

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2008-40

A RESOLUTION AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE ATTACHED LETTER OF UNDERSTANDING REGARDING THE COUNTY'S OBLIGATIONS TO REMOVE A SHOAL IN THE CORAL GABLES WATERWAY ADJACENT TO CITY OWNED PROPERTY IMMEDIATELY NORTH OF THE BLUE ROAD BRIDGE.

WHEREAS, on November 16, 2006, a 48-inch diameter water main located on the north side of the Blue Road Bridge failed resulting in a wash-out of an adjacent shoreline owned by the City of Coral Gables; and

WHEREAS, said wash-out further resulted in the creation of a shoal consisting of approximately 400 cubic yards just off shore from the City's property; and

WHEREAS, the County has acknowledged its responsibility for the shoal, as well as restoration of City-owned property caused by the failed water main; and

WHEREAS, due to the extended time needed to obtain a dredging permit to remove the shoal, the County is requesting a waiver from the City to perform the dredging activity under its permit application at this time; and

WHEREAS, the City is favorably disposed to grant the County's request, provided that it meets the conditions stated in the attached Letter of Understanding, including the appropriate recompense to the City for removal of the shoal;

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 hereof.

SECTION 2. The City Manager or his designee is hereby authorized to execute the attached Letter of Understanding regarding the County's obligations to remove a shoal in the Coral Gables Waterway adjacent to City-owned property just north of the Blue Road Bridge.

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

PASSED AND ADOPTED THIS ELEVENTH DAY OF MARCH, A. D., 2008.

(Moved: Anderson / Seconded: Kerdyk)

(Yeas: Withers, Anderson, Kerdyk, Slesnick)

(Absent: Cabrera)

(Majority (4-0) Vote)

(Agenda Item: H-3)

APPROVED:




DONALD D. SLESNICK II
MAYOR

ATTEST:



WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



ELIZABETH M. HERNANDEZ
CITY ATTORNEY

CITY OF CORAL GABLES
OFFICE OF THE CITY ATTORNEY

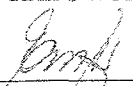
RECEIVED
FEB 08 2008

- MEMORANDUM -

PUBLIC WORKS DEPT.

TO: JAMES KAY
PUBLIC WORKS DEPT.

DATE: February 1, 2008

FROM: 
Elizabeth M. Hernandez
City Attorney

SUBJECT: LETTER OF
UNDERSTANDING
WASA

In response to your Legal Advice Request dated January 24, 2008, please be advised that the Letter of Understanding does require City Commission approval. Meanwhile, it has been reviewed and approved as to legal sufficiency, and is returned to you herewith.

Should you have any questions or concerns, please do not hesitate to contact our office.

/stg
Encls.

DRAFT

RECEIVED
FEB 16 2008

PUBLIC WORKS DEPT.

January 8, 2008

Victor Fernandez-Cuervo, P.E., Chief Engineer
Miami-Dade Water & Sewer Department
3071 S.W. 38 Avenue
Miami, Florida 33146

RE: Letter of Understanding as a Condition of City of
Coral Gables Public Works Pending Permit for Site
Restoration Repair of 48-inch Water Main at
Coral Gables Waterway and Blue Road (S.W. 48 St.)

Dear Mr. Fernandez-Cuervo:

The Miami-Dade Water & Sewer Department (WASD) has applied for a City of Coral Gables Public Works Department Waterway Construction permit for site restoration repair of a 48-inch water main located on City right-of-way along Blue Road at its intersection with the Coral Gables Waterway and adjacent to City owned property described as Block 26, according to the Revised Plat of Coral Gables Riviera Section Part 1, as recorded in Plat Book 28 at Page 31 of the Public Records of Miami-Dade County. The work under the permit includes the extension of an existing 10-inch outfall pipe, construction of sheet piling, fill material and placement of rip-rap material. Not included in the permit work is the removal (dredging) of approximately 400 cubic yards of sand and rock material deposited in the canal bottom approximately 60 feet north of the Blue Road Bridge. This shoal occurred as a result of the washout of the shoreline when the 48-inch pipe failed. WASD has acknowledged its responsibility for the shoaling in previous correspondence. Due to the extended time needed for regulatory reviews of dredging requests at various levels, WASD is requesting a waiver from the City of Coral Gables to perform any dredging activity under its permit application at this time. WASD has expressed a desire to proceed with restoration at the site as soon as possible.

The City of Coral Gables is favorably disposed to grant WASD's request to waive the requirement for removal of the shoal in the canal at this time, provided the following conditions are understood and agreed upon: (1) Currently the City of Coral Gables is preparing construction plans and specifications to dredge the Coral Gables Waterway, including the canal bottom north and south of the Blue Road Bridge; (2) The City shall include

the removal of the shoal (approximately 400 cubic yards) in its future construction contract, expected to commence within two to four years from the date of this letter; (3) Upon removal of the shoal, the City shall prepare and send an invoice(s) to WASD based on the fair and reasonable costs established by public bid; and (4) WASD shall agree to reimburse the City within a reasonable time frame for the cost of the removal of the shoal.

Your signature below will confirm that the Miami-Dade Water and Sewer Department understands the conditions of this Letter of Understanding and will honor its obligations as set forth herein. Execution of this document will be a condition of the City's issuance of a permit to WASD for the work described in this letter.

Should you have any questions regarding this letter, please contact the undersigned or Mr. James J. Kay, P.E., Project Engineer, at telephone number 305-460-5000 or e-mail addresses adelgado@coralgables.com and jkay@coralgables.com.

For the City of Coral Gables:

R. Alberto Delgado, P.E.
Public Works Director

For the Miami-Dade Water & Sewer Department:

Victor Fernandez-Cuervo, P.E., Chief Engineer

Date: _____

APPROVED


Victor Fernandez-Cuervo
Date: _____