 12°45'18" for a distance of 137.18 feet to the end of said curve; thence N 81°26'23" W a distance of 1505.34 feet to a point; thence S 53°46'37" W a distance of 98.23 feet to a point on the now existing Easterly Right of Way line extended Northerly, of Eisenhower Drive by occupation; thence S 61°33'37" W a distance of 60.64 feet to a point; thence N 17°36'49" W a distance of 200.94 feet to a point; thence N 08°33'37" E a distance of 50.33 feet to a point; thence S 81°26'23" E a distance of 272.04 feet to a point; thence N 53°33'37" E a distance of 106.07 feet to a point; thence S 81°26'23" E a distance of 1365.05 feet to a point being the beginning of a curve concave to the Southwesterly; thence Southeasterly on said curve having a central angle of 44°08'45" and a radius of 816.20 feet a distance of 628.88 feet to the end of said curve; thence S 37°17'38" E a distance of 75.19 feet to a point in the Northerly Right of Way line of Roosevelt Boulevard; thence S 72°28'07" W on said Northerly Right of Way line a distance of 106.26 feet to the POINT OF BEGINNING;

containing 11.00 acres, more or less.

### LESS THE FOLLOWING (O.R.B. 1290, PG. 1351 - PARCEL 6001):

COMMENCING at the intersection of the centerlines of First Street and Roosevelt Boulevard according to the Plat of Sunshine Subdivision Plat No. 3, a subdivision in the city of Key West, Florida, as recorded in Plat Book 2, Page 169, in the Public Records of Monroe County, Florida, thence N 37°17'38" W, 26.56 feet to a point on the northerly right of way line of Roosevelt Boulevard; thence S 72°28'07" W, along said northerly right of way line a distance of 70.17 feet; thence leaving said northerly right of way line, N 17°31'53" W, 20.61 feet to a POINT OF BEGINNING.

THENCE S 72°28'07" W, 149.82 feet; thence N 17°31'53" W, 34.00 feet; thence N 72°28'07" E, 71.50 feet; thence N 17°31'53" W, 80.00 feet; thence N 72°28'07" E, 68.37 feet; thence along the arc of a curve, concave to the southwest, 82.99 feet, with a radius of 695.04 feet, with a chord distance of 82.94 feet, bearing S 43°28'22" E; thence along the arc of a curve, concave to the northwest, 55.97 feet, with a radius of 28.50 feet, with a chord distance of 47.40 feet, bearing S 16°12'30" W to the POINT OF BEGINNING.

Containing 0.298 acres, more or less.

(CONTINUED ON NEXT SHEET)

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		FLORIDA DEPARTMENT OF TRANSPORTATION	
		SKETCH TO ACCOMPANY LEGAL DESCRIPTION	
		STATE ROAD NO. N/A	MONROE COUNTY
DRAWN	D. HAUSER	12/16/12	C.S.A. CENTRAL, INC. LB 7932
CHECKED	S. BRUCE	12/18/12	DATA SOURCE: SEE GENERAL NOTES ON SHEET 1
DATE	DATE	F.P. NO. N/A	SECTION 90010
			SHEET 2 OF 8

## EXHIBIT "A"

LESS THE FOLLOWING (20' STRIP):

COMMENCE at the aforesaid intersection of the Centerline of First Street with the Centerline of Roosevelt Boulevard; thence S 72°28'07" W, along said Centerline of Roosevelt Boulevard, a distance of 228.97 feet; thence N 17°31'53" W a distance of 25.00 feet to the POINT OF BEGINNING.

Thence S 72°28'07" W, along a line 25.00 feet Northerly of and parallel with said centerline of Roosevelt Boulevard, a distance of 80.77 feet; thence N 17°31'53" W a distance of 20.00 feet; thence N 72°28'07" E a distance of 80.77 feet; thence S 17°31'53" E a distance of 20.00 feet to the POINT OF BEGINNING.

Containing 1,615 square feet of land, more or less.

LESS THE FOLLOWING (PARCEL A):

COMMENCE at the aforesaid intersection of the Centerline of First Street with the Centerline of Roosevelt Boulevard (State Road 5/U.S. 1); thence N 37°17'38" W, along the Northerly extension of the centerline of said First Street, a distance of 26.56 feet to the POINT OF BEGINNING.

Thence S 72°28'07" W, along a line 25.00 feet Northerly of and parallel with said centerline of Roosevelt Boulevard, a distance of 56.51 feet to a tangent point of cusp with a circular curve concave to the Northwest, having a radius of 30.00 feet; thence Northeasterly, Northerly and Northwesterly along said curve to the left, through a central angle of 112°54'16" for an arc distance of 59.12 feet to a point of tangency; thence N 40°26'09" W a distance of 61.18 feet; thence N 43°56'53" W a distance of 42.95 feet; thence N 52°04'24" W a distance of 72.84 feet to the point of curvature of a circular curve concave to the Southwest, having a radius of 679.69 feet; thence run Northwesterly along said curve to the left, through a central angle of 25°40'10" for an arc distance of 304.51 feet to a point of compound curvature with circular curve concave to the Southwest, having a radius of 1,760.43 feet; thence run Northwesterly along said curve to the left, through a central angle of 03°47'24" for an arc distance of 118.45 feet to the point of tangency; thence N 81°31'59" W a distance of 287.95 feet; thence N 81°34'34" W a distance of 221.52 feet to Point "A"; thence N 08°30'25" E a distance of 28.38 feet; thence S 81°45'03" E a distance of 221.15 feet; thence S 81°31'18" E a distance of 287.69 feet, to the point of curvature of a circular curve concave to the Southwest, having a radius of 2,344.47 feet; thence run Southeasterly along said curve to the right, through a central angle of 02°53'42" for an arc distance of 118.47 feet to a point of compound curvature with a circular curve concave to the Southwest, having a radius of 743.39 feet; thence run Southeasterly along said curve to the right, through a central angle of 15°30'06" for an arc distance of 201.13 feet to a point of tangency; thence S 63°07'30" E a distance of 45.00 feet; thence S 56°48'41" E a distance of 108.24 feet, to a point on a circular curve concave to the Southwest, having a radius of 758.63 feet; thence from a radial bearing of S 40°08'03" W, run Southeasterly along said curve to the right, through a central angle of 06°33'20" for an arc distance of 86.80 feet to a point of tangency; thence S 39°55'29" E a distance of 89.02 feet, to the point of curvature a circular curve concave to the Northeast, having a radius of 55.00 feet; thence run Southeasterly along said curve to the left, through a central angle of 67°36'24" for an arc distance of 64.90 feet, to a point of tangency with a line 25.00 feet Northerly of and parallel with said Centerline of Roosevelt Boulevard, said point also being Point "C"; thence S 72°28'07" W, along the previously described line, a distance of 67.49 feet to the POINT OF BEGINNING.

