

ORDINANCE NO. 265.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI BEACH, FLORIDA, CALLING AN ELECTION FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF SAID CITY FOR THEIR APPROVAL ORDINANCE NO. 260 OF SAID CITY, AND MAKING PROVISION RELATIVE TO THE HOLDING OF SAID ELECTION.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI BEACH, FLORIDA:

WHEREAS, the City Council of the City of Miami Beach, Florida has this day adopted its ordinance No. 260, the title of which is hereinafter set forth, by giving it its third reading in full, and by unanimous affirmative vote of said City Council taken upon a call of the roll, which ordinance, before it becomes effective as a law must have been approved by a majority of the qualified voters of the City of Miami Beach, Florida, voting at an election held for that purpose:

That a special election is hereby called and directed
SECTION 1: to be held at the City Hall in said City of Miami Beach, Florida, from Eight (8) o'clock A. M., until sundown on the Eleventh (11th) day of December, A. D. 1928, for the purpose of submitting to a vote of the qualified voters of the City of Miami Beach, Florida, voting at the said election, the question: Whether Ordinance No. 260 adopted by the City Council of the City of Miami Beach, Florida, November Seventh (7th), 1928, and entitled,

" An Ordinance granting to Charles E. Starr and C. P. Holzderber, their heirs, legal representatives and assigns, the right, privilege, or franchise for the full period of thirty years, to construct, equip, maintain and operate a gas plant and works, gas holders, and all necessary or desirable appurtenances for the manufacture and/or storage of gas in the City of Miami Beach, Florida, and to construct, equip, operate and maintain, in, under, upon, over and across the present and future streets, avenues, alleys, highways, bridges, easements, and other public ways in the City of Miami Beach, Florida, and its successors, gas mains and supply pipes together with all the necessary or desirable appurtenances for the purpose of conveying, distributing, supplying and selling gas to said City and its successors, the inhabitants thereof, for light, heat, power and other purposes, imposing provisions and conditions relating thereto, and including an agreement by grantees to indemnify and hold the said City, harmless against any and all liability, loss, cost, damage or expense which may occur or accrue by reason of the neglect, default, or misconduct of the grantees in connection with the exercise of their rights hereunder."

be approved and become a law.

All persons qualified to vote in the General election
SECTION 2: to be held in the City of Miami Beach, December 18,

1928, shall be qualified electors for this election, provided, that their names shall appear in the registration books of said City not later than December Fourth (4th) A. D. 1928.

SECTION 3: That, Hugh Larrick, Ralph Fishburne and Rose Weiss, be and they are hereby appointed inspectors and J. C. Brown is hereby appointed Clerk, for the purpose of holding and conducting said election at the time and place aforesaid, which names the said Clerk shall certify to the Mayor.

SECTION 4: That said inspectors and said Clerk shall certify the result of said election to said City Council within Five (5) days after the holding of said election.

SECTION 5: That Thirty (30) days notice of such election be given by the Mayor of said City, by posting the notice hereinafter provided for Thirty (30) days in three conspicuous places in said City of Miami Beach, Florida, to-wit: at the City Hall, the Police Station and Liberty Avenue Fire Station, and by publishing the same once each week for Thirty (30) days in The Sun, a newspaper published and of general circulation in the City of Miami Beach, Florida.

SECTION 6: That said notice of election shall be in substantially the following form:

" Notice is hereby given that an election has been called by the City Council of the City of Miami Beach, Florida, and will be held at the City Hall in said City on the Eleventh (11th) day of December, A. D. 1928, at which there will be submitted to the qualified voters of said City the following question:

Shall Ordinance No. 260 adopted by the City Council of the City of Miami Beach, Florida, November 7th, 1928, and entitled, " An Ordinance granting to Charles E. Starr and C. P. Holzderber, their heirs, legal representatives and assigns, the right, privilege, or franchise for the full period of thirty years, to construct, equip, maintain and operate a gas plant and works, gas holders, and all necessary or desirable appurtenances for the manufacture and/or storage of gas in the City of Miami Beach, Florida, and to construct, equip, operate and maintain, in, under, upon, over and across the present and future streets, avenues, alleys, highways, bridges, easements, and other public ways in the City of Miami Beach, Florida, and its successors, gas mains and supply pipes together with all the necessary or desirable appurtenances for the purpose of conveying, distributing, supplying and selling gas to said City and its successors, the inhabitants thereof, for light, heat, power and other purposes, imposing provisions and conditions relating thereto, and including an agreement by grantees to indemnify and hold the said City, harmless against any and all liability, loss, cost, damage or expense which may occur or accrue by reason of the neglect, default, or misconduct of the grantees in connection with the exercise

of their rights hereunder." be approved and become a law?

