

ORDINANCE NO. 2698-07

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING ORDINANCE NO. 2696-07; PROVIDING THE BALLOT LANGUAGE FOR A REFERENDUM BY THE ELECTORS OF THE CITY OF WINTER PARK FOR APPROVAL OR REJECTION OF A COMMUTER RAIL STATION ON PROPERTY OWNED BY THE CITY IN THE CENTRAL BUSINESS DISTRICT AND PROVIDING THE BALLOT LANGUAGE FOR APPROVAL OR REJECTION OF THE USE OF CITY FUNDS WITH RESPECT TO A COMMUTER RAIL STATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, two citizen initiative committees were formed by citizens of the City of Winter Park seeking passage of two ordinances related to the presence of a commuter rail station on City property, or related to the expenditure of City funds for a commuter rail station; and

WHEREAS, pursuant to Article V, Section 5.08 of the City Charter, those two ordinances were considered for adoption by the City Commission, with first reading on December 18, 2006, and second reading on January 16, 2007; and

WHEREAS, the City Commission of the City of Winter Park, Florida has passed the two ordinances discussed above; and

WHEREAS, Orange County has informed the City that it requires an imminent response from the City as to whether the City desires and will permit the location of a commuter rail station within the City; and

WHEREAS, as a part of responding to Orange County, the City must make a decision as to whether a commuter rail station will be located on City-owned property in the Central Business District, and as to whether City funds will be used with respect to a commuter rail station; and

WHEREAS, the City Commission deems it appropriate, desirable, and in compliance with the two ordinances described above (Ordinances No. 2693-07 and 2694-07) to submit these questions to the electors of the City of Winter Park; and

WHEREAS, in order to submit these questions to the electors of the City of Winter Park, it is necessary for the City Commission to adopt referendum language for the ballot.

NOW, THEREFOR, BE IT ENACTED by the people of the City of Winter Park, Florida as follows:

Section 1. The City Commission adopts the following referendum language to be placed on the ballot at the time of the general election scheduled for March 13, 2007; or a special election, or other election, such as may be held at that time:

USE OF CITY-OWNED LANDS FOR A COMMUTER RAIL STATION

May the City of Winter Park authorize the use of land owned or controlled by the City in Central Park or in the Central Business District of Winter Park for the construction, renovation, or operation of a commuter rail station?

- (a) YES
- (b) NO

Section 2. In addition to the referendum ballot language set forth in Section 1, the City Commission adopts the following referendum language to be placed on the ballot at the time of the general election scheduled for March 13, 2007, or a special election, or other election, such as may be held at that time:

USE OF CITY FUNDS RELATED TO A COMMUTER RAIL STATION

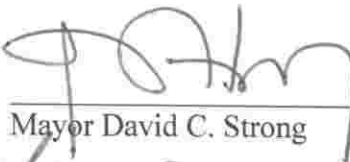
May the City of Winter Park appropriate or expend city funds for purposes of designing, permitting, constructing, renovating, maintaining, operating, or supporting any structure or building for use as a commuter rail station within the City?

- (c) YES
- (d) NO

Section 3. Prior to the day of the election, but not more than ten (10) days prior to the election, notice of the referendums provided in Sections 1 and 2 in substantially the form attached hereto as Exhibit "A" and a sample ballot shall be published in the Orlando Sentinel or another newspaper published and of general circulation in the City of Winter Park.


Section 4. This ordinance shall become effective immediately upon its final passage and adoption.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held at City Hall, Winter Park, Florida, on the 12th day of February, 2007.



Mayor David C. Strong

Attest:



City Clerk Cynthia S. Bonham

EXHIBIT "A"

**NOTICE OF REFERENDUM IN THE CITY OF WINTER PARK,
FLORIDA, ON MARCH 13, 2007**

NOTICE IS HEREBY GIVEN THAT A REFERENDUM will be held on March 13, 2007, in the City of Winter Park, Florida for the purpose of determining 1) whether the City of Winter Park may use land owned or controlled by the City in downtown Winter Park for the construction, renovation or operation of a commuter rail station; 2) whether the City of Winter Park may use City funds to design, permit, construct, renovate, maintain, operate or support any structure or building for use as a commuter rail station within the City; and 3) whether the City of Winter Park can use City funds to maintain, operate or support a commuter rail system within the City all as more particularly described and provided for in Ordinance No. 2696-07 of the City of Winter Park, Florida.

All qualified electors residing within the area of the City of Winter Park, Florida shall be entitled, qualified and permitted to vote at such referendum.

CITY OF WINTER PARK, FLORIDA

By: _____
City Manager James S. Williams