



## Legislation Details (With Text)

**File #:** 16-5387      **Version:** 1      **Name:** 2728 Ponce canopies encroachment  
**Type:** Resolution      **Status:** Adopted  
**File created:** 9/15/2016      **In control:** City Commission  
**On agenda:** 10/25/2016      **Final action:** 10/25/2016  
**Enactment date:** 10/25/2016      **Enactment #:** 2016-240

**Title:** A Resolution authorizing encroachments into the public right-of-way, consisting of the installation of two steel canopies, that extend a distance of three feet (3' - 0") beyond the property line, at an elevation of at least ten feet eight inches (10' - 8") above the sidewalk, four handrails encroaching seventeen inches (17") into the sidewalk, landscape, landscape lighting and irrigation, adjacent to 2728 Ponce de Leon Boulevard, Coral Gables, Florida.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Signed Resolution 2016-240, 2. 2728 Ponce de Leon Signed COVER 10-25-16, 3. 2728 Ponce canopy and handrails - RESOL 10-25-16, 4. LETTER OF REQUEST FROM BURTON H. HERSH 10-25-16, 5. 2728 Ponce Proposed improvements1 10-25-16, 6. 2728 Ponce Proposed improvements2 10-25-16

Date	Ver.	Action By	Action	Result
10/25/2016	1	City Commission	adopted by Resolution Number	Pass

A Resolution authorizing encroachments into the public right-of-way, consisting of the installation of two steel canopies, that extend a distance of three feet (3' - 0") beyond the property line, at an elevation of at least ten feet eight inches (10' - 8") above the sidewalk, four handrails encroaching seventeen inches (17") into the sidewalk, landscape, landscape lighting and irrigation, adjacent to 2728 Ponce de Leon Boulevard, Coral Gables, Florida.

Mr. Burton Hersh, Architect, on behalf of Skyy Properties, Inc., Owner, has requested permission to encroach into the right-of-way with two steel canopies, that extend a distance of three feet (3' - 0") beyond the property line, at an elevation of at least ten feet eight inches (10' - 8") above the sidewalk and four handrails encroaching seventeen inches (17") into the sidewalk adjacent to 2728 Ponce de Leon Boulevard, Coral Gables, Florida.

The proposed encroachment was reviewed and approved by the City's Board of Architects on May 19, 2016 under permit number AB-13-02-1667; and it is included in the exterior improvements plans for the 2728 Ponce de Leon Boulevard prepared by Burton Hersh Architecture / Planning, and processed under building permit number BL-15-01-1126.

It is recommended that this request be approved, subject to the following requirements of the Public Works Department.

- 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.