

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, URGING THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS TO SEEK AN OPINION FROM THE FLORIDA ATTORNEY GENERAL REGARDING THE PERMISSIBLE USE OF HIGH TOURISM IMPACT TAX REVENUES FOR HISTORIC TRUMAN WATERFRONT AND THE CONTINUED VALIDITY OF THE COUNTY ORDINANCE AUTHORIZING SUCH TAX; PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, the City Commission of the City of Key West in its capacity as the Naval Properties Local Redevelopment Authority, unanimously approved the award of Request for Proposal #08-011 for the Truman Waterfront to Meisel & Spottswood Marina Management Company, LLC ("MSM") via Resolution 09-249 on September 15, 2009; and

WHEREAS, MSM's proposes a number of improvements at the Truman Waterfront property, including: an amphitheater and associated grounds for concerts, festivals, sporting tournaments, and other tourist-related activities; remodeling, repair, and improvement of an existing 14,000 square foot multi-purpose building to be utilized as a naval and maritime museum and exhibition hall; development of a zoological park and nature center, including facilities of the acclaimed Turtle Hospital; construction of a fishing pier; improvement and construction of beach park facilities and beach areas, including connections between the facilities on the subject property and the existing public beach

facilities located at Fort Zachary Taylor; restoration and repair of the shoreline along the project property, including the repair of the existing seawall and construction of a new wave attenuation wall; and construction of a world class waterfront sports stadium featuring marina and spectator facilities positioned to attract and support competitive racers from around the world as they compete in Monroe County's world-renowned powerboat and sailboat races as well as tournament fishing vessels (collectively the "Project"); and

WHEREAS, it is expected that a pledge of high tourism impact tax revenues will be requested to support the Project; and

WHEREAS, in order to definitively determine whether such revenues may be used for the Project, it is advisable to seek a legal opinion from the Florida Attorney General; and

WHEREAS, a determination of the legally permissible use of such revenues will provide the City of Key West and Monroe County with a better understanding of the viability of the Project and the feasibility of the MSM proposal; and

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

Section 1: That the City respectfully urges the Monroe County Board of County Commissioners to seek an opinion from the Florida Attorney General regarding whether Monroe County may utilize High

Tourism Impact Tax Revenues for the construction, operation, maintenance and repair of the facilities comprising the Historic Truman Waterfront Project.

Section 2: That the City respectfully urges the Monroe County Board of County Commissioners to seek an opinion from the Florida Attorney General regarding whether the Board of County Commissioners of Monroe County is authorized to amend the County's High Tourism Impact Tax Ordinance to make clear that such ordinance will not automatically expire upon retirement of any bonds issued by the County to finance the construction, operation, maintenance and repair of the facilities comprising the Historic Truman Waterfront Project

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 \_\_\_\_\_ day of \_\_\_\_\_, 2010.

Authenticated by the presiding officer and Clerk of the Commission on \_\_\_\_\_, 2010.

Filed with the Clerk \_\_\_\_\_, 2010.

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

ATTEST:

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