

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2016-268

A RESOLUTION AUTHORIZING ENCROACHMENTS INTO THE PUBLIC RIGHT-OF-WAY, CONSISTING OF THE INSTALLATION OF A SCULPTURE CREATED BY THE WORLD-RENOWNED VENEZUELAN SCULPTOR ALBERTO CAVALIERI, IN THE SIDEWALK AREA ALONG WITH SURROUNDING PLANTER STRUCTURE, DECORATIVE PAVERS, BENCHES, LANDSCAPE, LIGHTING AND IRRIGATION IN CONNECTION WITH THE "GABLES WATERWAY" PROJECT ADJACENT TO 6100 CABALLERO BOULEVARD, CORAL GABLES, FLORIDA.

WHEREAS, Mr. Mario Garcia Serra, Esq. on behalf of Gables Waterway Property, LLC, Owner, has requested permission to encroach into the right-of-way adjacent to 6100 Caballero Boulevard, Coral Gables, Florida; and

WHEREAS, the proposed encroachment consists of the installation of a sculpture created by the world-renowned Venezuelan sculptor Alberto Cavalieri, in the sidewalk area along with surrounding planter structure, decorative pavers, benches, landscape, lighting and irrigation, adjacent to 6100 Caballero Boulevard; and

WHEREAS, the proposed encroachment was reviewed and approved by the City's Board of Architects June 15, 2015 under permit number AB-15-06-5218; and

WHEREAS, the proposed encroachments are included in the Gables Waterway project's plans for 6100 Caballero Boulevard prepared by CMA Design Studio, Inc. and processed under building permit number BL-16-06-6739;

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 the installation of a sculpture in the sidewalk along with surrounding planter structure and decorative pavers, which will encroach 27 feet, 3 inches at its maximum into the right-of-way for a maximum length of 32 feet, 4 inches along Caballero Boulevard, benches, landscape, lighting and irrigation adjacent to 6100 Caballero Boulevard, legally described as Lots 3 and 4, Block 5, of "Riviera Waterways Section" according to the plat thereof, as recorded in Plat Book 46, at Page 47, 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 passage and adoption herein.

PASSED AND ADOPTED THIS SIXTH DAY OF DECEMBER, A. D., 2016.

(Moved: Lago / Seconded: Quesada)

(Yeas: Lago, Quesada, Slesnick, Keon, Cason)

(Unanimous: 5-0 Vote)

(Agenda Item: C-1)

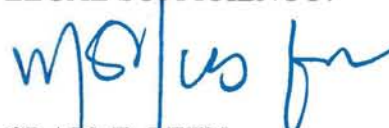
APPROVED:


 JIM CASON
 MAYOR

ATTEST:


 WALTER J. FOEMAN
 CITY CLERK

APPROVED AS TO FORM AND
 LEGAL SUFFICIENCY:


 CRAIG E. LEEN
 CITY ATTORNEY