Containing 38,622 square feet of land, more or less.

(CONTINUED ON NEXT SHEET)

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		FLORIDA DEPARTMENT OF TRANSPORTATION	
		SKETCH TO ACCOMPANY LEGAL DESCRIPTION	
		STATE ROAD NO. N/A	MONROE COUNTY
	BY	DATE	PREPARED BY:
	DRAWN	D.HAUSER	12/16/12
	CHECKED	S.BRUCE	12/18/12
REV. SIGN	BY	DATE	DATA SOURCE:
			SEE GENERAL NOTES ON SHEET 1
		F.P. NO. N/A	SECTION 90010
		SHEET 3 OF 8	

## EXHIBIT "A"

**LESS THE FOLLOWING (BRIDGE):**

From the POINT OF BEGINNING at the aforesaid Point "A"; thence N 81°23'47" W a distance of 126.20 feet to Point "B"; thence N 08°32'28" E a distance of 28.38 feet; thence S 81°23'40" E a distance of 126.19 feet; thence S 08°30'25" W a distance of 28.38 feet to the POINT OF BEGINNING.

Containing 3,581 square feet of land, more or less.

**LESS THE FOLLOWING (PARCEL B):**

From the POINT OF BEGINNING at the aforesaid Point "B"; thence N 81°25'14" W a distance of 444.43 feet; thence N 81°26'12" W a distance of 110.23 feet; thence N 84°00'32" W a distance of 23.84 feet; thence N 87°15'51" W a distance of 87.10 feet; thence N 81°54'43" W a distance of 72.71 feet; thence N 81°36'06" W a distance of 271.73 feet; thence N 08°33'37" E a distance of 50.33 feet; thence S 81°26'23" E a distance of 160.29 feet; thence S 08°05'10" W a distance of 11.29 feet; thence S 81°27'28" E a distance of 109.41 feet; thence S 81°24'22" E a distance of 53.02 feet; thence S 81°27'12" E a distance of 641.21 feet; thence S 81°49'49" E a distance of 45.52 feet; thence S 08°32'26" W a distance of 28.38 feet to the POINT OF BEGINNING.

Containing 34,131 square feet of land, more or less.

