

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

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA,  
AUTHORIZING ASSIGNMENT OF ALL STOCK IN DUCK  
TOURS SEAFARI, INC. FROM DUCK TOURS SEAFARI,  
LLC TO MICHAEL THOMAS, JR., PURSUANT TO  
SECTION 6 OF THE FRANCHISE GRANTED IN KEY WEST  
ORDINANCE NO. 11-02; PROVIDING FOR  
SEVERABILITY; PROVIDING FOR REPEAL OF  
INCONSISTENT PROVISIONS; PROVIDING FOR AN  
EFFECTIVE DATE

WHEREAS, Key West City Charter section 7.01(4) requires that  
the grant of a franchise must be done by ordinance; and

WHEREAS, in Ordinance No. 11-02, the Key West City Commission  
granted Duck Tours Seafari, Inc. a franchise agreement for  
amphibious sightseeing operations upon certain terms and  
conditions; and

WHEREAS, the owner(s) of Duck Tours Seafari, LLC, the  
corporate entity which holds Duck Tours Seafari, Inc. requested  
City Commission approval pursuant to section 6 of the Franchise  
Agreement contained in Ordinance 11-02, to transfer all stock of  
Duck Tours Seafari, Inc. to Michael Thomas, Jr.; and

WHEREAS, Michael Thomas, Jr. is currently the owner of a  
franchise within the City of Key West, known as Cityview Trolley  
Tours of Key West, Inc., he has no currently outstanding financial  
obligations to the City, and has previously provided financial  
information to the satisfaction of the City Manager; and

WHEREAS, Michael Thomas, Jr. has provided updated financial information in conjunction with this authorization for transfer request; and

WHEREAS, the Key West City Commission finds that granting approval of this transfer of stock and resulting assignment of the franchise is reasonable within the intent of Ordinance No. 11-02 and will not adversely affect the safety or welfare of the residents and visitors of Key West;

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

Section 1: That, pursuant to section 6 of Key West Ordinance No. 11-02, a transfer of 100% of the stock in Duck Tours Seafari, Inc., from Duck Tours Seafari, LLC to Michael Thomas, Jr. is hereby approved, conditioned upon the individual personal guaranty Michael Thomas, Jr.

Section 2: That all remaining provisions of the Franchise granted in Ordinance No. 11-02 remain in full force and effect.

Section 3: 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 4: 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 5: 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 \_\_\_\_\_, 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.

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CRAIG CATES, MAYOR

ATTEST:

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CHERYL SMITH, CITY CLERK