

ORDINANCE NO. \_\_\_\_\_

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 \_\_\_\_\_ day of \_\_\_\_\_, 2014.

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

Authenticated by the presiding officer and Clerk of the  
Commission on \_\_\_\_\_ day of \_\_\_\_\_, 2014.

Filed with the Clerk \_\_\_\_\_, 2014.

Mayor Craig Cates	_____
Vice Mayor Mark Rossi	_____
Commissioner Teri Johnston	_____
Commissioner Clayton Lopez	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____
Commissioner Tony Yaniz	_____

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

ATTEST:

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