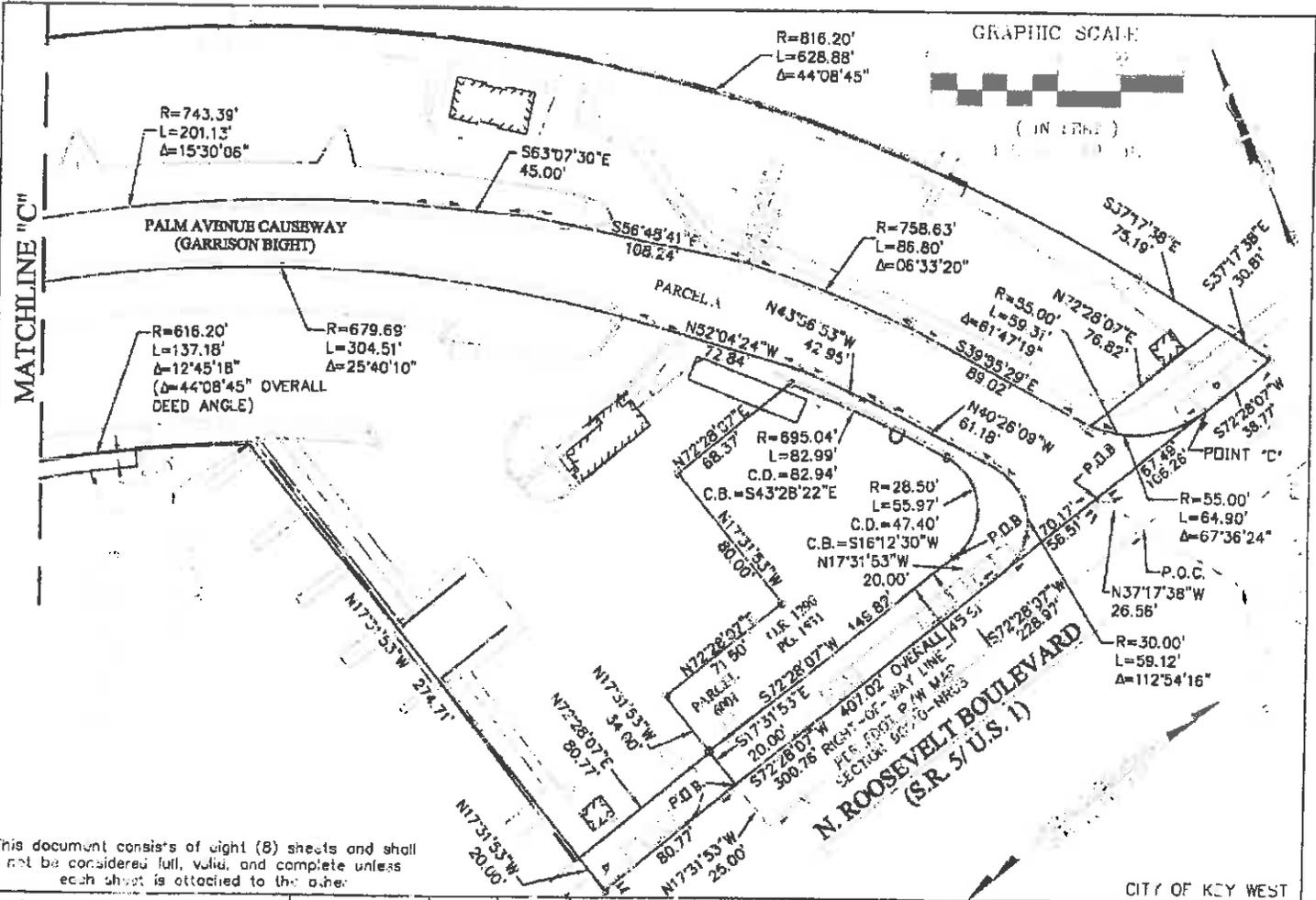
**LESS THE FOLLOWING (29' STRIP):**

From the POINT OF BEGINNING at the aforesaid Point "C", said point being on a circular curve concave to the Northeast, having a radius of 55.00 feet and being tangent to a line 25.00 feet Northerly of, and parallel with said Centerline of Roosevelt Boulevard; thence run Northwesterly along said curve to the right, through a central angle of 61°47'19" for an arc distance of 59.31 feet; thence N 72°28'07" E a distance of 76.82 feet; thence S 37°17'38" E a distance of 30.81 feet, to said line being 25.00 feet Northerly of, and parallel with said Centerline of Roosevelt Boulevard; thence S 72°28'07" W, along the previously said line, a distance of 38.77 feet to the POINT OF BEGINNING.

Containing 1,974 square feet of land, more or less.

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		<b>FLORIDA DEPARTMENT OF TRANSPORTATION</b>	
		<b>SKETCH TO ACCOMPANY LEGAL DESCRIPTION</b>	
		STATE ROAD NO. N/A	MONROE COUNTY
	BY	DATE	PREPARED BY
	DRAWN	D. HAUSER	11/10/12
	CHECKED	S BRUCE	12/18/12
		F. P. NO. N/A	SECTION 80010
			SHEET 4 OF 8



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CITY OF KEY WEST  
MONROE COUNTY

FLORIDA DEPARTMENT OF TRANSPORTATION		STATE ROAD NO. N/A		PREPARED BY: C.S.A. CENTRAL, INC. LB 7938		DATA SOURCE: SEC. GENERAL NOTES ON SHEET 1	
SKETCH TO ACCOMPANY LEGAL DESCRIPTION		BY: J. MUNOZ	DATE: 12/18/12	F.P. NO. N/A		SECTION 90010 SHEET 5 OF 8	
REVISION	BY	DATE	CHECKED: S. BRUCE	DATE: 12/18/12			

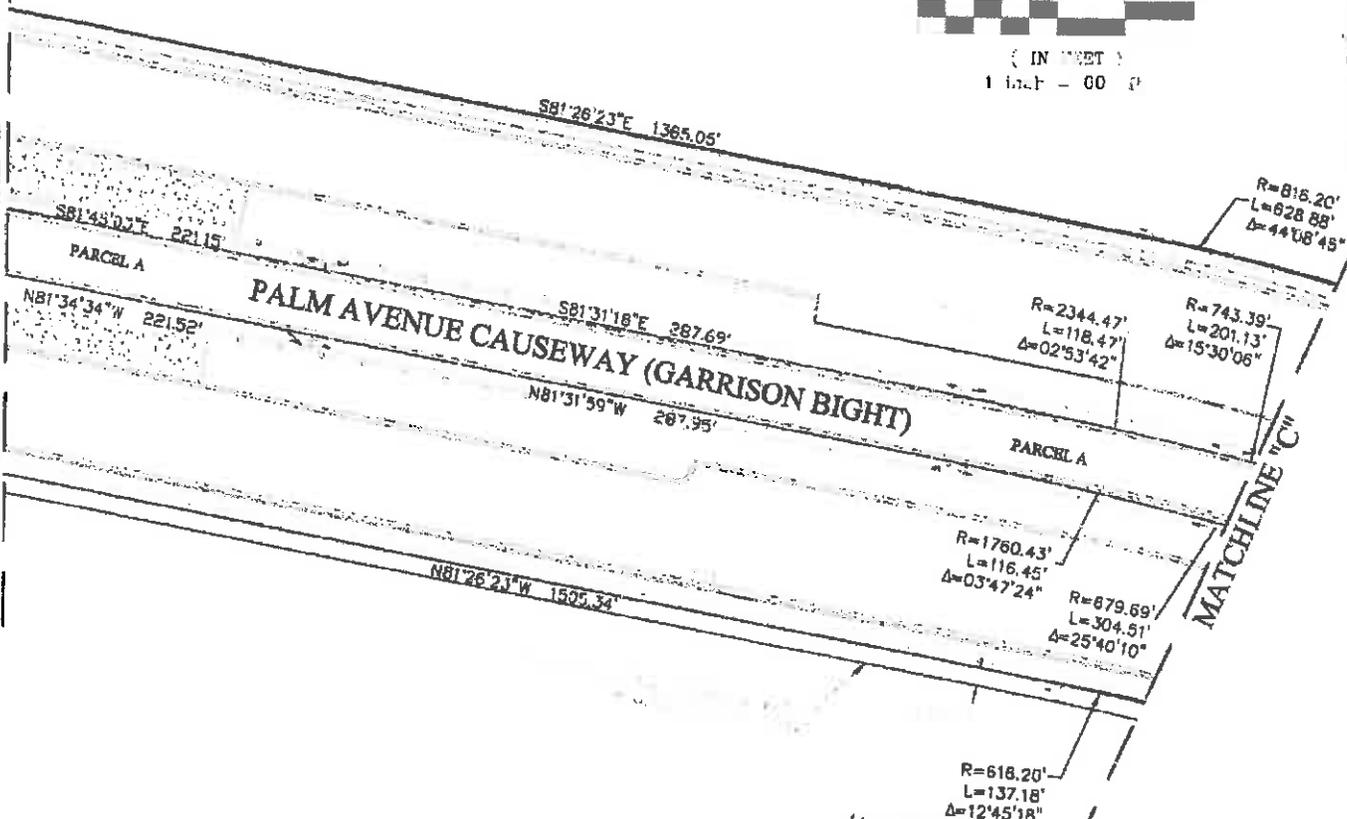
GRAPHIC SCALE



( IN FEET )  
1 IN. = 100 FT.

