

CITY OF CORAL GABLES

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING ENCROACHMENTS INTO THE PUBLIC RIGHT-OF-WAY OF OLD CUTLER ROAD/SW 57TH AVENUE, CONSISTING OF THE CONSTRUCTION OF A NEW CBS WALL, REPLACING A PORTION OF THE EXISTING ALUMINUM FENCE ADJACENT TO GULLIVER ACADEMY, 12595 RED ROAD, CORAL GABLES, FLORIDA.

WHEREAS, Mr. John Krutulis, Registered Agent, on behalf of Gulliver Schools, Inc., Owner, has requested permission to encroach into the right-of-way with a CBS wall to replace a portion of existing aluminum fence adjacent to Gulliver Academy, 12595 Red Road, Coral Gables, Florida; and

WHEREAS, the Coral Gables City Commission passed and adopted Ordinance No. 2011-06 on March 22, 2011 authorizing certain encroachments into the right-of-ways at Campamento Drive, Old Cutler Road and Red Road; and

WHEREAS, the proposed encroachment has been reviewed and approved by the City's Board of Architects on March 5, 2015 under permit number AB-15-02-1456 ; and

WHEREAS, the proposed encroachment is part of the signage plans prepared by tgadesign, and processed under building permit number BL-15-03-4328;

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 construction of a CBS wall which will replace a portion of existing aluminum fence adjacent to Gulliver Academy, located 12595 Red Road, legally described as: Lot 7, AVOCADO LAND COMPANY SUBDIVISION, located in the Southeast 1/4 of the Northeast 1/4 of Section 18, Township 55 South, Range 41 East, according to the plat hereof, recorded in Plat Book 2, at Page 44, of the Public Records of Miami-Dade County, Florida, less there from road right of way more particular described as follows:

The West 35 feet; the South 30 feet; the East 30 feet; that remaining portion lying Southwesterly of a circular curve concave Northeasterly having a radius of 25 feet, said circular curve being tangential to a line 35 feet Easterly of, and parallel to, the Westerly line of said Tract 7, and tangential to a line 30 feet Northerly of, and parallel to, the Southerly line of said Tract 7; and that remaining portion lying Southeasterly of a circular curve concave Northwesterly having a radius of 25 feet, said circular curve being tangential to a line 30 feet Westerly of,

and parallel to, the Easterly line of said Tract 7, and tangential to a line 30 feet Northerly of, and parallel to, the Southerly line of said Tract 7; lying and being in Coral Gables, Miami-Dade County, Florida and 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 SIXTEENTH DAY OF JUNE, A. D., 2015.

ATTEST:

WALTER J. FOEMAN
CITY CLERK

APPROVED:

JIM CASON
MAYOR

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

CRAIG E. LEEN
CITY ATTORNEY