

RESOLUTION NO. 19-295

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED "KEYS OVERNIGHT TEMPORARY SHELTER (KOTS) AND ESSENTIAL GOVERNMENTAL EMPLOYEE HOUSING INTERLOCAL AGREEMENT" BETWEEN MONROE COUNTY AND THE CITY OF KEY WEST, FLORIDA; PROVIDING THAT DOCUMENTS FOR THE FORMAL TRANSFER OF PROPERTY WILL BE BROUGHT TO THE COMMISSION FOR FINAL APPROVAL; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Key West ("City") and Monroe County ("County") intend to enter into the attached interlocal agreement to allow the City to acquire a permanent site for the construction of a new Keys Overnight Temporary Shelter (KOTS), and in exchange for the County's acquisition of land for the construction of essential governmental employee housing; and

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

Section 1: That the attached "Keys Overnight Temporary Shelter (KOTS) and Essential Governmental Employee Housing Interlocal Agreement" between Monroe County and the City of Key West is hereby approved.

Section 2: That documents to effect the formal transfer of property between the City and the County will be brought before the City Commission for final review/approval.

Section 3: 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 17th day of September, 2019.

Authenticated by the Presiding Officer and Clerk of the Commission on 17th day of September, 2019.

Filed with the Clerk on September 18, 2019.

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



SAM, KAUFMAN, VICE MAYOR

ATTEST:



CHERYL SMITH, CITY CLERK

OFFICE OF THE CITY ATTORNEY



PHONE: (305) 809-3770
FAX: (305) 809-3771

THE CITY OF KEY WEST

POST OFFICE BOX 1409
KEY WEST, FL 33041-1409
WWW.KEYWESTCITY.COM

EXECUTIVE SUMMARY

To: The City Commission for the City of Key West

From: James K. Scholl, City Manager

By: George B. Wallace, Assistant City Attorney

Date: August 30, 2019

RE: Proposed Interlocal Agreement between Monroe County and the City of Key West providing a long-term solution to the location of the current KOTS facility and providing the County with City Owned property for the construction of affordable housing designed to meet the needs of the Monroe County Sheriff's Department's employees and other first responder personnel.

Action statement:

Approve an Interlocal Agreement providing a long-term solution to the KOTS facility in exchange for deeding current City property to Monroe County for the construction of affordable housing for the Monroe County Sheriff's Department.

Background

Since 2004 the County has provided the City with land for the operation of KOTS which is located adjacent to, or constituting a portion of, the County property on which the Sheriff's Office is located. In 2017 The County voted to require the City to vacate the current premises no later than September 27, 2019. The County's request was stimulated by the Monroe County Sheriff's desire to utilize the property for potential affordable

housing needs of the Sheriff's employees. After extensive meetings between representatives on the County Commission, City Commission, City County and Sheriff's department management teams, the legal departments of all of the agencies as well as other interested parties the proposed Interlocal Agreement is being presented to provide a long- term solution to location of an overnight shelter facility for the homeless as well as a location for affordable housing for the Sheriff's Office employees.

If approved the following would occur:

1. The City will deed the property located at 250 Trumbo Road to the County subject to a Restrictive Covenant requiring the property be used for affordable housing pursuant to the City's Affordable Housing ordinances. The deed will contain a reverter clause returning the property to the City should the County cease the use of the property for Affordable Housing. The pending zoning modification for the property will allow up to 40 units be placed on the property subject to design limitations.
2. The City will acquire the use of an expanded area of the County property for 99 years or until the City can legally acquire the property by referendum or Charter amendment in the future. Any future conveyance of the property to the City would also contain a reverter clause should the City cease operation of a homeless shelter on the site. The City would be allowed to convert the use of the property for affordable housing without triggering the reverter clause. A "NEW KOTS" facility will be constructed by the City as soon as funding is available which will be located deeper into the property in order to lesson the impact of NEW KOTS on neighboring properties. Both parties will seek clarification or modification of Section 380.0666 Florida Statutes clarifying that Land Authority funds could be a source of needed funding should the respective governing bodies of the City and County desire to use that approach.
3. There are various other detailed descriptions of the operation of NEW KOTS and other negotiated terms in the agreement.

Funding considerations:

The cost to the City of approving the agreement is the nominal cost of recording proper documents estimated to be less than \$100.00.

Recommendation:

To approve the Interlocal Agreement as presented and execute, deliver and record as necessary property conveyance and restrictive document.
