

**CITY OF CORAL GABLES, FLORIDA**

**RESOLUTION NO. 2009-262**

**A RESOLUTION AUTHORIZING ENCROACHMENTS INTO THE RIGHT-OF-WAY, ADJACENT TO 1505 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 light fixtures at an elevation of approximately ten feet (10'-0") above the sidewalk, irrigation, landscaping, miscellaneous architectural moldings and roof overhangs, adjacent to 1505 Ponce de Leon Boulevard, on property legally described as Lots 1 through 5, inclusive, and Lots 17 through 22, inclusive, Block 36 of "Revised Plat of Coral Gables Douglas Section", according to the plat thereof as recorded in Plat Book 25, Page 69 of the Public Records of Miami-Dade County, be approved, subject to the following requirements of the Public Works Department:

a. That the proposed 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 Owner remove any of the improvements within the right-of-way and at Owner's expense.

c. That the Owner maintain the existing encroachments in good condition at all times and at Owner's expense.

d. That the Owner 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, 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.

e. That 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 Owner shall replace, at the Owner'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 Owner shall replace the proposed encroachments so cut by the utility at Owner's expense.

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

PASSED AND ADOPTED THIS TWENTY-SECOND DAY OF SEPTEMBER, A.D., 2009.

(Moved: Withers / Seconded: Anderson)

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

(Unanimous: 5-0 Vote)

(Agenda Item: C-1)

APPROVED:




DONALD D. SLESNICK II  
MAYOR

ATTEST:



WALTER J. FOEMAN  
CITY CLERK

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:



ELIZABETH M. HERNANDEZ  
CITY ATTORNEY