

ORDINANCE NO. 273

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. 272 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. 272, 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:

SECTION 1: That a special election is hereby called and directed 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 Seventh (7th) day of May, A. D. 1929, 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. 272 adopted by the City Council of the City of Miami Beach, Florida, April Third (3rd), 1929, and entitled: "AN ORDINANCE AMENDING AND MODIFYING ORDINANCE NO. 260 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 GRANTEEES 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 GRANTEEES IN CONNECTION WITH THE EXERCISE OF THEIR RIGHTS HEREUNDER," BY ELIMINATING FROM SAID ORDINANCE NO. 260, ANY REQUIREMENTS THEREUNDER,

ON THE PART OF THE GRANTEEES OF THE FRANCHISE THEREIN GRANTED AND/OR THEIR ASSIGNS, TO CONSTRUCT, EQUIP, MAINTAIN AND OPERATE THEIR GAS GENERATING PLANT OR PLANTS, WORKS AND/OR HOLDERS, AND ALL NECESSARY OR DESIRABLE APPURTENANCES FOR THE MANUFACTURE AND/OR STORAGE OF GAS, IN WHOLE OR IN PART, INSIDE OF THE CITY LIMITS OF THE CITY OF MIAMI BEACH, AND PROVIDING THAT IT SHALL BE DEEMED AND HELD A FULL COMPLIANCE BY THE GRANTEEES AND/OR THEIR ASSIGNS, WITH THE TERMS OF SAID ORDINANCE IN THAT REGARD AS THE SAID TERMS ARE AMENDED AND MODIFIED BY THIS ORDINANCE, IF THE SAID GENERATING PLANT OR PLANTS, WORKS AND/OR HOLDERS, AND ALL NECESSARY OR DESIRABLE APPURTENANCES ARE CONSTRUCTED, EQUIPPED, MAINTAINED AND OPERATED ANYWHERE IN DADE COUNTY, FLORIDA."

be approved and become a law.

SECTION 2: Any person who shall possess the qualifications requisite to an elector at General Elections, and shall have paid his poll taxes, as provided by law and as prescribed for State elections, and shall have resided in the City of Miami Beach for six (6) months next preceding the election hereby called for, and shall have been registered in the municipal registration, as is prescribed by Ordinance, shall be a qualified elector at said election.

SECTION 3: Registration books will be open from Ten (10) o'clock A. M., until Five (5) P. M., Sundays, holidays and half-holidays excepted, from this day until and including April 30, 1929.

SECTION 4: That Hugh S. Larrick, Rose Weiss and Milton H. Farr, residents and citizens and qualified electors of the City of Miami Beach, Florida, be and they are hereby appointed Inspectors and J. C. Brown, a resident and citizen and qualified elector of the City of Miami Beach, Florida, be and he 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 5: 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 6: 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 7: That said notice of election shall be in substantially the following form:

NOTICE OF ELECTION

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, from Eight (8) o'clock A. M., until sundown, on the Seventh (7th) day of May, A.D. 1929, at which time there will be submitted to the qualified voters of said City the following question:

Shall Ordinance No. 272 adopted by the City Council of the City of Miami Beach, Florida, April Third (3rd), 1929, and entitled: "AN ORDINANCE AMENDING AND MODIFYING ORDINANCE NO. 260 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," BY ELIMINATING FROM SAID ORDINANCE NO. 260, AND REQUIREMENTS THEREUNDER, ON THE PART OF THE GRANTEES OF THE FRANCHISE THEREIN GRANTED AND/OR THEIR ASSIGNS, TO CONSTRUCT, EQUIP, MAINTAIN AND OPERATE THEIR GAS GENERATING PLANT OR PLANTS, WORKS AND/OR HOLDERS, AND ALL NECESSARY OR DESIRABLE APPURTENANCES FOR THE MANUFACTURE AND/OR STORAGE OF GAS, IN WHOLE OR IN PART, INSIDE OF THE CITY LIMITS OF THE CITY OF MIAMI BEACH, AND PROVIDING THAT IT SHALL BE DEEMED AND HELD A FULL COMPLIANCE BY THE GRANTEES AND/OR THEIR ASSIGNS, WITH THE TERMS OF SAID ORDINANCE IN THAT REGARD AS THE SAID TERMS ARE AMENDED AND MODIFIED BY THIS ORDINANCE, IF THE SAID GENERATING PLANT OR PLANTS, WORKS AND/OR HOLDERS, AND ALL NECESSARY OR DESIRABLE APPURTENANCES ARE CONSTRUCTED, EQUIPPED, MAINTAINED AND OPERATED ANYWHERE IN DADE COUNTY, FLORIDA." 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 April 30th, 1929.