Inspectors and a Clerk have been appointed to conduct such election at said time and place. Registration books will be open from Ten (10) o'clock A.M., until Five (5) o'clock P. M., Sundays, holidays and half-holidays excepted, from this day until and including December Fourth (4th), 1928, for the purpose of registering persons qualified to register for such election.

J. N. LUMMUS, Jr.,
Mayor of the City of Miami
Beach, Florida."

SECTION 7: That the form of ballot to be used at said election, a sufficient number of which the City Clerk is hereby authorized to have printed, shall be ~~in~~substantially the following form:

" City of Miami Beach, Florida,

SPECIAL ELECTION

December 11, 1928

Make a cross (x) before your choice.

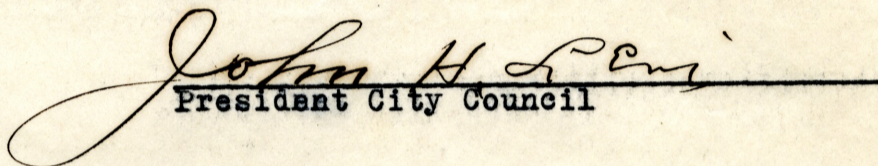
Shall Ordinance No. 260, adopted by the City Council of the City of Miami Beach, Florida, November 7th, 1928, and entitled;" AN ORDINANCE GRANTING TO CHARLES E. STARR AND C. P. HOLZDERBER, THEIR HEIRS, LEGAL REPRESENTATIVES AND ASSIGNS, THE RIGHT, PRIVILEGE, OR FRANCHISE FOR THE FULL PERIOD OF THIRTY YEARS, TO CONSTRUCT, EQUIP, MAINTAIN AND OPERATE A GAS PLANT AND WORKS, GAS HOLDERS, AND ALL NECESSARY OR DESIRABLE APPURTENANCES FOR THE MANUFACTURE AND/OR STORAGE OF GAS IN THE CITY OF MIAMI BEACH, FLORIDA, AND TO CONSTRUCT, EQUIP, OPERATE AND MAINTAIN, IN, UNDER, UPON, OVER AND ACROSS THE PRESENT AND FUTURE STREETS, AVENUES, ALLEYS, HIGHWAYS, BRIDGES, EASEMENTS, AND OTHER PUBLIC WAYS IN THE CITY OF MIAMI BEACH, FLORIDA, AND ITS SUCCESSORS, GAS MAINS AND SUPPLY PIPES TOGETHER WITH ALL THE NECESSARY OR DESIRABLE APPURTENANCES FOR THE PURPOSE OF CONVEYING, DISTRIBUTING, SUPPLYING AND SELLING GAS TO SAID CITY AND ITS SUCCESSORS, THE INHABITANTS THEREOF, FOR LIGHT, HEAT, POWER AND OTHER PURPOSES, IMPOSING PROVISIONS AND CONDITIONS RELATING THERETO, AND INCLUDING AN AGREEMENT BY GRANTEES TO INDEMNIFY AND HOLD THE SAID CITY, HARMLESS AGAINST ANY AND ALL LIABILITY, LOSS, COST, DAMAGE OR EXPENSE WHICH MAY OCCUR OR ACCRUE BY REASON OF THE NEGLIGENCE, DEFAULT, OR MISCONDUCT OF THE GRANTEES IN CONNECTION WITH THE EXERCISE OF THEIR RIGHTS HEREUNDER."- be approved and becomes a law ?

Yes.

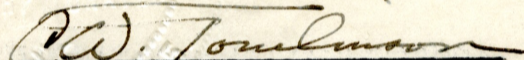
No.

That it is hereby determined and declared that the
SECTION 8: welfare of said City and the protection of the citizens
thereof, require that this Ordinance be given its
first, second and third readings at this meeting in one session of
said City Council, which three readings of this Ordinance shall be
had at this meeting, whereupon the same shall become effective
immediately upon its passage and approval by the Mayor of said City.

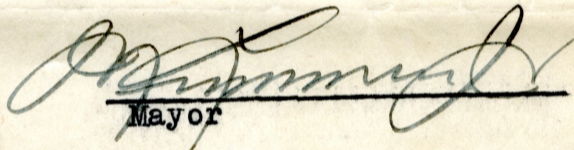
PASSED AND ADOPTED this 7th day of November, A. D., 1928


President City Council

ATTEST:


City Clerk

APPROVED by me this 7th day of November, A. D., 1928.


Mayor

First, second and third readings, November 7th, 1928.
Posted November 9, 1928.

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APPROVAL ORDINANCE NO. 260
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HOLDING OF SAID ELECTION.

prepared by
CITY ATTORNEY'S OFFICE