

**CITY OF CORAL GABLES, FLORIDA**

**RESOLUTION NO. 2011-35**

RESOLUTION OF THE CORAL GABLES CITY COMMISSION, WITH ATTACHMENT, AUTHORIZING CITY MANAGER TO EXECUTE A CONSTRUCTION AND MAINTENANCE AGREEMENT WITH OLD CUTLER BAY HOMEOWNERS ASSOCIATION FOR REMOVAL OF PALM TREES FROM THE OLD CUTLER BAY NEIGHBORHOOD AND RELOCATION UPON CITY RIGHTS-OF-WAY; TO LOAD CERTAIN COCONUT PALM TREES UPON CITY TRUCKS; TO RELOCATE OAK TREES ON PONCE DE LEON BOULEVARD TO THE ENTRANCE OF OLD CUTLER BAY AT NO COST TO THE CITY.

**WHEREAS**, Resolution No. 2010-275, approved on December 14, 2010, authorized that the existing oak trees on Ponce de Leon Boulevard between Sevilla Avenue and Alcazar Avenue be removed and replanted to the rights-of way at the entrance to the Old Cutler Bay neighborhood; and

**WHEREAS**, the Homeowners Association for Old Cutler Bay agrees to remove Palm Trees currently planted at the entrance of the Old Cutler Bay neighborhood, through a contractor approved by the City, and replant eight (8) trees upon other City rights-of-way; and

**WHEREAS**, the Homeowners Association for Old Cutler Bay further agrees to load onto City trucks nine (9) Coconut Palm trees to be re-planted by City forces upon City rights-of-way within the City of Coral Gables; and

**WHEREAS**, the Homeowners Association for Old Cutler Bay further agrees to relocate all existing Oak trees planted in the median on Ponce de Leon Boulevard between the intersections of Sevilla Avenue to the south to Alcazar Avenue to the north and to replant said trees in the rights-of-way located at the entrance of the Old Cutler Bay neighborhood; and

**WHEREAS**, the Old Cutler Bay Homeowners Association agrees to provide for the relocation and removal of the aforementioned trees at no cost to the City; and

**WHEREAS**, the City Commission of Coral Gables finds that it is in the best interest of the City to enter into this Construction and Maintenance Agreement;

**NOW, THEREFORE, 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 authorize the City Manager to execute the attached Construction and Maintenance Agreement with the Old Cutler Bay Homeowners Association.

**SECTION 3.** That this resolution shall become effective upon the date of its passage and adoption herein.

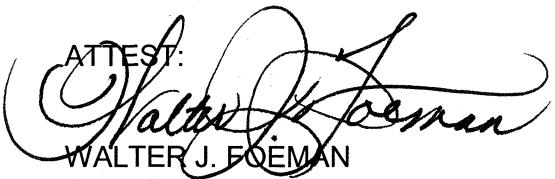
PASSED AND ADOPTED THIS TWENTY-SECOND DAY OF FEBRUARY, A.D., 2011.

(Moved: Anderson / Seconded: Kerdyk  
(Yea: Cabrera, Kerdyk, Withers, Anderson, Slesnick)  
(Unanimous: 5-0 Vote)  
(Agenda Item: C-3

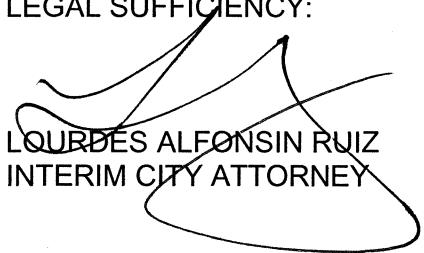
APPROVED:

  
DONALD D. SLESNICK II  
MAYOR

ATTEST:

  
WALTER J. FOEMAN  
CITY CLERK

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

  
LOURDES ALFONSIN RUIZ  
INTERIM CITY ATTORNEY