LOUIS F. SNEDIGAR
Mayor of the City of
Miami Beach, Florida."

SECTION 8: 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

May 7, 1929.

Make a cross (x) before your choice

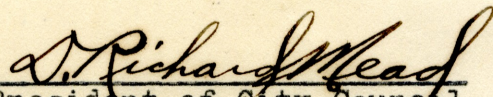
Shall Ordinance No. 272, adopted by the City Council of the City of Miami Beach, Florida, April Third (3rd), 1929, and entitled: "AN ORDINANCE AMENDING AND MODIFYING ORDINANCE NO. 260 ENTITLED "AN ORDINANCE GRANTING TO CHARLES E. STARR AND C. P. HOLZDERBER, THEIR HEIRS, LEGAL REPRESENTATIVES AND ASSIGNS, 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," BY ELIMINATING FROM SAID ORDINANCE NO. 260, ANY REQUIREMENTS THEREUNDER, ON THE PART OF THE GRANTEES OF THE FRANCHISE THEREIN GRANTED AND/OR THEIR ASSIGNS, TO CONSTRUCT, EQUIP, MAINTAIN AND OPERATE THEIR GAS GENERATING PLANT OR PLANTS, WORKS AND/OR HOLDERS, AND ALL NECESSARY OR DESIRABLE APPURTENANCES FOR THE MANUFACTURE AND/OR STORAGE OF GAS, IN WHOLE OR IN PART, INSIDE OF THE CITY LIMITS OF THE CITY OF MIAMI BEACH, AND PROVIDING THAT IT SHALL BE DEEMED AND HELD A FULL COMPLIANCE BY THE GRANTEES AND/OR THEIR ASSIGNS, WITH THE TERMS OF SAID ORDINANCE IN THAT REGARD AS THE SAID TERMS ARE AMENDED AND MODIFIED BY THIS ORDINANCE, IF THE SAID GENERATING PLANT OR PLANTS, WORKS AND/OR HOLDERS, AND ALL NECESSARY OR DESIRABLE APPURTENANCES ARE CONSTRUCTED, EQUIPPED, MAINTAINED AND OPERATED ANYWHERE IN DADE COUNTY, FLORIDA." be approved and become a law?

_____ YES.

_____ NO.

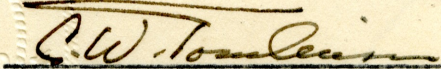
SECTION 9: That it is hereby determined and declared that the welfare of said City and the protection of the citizens thereof, require that this Ordinance be given its first, second and third readings at this meeting in one session of said City Council, which three readings of this Ordinance shall be 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 3rd day of April, A. D. 1929.

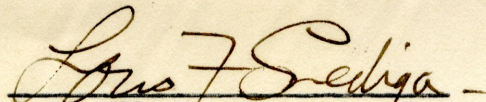

President of City Council
(Pro-tem)



ATTEST:


City Clerk

APPROVED BY ME this 3rd day of April, A. D. 1929.


Mayor

First, second and third readings, April 3, 1929.
Posted April 5, 1929.

(ORIGINAL)

ORDINANCE NO. 273

Calling election on Gas Franchise
Amendment.