VILLAGE OF KEY BISCAYNE

Office of the Village Manager

Village Council
Robert L. Vernon, *Mayor*
Jorge E. Mendia, *Vice Mayor*
Michael Davey
Enrique Garcia
Steve Liedman
Thomas Thornton
Patricia Weinman

Village Manager
Genaro "Chip" Iglesias

MEMORANDUM

Date: October 4, 2007

To: Honorable Mayor and Members of the Village Council

From: Genaro " Chip" Iglesias, Village Manager

RE: Capital Project Authorizing Ordinance – Purchase of Land at 85 West Enid Drive, Key Biscayne Florida (the "Prop erty").

RECOMMENDATION

It is recommended that the Village Council consider the adoption of the accompanying ordinance authorizing the Village's purchase of the Property situated at 85 West Enid Drive in Key Biscayne, Florida (the "Project") for a purchase price which shall not exceed $2,870,000. This parcel is presently leased from Miami- Dade County (the " County") and serves as a parking lot for the Village' s government center. If the Property is not purchased the lease will expire and the County may reclaim the Property and terminate the Village' s right to use it. The Village has already exercised its option to purchase the Property, as authorized by the lease. This ordinance is necessary in order to implement the option to purchase and to authorize the purchase transaction to be closed.

BACKGROUND

Pursuant to Village Charter Section 3.07(b) and Section 4.03(9), as amended at the July 9, 2002 Charter amendment election, the adoption of an ordinance is required in order to authorize a capital project in excess of $500,000.00.

Village Charter Section 3.07(b) defines capital projects as including the purchase of land. Village Charter Section 4.03(9) requires authorization of the Project to be by ordinance. Additionally, Village Charter Section 4.03(9) provides for specific publication and postcard notification requirements prior to second reading of the ordinance.

The Ordinance also authorizes the Village Manager to implement the closing of the purchase transaction, subject to financing conditions. An additional ordinance, which has been drafted by bond counsel, will be needed in connection with the borrowing or financing for the purchase transaction. The final purchase price is being negotiated within certain limits, but is not yet finalized. Accordingly, the Ordinance provides for a not-to-exceed purchase price of Two Million Eight Hundred Seventy Thousand ($2,870,000.00) Dollars.

The enclosed Ordinance, as prepared by the Village Attorney, is designed to fully comply with Sections 3.07(b) and 4.03(9) of the Village Charter.

Please call me or the Village Attorney if there are any questions.

cc: Stephen J. Helfman, Village Attorney
David M. Wolpin, Village Attorney

F:\100\103001\Memos.07\Mayor and Council From Manager Re Capital Project Authorizing Ordinance West Enid Drive 8-27-07.doc

ORDINANCE NO. 2007-

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA AUTHORIZING THE ISSUANCE OF NOT EXCEEDING $2,800,000 OF LAND ACQUISITION REVENUE BONDS OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; PROVIDING FOR A SUPPLEMENTAL RESOLUTION SETTING FORTH THE DETAILS OF SAID BONDS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Village Council (the Council) of the Village of Key Biscayne, Florida (the Village) desires to authorize the issuance of not exceeding $2,800,000 of bonds for the purpose of financing a portion of the costs of acquiring land located at the northwest corner of East Enid Drive and Fernwood Road for Village purposes, financing legal costs related thereto, and paying costs of issuance of the bonds; and

WHEREAS, the Council desires that the bonds be secured by legally available non-ad valorem revenues of the Village, as further specified by subsequent resolution of the Council.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:

Section 1. In accordance with the provisions of the Charter of the Village of Key Biscayne, Florida and Chapter 166, Florida Statutes, there are hereby authorized to be issued Land Acquisition Revenue Bonds (the "Bonds") of the Village, in an aggregate principal amount not to exceed $2,800,000, in one or more series, for the purpose of financing a portion of the costs of acquiring land located at the northwest corner of East Enid Drive and Fernwood Road for Village purposes, financing legal costs related thereto, and paying costs of issuance of the Bonds. The Bonds shall be designated Village of Key Biscayne, Florida Land Acquisition Revenue Bonds (with appropriate series designation), or such other designation as may be approved by supplemental resolution, shall be dated such date, shall be in such denominations, shall be stated to mature in such year or years not later than sixteen (16) years from their date of issuance, shall bear interest from their dated date at a rate or rates not exceeding the maximum rate permitted by law at the time of issuance of the Bonds, shall be subject to redemption at the option of the Village at such times and prices, and shall have such other details, all as shall hereafter be determined by the Council by supplemental resolution. The supplemental resolution may be adopted, and the Bonds may be issued, at any time after the effective date of this Ordinance.

Section 2. The Village Manager and the Village Finance Director are each hereby authorized to negotiate with banks or other financial institutions for the purchase of the Bonds and with respect to the terms of the Bonds. The Village Attorney and Bond Counsel to the Village are hereby authorized to draft documents and to do all other things necessary to accomplish the issuance and sale of the Bonds.

Section 3. This Ordinance will become effective immediately upon adoption on second reading.

PASSED AND ADOPTED on first reading this ____ day of _____, 2007.

PASSED AND ADOPTED on second reading this ____ day of _____, 2007.

_____
MAYOR ROBERT L. VERNON

ATTEST:

_____
CONCHITA H. ALVAREZ, CMC, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

_____
VILLAGE ATTORNEY