

**ORDINANCE NO. 2007-9**

**A CAPITAL PROJECT AUTHORIZING ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA (THE "VILLAGE"), CONCERNING THE PURCHASE OF LAND AND IMPROVEMENTS LOCATED AT 85 WEST ENID DRIVE IN THE VILLAGE (THE "PROPERTY"); AUTHORIZING THE VILLAGE TO PURCHASE THE PROPERTY AS DESCRIBED HEREIN; AUTHORIZING THE EXPENDITURE OF FUNDS; PROVIDING FOR FINANCING CONDITION; PROVIDING FOR NOTICE OF ORDINANCE ADOPTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Village Council of the Village of Key Biscayne, Florida (the "Village") desires to authorize and provide for the purchase of the land and improvements thereon which are located at 85 West Enid Drive in the Village of Key Biscayne, as legally described in Exhibit "A", which is attached hereto and incorporated herein (the "Property"), as provided herein.

**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.**

- A. That pursuant to Village Charter, Section 3.07 (b), this Ordinance shall constitute a Capital Project Authorizing Ordinance.
- B. The Capital Project (the "Project") consists of the purchase of the Property.
- C. The Property is to be acquired for Village purposes and presently serves as a parking lot for the Village government center.
- D. The cost of the Project is not to exceed Two Million Eight Hundred Thousand (\$2,800,000.) Dollars. The final purchase price is subject to negotiations with Miami - Dade County. Financing costs shall also be applicable.

**Section 3. Project Authorized; Funding Conditions.**

A. That the Project, as described herein, is hereby authorized and the purchase of the Property is hereby authorized and approved, subject to the conditions and requirements provided herein.

B. That the Village Manager is hereby authorized to sign all closing papers and to consummate the purchase and acquisition of the Property, subject to the condition precedent of obtaining financing for the transaction, and subject to the approval of the Village Attorney as to form and legal sufficiency.

C. That the Village Manager is authorized to take all action necessary to implement this Ordinance, and is authorized to expend Village funds for the purchase of the Property pursuant to Village budget appropriations, subject to the applicable financing conditions which are established.

D. That the purchase of the Property shall be subject to the adoption of a Village borrowing ordinance (and any necessary implementing borrowing resolutions) for the financing of the Project, and the Project is hereby authorized subject to the financing and other conditions which are referenced or described herein or are required by applicable law.

**Section 4. Notice of Ordinance Adoption.** That pursuant to Village Charter Section 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 (the "Second Reading Notice"). The Second Reading Notice shall include a brief description of the 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 23rd day of October, 2007.

PASSED AND ADOPTED on second reading this 13th day of November, 2007.

MAYOR ROBERT L. VERNON

ATTEST:

\_\_\_\_\_  
CONCHITA H. ALVAREZ, CMC, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

\_\_\_\_\_  
VILLAGE ATTORNEY

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

Tract A, Less the East 179 feet thereof of BISCAYNE KEY ESTATES, according to the Plat thereof, recorded in Plat Book 50, at Page 61, 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, November 13, 2007, at 7:00 p.m., in the Village Council Chamber, at 560 Crandon Boulevard, Key Biscayne, Florida, a public hearing on the second and final reading of an Ordinance concerning the purchase of land and the improvements situated thereon which is located at 85 West End Drive in Key Biscayne, Florida (the "Property") shall be heard by the Village Council, as follows:

**ORDINANCE NO. 2007-**

**A CAPITAL PROJECT AUTHORIZING ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA (THE "VILLAGE"), CONCERNING THE PURCHASE OF LAND AND IMPROVEMENTS LOCATED AT 85 WEST END DRIVE IN THE VILLAGE (THE "PROPERTY"); AUTHORIZING THE VILLAGE TO PURCHASE THE PROPERTY AS DESCRIBED HEREIN; AUTHORIZING THE EXPENDITURE OF FUNDS; PROVIDING FOR FINANCING CONDITION; PROVIDING FOR NOTICE OF ORDINANCE ADOPTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

**Capital Project:** The Project consists of the purchase of the Property for Village purposes. The Property was previously leased from Miami - Dade County and is used as a parking lot for the Village's government center.

**Cost:** The projected cost of the Project is not to exceed Two Million Eight Hundred Thousand (\$2,800,000) Dollars. The final purchase price is being negotiated with the County. Financing costs shall also be applicable. The Project shall not be accomplished unless the Village obtains financing, and is to be authorized subject to such financing condition.

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 or visit the Village website at [www.keybiscayne.fl.gov](http://www.keybiscayne.fl.gov).

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, 88 WEST McINTYRE STREET, KEY BISCAYNE, FLORIDA 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, November 13, 2007, at 7:00 p.m., in the Village Council Chamber, at 560 Crandon Boulevard, Key Biscayne, Florida, a public hearing on the second and final reading of a Capital Project Authorizing Ordinance for the Purchase of Property at 85 West Enid Drive (the "Project") shall be heard by the Village Council.

**Capital Project:** The purchase of the land and improvements situated at 85 West Enid Drive in Key Biscayne, Florida, to be acquired for Village purposes. The Property serves as a parking lot for the Village's government center.

**Cost:** The cost of the Project is approximately \$2,800,000 Million Dollars, plus financing costs. The Project shall not be accomplished unless the Village obtains financing, and is to be authorized subject to such financing condition.

For any question on this item, please contact the Village Clerk at (305) 365 -5506 or visit the Village website at [www.keybiscayne.fl.gov](http://www.keybiscayne.fl.gov).

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).