

**CITY OF CORAL GABLES, FLORIDA**

**RESOLUTION NO. 2009-247**

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE AGREEMENT BETWEEN AMERICAN TRAFFIC SOLUTIONS AND THE CITY OF CORAL GABLES, SETTING FORTH CONDITIONS FOR ENCROACHMENTS UPON THE RIGHT-OF-WAY AND/OR THE EASEMENT AREA, CONSISTING OF POLES, FOUNDATIONS, CAMERA SYSTEMS AND RELATED INFRASTRUCTURE AT SEVERAL LOCATIONS THROUGHOUT THE CITY OF CORAL GABLES, FLORIDA.

**BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES:**

**SECTION 1.** That the Agreement between American Traffic Solutions and the City of Coral Gables in order to set forth conditions for encroachments within the public right-of-way and/or the easement area, consisting of poles, foundations, camera systems and related infrastructure at several locations throughout the City of Coral Gables, be amended, to include the following requirements of the Public Works Department:

- a) American Traffic Solutions shall be listed as the contact agency with Sunshine One for proper underground locations in the area of the encroachments; and
- b) The use of the encroachment area(s) shall be private and American Traffic Solutions will not provide access or occupancy to any customer or third party without prior written approval from the City of Coral Gables; and
- c) The City of Coral Gables reserves the right to remove, add, and maintain the encroachments or have American Traffic Solutions remove any of the encroachments within the right-of-way at American Traffic Solutions' sole expense; and
- d) American Traffic Solutions shall maintain the proposed encroachments in good condition at all times at American Traffic Solutions' sole expense; and
- e) American Traffic Solutions shall replace, at American Traffic Solutions' sole expense, any portion of the encroachments affected, in the event the City of Coral Gables issues a permit for a utility company to excavate or construct in the proposed area(s) of encroachment; and
- f) The proposed encroachments shall be constructed in accordance with all applicable Codes; and
- g) In the event that ATS' construction is located within private property, ATS shall obtain a grant of easement from the land owner(s), a copy of which shall accompany ATS' permit application to the City; and

h) All stated conditions for encroachments in the public right-of-way shall apply to encroachments on private property; and

i) The right-of-way shall be restored to its original condition in the event that the encroachment(s) are removed.

**SECTION 2.** That the City Commission does hereby authorize the City Manager to execute an amendment to the Agreement between American Traffic Solutions and the City of Coral Gables, in order to set forth conditions for encroachments upon the right-of-way consisting of poles, foundations, camera systems and related infrastructure within the City of Coral Gables.

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

PASSED AND ADOPTED THIS EIGHTH DAY OF SEPTEMBER, A.D., 2009.

(Moved: Kerdyk / Seconded: Cabrera)

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

(Unanimous: 5-0 Vote)

(Agenda Item: C-2)

APPROVED:

  
DONALD D. SLESNICK II  
MAYOR

ATTEST:  
  
WALTER J. FOEMAN  
CITY CLERK

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

  
ELIZABETH M. HERNANDEZ  
CITY ATTORNEY