MATCHLINE "B"

MATCHLINE "C"



This document consists of eight (8) sheets and shall not be considered full, valid, and complete unless each sheet is attached to the other.

CITY OF KEY WEST

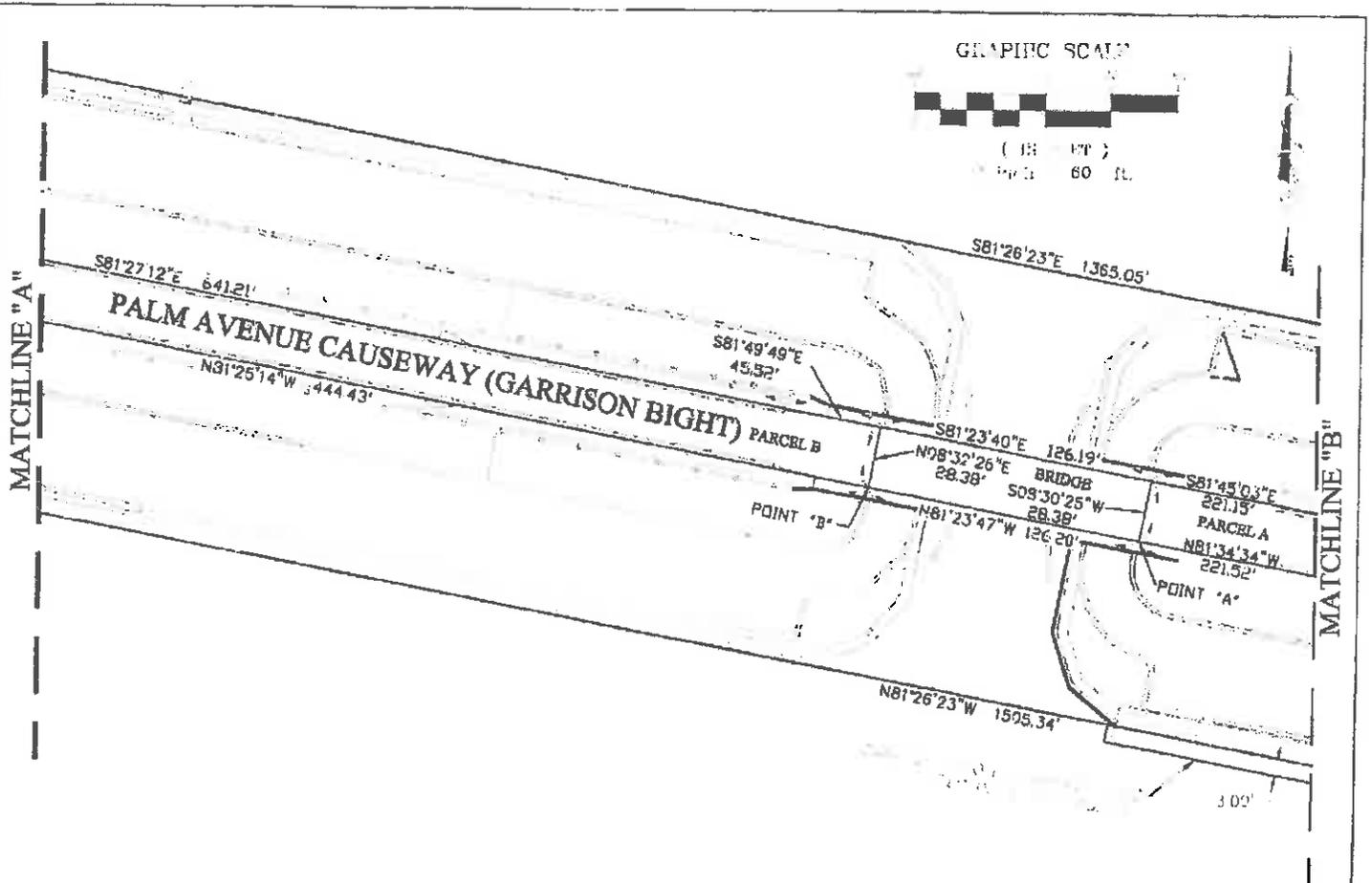
FLORIDA DEPARTMENT OF TRANSPORTATION SKETCH TO ACCOMPANY LEGAL DESCRIPTION				STATE ROAD NO. N/A		MONROE COUNTY		
				BY	DATE	PREPARED BY:	DATA SOURCE:	
				DRAWN	J. JUNG	12/18/12	C. A. CENTRAL, INC. LB 7938	SEC. GENERAL NOTES ON SHEET 1
				CHECKED	S. BAUCE	12/18/12	F.P. NO. N/A	SECTION 90010 SHEET 6 OF 8

GRAPHIC SCALE



( 1" = 60' )

1" = 60 FT.



