

**CITY OF CORAL GABLES, FLORIDA**

**RESOLUTION NO. 2016-240**

A RESOLUTION AUTHORIZING ENCROACHMENTS INTO THE PUBLIC RIGHT-OF-WAY, CONSISTING OF THE INSTALLATION OF TWO STEEL CANOPIES, THAT EXTENDS A DISTANCE OF THREE FEET (3' – 0") BEYOND THE PROPERTY LINE, AT AN ELEVATION OF AT LEAST TEN FEET, EIGHT INCHES (10' – 8") ABOVE THE SIDEWALK, FOUR HANDRAILS THAT WILL ENCROACH SEVENTEEN INCHES (17") INTO THE SIDEWALK, LANDSCAPE, LANDSCAPE LIGHTING AND IRRIGATION ADJACENT TO 2728 PONCE DE LEON BOULEVARD, CORAL GABLES, FLORIDA.

**WHEREAS**, Mr. Burton Hersh, Architect, on behalf of Skyy Properties, Inc., Owner, has requested permission to encroach into the right-of-way adjacent to 2728 Ponce de Leon Boulevard, Coral Gables, Florida; and

**WHEREAS**, the proposed encroachment consists of the installation of two steel canopies, that extends a distance of three feet (3' – 0") beyond the property line, at an elevation of at least ten feet eight inches (10' – 8") above the sidewalk, four handrails encroaching seventeen inches (17") into the sidewalk, landscape, landscape lighting and irrigation, adjacent to 2728 Ponce de Leon Boulevard, and

**WHEREAS**, the proposed encroachment was reviewed and approved by the City's Board of Architects on May 19, 2016 under permit number AB-13-02-1667; and

**WHEREAS**, the proposed encroachments are part of the exterior and right of way improvements' plans for the 2728 Ponce de Leon Boulevard property prepared by Burton Hersh Architecture / Planning, and processed under building permit number BL-15-01-1126;

**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.

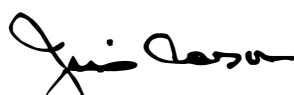
**SECTION 2.** That a request for encroachment, consisting of the installation of two steel canopies, that extends a distance of three feet (3' – 0") beyond the property line, at an elevation of at least ten feet eight inches (10' – 8") above the sidewalk, four handrails encroaching seventeen inches (17") into the sidewalk, landscape, landscape lighting and irrigation, adjacent to 2728 Ponce de Leon Boulevard, legally described as Lots 27 to 31 included , Block15, of "Coral Gables Crafts Section" according to the plat thereof, as recorded in Plat Book 10, at Page 40, of the public records of Miami-Dade County, Florida, shall be and is hereby approved, subject to the following requirements:

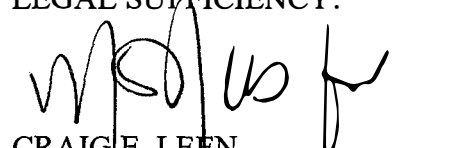
- a. The proposed encroachments shall conform to the Florida Building Code and all pertinent Codes;
- b. The City of Coral Gables reserves the right to remove, add, maintain, or have the Owner remove any of the improvements within the right-of-way, at Owner's expense;
- c. The Owner shall maintain the proposed encroachments in good condition at all times, at Owner's expense;
- d. In the event the Public Works Department must issue a permit for a utility cut in the future, affecting the area in which the encroachments are approved, the Owner shall replace any portion of the approved encroachment, at Owner's expense;
- e. The Owner shall meet with the City Attorney's office for the purpose of providing all the information necessary for the office to prepare a Restrictive Covenant to be executed by the Owner, which runs with the title of the property, and which states, in addition to the above mentioned requirements, that the Owner 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;
- f. The copies of the Restrictive Covenant, when fully executed and filed, together with certification of required insurance, shall be presented to the Development Services and Public Works Departments and permits thereafter be obtained for the work from both of these Departments.

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

PASSED AND ADOPTED THIS TWENTY-FIFTH DAY OF OCTOBER, A. D., 2016.  
 (Moved: Lago / Seconded: Slesnick)  
 (Yeas: Quesada, Keon, Lago, Slesnick, Cason)  
 (Unanimous: 5-0 Vote)  
 (Agenda Item: C-1)

ATTEST:  
  
 WALTER L. FOEMAN  
 CITY CLERK

APPROVED:  
  
 JIM CASON  
 MAYOR

APPROVED AS TO FORM AND  
 LEGAL SUFFICIENCY:  
  
 CRAIG E. LEEN  
 CITY ATTORNEY