

SUMMARY COMPARISON OF ISLANDS OF COCCOPLUM VS COCCOPLUM

FACTS	IOC	COCCOPLUM
- YEAR DEVELOPED	1979	1976
- HOA	YES	NO
- NUMBER OF ESTATES	304	150
- NUMBER OF WATERFRONT ESTATES	172	26
- PRIVATE CLUB AND CLUBHOUSE	YES	NO
- WORLD CLASS AMENITIES	YES	NO
- MAINTAINS COMMON AREAS	YES	NO
- SIGN ON OLD CUTLER	NO	YES / 2 SIGNS



155 Isla Dorada Blvd
Coral Gables, FL 33143
305-667-7386

Dear Mayor and Commissioners:

As the elected representatives of Islands of Cocoplum (a 304-home community), we are writing you this letter to express our unwavering support for the two projects currently being proposed:

1. Islands of Cocoplum signage at the entrance to our community along Cartagena Plaza; and
2. The upgraded entrance features along Cocoplum Road that include wing walls and brick pavers.

We are united in our steadfast conviction and commitment to continuously upgrade and improve our community. For the past 40 years, we have had a long-standing and mutually beneficial agreement with the City of Coral Gables to maintain, manage and upgrade the entrance along Cartagena Plaza as well as the median along Cocoplum Road. During these four decades we have never waived in our resolve to fulfill our obligations nor have we ever neglected to provide the requisite funds to sufficiently provide for these areas.

We are asking our elected officials to support the aforementioned two projects as we feel strongly they will benefit our residents, the surrounding community and the City of Coral Gables. Thank you for your support and for your service to the City Beautiful!



Regards,


Matthew Martinez, President


Joan Jimenez, Vice President


Freddy Piedra, Treasurer


Ines Lorenzo-Gomez, Secretary


Dept. Canelo

Jeff Taylor


Robert Garner

Lisette di Gasbarro


Carla Islas Benavides

COCOPLUM YACHT CLUB, INC.
WHERE CORAL GABLES MEETS BISCAYNE BAY

March 8th, 2019

Cocoplum Home Owners Association
ATTN: Matt Martinez
155 Isla Dorada Boulevard
Coral Gables, FL, 33143

Dear Matt,

The Yacht Club has no interest in placing any signage along Cartagena Plaza. The Yacht Club approves and supports signage along Cartagena Plaza for Island of Cocoplum. Islands of Cocoplum has been a long- trusted and helpful partner for 40 years and we continue to enjoy an outstanding relationship with them.

Sincerely,

Ralph Valdes
Commodore
Cocoplum Yacht Club



6500 Prado Blvd. Coral Gables, Fl.
305-663-1353 305-661-4080 F
info@cocoplumyachtclub.com
www.cocoplumyachtclub.com



March 11, 2019

Cocoplum Homeowners Association
Attn: Matt Martinez
155 Isla Dorada Blvd.
Coral Gables, FL 33143

Dear Matt,

Tahiti Beach Homeowners Association has no objections to Cocoplum Homeowners Associations efforts to update the entrance signs on Cartagena Circle and beautify the pillars at Islands of Cocoplum.

We are happy to cooperate with our neighbors on improvements to the Community.

Sincerely,

A handwritten signature in black ink, appearing to read 'Yife Tien', with a stylized flourish at the end.

Yife Tien
Vice-President
Tahiti Beach Homeowners Association, Inc.

CITY OF CORAL GABLES
CITY ATTORNEY'S OFFICE

OPINION REGARDING ENTRANCE FEATURES IN THE CITY'S RIGHT-OF-WAY

For over 16 years, Cocoplum II (also known as the "Islands of Cocoplum") has had an entrance feature identifying to the public its neighborhood. The entrance feature located on public right-of-way was first established pursuant to City of Coral Gables Resolution No. 30389 A in December of 2002, at the request of what was then known as the Cocoplum Homeowners Association, Inc. That resolution approved four informational signs in the City's right-of-way.

