

ORDINANCE NO. 19-02

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 PURCHASE THE REAL PROPERTY LOCATED AT 3420 NORTHSIDE DRIVE, KEY WEST, FLORIDA AND COMMONLY REFERRED TO AS THE CITIZEN'S BUILDING FROM COOKE COMMUNICATIONS,LLC, FOR USE BY THE COMMUNITY SERVICES DEPARTMENT OF THE CITY OF KEY WEST OR OTHER CITY OF KEY WEST DEPARTMENTS; AUTHORIZING THE CITY CLERK TO TAKE ALL NECESSARY ACTION TO PLACE THIS MEASURE ON A SPECIAL BALLOT FOR APRIL 16, 2019; ~~AUTHORIZING THE CITY TO BORROW FUNDS TO BE UTILIZED FOR THE ACQUISITION;~~ PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Commission has determined that there is a long-standing shortage of City property suitable to house the Community Services Department staff and equipment available in the City of Key West; and

WHEREAS, the City has undertaken an evaluation of the feasibility of utilizing the property located at 3420 Northside Drive for said purpose; and

WHEREAS, the City has previously received estimates to construct a new Community Services building on current City property which exceed the sum of \$29,000,000.00; and

WHEREAS, the current purchase and sale contract specifies a purchase price of \$4,950,000.00; and

WHEREAS, Charter Section 1.08 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 City anticipates having additional information regarding costs, financing and related issues available prior to the April 16, 2019 election to allow voters to make an educated decision; 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 purchase 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 if needed to borrow or replenish sufficient funds to acquire the property or to re-finance the property in the event City funds are used for same;~~ and

WHEREAS, the City Commission desires that the proposed referendum appear on a special election ballot on April 16, 2019;

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

Section 1: That a referendum for the purchase of real property commonly known as the Citizen's Building, located at 3420 Northside Drive shall be held on April 16, 2019.

Section 2: That the question appearing on the ballot shall be titled: "Referendum - Authorization to ~~borrow funds and~~ purchase the Citizen's Building for use for City purposes".

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

"Should the city acquire for its use the property located at 3420 Northside Drive, commonly referred to as the Citizen's Building, for an amount not to exceed \$4,950,000.00 exclusive of closing costs ~~and be authorized to borrow funds for the purchase of the~~ property?"

_____ 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 a ballot scheduled for April 16, 2019, 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.

*(Coding: Added language at first reading is underlined; deleted language is ~~struck through~~.)

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.

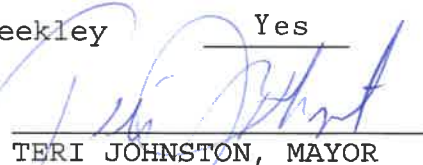
Read and passed on first reading at a regular meeting held this 4th day of December, 2018.

Read and passed on final reading at a regular meeting held this 2nd day of January, 2019.

Authenticated by the presiding officer and Clerk of the Commission on 3rd day of January, 2019.

Filed with the Clerk January 3, 2019.

Mayor Teri Johnston	<u>Yes</u>
Commissioner Sam Kaufman	<u>Yes</u>
Commissioner Clayton Lopez	<u>Yes</u>
Commissioner Gregory Davila	<u>Yes</u>
Commissioner Mary Lou Hoover	<u>Absent</u>
Commissioner Billy Wardlow	<u>Yes</u>
Commissioner Jimmy Weekley	<u>Yes</u>


TERI JOHNSTON, MAYOR

ATTEST:


CHERYL SMITH, CITY CLERK