



To: Jane Tompkns

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 Signs In City-Owned Rights-Of-Way

Date: April 16, 2012

It is my opinion that City staff has the authority to place signs having a public purpose, such as providing information to the public, in City-owned rights-of-way. This authority is implicit as part of the City's administrative and police powers, and is consistent with the purposes of rights-of-way, which are held for the benefit of the public generally. Indeed, it is well-established that government entities have broad authority within rights-of-way. *See, e.g., Weaver Oil Co. v. City of Tallahassee*, 647 So. 2d 819, 822 (1994).

Here, I have reviewed both the City Code and the Zoning Code and see nothing that restricts this already existing administrative authority. Indeed, the Zoning Code expressly contemplates that the City may permit private parties to place signs that encroach over or within the City owned rights-of-way. *See* § 5-1911, Zoning Code. It would not make sense that the City, which owns the rights-of-way, could not itself place signs in the rights-of-way.

Finally, the Zoning Code does not provide any restrictions or guidelines applicable to City signs placed in the rights-of-way. In such circumstances, any decision as to the size, height, etc. would be within the discretion of City staff (i.e. Public Works) based on the specific right-of-way at issue.

Osle, Zilma

From: Leen, Craig
Sent: Monday, April 16, 2012 6:37 PM
To: Osle, Zilma; Hernandez, Cristina
Subject: FW: Request for opinion

Please place in the opinion folder. Thanks.

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@coralqables.com

From: Leen, Craig
Sent: Monday, April 16, 2012 6:37 PM
To: Tompkins, Jane
Cc: Kephart, Glenn
Subject: RE: Request for opinion

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Craig E. Leen
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From: Tompkins, Jane
Sent: Thursday, March 29, 2012 8:08 AM
To: Leen, Craig
Subject: Request for opinion

Craig,

Can a public entity (e.g., the City of Coral Gables) erect signs in the City's right-of-way? The signs may not be related to a project that's occurring within the right-of-way. If so, are there restrictions imposed (e.g., overall size or height)? Finally, is there an approval process to follow?

Thanks,

Jane

Jane K. Tompkins, AICP
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