

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, PURSUANT TO SECTION 7.03 OF THE CITY CHARTER, TO CALL FOR A REFERENDUM FOR THE AUTHORITY TO LEASE REAL PROPERTY LOCATED AT 5210 COLLEGE ROAD AND OWNED BY THE CITY OF KEY WEST ("CITY"), SUCH LEASE FOR A DURATION OF UP TO 99 YEARS, THEREBY EXCEEDING THE CHARTER LIMIT OF 10 YEARS, EXCLUSIVELY FOR USE AS A BOTANICAL GARDEN AND ARBORETUM, PROVIDING PUBLIC ACCESS, PUBLIC RECREATION, AND WILDLIFE HABITAT, THE FINAL TERMS OF WHICH MUST BE APPROVED BY THE CITY; AUTHORIZING THE CITY CLERK TO TAKE ALL NECESSARY ACTION TO PLACE THIS MEASURE ON THE BALLOT FOR _____, 2022; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Charter Section 7.03 requires referendum for a lease conveyance of City-owned property for a term in excess of 10 years for property located in areas of the City other than the redevelopment areas; and

WHEREAS, Florida Statutes Section 101.161 provides procedures for a referendum; and

WHEREAS, the current use of the property is restricted and may be used only for the conservation, protection and enhancement of natural and historical resources and for

passive, natural resource-based public outdoor recreation which is compatible with the conservation, protection and enhancement of the property, along with other related uses necessary for the accomplishment of this purpose; and

WHEREAS, the current Lessee, The Key West Botanical Garden Society, Inc., a Florida non-profit organization, has requested a 99-year lease to obtain various grant funding; and

WHEREAS, the Key West City Commission wishes to facilitate The Key West Botanical Garden Society's request, recognizing the costs of operation and the difficulty in obtaining grant and financial aid packages for a 10-year land lease; and

WHEREAS, the City Commission understands that referendum approval may be followed by the consideration and approval of a particular lease(s).

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

Section 1: That the City Commission finds that the best use of the subject property would be achieved by a lease conveyance up to 99 years for use exclusively for use as a botanical garden and arboretum, providing public access, public recreation, and wildlife habitat, subject to any deed restrictions and covenants of record.

Section 2: That a referendum for the anticipated lease of certain real property owned by the City of Key West and located at 5210 College Road, Key West, Florida.

Section 3: That the question appearing on the ballot shall be titled: "Referendum - Authorization to Lease Real Property up to 99 Years exclusively for a botanical garden?"

Section 4: That the ballot question shall be worded as follows:

"Shall the City of Key West be authorized to lease real property located at 5210 College Road, for a period of up to 99 years, exclusively for a botanical garden and arboretum, providing public access, public recreation, and wildlife habitat?"

_____ Yes _____ No

Section 5: That the City Clerk is hereby authorized and directed to take all necessary and proper action to place this question on the ballot of _____, 2022.

Section 6: 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 7: 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 8: 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 _____, 2022.

Read and passed on final reading at a regular meeting held this _____ day of _____, 2022.

Authenticated by the presiding officer and Clerk of the Commission on _____ day of _____, 2022.

Filed with the Clerk _____, 2022.

Mayor Teri Johnston	_____
Vice Mayor Sam Kaufman	_____
Commissioner Gregory Davila	_____
Commissioner Mary Lou Hoover	_____
Commissioner Clayton Lopez	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____

TERI JOHNSTON, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK