

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA,
PURSUANT TO SECTION 7.03 OF THE CITY CHARTER,
CALLING FOR A REFERENDUM FOR THE AUTHORITY TO
SELL REAL PROPERTY OWNED BY THE CITY OF KEY
WEST AND COMMONLY KNOWN AS 529 FRONT STREET
(RE NUMBER 00072082-000600); AUTHORIZING THE
CITY CLERK TO TAKE ALL NECESSARY ACTION TO
PLACE THIS MEASURE ON THE BALLOT FOR NOVEMBER
2, 2010; PROVIDING FOR SEVERABILITY; PROVIDING
FOR REPEAL OF INCONSISTENT PROVISIONS;
PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, Charter Section 7.03 requires a referendum for a sale of property owned by the City of Key West; 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 of Key West owns a parcel of real property commonly known as 529 Front Street (RE Number 00072082-000600), which parcel is the subject of a ground lease between the City and Pier House Joint Venture; and

WHEREAS, the City executed such ground lease on December 13, 1965, with Key West Hand Print Fabrics, Inc. for premises then known as the Key West Hand Print Fabric Factory; and

WHEREAS, as a result of a bankruptcy proceeding, the ground lease was assigned by Key West Hand Print Fabrics, Inc. to Pier House Joint Venture in 1987; and

WHEREAS, the term of the ground lease will expire on May 31, 2020; and

WHEREAS, the premises, which comprise a free standing building, have been improved by Pier House Joint Venture to include a spa and exercise facility, 22 hotel rooms and meeting rooms; and

WHEREAS, pursuant to the ground lease, the annual rental for the premises is \$3,600.00 through the end of the term of the ground lease; and

WHEREAS, the City desires, in accordance with the terms of its Charter and Code of Ordinances, to consider offers for the purchase and sale of the aforementioned real property; and

WHEREAS, the City Commission desires that the proposed referendum appear on the regularly scheduled election ballot of November 2, 2010;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF KEY WEST FLORIDA:

Section 1: That a referendum for the sale of the City-owned real property commonly known as 529 Front Street shall be held on November 2, 2010.

Section 2: That the question appearing on the ballot shall be titled: "Referendum - Authorizing City of Key West to Sell Real Property at 529 Front Street."

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

"Shall the City of Key West, pursuant to Section 7.03 of the City Charter and Sections 2-931 through 2-937 of the City Ordinances, initiate the process to sell the parcel of real property commonly known as 529 Front Street (RE Number 00072082-000600) pursuant to an appraisal and sealed competitive bid process, and thereafter be authorized to sell

such property upon terms and conditions in the best interests of the City?"

_____ 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 2, 2010, 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 as necessary to achieve the lawful purposes of this Ordinance.

Section 6: All Ordinances or parts of Ordinances of the 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 _____, 2010.

Read and passed on final reading at a regular meeting held this _____ day of _____, 2010.

Authenticated by the presiding officer and Clerk of the
Commission on this _____ day of _____, 2010.
Filed with the Clerk _____, 2010.

CRAIG CATES, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK