

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

AN ORDINANCE GRANTING AN AMENDMENT TO SECTION 9, AND ADDING A RELATED EXHIBIT A-1 TO THE FRANCHISE AGREEMENT BETWEEN THE CITY AND CITYVIEW TROLLEY TOURS OF KEY WEST INC. TO AMEND THE TYPE OF SIGHTSEEING VEHICLE(S) PERMITTED BY THE FRANCHISE AGREEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, in Ordinance No. 10-01 the City Commission approved a franchise agreement between the City and Cityview Trolley Tours of Key West Inc.; and

WHEREAS, the owner of Cityview Trolley Tours has requested an amendment to the franchise agreement, to allow an additional type of sightseeing vehicle to be used for sightseeing/shuttle operations.

WHEREAS, Key West City Charter section 7.01(4) requires that the grant of a franchise must be done by ordinance; and

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

Section 1. That "Section 9." of the Franchise Agreement contained in Ordinance No. 10-01 is hereby amended as follows\*:

Section 9. CONSIDERATION FOR GRANT AND AUTHORIZED NUMBER OF VEHICLES

\* \* \* \* \*

True and accurate color photographs of the vehicles authorized to be used in the operation are attached hereto as Exhibit "A" and "A-1".

\* \* \* \* \*

Section 2. That Franchisee shall execute a First Amendment to Franchise Agreement that recognizes this addition.

Section 3. Except as specifically provided herein, this amendment to franchise ordinance No. 10-01 is not intended to waive any requirement of the franchise ordinance, the Key West City Code of Ordinances or City Charter.

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\*(Coding: Added language is underlined; deleted language is ~~struck through~~.)

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 the Franchise Agreement.

Section 4: 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 meeting held this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

Read and passed on final reading at a meeting held this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

Authenticated by the presiding officer and Clerk of the Commission on \_\_\_\_\_ day of \_\_\_\_\_, 2013.

Filed with the Clerk \_\_\_\_\_, 2013.

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

Attest:

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CHERYL SMITH, CITY CLERK