

ORDINANCE NO. 07-09

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, PURSUANT TO SECTION 7.03 OF THE CITY CHARTER, TO CALL FOR A REFERENDUM FOR THE LEASE OF PROPERTY LOCATED AT THE TRUMAN WATERFRONT AND OWNED BY THE NAVAL PROPERTIES LOCAL REDEVELOPMENT AUTHORITY OF THE CITY OF KEY WEST ("LRA"), SUCH LEASE FOR A DURATION OF 99 YEARS, THEREBY EXCEEDING THE CHARTER LIMIT OF 20 YEARS, FOR A PARCEL TO BE USED FOR A MIXED-INCOME LICENSED ASSISTED LIVING AND INDEPENDENT LIVING FACILITY FOR SENIOR CITIZENS; AUTHORIZING THE CITY CLERK TO TAKE ALL NECESSARY ACTION TO PLACE THIS MEASURE ON THE BALLOT FOR OCTOBER 2, 2007; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Charter Section 7.03 requires referendum for a lease conveyance of LRA-owned property for a term in excess of 20 years; and

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

WHEREAS, in 2002, the United States Navy conveyed to the LRA a property of approximately 33 acres known as the Truman Waterfront; and

WHEREAS, in Resolution Nos. 03-237, 03-409 and 04-204, the City supported the concept of utilizing a parcel of approximately four acres for an assisted living facility; and

WHEREAS, a licensed assisted living facility is defined in Florida Statutes Section 429.02; and

WHEREAS, the citizens urging the development of this assisted living facility desire that it have an independent living component, and that all occupants of the facility, whether or not in need of assisted care, be senior citizens and not be limited by income level; and

WHEREAS, the present location and dimensions of the parcel for the assisted living and independent living facility are represented by a metes and bounds survey, attached hereto, for public reference; and

WHEREAS, the LRA anticipates issuing either a Request for Proposals or a Request for Qualifications to obtain a developer and/or operator for the assisted living and independent living facility; and

WHEREAS, the Key West City Commission and the LRA wish to facilitate the development of the proposed facility by assuring the opportunity of offering a long-term lease - 99 years - at the Truman Waterfront, recognizing that given the costs of operation and the

difficulty in obtaining lending packages for a 20-year land lease, the existence of a long-term lease opportunity will invite developers/operators to bid; and

WHEREAS, the City Commission and LRA recognize that a 99-year lease opportunity will provide the LRA with flexibility in bidding and lease negotiations; and

WHEREAS, the City Commission and LRA understand that referendum approval may be followed by the consideration and approval of a particular lease;

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

Section 1: That a referendum for the anticipated lease of certain real property owned by the Naval Properties Local Redevelopment Authority and located at the Truman Waterfront shall be held on October 2, 2007.

Section 2: That the question appearing on the ballot shall be titled: "Referendum - Authorization to Lease Real Property for 99 Years for Senior Citizens Living Facility."

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

"To encourage housing for senior citizens, shall the Naval Properties Local Redevelopment Authority of the City of Key West be authorized to lease real property of approximately four acres at the Truman Waterfront, to a qualified operator or management company that has not yet been selected, for a period of 99 years for exclusive use as a mixed-income senior citizens assisted living and independent living facility?"

_____ 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 October 2, 2007, 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.

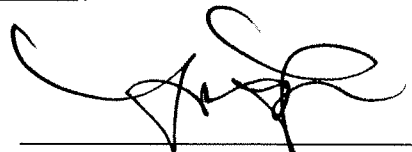
Section 7: This Ordinance shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the commission.

Read and passed on first reading at a regular meeting held this 19 day of June 2007.

Read and passed on final reading at a regular meeting held this 3 day of July 2007.

Authenticated by the presiding officer and Clerk of the Commission on 5 day of July, 2007.

Filed with the Clerk July 5, 2007.



MORGAN MCPHERSON, MAYOR

ATTEST:



CHERYL SMITH, CITY CLERK

