

CITY OF CORAL GABLES

RESOLUTION NO. _____

A RESOLUTION SETTING FORTH CONDITIONS FOR ENCROACHMENTS INTO, ONTO, UNDER AND OVER THE PUBLIC RIGHT-OF-WAY CONSISTING OF ALTARA AVENUE, LAGUNA STREET AND THE PUBLIC ALLEY OF BLOCK 2 OF CORAL GABLES INDUSTRIAL SECTION CONSISTING OF CONCRETE SIDEWALKS ON THE ALLEY, LANDSCAPING, IRRIGATION SYSTEM, AND DECORATIVE PUBLIC LIGHTING, IN CONNECTION WITH “THE HENRY” PROJECT, AS APPROVED AT THE DECEMBER 14, 2017 BOARD OF ARCHITECTS’ MEETING, ADJACENT TO 4131 LAGUNA STREET, CORAL GABLES, FLORIDA.

WHEREAS, Mr. Frank R. Trabold, on behalf of Terrace Mountain Investors IV, LLC, Owner, has requested permission to encroach into the right-of-way adjacent to 4131 Laguna Street, Coral Gables, Florida; and

WHEREAS, the proposed encroachment consists of concrete sidewalks on the alley, landscaping, irrigation system, and decorative public lighting, in connection with “The Henry” project, as approved at the December 14, 2017 Board of Architects’ meeting, adjacent to 4131 Laguna Street; and

WHEREAS, the proposed encroachments were reviewed and recommended by the City’s Planning and Zoning Board on September 14, 2016; and

WHEREAS, the proposed encroachments are included in the Mixed-Use approved by the City Commission on October 11, 2016 by Resolution Number **2016-232**; and

WHEREAS, the proposed encroachments are included in the “The Henry” project’s plans for 4131 Laguna Street prepared by Behar- Font & Partners, and processed under building permit number **BL-17-12-1698**.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA:

SECTION 1. The foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon adoption.

SECTION 2. That a request for encroachment, consisting of concrete sidewalks on the alley, landscaping, irrigation system, and decorative public lighting, in connection with “The Henry” project, as approved at the December 14, 2017 Board of Architects’ meeting, adjacent to 4131 Laguna Street, legally described as Lots 22 through 38, Block 2, of “ Revised Plat of Coral Gables Industrial Section” according to the plat thereof, as recorded in Plat Book 28, at Page 22, of the public records of Miami-Dade County, Florida, shall be and is hereby approved, subject to the following requirements:

- a. The proposed encroachments shall conform to the Florida Building Code and all pertinent Codes;
- b. The City of Coral Gables reserves the right to remove, add, maintain, or have the Owner remove any of the improvements within the right-of-way, at Owner's expense;
- c. The Owner shall maintain the proposed encroachments in good condition at all times, at Owner's expense;
- d. In the event the Public Works Department must issue a permit for a utility cut in the future, affecting the area in which the encroachments are approved, the Owner shall replace any portion of the approved encroachment, at Owner's expense;
- e. The Owner shall meet with the City Attorney's office for the purpose of providing all the information necessary for the office to prepare a Restrictive Covenant to be executed by the Owner, which runs with the title of the property, and which states, in addition to the above mentioned requirements, that the Owner will provide Public Liability Insurance coverage for the encroachment in the minimum limits required by the City, and naming the City as an additional insured under the policy;
- f. The copies of the Restrictive Covenant, when fully executed and filed, together with certification of required insurance, shall be presented to the Development Services and Public Works Departments and permits thereafter be obtained for the work from both of these Departments.

SECTION 3. That this Resolution shall become effective upon the date of its adoption herein.

PASSED AND ADOPTED TWENTIETH DAY OF MARCH, A. D., 2018.

APPROVED:

ATTEST:

RAUL VALDES - FAULI
MAYOR

WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

MIRIAM SOLER RAMOS
CITY ATTORNEY