

**CITY OF CORAL GABLES, FLORIDA**

**RESOLUTION NO. 2008-86**

A RESOLUTION APPROVING EXISTING ENCROACHMENTS INTO THE RIGHT-OF-WAY TO REMAIN, ADJACENT TO 2222 PONCE DE LEON BOULEVARD, SUBJECT TO THE REQUIREMENTS OF THE PUBLIC WORKS DEPARTMENT.

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

**SECTION 1.** That the request for encroachments, consisting of a soakage pit including a slab covered trench and a manhole for building drainage purposes, adjacent to 2222 Ponce de Leon Boulevard on property legally described as Lots 25 through 29, and the East 24.1 feet of Lot 30, Block 28 of "Coral Gables Section "K", according to the plat thereof as recorded in Plat Book 8, Page 33 of the Public Records of Miami-Dade County, shall be and it is hereby approved, subject to the following requirements of the Public Works Department:

- a. That the existing encroachments shall conform to the Florida Building Code and all pertinent Codes.
- b. That 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 and at Applicant's expense.
- c. That the Applicant maintain the existing encroachments in good condition at all times and at Applicant's expense.
- d. That the Applicant meet with the City Attorney's office for the purpose of providing all the information necessary for that office to prepare a Restrictive Covenant to be executed by the Applicant which runs with the title of the property, and which states, in addition to the above mentioned, 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.
- e. That the copies of the Restrictive Covenant, when fully executed and filed, together with certification of required insurance, shall be presented to the Building and Zoning Department and to the Public Works Department and permits thereafter be obtained for the work from both of these Departments.

f. That the Applicant shall replace, at the Applicant's expense, any portion of the encroachment affected, in the event the Public Works Department must issue a permit for a utility cut in the future in the area in which the encroachments are approved, the Applicant shall replace the proposed encroachments so cut by the utility at Applicant's expense.

**SECTION 2.** That this resolution shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS TWENTY-SIXTH DAY OF JUNE, A. D., 2008.

(Moved: Kerdyk / Seconded: Withers)

(Yea: Withers, Anderson, Cabrera, Kerdyk, Slesnick)

(Unanimous: 5-0 Vote)

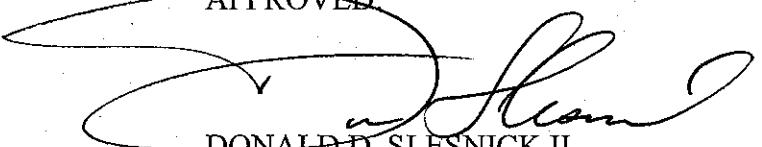
(Agenda Item: D-2)

ATTEST:



WALTER J. FOEMAN  
CITY CLERK

APPROVED:



DONALD D. SLESNICK II  
MAYOR

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

ELIZABETH M. HERNANDEZ  
CITY ATTORNEY