

**CITY OF CORAL GABLES**

**RESOLUTION NO. \_\_\_\_\_**

RESOLUTION AUTHORIZING ENCROACHMENTS INTO THE PUBLIC RIGHT-OF-WAY, CONSISTING OF THE INSTALLATION OF WATER BACKFLOW PREVENTER, A CARBON DIOXIDE (CO2) CANISTER, AND PROTECTIVE BOLLARDS LOCATED AT THE ALLEY BEHIND 5833 PONCE DE LEON BOULEVARD, CORAL GABLES, FLORIDA.

**WHEREAS**, Mr. Thad Winieckie, on behalf of University of Miami, Owner, has requested permission to encroach into the right-of-way (alley) adjacent to 5833 Ponce de Leon Boulevard, Coral Gables, Florida; and

**WHEREAS**, the proposed encroachment consists of the installation of water backflow preventer, a Co2 canister and protective bollards at the rear alley subject to the requirements of the Public Works Department; and

**WHEREAS**, the proposed encroachment has been reviewed by the City’s Public Works and Development Services’ Departments under permit number **RV-18-08-3706**; and

**WHEREAS**, the Public Works Department recommends the proposed encroachments with the exception of the Co2 canister installation.

**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 water backflow preventer the installation of protective bollards located at the rear of alley behind 5833 Ponce de Leon Boulevard, Coral Gables, Florida, subject to the requirements of the Public Works on property legally described as Lots 14,15,16 and 17, Block192, of “Coral Gables Riviera Section 14, second Revised Plat” according to the plat thereof as recorded in Plat Book 128, 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 THIRTEENTH DAY OF NOVEMBER, A. D., 2018.

APPROVED:

ATTEST:

RAUL VALDES - FAULI  
MAYOR

WALTER J. FOEMAN  
CITY CLERK

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

MIRIAM SOLER RAMOS  
CITY ATTORNEY