

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA TO CALL FOR A REFERENDUM PERMITTING THE CITY TO SEEK MODIFICATIONS TO WIDEN THE KEY WEST HARBOR DEEP WATER CHANNEL TO FACILITATE SAFE NAVIGATION; AUTHORIZING THE CITY CLERK TO TAKE ALL NECESSARY ACTION TO PLACE THIS MEASURE ON THE BALLOT FOR JANUARY 31, 2012; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Key West requested that the Army Corps of Engineers conduct a Reconnaissance Report to determine if modifications to Key West channel were warranted for the continued safe navigation of vessels, and

WHEREAS, the Army Corps of Engineers, Jacksonville District, completed the Reconnaissance Report in November of 2010 which resulted in the finding that a Federal interest in National Water Policy and economic development exists for navigation improvements to Key West Harbor; and

Whereas, the City of Key West Strategic Plan, Economic Goal #1 is to support and nurture existing sources of income for the City and community while encouraging the development of new ventures; and

WHEREAS, the initial step for improving the navigational safety of the channel is to request Congress to Direct the Army Corps of Engineers to certify the 2010 Key West Harbor Reconnaissance Report as a WRDA 1986 Section 905(b) Reconnaissance Study and proceed into the feasibility phase, acknowledging that congressional relief from regulations preventing drilling into, dredging or otherwise altering the seabed of the sanctuary implemented under Public Law 101-605 would be required prior to initiation of construction; and

WHEREAS, the City Commission desires that a referendum appear on the regularly scheduled election ballot of January 31, 2012 that asks voters of the City of Key West their preference in making modification that widen the Key West Harbor Deep Water Channel;

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

Section 1: That a referendum for Congressional support for certifying the 2010 Army Corps of Engineers Reconnaissance Report and initiating a Feasibility Study

for modifying Key West Harbor Channel shall be held on  
January 31, 2012

Section 2: That the question appearing on the  
ballot shall be titled: "Referendum - Authorizing the City  
of Key West to take action to widen a portion of the Key  
West Harbor Deep Water Channel as necessary for safe  
navigation."

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

"Shall the City of Key West pursue  
modifications to widen a portion of the  
Key West Harbor Deep Water Channel to  
facilitate safe navigation.

\_\_\_\_\_ 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 January 31,

2012, 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 1st day of November, 2011.

Read and passed on final reading at a regular meeting held this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

Authenticated by the presiding officer and Clerk of the Commission on \_\_\_\_\_ day of \_\_\_\_\_, 2011.

Filed with the Clerk \_\_\_\_\_, 2011.

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

ATTEST:

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