

**CITY OF CORAL GABLES, FLORIDA**

**RESOLUTION NO. 2026-41**

A RESOLUTION OF THE CITY COMMISSION AUTHORIZING AN ENCROACHMENT INTO THE PUBLIC RIGHT-OF-WAY FOR THE INSTALLATION OF A FENCE WITH CONCRETE COLUMNS AND ALUMINUM PICKETS AT 905 HARDEE ROAD, SUBJECT TO REQUIREMENTS OF THE PUBLIC WORKS DEPARTMENT.

**WHEREAS**, Mr. Diaz de la Portilla, property owner, has requested permission to encroach, approximately 17", into the public right-of-way at 905 Hardee Road; and

**WHEREAS**, the proposed encroachment consists of a fence installation with concrete columns and aluminum pickets which shall be serviced and maintained by the property owner; and

**WHEREAS**, if and when the fence is removed, the encroachment agreement shall become null and void;

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

**SECTION 1.** That 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 hereof.

**SECTION 2.** The request for encroachment, approximately 17" into the public right of way, consisting of a fence installation with concrete columns and aluminum pickets at 905 Hardee Road, be approved subject to the following conditions of the Public Works Department:

- a. The applicant shall submit a complete set of engineering drawings in accordance with the Public Works standards for review, and obtain approval of the Development Services Department, including structural division and Board of Architects, as necessary; and
- 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; and
- c. The Applicant shall maintain the proposed encroachments in good condition at all times at the Applicant's expense; and
- 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, and the Applicant will prepare a General Encroachment and Restrictive Covenant Agreement which shall be recorded; and

- 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; and
- f. The proposed encroachments shall be constructed in accordance with City of Coral Gables Public Works’ Standards and all other pertinent Codes, to include and not limited to structural reviews by the Development Services Department and Board of Architects, as necessary; and
- 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; and
- h. The proposed encroachment shall be maintained in accordance with relevant City Zoning Codes;

**SECTION 3.** This Resolution shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS TENTH DAY OF FEBRUARY, A.D., 2026.  
 (Moved: Anderson / Seconded: Castro)  
 (Unanimous Voice Vote)  
 (Absent: Fernandez)  
 (Agenda Item: D-2)

APPROVED:

VINCE LAGO  
 MAYOR

ATTEST:

BILLY Y. URQUIA  
 CITY CLERK

APPROVED AS TO FORM  
 AND LEGAL SUFFICIENCY:

CRISTINA M. SUÀREZ  
 CITY ATTORNEY