

ORDINANCE NO. 2011-14

AN ORDINANCE OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA, AMENDING SECTION 31-1 “PARKS AND RECREATIONAL OPEN SPACE LANDS TRUST FUND” OF THE VILLAGE CODE OF ORDINANCES; PROVIDING THAT FUNDS WITHIN THE TRUST MAY BE USED TO ACQUIRE OR LEASE LAND OUTSIDE OF THE VILLAGE’S MUNICIPAL BOUNDARIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on April 12, 2011, the Village of Key Biscayne (the “Village”) Village Council adopted Ordinance 2011-2, which created Section 31-1 “Parks and Recreational Open Space Lands Trust Fund” (the “Trust”) of the Village Code of Ordinances (the “Village Code”) for use in acquiring parks and recreational lands; and

WHEREAS, the Village Council desires to amend Section 31-1 of the Village Code to provide that funds within the Trust may be used to acquire or lease land within or outside of the municipal boundaries of the Village for Parks and Recreational use; and

WHEREAS, the Village Council hereby finds and declares that adoption of this Ordinance is necessary, appropriate, and advances the public interest.

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

Section 1. The preceding “Whereas” clauses are ratified and incorporated as the legislative intent of this Ordinance.

Section 2. **Section 31-1 of the Village Code Amended.** The Village Council hereby amends Section 31-1 “Parks and Recreational Open Space Lands Trust Fund” as follows:

Sec. 31-1. - Parks and Recreational Open Space Lands Trust Fund.

(a) There is hereby created the Parks and Recreational Open Space Lands Trust Fund (the "PROS Lands Trust Fund") for use in acquiring parks and recreational lands within or outside the municipal boundaries of the Village. The Village Manager is hereby authorized to establish the PROS Lands Trust Fund and to receive and disburse monies in accordance with the provisions of this section.

Section 3. Severability. 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 4. Conflicts. All ordinances or parts of ordinances, resolution or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 5. Effective Date. This Ordinance shall become effective immediately upon adoption on second reading

PASSED AND ADOPTED on first reading this 25th day of October, 2011.

PASSED AND ADOPTED on second reading this 22nd day of November, 2011.

MAYOR FRANKLIN H. CAPLAN

ATTEST:

CONCHITA H. ALVAREZ, MMC, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

VILLAGE ATTORNEY