

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 ACQUIRE THOSE PORTIONS OF REAL PROPERTY LOCATED AT 101 GERALDINE STREET, 100 ANGELA STREET AND 709 FORT STREET, MORE PARTICULARLY DESCRIBED AS PARCEL IDENTIFICATION NUMBERS 13950, 13960, 13970 AND WHICH CURRENTLY CONTAIN 3 EXISTING BUILDINGS, FROM THE UTILITY BOARD OF THE CITY OF KEY WEST, COMMONLY REFERRED TO AS KEYS ENERGY SERVICES, FOR USE BY THE CITY OF KEY WEST FOR FUNCTIONS CONSISTENT WITH CITY OPERATIONS, FOR NO MONETARY REMUNERATION; AUTHORIZING THE CITY CLERK TO TAKE ALL NECESSARY ACTION TO PLACE THIS MEASURE ON THE BALLOT FOR NOVEMBER 8, 2016; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS The Utility Board of the City of Key West, operating as Key Energy Services (KES), desires to transfer real property to the City of Key West; 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 deadline to have items to the Supervisor of Elections is the end of August 2016 in order to allow City voters the opportunity to express their opinion in the November election; and

WHEREAS, the City has reviewed preliminary information related to the property; and

WHEREAS, the City Commission will gain additional citizen input prior to a final vote on a contract to accept the property from KES; 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 receive authorization from the electorate to acquire the real property at no cost if the Commission determines it is in the best interests of the citizens of Key West to do so; and

WHEREAS, the City Commission desires that the proposed referendum appear on the regularly scheduled election ballot of November 8, 2016;

NOW THEREFORE:

Section 1: That a referendum for the acquisition of real property located at 101 Geraldine Street, 100 Angela Street and 709 Fort Street, more particularly described as parcel identification numbers 13950, 13960, 13970 shall be held on November 8, 2016.

Section 2: That the question appearing on the ballot shall be titled: "Referendum - Authorization to acquire real property from Key Energy Services at no cost."

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

"Should the City of Key West be permitted to acquire the real property located at 101 Geraldine Street, 100 Angela Street and 709 Fort Street, formerly used as a power generation facility, from the Utility Board of the City of Key West (a/k/a Keys Energy Services) at no cost?"

_____ 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 8, 2016, 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 _____, 2016.

Read and passed on final reading at a regular meeting held this _____ day of _____, 2016.

Authenticated by the presiding officer and Clerk of the Commission on _____ day of _____, 2016.

Filed with the Clerk _____, 2016.

Mayor Craig Cates	_____
Commissioner Sam Kaufman	_____
Commissioner Clayton Lopez	_____
Commissioner Richard Payne	_____
Commissioner Margaret Romero	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____

CRAIG CATES, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK