

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

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, REQUESTING THE U.S. CONGRESSIONAL DELEGATION FOR THE CITY OF KEY WEST TO INTERCEDE ON BEHALF OF THE CITY OF KEY WEST TO REGAIN FULL USE OF PROPERTIES TAKEN IN TRUMAN HARBOR; AUTHORIZING THE CITY CLERK TO PROVIDE CERTIFIED COPIES OF THIS RESOLUTION TO SENATORS BILL NELSON, MARCO RUBIO AND CONGRESSMAN CARLOS CURBELO; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS in 1995, the United States Navy proceeding under the provisions of the Base Realignment and Closure Act of 1990 (BRAC) began the process of transferring a 50-acre tract of waterfront property no longer deemed needed by the Navy to the City of Key West; and

WHEREAS, in 2002, the United States Navy, acting on behalf of the United States, deeded 32.31 acres known as the Truman Waterfront to the City of Key West, then acting as the legislative body called the Naval Properties Land Redevelopment Agency (LRA); and

WHEREAS, said property consisted of upland and waterfront property lying adjacent to Key West's Main Shipping Channel, which provides access between Key West Harbor and the Atlantic Ocean; and

WHEREAS, the City was also deeded in this same conveyance, recorded in the Public Records of Monroe County, December 3, 2002, valuable waterfront property located within Truman Harbor, the subject of this Resolution, consisting of the 711 foot long East Quay located immediately inside the harbor, together with an adjoining 900 foot long by 300 foot wide area called the Truman Harbor Area Development

Zone (a drawing of same is attached to this Resolution as Exhibit A);  
and

WHEREAS, in order to obtain the property, the City submitted an Economic Development Conveyance Application required by the BRAC process, showing that it intended to construct in the said Development Zone a large Marina with 30 slips for mega-yachts and 100 commercial slips for other vessels, which would generate revenue to support public facilities throughout the property; and

WHEREAS, the Economic Development Conveyance Application was approved by the United States Navy under the Base Realignment and Closure Act, a requirement to show that the City would be putting the properties to be transferred to beneficial use and thereby creating a positive economic impact; and

WHEREAS, the Economic Development Conveyance Application estimated the annual expenses associated with maintenance of the Truman Waterfront Recreational Park to be \$1.3 million dollars; and

WHEREAS, the Park as originally proposed would consist of a 24,300 square foot Community Recreation Center with Indoor Gym and industrial size kitchen and classrooms, a restaurant and museum, a 500 fixed-seat amphitheater with a 15,000 square foot yard, police horse stables, two children's playground facilities with an interactive water feature, a multi-use sports field and extensive recreational exercise pathways and public gardens, sidewalks with designated bicycle lanes, small shops selling Bahamian and Cuban goods and work

from local artisans and craftsmen and artists, extensive parking for automobiles and public restrooms; and

WHEREAS, the City of Key West and the United States Navy entered into a Memorandum of Understanding and Memorandum of Agreement wherein the United States Navy on Behalf of the United States, expressly recognized the City of Key West's need for access to and use of its Truman Harbor properties; and

WHEREAS, the parties mutually agreed to work together with regard to the joint use of Truman Harbor, and it was agreed that the City and the Navy would determine which portions of Truman Harbor would be made restricted areas under regulation 33 CRF Part 334; and

WHEREAS, in 2013, the United States Navy unilaterally and without consultation with its joint use partner in Truman Harbor declared Truman Harbor to be a restricted area under 33 CRR Part 334, off-limits to all but government-owned vessels. This unilateral action took away from the City of Key West the valuable properties in Truman Harbor which had been conveyed to it in 2002 under the Base Realignment and Closure Act of 1990, and thereby denied the City access and use of its East Quay and right to construct a marina in the Truman Harbor Area Development Zone; and

WHEREAS, said denial of access and use to its Truman Harbor properties by application of regulation 33 CFR 334 was not for reason of national security or as an anti-terrorism measure. In effect the action constitutes a violation of Amendment V of the United States

Constitution, which prohibits the government from taking private property without just compensation; and

WHEREAS, said wrongful action removes from the City the major economic engine of a marina, which was planned for the Development Zone. The unilateral action has the adverse financial effect of shifting the annual burden of payment of the expenses for said Truman Waterfront Recreational Park from marina and commercial users to the ad valorem taxpayers of the City Of Key West, who will be called upon to pay for the annual expenses of the park. Any remaining income from small shop owners and office rentals will be woefully inadequate to pay the estimated \$1.3 million dollar operating expense; and

WHEREAS, the City is presently interested in the possibility of using its property at the Truman Waterfront to establish ferry boat operations to Cuba, in the event the opportunity presents itself. The City has at this location a 14,200 square foot building which can be converted into a terminal building and U.S. Customs screening facility, surrounded by 31 acres of land which can be used for parking of ferry passenger vehicles; and

WHEREAS, the development of a marina, as originally contemplated, remains a possible future beneficial use of the City's Truman Harbor property; and

WHEREAS, without access to the City's East Quay and the connected Development Zone, the City of Key West is not in a position to contract for use of its properties and facilities and cannot construct in its

harbor, which could provide its citizens with jobs and prosperity for generations to come.