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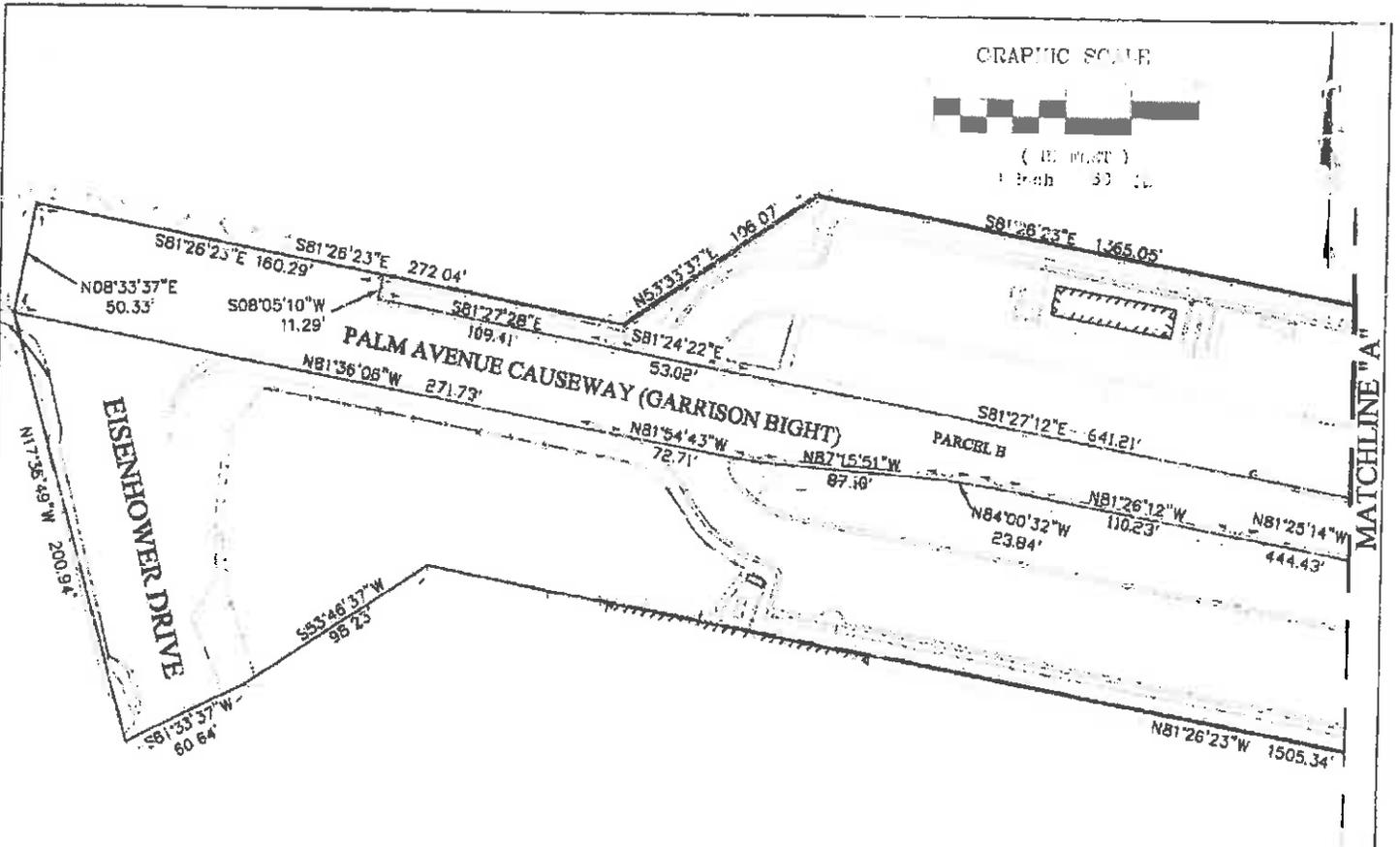
CITY OF KEY WEST

FLORIDA DEPARTMENT OF TRANSPORTATION SKETCH TO ACCOMPANY LEGAL DESCRIPTION				STATE ROAD NO. N/A		MONROE COUNTY	
				BY	DATE	PREPARED BY: J.S.A. CENTRAL, INC. LE 7938	DATA SOURCE: SEE GENERAL NOTES ON SHEET 1
				DRAWN	J.MUNOZ	12/18/12	
	REVISION	BY	DATE	CHECKED	S.BRUCE	12/18/12	F.P. NO. N/A
						SECTION 90010	SHEET 7 OF 8

GRAPHIC SCALE



(1" = 100 FT)  
1 inch = 100 feet



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CITY OF KEY WEST

FLORIDA DEPARTMENT OF TRANSPORTATION SKETCH TO ACCOMPANY LEGAL DESCRIPTION					STATE ROAD NO. N/A	MONROE COUNTY	
					BY	DATE	PREPARED BY: C.S.A. CENTRAL, INC. LB 7938
					DRAWN	J. MUNOZ	12/18/12
					CHECKED	S. BRUCE	12/18/12
	REVISION	BY	DATE		F.P. NO. N/A	SECTION 90010	SHEET 6 OF 8

10 APRIL 1963

RESOLUTION NO. 2218

A RESOLUTION ASSURING THE GRANTING OF A RIGHT-OF-WAY FOR THE PROPOSED IMPROVEMENTS BY THE STATE ROAD DEPARTMENT OF THE STATE OF FLORIDA.

WHEREAS, the Board of County Commissioners of Monroe County, Florida, has requested the State Road Department of the State of Florida to cause the construction of Garrison Bight improvements, including roadway, bridge and parking areas under the County Secondary Road Program for the fiscal year of 1963-64, and

WHEREAS, this Commission considers the action taken by the Board of County Commissioners to be a great advancement towards the economic betterment of this community in providing an additional arterial highway to gain entrance to the downtown business section of the City and to provide the necessary areas to construct a marina, providing parking areas to ease the ever increasing parking congestion on Roosevelt Boulevard, and

WHEREAS, it behooves this Commission at this time to express to the Board of County Commissioners of Monroe County, Florida, and the State Road Department of the State of Florida, its highest endorsement of such project and disclose that the Commission intends to cooperate to the fullest extent, Now, therefore,

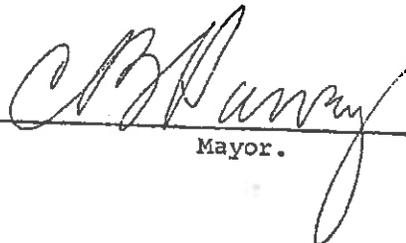
BE IT RESOLVED by the City Commission of The City of Key West, Florida:

That the City Commission of The City of Key West, Florida hereby assures the Board of County Commissioners of Monroe County, Florida, and the State Road Department of the State of Florida that the necessary right-of-way in Garrison Bight will be

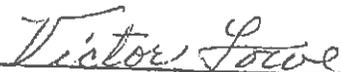
granted to the State Road Department when the requirements of said right-of-way are defined for the Garrison Bight improvements, including roadway, bridge, parking areas, necessary bulkheads and retaining walls, and permits will be issued by the City to do uniform dredging in designated areas in Garrison Bight.

