

**CITY OF CORAL GABLES, FLORIDA**

**RESOLUTION NO. 2012-206**

RESOLUTION OF THE CITY COMMISSION UPHOLDING THE APPLICANTS' APPEAL OF THE HISTORIC PRESERVATION BOARD'S DECISION; AND OVERRIDING SUCH DECISION BY GRANTING WITH CONDITIONS THE DE-DESIGNATION OF THE PROPERTY OF J. C. AND WALDO TOYOS, III, APPLICANTS AND OWNERS OF THE PROPERTY LOCATED AT 1044 CORAL WAY, CORAL GABLES FLORIDA; FURTHER REQUIRING A HISTORIC MARKER AS TO SAID LOT, AND RECOGNIZING THAT THE APPLICANTS AGREE, AS A CONDITION FOR APPROVAL OF THE DE-DESIGNATION, TO BRING THEIR ARCHITECTURAL PLANS BEFORE THE HISTORIC PRESERVATION BOARD AND THE BOARD OF ARCHITECTS AS ADVISORY BOARDS TO THE CITY COMMISSION, AND THAT THE CITY ATTORNEY WILL PROVIDE COUNSEL TO EACH OF SAID ADVISORY BOARDS, WHO WILL PROFFER THEIR RESPECTIVE RECOMMENDATIONS, BEFORE THIS MATTER IS BROUGHT ULTIMATELY BEFORE THE CITY COMMISSION FOR ITS CONSIDERATION, REVIEW AND FINAL APPROVAL.

**WHEREAS**, the applicants appeared before the City Commission on October 30, 2012, regarding their appeal of the decision of the Historic Preservation Board denying their application to de-designate the property located at 1044 Coral Way, Coral Gables, Florida;

**WHEREAS**, following review of the administrative record, and following an appellate hearing before the City Commission where argument was heard, the Commission upheld the appeal, and overrode the decision of the Historic Preservation Board by approving de-designation of the property with conditions agreed to by the applicants;

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

**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 hereof.

**SECTION 2.** That the City Commission does hereby uphold the applicants' appeal of the Historic Preservation Board's decision, and overrides such decision by granting with conditions the de-designation of the property located at 1044 Coral Way, Coral Gables, Florida, and further requiring a historic marker relating to said property, and recognizing that the applicants agree, as a condition of approval of the de-designation, to bring their final plans before the Historic Preservation Board and the Board of Architects as advisory boards to the City Commission, and that the City Attorney will provide counsel to each of said advisory boards, who will proffer their respective recommendations, before this matter is brought ultimately before the City Commission for its consideration, review, and final approval.

**SECTION 3.** That the City Attorney will provide counsel to the aforementioned advisory boards, and has authority to interpret this resolution to ensure that the process stated herein is followed, and the purpose of the resolution is met.

**SECTION 4.** That this resolution shall become effective upon its passage and adoption herein.

PASSED AND ADOPTED THIS THIRTIETH DAY OF OCTOBER, A.D., 2012.  
(Moved: Anderson / Second: Cabrera)  
(Yeas: Cabrera, Kerdyk, Quesada, Anderson, Cason)  
(Unanimous: 5-0 Vote)  
(Agenda Item: E-1)

APPROVED:

  
JIM CASON  
MAYOR

ATTEST:

  
WALTER J. FOEMAN  
CITY CLERK

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

  
CRAIG E. LEEN  
CITY ATTORNEY