CAO 2015-110

To: Lina H. Hickman, Civil Engineer for the City of Coral Gables

From: Craig E. Leen, City Attorney for the City of Coral Gables

RE: Legal Opinion Regarding Decorative Wraps

Date: November 9, 2015

If the wrap is on private property, then it can be approved through the ordinance, and the City should not require anything further (other than compliance with the Building Code and City Code). If the wrap is in the public right-of-way, however, the City has the right to ensure that there is adequate protection and security, as this is public property. It is my view in these circumstances that the City could still require a hold harmless and similar security to protect the public. The Commission did not forbid such protections in the ordinance. It is my view that the standard practice of requiring such protection would continue then, and could be approved administratively (without a resolution). This opinion is issued pursuant to section 2-201(e)(1) and (8) of the City Code.

From: Leen, Craig
To: Paulk, Enga
Subject: FW: DECORATIVE WRAPS
Date: Monday, November 09, 2015 2:06:03 PM
Attachments: image001.png

Please publish.

Craig E. Leen, City Attorney
Board Certified by the Florida Bar in
City, County and Local Government Law
City of Coral Gables
405 Biltmore Way
Coral Gables, Florida 33134
Phone: (305) 460-5218
Fax: (305) 460-5264
Email: cleen@coralgables.com

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From: Leen, Craig
Sent: Monday, November 09, 2015 2:03 PM
To: Hickman, Lina
Cc: Ramos, Miriam; Keller, Jessica; Senespleda, Yamilet; Trias, Ramon; Ramos, Miriam
Subject: RE: DECORATIVE WRAPS

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From: Hickman, Lina
Sent: Monday, November 09, 2015 11:53 AM
To: Leen, Craig
Cc: Ramos, Miriam; Keller, Jessica; Senespleda, Yamilet
Subject: DECORATIVE WRAPS

Good Morning,

I need some clarification.

Before March 2013 all custom decorative fence wraps were approved by Resolutions which allow the City to impose conditions such as hold harmless agreements and other typical condition used for encroachment's requests.

Since now the Decorative wraps are authorized by Ordinance 2013-14 and included in the staging ordinance, could we still request the above without a resolution?

The plans that I'm reviewing now show the wrap at the property line but eventually the fence will be moved towards the right-of-way.

Thank you

Lina H. Hickman
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