



To: Boriana Cloutier

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

A handwritten signature in blue ink, appearing to be "CL", is written over the name "Craig E. Leen".

RE: Legal Opinion Regarding Encroachment Agreement/Restrictive Covenant City-Owned Building

Date: December 27, 2012

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There is no need for an encroachment agreement/restrictive covenant in this matter as this is a City-owned building where the restoration/maintenance requirements related to the marquee, and the insurance requirements related to the property, are already governed by the lease agreement between the City and Actor's Playhouse.

## Hernandez, Cristina

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**From:** Leen, Craig  
**Sent:** Thursday, December 27, 2012 4:44 PM  
**To:** Hernandez, Cristina  
**Subject:** Fwd: covenant for encroachment in city property or a waiver?

Please place in opinion file.

Sent from my iPhone

Begin forwarded message:

**From:** "Leen, Craig" <[cleen@coralgables.com](mailto:cleen@coralgables.com)>  
**Date:** December 27, 2012 4:25:13 PM EST  
**To:** "Cloutier, Boriana" <[bcloutier@coralgables.com](mailto:bcloutier@coralgables.com)>  
**Cc:** "Thornton Richard, Bridgette" <[bthornton@coralgables.com](mailto:bthornton@coralgables.com)>, "Hernandez, Cristina" <[chernandez@coralgables.com](mailto:chernandez@coralgables.com)>  
**Subject:** FW: covenant for encroachment in city property or a waiver?

Boriana,

It was good speaking with you. As discussed, there is no need for an encroachment agreement/restrictive covenant in this matter as this is a City-owned building where the restoration/maintenance requirements related to the marquee, and the insurance requirements related to the property, are already governed by the lease agreement between the City and Actor's Playhouse.

Craig E. Leen  
City Attorney  
City of Coral Gables  
405 Biltmore Way  
Coral Gables, Florida 33134  
Phone: (305) 460-5218  
Fax: (305) 460-5264  
Email: [cleen@coralgables.com](mailto:cleen@coralgables.com)

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**From:** Leen, Craig  
**Sent:** Tuesday, December 18, 2012 5:47 PM  
**To:** Hernandez, Cristina  
**Subject:** RE: covenant for encroachment in city property or a waiver?

Please set up a call and print out the email for the call.

Craig E. Leen  
City Attorney  
City of Coral Gables  
405 Biltmore Way  
Coral Gables, Florida 33134  
Phone: (305) 460-5218  
Fax: (305) 460-5264  
Email: [cleen@coralgables.com](mailto:cleen@coralgables.com)

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**From:** Hernandez, Cristina  
**Sent:** Tuesday, December 18, 2012 11:08 AM  
**To:** Leen, Craig  
**Subject:** FW: covenant for encroachment in city property or a waiver?

Boriana x5034 from Public Works would like to speak with you regarding the email below. Thank you.

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**From:** Thornton Richard, Bridgette  
**Sent:** Monday, December 17, 2012 12:23 PM  
**To:** Salazar-Blanco, Martha; Spain, Dona; Leen, Craig  
**Cc:** Figueroa, Yaneris; Hernandez, Cristina  
**Subject:** RE: covenant for encroachment in city property or a waiver?

This is the first time I have heard anything about it; however, normally a restrictive covenant containing hold harmless provisions would be required in this type of scenario. It would be signed by the owner and the tenant. I just signed off on one a few days ago. But given that the City is the owner, we may only require that the Tenant sign off. In fact, there may already be one for this location. Craig, do you have any thoughts/information on the below issue?

Bridgette N. Thornton Richard  
Deputy City Attorney for the City of Coral Gables  
405 Biltmore Way, 2<sup>nd</sup> Floor  
Coral Gables, FL 33134  
Tel: (305) 460-5084  
Fax: (305) 476-7795

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**From:** Salazar-Blanco, Martha  
**Sent:** Monday, December 17, 2012 12:13 PM  
**To:** Thornton Richard, Bridgette; Spain, Dona  
**Subject:** FW: covenant for encroachment in city property or a waiver?

Do either of you know anything about this?

Martha Salazar-Blanco / Zoning Official  
Development Services Department  
Planning and Zoning Division  
City of Coral Gables  
Telephone: 305-460-5240  
Fax: 305-460-5261

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**From:** Ferrer, Irela  
**Sent:** Monday, December 17, 2012 11:46 AM  
**To:** Hernandez, Cristina  
**Cc:** Salazar-Blanco, Martha; Hickman, Lina; Osle, Zilma  
**Subject:** FW: covenant for encroachment in city property or a waiver?

Hi Cristina,  
Please let me know if you had an answer from the city attorney and/or Risk Management.  
Thanks and best regards,

IRELA FERRER  
ZONING TECHNICIAN  
DEVELOPMENT SERVICES DEPARTMENT  
ZONING DIVISION  
305 569 1824

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**From:** Ferrer, Irela  
**Sent:** Monday, October 15, 2012 4:02 PM  
**To:** Hernandez, Cristina  
**Subject:** covenant for encroachment in city property or a waiver?

Hi Cristina,  
Would you please verify if for a City of Coral Gables property (280 Miracle Mile) a covenant is still required or if Risk Management and/or city attorney can waive it?  
The Miracle Mile theater has a canopy and sign (to be renovated) that are encroaching in public right of way.  
Thanks in advanced for your help.

IRELA FERRER  
ZONING TECHNICIAN  
DEVELOPMENT SERVICES DEPARTMENT  
ZONING DIVISION  
305 569 1824