



## Legislation Text

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**File #:** 16-5522, **Version:** 1

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A Resolution authorizing encroachments into the public right-of-way, consisting of the installation of a sculpture created by the world-renowned Venezuelan sculptor Alberto Cavalieri, in the sidewalk area along with surrounding planter structure, decorative pavers, benches, landscape, lighting and irrigation in connection with the "Gables Waterway" project, adjacent to 6100 Caballero Boulevard, Coral Gables, Florida.

Mr. Mario Garcia Serra, on behalf of Gables Waterway Property, LLC, Owner, has requested permission to encroach into the right-of-way with a sculpture created by the world-renowned Venezuelan sculptor Alberto Cavalieri, in the sidewalk area along with surrounding planter structure, decorative pavers, benches, landscape, lighting and irrigation in connection with the "Gables Waterway" project adjacent to 6100 Caballero Boulevard, Coral Gables, Florida.

The proposed encroachment was reviewed and approved by the City's Board of Architects June 15, 2015 under permit number AB-15-06-5218; and it is included in the Gables Waterway project's plans for 6100 Caballero Boulevard prepared by CMA Design Studio, Inc. and processed under building permit number BL-16-06-6739.

The encroachment consisting of a sculpture in the sidewalk along with surrounding planter structure and decorative pavers as depicted in attached **Exhibit A** will encroach 27 feet, 3 inches at its maximum into the right-of-way for a maximum length of 32 feet, 4 inches along Caballero Boulevard, as demonstrated by the plans attached as **Exhibit B**.

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 a. 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.