Be it further resolved that the City Clerk is hereby directed to send a copy of this resolution to the Chairman of the Board of County Commissioners, Monroe County, Florida, and to Clarence E. Davidson, District Engineer, Florida State Road Department, Ft. Lauderdale, Florida.

Passed and adopted by the City Commission at a meeting held this 10 day of April, A. D. 1963.

  
\_\_\_\_\_  
Mayor.

Attest:

  
\_\_\_\_\_  
City Clerk.

RESOLUTION NO. 09-167

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, REQUESTING THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) TO CONVEY BY DEED ITS LAND AT THE CITY MARINA AT GARRISON BIGHT TO THE CITY OF KEY WEST; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Key West has the need for public parking, public boat ramps, a public dockmaster facility, and low cost docking for houseboats and smaller boats; and

WHEREAS, the City of Key West uses and continues to require portions of Garrison Bight Causeway to be used for the public purposes of: public parking, a public boat ramp, and associated facilities used for the dockmaster;

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: That FDOT is hereby requested to convey by deed its land located at the City Marina at Garrison Bight to the City of Key West.

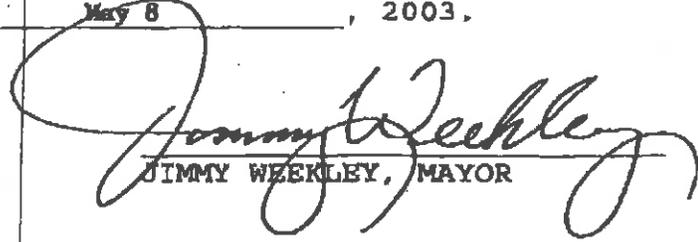
Section 2: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the

signature of the presiding officer and the Clerk of the Commission.

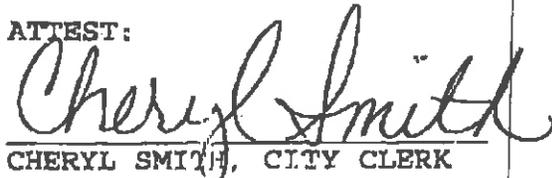
Passed and adopted by the City Commission at a meeting held  
this 6th day of May, 2003.

Authenticated by the presiding officer and Clerk of the  
Commission on May 8, 2003.

Filed with the Clerk May 8, 2003.

  
JIMMY WEEKLEY, MAYOR

ATTEST:

  
CHERYL SMITH, CITY CLERK

RESOLUTION NO. 03-152

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, REQUESTING THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP) TO CONVEY BY DEED ITS LAND AT THE CITY MARINA AT GARRISON BIGHT TO THE CITY OF KEY WEST; PROVIDING FOR AN EFFECTIVE DATE

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

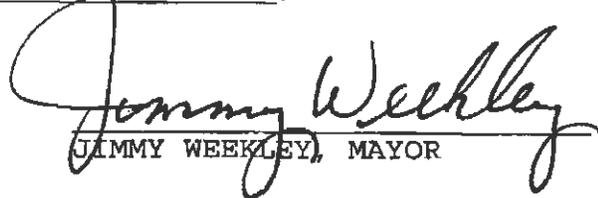
Section 1: That FDEP is hereby requested to convey by deed its land located at the City Marina at Garrison Bight to the City of Key West.

Section 2: 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 6th day of May, 2003.

Authenticated by the presiding officer and Clerk of the Commission on May 7, 2003.

Filed with the Clerk May 7, 2003.

  
JIMMY WEEKLEY, MAYOR

ATTEST:

  
CHERYL SMITH, CITY CLERK

# EXECUTIVE SUMMARY

**To:** Julio Arael, City Manager  
**From:** Annalise Mannix-Lachner, Manager of Engineering Services  
**Date:** April 25, 2003  
**Subject:** Request for Garrison Bight Land Conveyance from the FDEP

---

## PROJECT ISSUE

The Engineering Services Department was tasked with construction of new dock master facility. The City of Key West does not own the land at the Bight, and desires to own a portion of the parking lot adjacent to the new facility. The FDEP owns that section of the land. A Florida Marine Patrol facility was proposed there. Therefore a land conveyance from the FDEP needs to occur. Staff has been directed to acquire the property from the FDEP. A resolution requesting it is needed.

## FINANCIAL ISSUES

The cost of the acquisition is small, only surveying, and transfer fees will be needed. The project is budgeted in the FY 02-03 and future budgets.

## OPTIONS

Acquire the property or let it remain as a lease.

## ADVANTAGE/DISADVANTAGE

The advantage to ownership is we have more long term control of the facility. The disadvantage is that every facet of financial responsibility to infrastructure remains the City's.

