

**ORDINANCE NO. 2002-10**

**A CAPITAL PROJECT AUTHORIZING ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA (THE "VILLAGE"), CONCERNING THE VILLAGE COMMUNITY CENTER; AUTHORIZING AND PROVIDING FOR THE VILLAGE TO CONSTRUCT AND EQUIP A COMMUNITY CENTER FOR THE VILLAGE; AUTHORIZING EXPENDITURE OF FUNDS; PROVIDING FOR NOTICE OF ORDINANCE ADOPTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Village Council of the Village of Key Biscayne (the "Village") desires to authorize and provide for the construction and equipping of a community center for the Village.

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

**Section 1. Recital Adopted.** That the recital stated above is hereby adopted and confirmed.

**Section 2. Capital Project Authorizing Ordinance.** That pursuant to Village Charter Sec. 3.07(b), this Ordinance shall constitute a Capital Project Authorizing Ordinance. The Capital Project consists of the construction and equipping of the Village of Key Biscayne Community Center (the "Community Center") at a projected cost of approximately ( \$ 9,987,551 ) Dollars.

**Section 3. Community Center Authorized.**

A. That a Community Center of approximately 38,000 square feet of floor area, and additionally including a parking garage and swimming pool, is hereby authorized to be constructed and equipped by the Village as part of the Village Civic Center complex, at the Village property (the "Property") located at 85 W. McIntyre Street, which Property is further described on Exhibit "A," a copy of which is attached hereto and incorporated herein. The Community Center shall provide recreational facilities, programs, services and activities.

B. That the Community Center shall be constructed in substantial conformity to the Community Center Site Plan which was approved pursuant to Council Resolution No. R-2002-31, and any amendments thereto.

C. That the Village Council shall, by Resolution, enter into contracts for the construction and equipping of the Community Center for a guaranteed maximum price which is consistent with this Ordinance.

D. That the Village Manager is authorized to take all action necessary to implement this Ordinance, and is authorized to expend Village funds for the construction and equipping of the Community Center pursuant to Village budget appropriations.

**Section 4. Notice of Ordinance Adoption.** That pursuant to Village Charter Sec. 4.03(9), following the passage of this Ordinance on first reading, the Village Clerk shall provide notice of the date and time of the second reading ("Second Reading

Notice"). The Second Reading Notice shall include a brief description of the Community Center project and its cost and shall be published in addition to and contemporaneously with notices regularly published for second readings of ordinances. The published notice shall be in substantially the form attached hereto as Exhibit "B." Further, the Village Clerk shall provide for each Village elector to be sent a Second Reading Notice by postcard. The postcard notice shall be in substantially the form attached hereto as Exhibit "C." Any action taken by the Council on this Ordinance shall not be voided by the failure of an individual Village elector to receive a Second Reading Notice postcard.

**Section 5. Severability.** That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 6. Effective Date.** That this Ordinance shall be effective upon adoption on second reading.

PASSED AND ADOPTED on first reading this 8th day of October, 2002.

PASSED AND ADOPTED on second reading this 22nd day of October, 2002

**MAYOR JOE I. RASCO**

**ATTEST:**

**CONCHITA H. ALVAREZ, CMC, VILLAGE CLERK**

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY:**

**RICHARD JAY WEISS, VILLAGE ATTORNEY**

**103001 \ordinances \authorizing construction of community center**

**EXHIBIT "A"**

(Legal Description of 85 W. McIntyre Street)

TRACT "B" OF SUNTRUST KEY BISCAYNE, according to the Plat thereof, as recorded in Plat Book 157 at Page 75 of the Public Records of Miami-Dade County, Florida

**EXHIBIT "B"**

**PUBLIC NOTICE**

Pursuant to Village of Key Biscayne Charter Section 4.03(9), notice is hereby provided that on Tuesday, October 22, 2002, at 7:00 p.m., in the Village Council Chamber, at 560 Crandon Boulevard, Key Biscayne, FL, a public hearing on the

second and final reading of an ordinance concerning the Community Center capital project shall be heard by the Village Council, as follows:

**A CAPITAL PROJECT AUTHORIZING ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA (THE "VILLAGE"), CONCERNING THE VILLAGE COMMUNITY CENTER; AUTHORIZING AND PROVIDING FOR THE VILLAGE TO CONSTRUCT AND EQUIP A COMMUNITY CENTER FOR THE VILLAGE; AUTHORIZING EXPENDITURE OF FUNDS; PROVIDING FOR NOTICE OF ORDINANCE ADOPTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

Capital Project: The Village of Key Biscayne Community Center is proposed to be constructed and equipped as a building of approximately 38,000 sq. ft., to be situated as a part of the Village Civic Center complex, at 85 W. McIntyre Street, Key Biscayne, Fl. The Community Center shall also include a parking garage and a swimming pool. The Community Center shall provide recreational facilities, programs, services and activities.

Cost: The projected cost of the Community Center is approximately \$ 9,987,551. However, at the public hearing, the Council may reduce the projected cost.

This notice is published in addition to and contemporaneously with notices regularly published for second readings of ordinances. For any question on this item, please contact the Village Clerk at 305-365-5506.

In accordance with the Americans With Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in this proceeding because of that disability should contact the office of the Village Clerk, 85 W. McIntyre Street, Key Biscayne, FL 33149, telephone number: 305-365-5506, not later than two (2) business days prior to such proceedings.

If a person decides to appeal any decision made by the Village Council with respect to any matter considered at a meeting or hearing, that person will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105).

**EXHIBIT "C"**

**PUBLIC NOTICE**

(Postcard to Electors)

Pursuant to Village of Key Biscayne Charter Section 4.03(9), notice is hereby provided that on Tuesday, October 22, 2002, at 7:00 p.m., in the Village Council Chamber, at 560 Crandon Boulevard, Key Biscayne, FL, a public hearing on the second and final reading of a Capital Project Authorizing Ordinance for the Community Center shall be heard by the Village Council.

Capital Project: The Village of Key Biscayne Community Center, is proposed to be constructed and equipped as a building of approximately 38,000 sq. ft., to be situated as a part of the Village Civic Center complex, at 85 W. McIntyre Street, Key

Biscayne, Fl. The Community Center shall also include a parking garage and a swimming pool. The Community Center shall provide recreational facilities, programs, services and activities.

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