

ORDINANCE NO. 2026-_____

AN ORDINANCE OF THE CITY OF FLAGLER BEACH, FLORIDA, SUBMITTING TO THE ELECTORS OF FLAGLER BEACH A PROPOSED AMENDMENT TO THE CHARTER OF THE CITY OF FLAGLER BEACH; PROVIDING BALLOT TITLE, SUMMARY AND TEXT FOR THE PROPOSED AMENDMENT; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE FOR APPROVED AMENDMENTS; PROVIDING FOR AN EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, the City entered a purchase and sale agreement with Ocean Palms Golf Club, LLC, for the sale of the property known as the Ocean Palm Golf Course; and

WHEREAS, as part of that transaction, the parties have agreed to a deed restriction providing:

Grantee acknowledges that Grantor is conveying the Property to Grantee for use exclusively as a golf course open to the general public. The parties acknowledge and agree that Grantee may also operate on the Property as a golf clubhouse, a clubhouse restaurant, related golf recreational uses and event, and uses and events that are consistent with uses common for a golf course and golf clubhouse in the State of Florida (the "Golf Ancillary Uses"). The Property shall not be used for any other purpose not contemplated herein. If at any time the Property shall cease to be used as a golf course open to the general public or if at any time the Property shall be used in a manner inconsistent with the allowed Golf Ancillary Uses, title to the Property shall revert to the Grantor and the Grantor shall have the right to take all lawful steps to re-enter and repossess the Property. The foregoing restriction can be amended or terminated only by the unanimous consent of the City Commission of the City of Flagler Beach and the consent of the Grantee.

; and

WHEREAS, in order to further effectuate the intent of the deed restriction, the City Commission proposes an amendment to the City Charter reinforcing the requirement that any termination or amendment of the deed restriction be approved by the unanimous vote of the City Commission; and

WHEREAS, Section 166.031, Florida Statutes, provides that the governing body of a municipality may, by ordinance, submit to the electors of said municipality proposed amendments to its charter, which amendments may be to any part or to all of its charter except that part describing the boundaries of such municipality; and

WHEREAS, the City Commission finds it to be in the best interests of its citizens to submit said proposed charter amendments to the voters at the next general election.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Flagler Beach, Florida, as follows:

Section 1. The City Commission of the City of Flagler Beach, pursuant to Section 166.031, Florida Statutes, hereby proposes and approves an amendment to the Charter of the City of Flagler Beach, which proposed amendment and the complete text thereof, as amended, is set forth in Section 2 below. The text of the amendments reflects the proposed changes by showing additions with underlining and deletions with ~~strike-through~~ type. Such election shall be held in conformity with the laws of the State of Florida and the ordinances of the City of Flagler Beach now in force relating to elections in the City of Flagler Beach. The Supervisor of Elections of Flagler County is hereby requested to coordinate all matters to said referendum election with the City Clerk. The proposed charter amendments shall be submitted to the voters at the _____ election.

Section 2. The ballot titles, questions and proposed charter changes are as follows:

City Charter Amendment:

Shall the Flagler Beach Charter be amended to provide that any termination or amendment of the deed restriction related to the sale of the property known as the Ocean Palm Golf course shall require a unanimous vote of the City Commission?

YES FOR APPROVAL

NO FOR REJECTION

Section 6.02. – Supermajority Vote Required to Terminate or Amend Golf Course Deed Restriction.

Pursuant to that certain deed granted to Ocean Palm Golf Club by the City of Flagler Beach on _____ and recorded at _____ the real property transferred therein (the “Subject Property”) is subject to a deed restriction and reversionary interest providing that the Subject Property shall be used exclusively as a golf course open to the general public and ancillary uses and events that are consistent with uses common for a golf course and golf clubhouse in the State of Florida (the “Deed Restriction”). Said restriction provides it may only be amended or terminated with the unanimous consent of the Commission.

Said restriction is hereby incorporated into this Charter and no amendment of the deed restriction shall be valid or enforceable unless first approved by a unanimous vote of the Commission

Section 3. The City Clerk is hereby directed to ensure that all advertising, translation and notice requirements are complied with and to coordinate all activities necessary to conduct the

referendum election called for in Section 1 of this Ordinance with the Supervisor of Elections for Flagler County.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion hereto. Further, the lack of approval by a majority of electors of one or more separate amendments to this Charter, as set forth in Section 2 herein, shall not be deemed to affect the validity of any amendments that may be approved by a majority of the electors.

Section 6. All ordinances and Charter provisions, or parts of ordinances and Charter provisions in conflict herewith are hereby repealed.

Section 7. This Ordinance shall take effect immediately upon its final passage and adoption. The revised Charter provisions proposed for approval in this Ordinance shall become effective upon their approval at a referendum election of the electors of the City of Flagler Beach in accordance with Section 166.031, Florida Statutes. If the electors reject an amendment, the rejected amendment shall not take effect.

PASSED ON FIRST READING THIS _____ DAY OF _____, 2026.
PASSED AND ADOPTED THIS _____ DAY OF _____, 2026.

CITY OF FLAGLER BEACH, FLORIDA
CITY COMMISSION

Patti King, Mayor

ATTEST:

Penny Overstreet, City Clerk