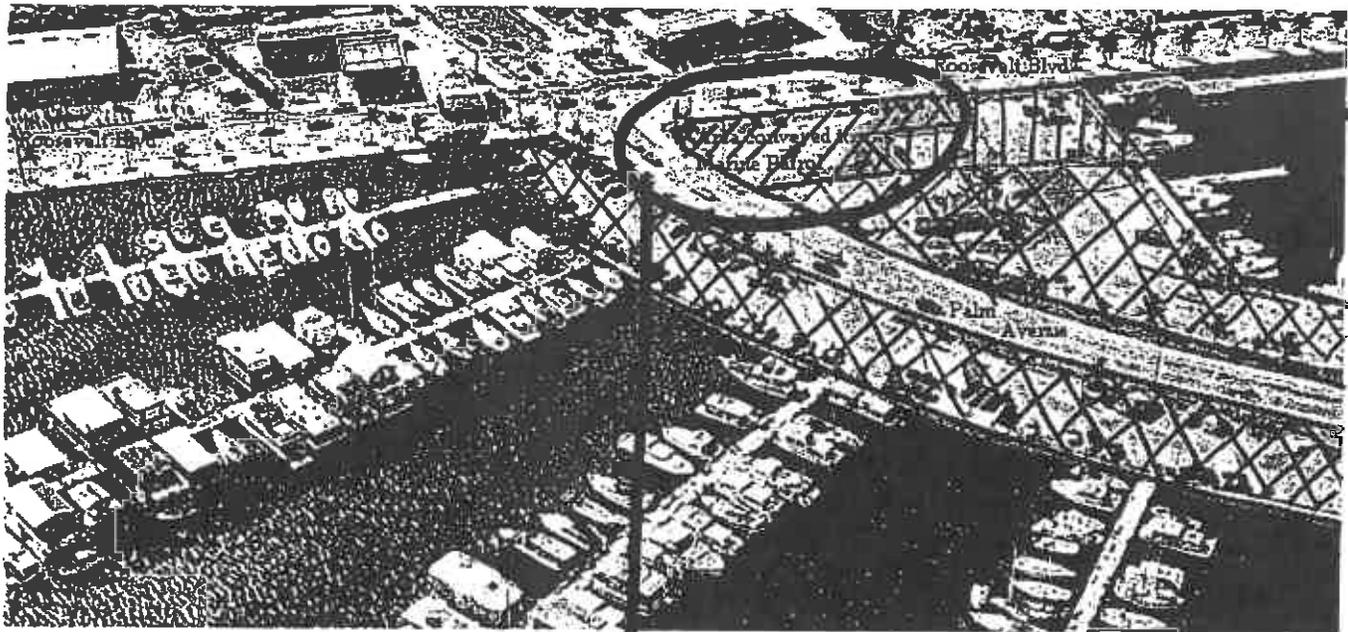
## RECOMMENDATIONS

Ports Dept. recommends approval of the request.

AML/AML



*Engineering Services*  
Providing cost effective professional  
engineering services.



Area outlined in green was previously conveyed to the Florida Marine Patrol in 1994, and is not part of this request. — AREA

TO BE SURVEYED



Area outlined in pink is being requested by the City of Key West. The left side of Palm Avenue is used primarily for affordable dockage for small boats and houseboats. The area to the right of Palm Avenue is used for a public boat ramp, charter boat dockage and the dockmaster's offices. Public parking is also on both sides.

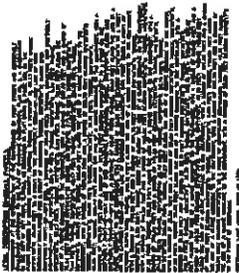
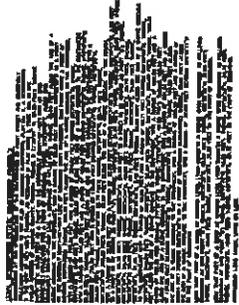


We are considering conveying the property subject to reserving a temporary construction easement for use as a staging area for the upcoming Roosevelt Blvd. project. TCE outlined in orange.

