

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING ENCROACHMENTS CONSISTING OF INSTALLATION OF WING WALLS AND PAVERS AT THE INTERSECTION OF COCOPLUM ROAD AND LOS PINOS BOULEVARD AND NEW SIGNAGE AT THE CARTAGENA CIRCLE ENTRANCE, SUBJECT TO REQUIREMENTS OF THE PUBLIC WORKS DEPARTMENT.

WHEREAS, on January 22, 2013, the City Commission approved encroachments consisting of new stone signs replacing the existing wood signs within the public right-of-way in Resolution 2013-06; and

WHEREAS, the Islands of Cocoplum Homeowner’s Association (Cocoplum 2) (“the Applicant”) submitted an encroachment application and corresponding plans for the installation of items in the right-of-way; and

WHEREAS, on January 10, 2019, the Board of Architects (BOA) denied the Applicant’s proposed improvements at the entrance of Cartagena Circle and at Cocoplum Road and Los Pinos Boulevard; and

WHEREAS, on January 19, 2019, the decision was appealed by the Applicant and on February 6, 2019, a Conflict Resolution meeting was held in accordance with the Zoning Code and the BOA Rules of Procedure and which resulted in a Settlement Agreement; and

WHEREAS, on February 19, 2019, the Cocoplum Civil Association (Cocoplum 1) appealed the settlement agreement which is pending a hearing before the City Commission; and

WHEREAS, the Applicant requests encroachments consisting of installation of wing walls and pavers at the intersection of Cocoplum Road and Los Pinos Boulevard and new signage at the Cartagena Circle entrance, subject to requirements of the Public Works Department.

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

SECTION 1. The request for modifications to existing encroachments consisting of: installation of wing walls and pavers at the intersection of Cocoplum Road and Los Pinos Boulevard and new signage at the Cartagena Circle entrance is approved, subject to the following conditions of the Public Works Department:

- a. The design of the proposed improvements receive ultimate approval as part of the BOA appeals process;
- b. The City of Coral Gables reserves the right to remove, add, maintain, or have the Applicant remove any of the improvements within the right-of-way, at the Applicant’s expense;

- c. The Applicant shall maintain the proposed encroachments in good condition at all times at Applicant's expense;
- d. The Applicant shall meet with the City Attorney for the purpose of providing all information necessary for preparation of a maintenance agreement to be executed by the Applicant, which states, in addition to the aforementioned requirements, that the Applicant 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;
- e. Copies of the maintenance agreement, when fully executed and filed, together with the required certificate of insurance, shall be provided by the Applicant to the Public Works Department; and permits thereafter shall be obtained from that Department;
- f. The proposed encroachments shall be constructed in accordance with the Florida Building Code and all other pertinent Codes;
- g. In the event the Public Works Department must issue a permit for a utility cut in the future within the area in which the encroachments are approved, the Applicant shall replace the proposed encroachments cut by the utility at the Applicant's expense;
- h. The proposed encroachment shall be maintained in accordance with the City Zoning Code, Section 5-1406, requiring that all visual obstructions be kept within a maximum height of thirty inches (30") within the visibility triangle.

SECTION 2. This Resolution shall become effective upon the date of its adoption herein.

PASSED AND ADOPTED THIS TWELFTH DAY OF MARCH, A.D., 2019.

APPROVED:

RAUL VALDES- FAULI
MAYOR

ATTEST:

BILLY URQUIA
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

MIRIAM SOLER RAMOS
CITY ATTORNEY