

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2014-229

A RESOLUTION AUTHORIZING ENCROACHMENTS INTO THE PUBLIC RIGHT-OF-WAY, CONSISTING OF THE INSTALLATION OF A STEEL CANOPY WITH ALUMINUM AND WOOD TRIM, THAT EXTENDS APPROXIMATELY ONE FOOT AND NINE INCHES (1'9") BEYOND THE PROPERTY LINE, AT AN ELEVATION OF NINE FEET (9') AND FOR A LENGTH OF EIGHTEEN FEET AND TEN INCHES (18'10") ABOVE THE SIDEWALK, ADJACENT TO 2418 PONCE DE LEON BOULEVARD, CORAL GABLES, FLORIDA.

WHEREAS, Mr. Burton Hersh, Architect, on behalf of Balbro 25 26, LLC., Owner, has requested permission to encroach into the right-of-way with a steel canopy adjacent to 2418 Ponce de Leon Boulevard, Coral Gables, Florida; and

WHEREAS, the proposed encroachment consists of the installation of a steel canopy with aluminum and wood trim, that extends approximately one foot and nine inches (1'9") beyond the property line, at an elevation of nine feet (9') and for a length of eighteen feet and ten inches (18'10") above the sidewalk, adjacent to 2418 Ponce de Leon; and

WHEREAS, the proposed encroachment has been reviewed and approved by the City's Board of Architects on August 14, 2014 under permit number AB-14-08-2476; and

WHEREAS, the proposed encroachment is part of the exterior improvements plans for the Bricktops Restaurant, prepared by Burtonhersh Architecture / Planning, and processed under building permit number BL-14-08-3000;

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 steel canopy with aluminum and wood trim, that extends approximately one foot and nine inches (1'9") beyond the property line, at an elevation of nine feet (9') and for a length of eighteen feet and ten inches (18'10") above the sidewalk, adjacent to 2418 Ponce de Leon Boulevard, legally described as Lot 25, 26, and 28 , Block 2, of "Coral Gables Crafts Section" according to the plat thereof, as recorded in Plat Book 10, at Page 40, 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 THIS TWENTY EIGHT DAY OF OCTOBER, A. D., 2014.

(Moved: Quesada / Seconded: Keon)

(Yeas: Lago, Quesada, Keon, Cason)

(Majority: (4-0) Vote)

(Absent: Kerdyk)

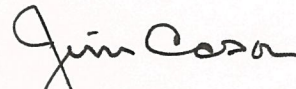
(Agenda Item: C-3)

ATTEST:



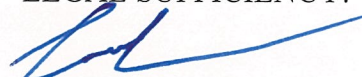
WALTER J. FOEMAN
CITY CLERK

APPROVED:



JIM CASON
MAYOR

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



CRAIG E. LEEN
CITY ATTORNEY