

**CITY OF CORAL GABLES, FLORIDA**

**RESOLUTION NO. 2009-196 (AS AMENDED)**

A RESOLUTION APPROVING ENCROACHMENTS INTO THE RIGHT-OF-WAY, ADJACENT TO 396 ALHAMBRA CIRCLE, SUBJECT TO THE REQUIREMENTS OF THE PUBLIC WORKS DEPARTMENT.

**BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES:**

**SECTION 1.** That the request for encroachments, consisting of precast decorative cornices and moldings, balconies, landscaping, irrigation and decorative lighting fixtures adjacent to 396 Alhambra Plaza, on property legally described as in the attached EXHIBIT "B", Block 27 of Coral Gables Section "K", according to the plat thereof as recorded in Plat Book 8, Page 33, of the Public Records of Miami-Dade County, be approved, subject to the following requirements of the Public Works Department.

- 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 Applicant remove any of the improvements within the right-of-way and at Applicant's expense.
- c. The Applicant maintain the existing encroachments in good condition at all times and at Applicant's expense.
- d. The Applicant 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 Applicant which runs with the title of the property, and which states, in addition to the above mentioned, 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. The copies of the Restrictive Covenant, when fully executed and filed, together with certification of required insurance, shall be presented to the Building and Zoning Department and to the Public Works Department and permits thereafter be obtained for the work from both of these Departments.
- f. The Applicant shall replace, at the Applicant's expense, any portion of the encroachment affected, in the event the Public Works Department must issue a permit for a utility cut in the future in the area in which the encroachments are approved, the Applicant shall replace the proposed encroachments so cut by the utility at Applicant's expense.

**SECTION 2.** That this Resolution shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS SEVENTH DAY OF JULY, A. D., 2009.


(Moved: Withers / Seconded: Kerdyk)

(Yeas: Kerdyk, Withers, Anderson, Cabrera, Slesnick)

(Unanimous: 5-0 Vote)

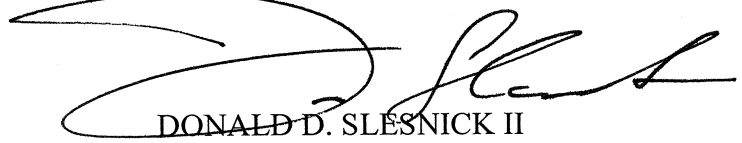
(Agenda Item: D-2)

ATTEST:



WALTER J. FOEMAN  
CITY CLERK

APPROVED:



DONALD D. SLESNICK II  
MAYOR

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:



ELIZABETH M. HERNANDEZ  
CITY ATTORNEY