

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 PURCHASE THAT PORTION OF THE REAL PROPERTY LOCATED AT 541 WHITE STREET, COMMONLY REFERRED TO AS PEARY COURT, AND WHICH CURRENTLY CONTAINS 157 EXISTING DWELLING UNITS, FROM PEARY COURT HOLDINGS, L.P., FOR USE AS WORKFORCE HOUSING, WITH THE CONDITION THAT THE SELLER EXECUTE A DEED RESTRICTION WHICH RESTRICTS THE USE OF THE REMAINING REAL PROPERTY OF PEARY COURT TO WORKFORCE HOUSING IN PERPETUITY; AUTHORIZING THE CITY CLERK TO TAKE ALL NECESSARY ACTION TO PLACE THIS MEASURE ON THE BALLOT FOR MARCH 15, 2016; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Commission has determined that there exists a shortage of workforce housing available in the City of Key West; and

WHEREAS, the City has undertaken an evaluation of the feasibility of utilizing the existing 157 dwelling units at Peary Court for workforce housing; and

WHEREAS, the City has investigated a mechanism to finance the purchase of Peary Court without the necessity of utilizing ad valorem taxation; 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 mid-December of 2015 in order to allow City voters the opportunity to express their opinion in the March election on purchasing Peary Court for use as affordable workforce housing; and

WHEREAS, the City anticipates having additional information regarding costs, financing and related issues available prior to the March 15, 2016 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 purchase Peary Court; 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 purchase 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 March 15, 2016;

Section 1: That a referendum for the purchase of real property commonly known as Peary Court, located at 541 White Street shall be held on March 15, 2016.

Section 2: That the question appearing on the ballot shall be titled: "Referendum - Authorization to purchase Peary Court for use as workforce housing."

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

"Should the city acquire for workforce housing that portion of the real property located at 541 White Street, commonly referred to as Peary Court, and which currently contains 157 existing dwelling units, for a price not to exceed \$55,000,000.00, with the condition that the seller execute a deed restriction which restricts the use of the remaining real property at Peary Court to workforce housing in perpetuity?"

\_\_\_\_\_ 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 March 15, 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 \_\_\_\_\_, 2015.

Read and passed on final reading at a regular meeting held  
this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Authenticated by the presiding officer and Clerk of the  
Commission on \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Filed with the Clerk \_\_\_\_\_, 2015.

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