WHEREAS, use and access to the waterfront portion of the Truman Waterfront property is essential to insure the welfare and prosperity of the citizens and visitors of the City of Key West;

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

Section 1: That the Key West City Commission requests the United States Congress, and specifically the Florida delegation, consisting of Florida Senators Bill Nelson and Marco Rubio, and U.S. Representative Carlos Curbelo, to take immediate action to intercede on behalf of the City of Key West to regain full access to and use thereof to its Truman Harbor Properties, including the East Quay and the Truman Harbor Area Development Zone by

a) Direct the Army Corps of Engineers to immediately amend Regulation 33 CFR 334 to remove Truman Harbor from being a restricted area; or in the alternative

b) Direct the U.S. Navy to designate a limited restricted area, along a 700 Square foot long area along the inner mole, which would allow the berthing of Navy vessels, but allow the City of Key West open and unrestricted use of the rest of Truman Harbor.

Section 2: The Key West City Commission urges Congress to develop reasonable methods to ensure ongoing national security without

imposing unreasonable limits on the previously approved development of the Truman Waterfront Area by the City of Key West.

Section 3: That the City Clerk is hereby authorized to transmit certified copies of this Resolution to U.S. Senators Marco Rubio and Bill Nelson and to U.S. Representative Carlos Curbelo.

Section 4: 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 \_\_\_\_\_, 2016.

Authenticated by the Presiding Officer and Clerk of the Commission on \_\_\_\_\_ day of \_\_\_\_\_, 2016.

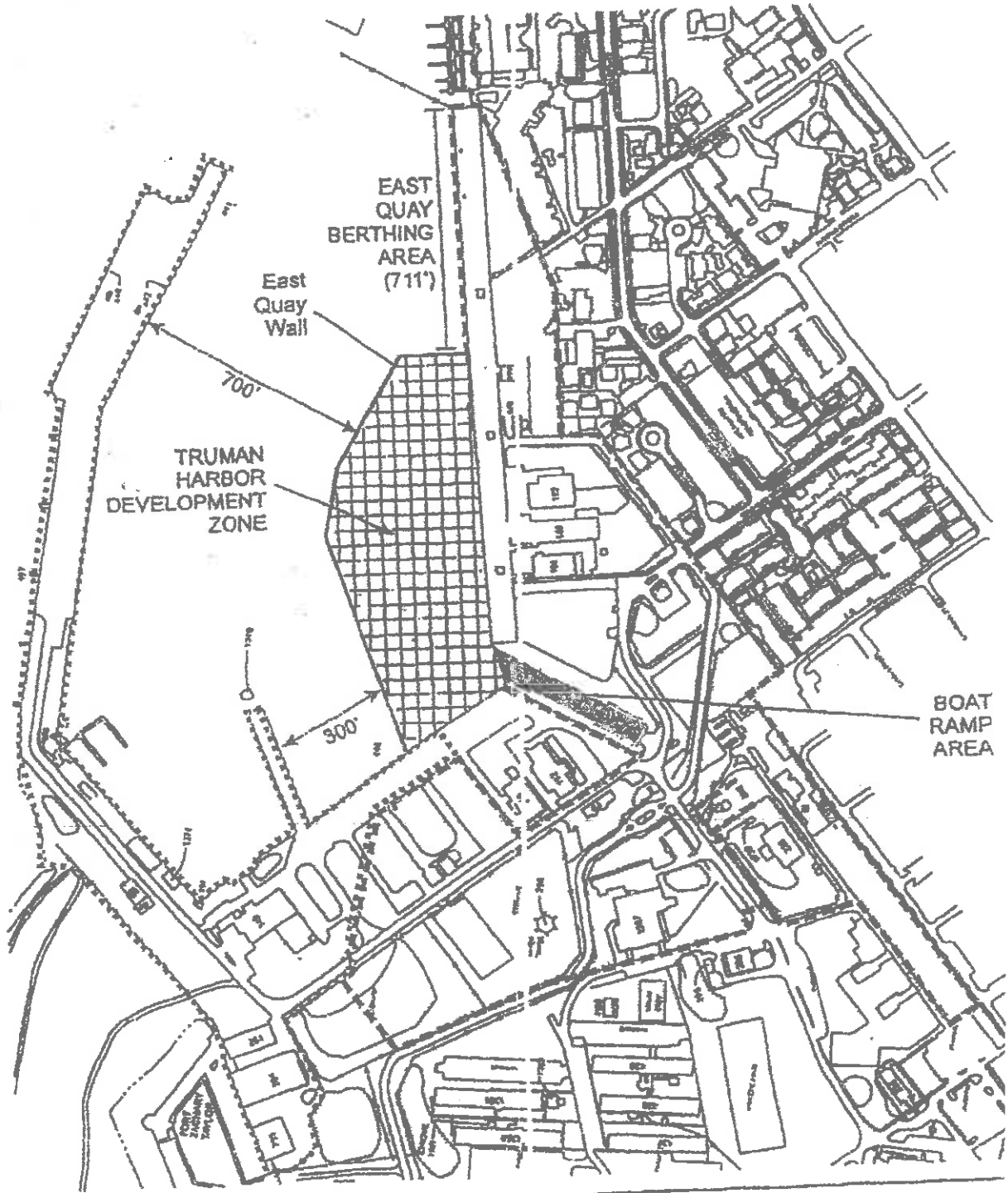
Filed with the Clerk on \_\_\_\_\_, 2016.






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

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

ATTEST:

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



- LEGEND**
-  Proposed Economic Development Conveyance (EDC) Boundary
  -  Area Deferred by Navy for Conveyance
  -  Truman Harbor Development Zone
  -  Boat Ramp Area
  -  East Quay Wall Berthing Area

MEMORANDUM OF AG  
East Quay Berthing Area, Boat Ram  
Truman Harbor Develop

Exhibit A