

ORDINANCE NO. 07-13

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 THE TRUMAN WATERFRONT AND OWNED BY THE NAVAL PROPERTIES LOCAL REDEVELOPMENT AUTHORITY OF THE CITY OF KEY WEST ("LRA"), SUCH LEASE FOR A DURATION OF 99 YEARS, THEREBY EXCEEDING THE CHARTER LIMIT OF 20 YEARS, AT THE RATE OF ONE DOLLAR (\$1.00) PER YEAR, THE FINAL TERMS OF WHICH MUST BE APPROVED BY THE LRA, FOR AN APPROXIMATELY 6.6 ACRE PARCEL TO BE USED FOR approximately 60-70 AFFORDABLE HOUSING UNITS, A CULTURAL ARTS CENTER, SMALL BUSINESS RETAIL SPACES, AND A YOUTH DEVELOPMENT AND/OR CONVENTION CENTER; AUTHORIZING THE CITY CLERK TO TAKE ALL NECESSARY ACTION TO PLACE THIS MEASURE ON THE BALLOT FOR NOVEMBER 6, 2007, IF A RUN-OFF ELECTION IS CONDUCTED AT THAT TIME; AUTHORIZING THE CLERK TO TAKE ALL NECESSARY ACTION TO PLACE THIS MEASURE ON THE NEXT ELECTION BALLOT SHOULD A RUN-OFF ELECTION NOT BE HELD ON NOVEMBER 6, 2007; 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 LRA-owned property for a term in excess of 20 years; and

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

WHEREAS, in 2002, the United States Navy conveyed to the LRA a property of approximately 33 acres known as the Truman Waterfront; and

WHEREAS, the Bahama Conch Community Land Trust is a non-profit 501(c)(3) tax-exempt corporation doing business in the state of Florida since 1995; and

WHEREAS, the Bahama Conch Community Land Trust has developed the Bahama Conch Community Land Trust Naval Base Reuse Plan, which proposes the use of approximately 6.6 acres of LRA-owned property for approximately 60-70 affordable housing units, a cultural arts center, small business retail spaces, and a youth development and/or convention center; and

WHEREAS, the Key West City Commission and the LRA wish to facilitate BCCLT's development of the proposed facilities by assuring the opportunity of offering a long-term lease - 99 years - at the Truman Waterfront, recognizing the costs of operation and the difficulty in obtaining lending packages for a 20-year land lease; and

WHEREAS, pursuant to City of Key West Code of Ordinance section 2-941(c), the City Commission may waive the competitive request for proposal process if it finds that the best use of the property would be achieved without resorting to the bidding process; and

WHEREAS, the City Commission and LRA understand that referendum approval may be followed by the consideration and approval of a particular lease in accordance with the requirements of 2-941(c);

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 to the Bahama Conch Community Land Trust without resort to the bidding process.

Section 2: That a referendum for the anticipated lease of certain real property owned by the Naval Properties Local Redevelopment Authority and located at the Truman Waterfront shall be held on November 6, 2007, if a run-off election is conducted at that time. Should a run-

off election not be held at the time, such referendum shall be placed on the ballot for the next election following November 6, 2007.

Section 3: That the question appearing on the ballot shall be titled: "Referendum - Authorization to Lease Real Property for 99 Years at the Rate of One Dollar (\$1.00) Per Year to the Bahama Conch Community Land Trust."

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

"Shall the Naval Properties Local Redevelopment Authority of the City of Key West ("LRA") be authorized to lease real property of approximately 6.6 acres at the Truman Waterfront to the Bahama Conch Community Land Trust, for a period of 99 years at the rate of one dollar per year, the final terms of which must be approved by the LRA, for uses including approximately 60-70 affordable housing units, a cultural arts center, small business retail

spaces, and a youth development and/or
convention center?"

_____ 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 November 6, 2007, if a run-off election is conducted at that time, including the providing of notice of the election in accordance with law. Should a run-off election not be held at the time, the City Clerk is directed to take all necessary and proper action to place this question on the ballot for the next election following November 6, 2007.

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 5 day of September 2007.

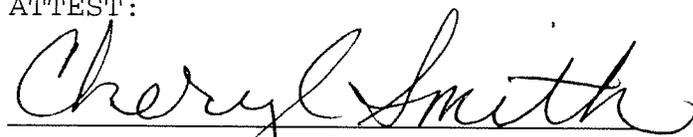
Read and passed on final reading at a regular meeting held this 18 day of September 2007.

Authenticated by the presiding officer and Clerk of the Commission on 20 day of September, 2007.

Filed with the Clerk September 20, 2007.


MORGAN MCPHERSON, MAYOR

ATTEST:


CHERYL SMITH, CITY CLERK