In 2012, the Association now known as the Islands of Cocoplum Homeowners Association (Homeowners Association), requested an encroachment in the right-of way to replace the previous wood signs with "a more attractive stone feature that would be more up to the distinctive 'Coral Gables' architectural standard."¹ (Letter to Public Works Department dated October 16, 2012 attached as Attachment I). As a result of that request, the City approved Resolution No. 2013-06 and authorize replacing two wooden signs with two stone signs. (Attachment II).

The adjacent neighborhood, known as Cocoplum I, argues (for the first time), the City's authority taken in 2002 to approve the Homeowners Association's entrance feature, and the City's approval of a modified entrance feature taken five years ago. It is the opinion of this office that Cocoplum I's position is without merit.

Cocoplum I's challenge to the City's action to approve the entrance feature is based on a 1955 Supreme Court case known as *Edwards v. Town of Lantana*, 77 So2d 245 Fla.1955) (Counsel for Cocoplum I miscited this as a 4th District Court of Appeal case.). In that case, the city entered into an agreement with a developer who was in the business selling lots for homesites in a remote part of town. The town entered into an agreement permitting the developer to install "ornamental markers" in the city's right-of way as part of an overall agreement with developer who agreed to put in the necessary infrastructure that the town did not want to go to the expense to install. The town, after the developer had installed the ornamental markers, had a change of heart and required the developer to either remove the markers or the town would destroy them. The Court in rejecting the developer's argument of estoppel, held that the town's agreement was ultra vires for allowing in the public right-of-way ornamental markers found by the Court to be for a purely private purpose. *Accord Smith v. Bus Stops of Greater Miami, Inc* 89 So.2d (Fla. 1956). (City lacked authority to enter into contract for advertising markers at bus stops.)

The law as announced in the *Edwards* and *Smith*, was distinguished in *City of Miami v. Bus Benches Co.*, 174 So 2d. 1965 (Fla. 3rd DCA 1965) and supports the City's authority to permit the installation of the entrance features here. In that case, the City of Miami, granted to a bus bench company a five-year contract to install bus benches in the right-of-way. The City during the term of the contract sought to impair that contract by requiring the removal of bus benches from rights-of-way in residential areas. The City, relying upon language in *Smith*, argued that its contract was

¹ The City approves encroachments into the right-of-way through notice and public hearing. Section 62-3, City of Coral Gables Code.

approval, shall be duly recorded prior to the issuance of any permits. (emphasis supplied)

Even the State of Florida recognizes neighborhood entrance features in its “Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways,” known as the “Greenbook.” (Excerpt included as Attachment IV.) The Greenbook under Section D. 3. “Neighborhood Entry Control,” “Gateway Treatment or Entrance Features” describes the purpose for entrance features: “Treatment to a street that includes a sign, banner, landscaping and roadway narrowing or other structure that help to communicate a sense of neighborhood identity.”

Cocoplum I’s objection to the name presents a non-justiciable political question. Under the separation of powers doctrine courts are not permitted to dictate matters exclusive to the legislative branch such as the choice of name used for an entrance feature. *See e.g* Kuntz v. School Board of Palm Beach County 237 So.2d 1026 (Fla 4th DCA 1026, 1029)(“strict separation of powers supports the foundation and logic of the political-question doctrine, in that Florida’s organic law does not permit a ‘dispersal of decisional responsibility’ which would allow the courts to dictate educational policy choices and their implementation to the other two branches of government, absent specific authorization by law.”)

The City had the authority sixteen years ago to approve the entrance feature as well as the authority five years ago to approve its modification and continues to have that authority today. The City’s action was lawful as it was based on a dual public purpose: first, as a directional sign to assist to assist travelers in locating the community and second, to promote neighborhood identity and civic pride.

In consultation with special counsel, this opinion is issued pursuant to Sections 2-252(e)(1) and (8) of the City Code authorizing the City Attorney’s Office to issue opinions and interpretations on behalf of the City.

December 2018