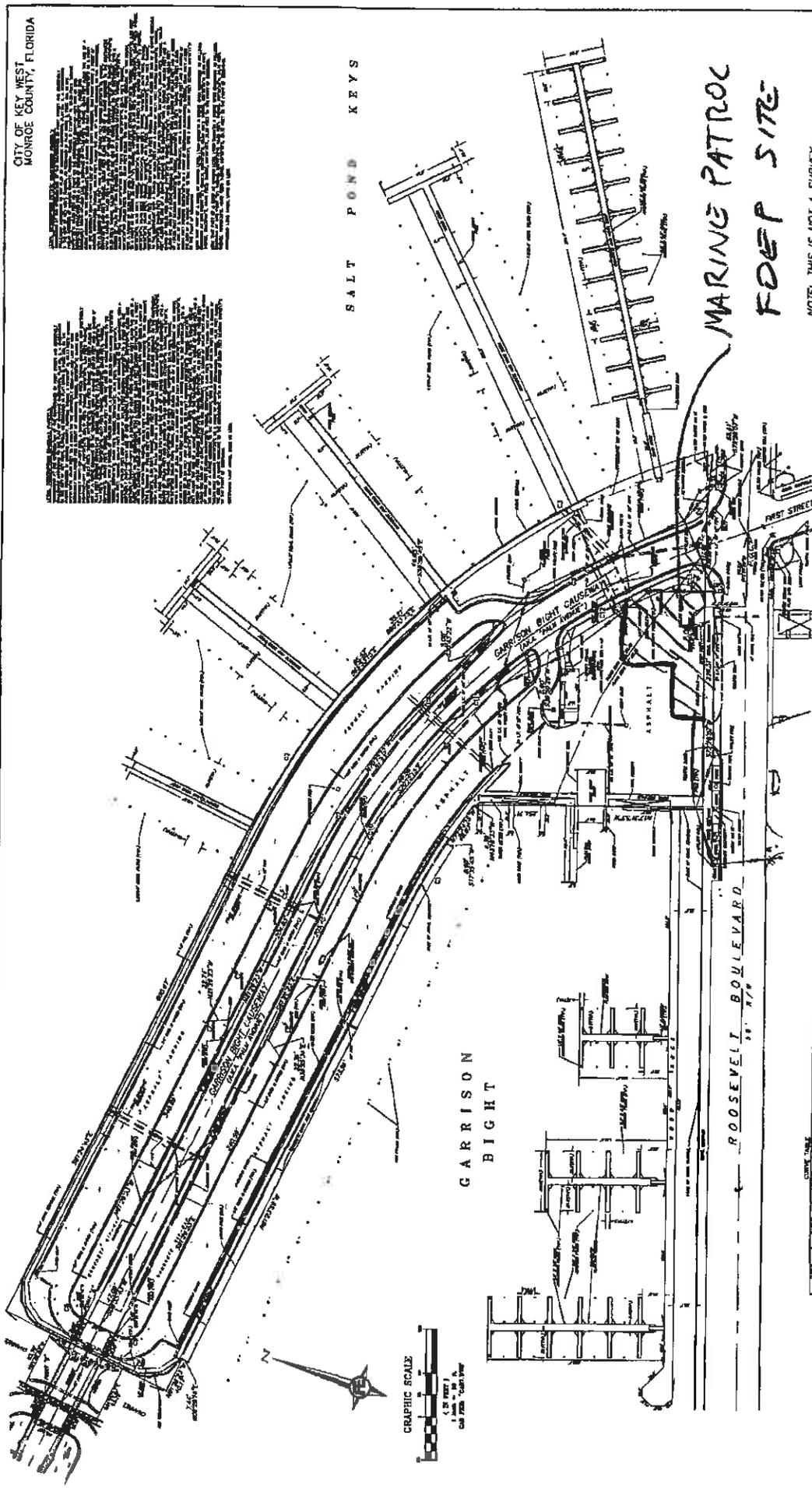


MARINE  
PATROL  
(FDEP)

CITY OF KEY WEST  
MONROE COUNTY, FLORIDA



SALT POND KEYS



MARINE PATROL  
FOEP SITE

NOTE: THIS IS NOT A SURVEY.

<p>DATE: 1/15/79          DRAWN BY: J. B. BERRY          CHECKED BY: J. B. BERRY</p>	
<p>PROJECT: MARINE PATROL          LOCATION: GARRISON BIGHT          SCALE: AS SHOWN</p>	<p>DATE: 1/15/79          DRAWN BY: J. B. BERRY          CHECKED BY: J. B. BERRY</p>
<p>PROJECT NO. 691383          CITY OF KEY WEST</p>	

THIS PLAN IS NOT TO BE USED FOR CONSTRUCTION OF ANY STRUCTURE OR FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN CONSENT OF THE CITY ENGINEER. THE CITY ENGINEER'S OFFICE IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED HEREON.

CONSTRUCTION NOTES:  
 1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF KEY WEST ORDINANCES AND THE FLORIDA STATUTES.  
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.  
 3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.  
 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES AND STRUCTURES TO REMAIN.  
 5. THE CONTRACTOR SHALL MAINTAIN THE EXISTING CURBS AND SIDEWALKS.  
 6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL OF ALL DEBRIS AND EXCESS MATERIAL.  
 7. THE CONTRACTOR SHALL MAINTAIN THE EXISTING DRAINAGE SYSTEM.  
 8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL TREES AND PLANTS TO REMAIN.  
 9. THE CONTRACTOR SHALL MAINTAIN THE EXISTING UTILITIES AND STRUCTURES TO REMAIN.  
 10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES AND STRUCTURES TO REMAIN.



CITY OF KEY WEST  
691383

This instrument prepared by,  
or under the direction of,  
Alicia Trujillo, Esq., \_\_\_\_\_  
District Chief Counsel  
Florida Department of Transportation  
1000 NW 111<sup>th</sup> Avenue, Miami, Florida 33172

Parcel No. : 3892  
Sect/Job No. : 90500-2604  
County : Monroe (Garrison Bight)  
Managing District: Six

### QUITCLAIM DEED

THIS INDENTURE, made this \_\_\_\_ day of \_\_\_\_\_, 2013 by and between the STATE OF FLORIDA by and through the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, Grantor, whose address is 1000 NW 111<sup>th</sup> Avenue, Miami, Florida 33172, to the CITY OF KEY WEST, FLORIDA, whose address is 3140 Flagler Avenue, Key West, Florida 33041-1409, Grantee.

### WITNESSETH

WHEREAS, by Resolution No. 2218, adopted by the City Commission of the City of Key West on April 10, 1963, the Grantee conveyed certain lands for the construction of Garrison Bight Causeway, including roadway, bridge and parking areas under the County Secondary Road Program for the fiscal year of 1963-1964; and

WHEREAS, said construction has been completed by the Grantor, and the Grantee has the need for public parking, public boat ramps, a public dockmaster facility, and low cost docking houseboats and smaller boats; and

WHEREAS, by Resolution No. 03-167, adopted by the City Commission of the City of Key West (Grantee) on May 6, 2003, the Grantee has requested that Grantor reconvey to Grantee portions of the Garrison Bight Causeway as more specifically described in Exhibit A, for the purposes described herein; and

WHEREAS, the Grantor, by action of the District Secretary, District Six Florida Department of Transportation on September 17, 2002 pursuant to the provisions of Section 337.25 Florida Statutes, has agreed to quitclaim the land hereinafter described to the Grantee; and

NOW, THEREFORE, THIS INDENTURE WITNESSETH: That the Grantor, for and in consideration of the sum of \$1.00 and other valuable considerations, receipt and sufficiency being hereby acknowledged, does hereby remise, release and quitclaim unto the Grantee, and its successors and assigns, forever, all the right, title and interest of the Grantor in all that certain land situate in Monroe County, Florida, viz:

See Exhibit "A" attached hereto and made a part hereof

Parcel No. : 3892  
Sect/Job No. : 90500-2604  
County : Monroe (Garrison Bight)  
Managing District: Six

TO HAVE AND TO HOLD, the said premises and the appurtenances thereof unto Grantee.

IN WITNESS WHEREOF, the State of Florida Department of Transportation has caused these presents to be executed in its name by its proper officers thereunto duly authorized, the day and year first above written.

STATE OF FLORIDA DEPARTMENT OF  
TRANSPORTATION

By: \_\_\_\_\_  
Gus Pego, P.E.  
District Secretary

Witness: \_\_\_\_\_  
\_\_\_\_\_  
Name/Title

Attest: \_\_\_\_\_  
Print Name \_\_\_\_\_ Exec. Secretary

Witness: \_\_\_\_\_  
\_\_\_\_\_  
Name/Title

Affix Department Seal

State of Florida  
County of Miami -Dade

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_  
2013, by Gus Pego, District Secretary for District Six, FDOT, who is personally known to me, or  
has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public in and for the County and State  
mentioned above

(Affix Notary Seal)

My Commission Expires \_\_\_\_\_