



# Baldwin County Commission

## Legislation Text

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File #: 20-0860, Version: 1

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**Meeting Type:** BCC Regular Meeting

**Meeting Date:** 3/3/2020

**Item Status:** New

**From:** Joey Nunnally, P.E., County Engineer

Tyler Mitchell, P.E., Construction Manager

**Submitted by:** Kristen Rawson, Office Manager

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### **ITEM TITLE**

Case No. S-18032 - Hawthorn, Unit 6 - Road Acceptance

### **STAFF RECOMMENDATION**

Take the following actions regarding Subdivision Case No. S-18032 - Hawthorn, Unit 6 in Maintenance Area 300:

1) Accept the following subdivision roads for maintenance and authorize said roads to be added to the County Maintenance Road List:

<b><u>Road Name</u></b>	<b><u>Length</u></b>	<b><u>Asphalt Width</u></b>
Lockridge Road	1089.33 ft	18 ft
Shannon's Mill Road	560.05 ft	18 ft
Rushbrook Court	431.22 ft	18 ft

2) Approve and authorize the Chairman to execute the Subdivision Roadway and Drainage Improvement Acceptance Agreement and accept the Surety Document from the Ohio Casualty Insurance Company on behalf of Hawthorn 12, LLC in the amount of \$110,400.00 to guarantee the workmanship and materials of the roadways and drainage improvements within the public rights-of-way as shown on the approved Final and "As-Built" construction plans.

### **BACKGROUND INFORMATION**

**Previous Commission action/date:** N/A

**Background:** On August 27, 2019, The Baldwin County Highway Department, Permit Division approved the Final and "As-Built" Construction Plans for Hawthorn Subdivision, Unit 6 (County Case S-18032) located in Foley. The required improvements have been inspected and are in accordance with the Subdivision Regulations.

After review, the Highway Department requested the road lengths be updated and the final plat amended.

*The Baldwin County Subdivision Regulations, Article §7.4.2 - Maintenance Surety Document*, requires the following:

a) *Acceptance of Maintenance Surety Document.* The surety document must first be reviewed by the County Engineer and Chief Legal Counsel, and then accepted and approved by the County Commission;

b) *Value of Maintenance Surety Document.* The maintenance surety shall be of an amount equal to or greater than 40 percent of the cost (*Itemized Engineer's Cost Estimate*) of the full construction of the required roadway and drainage improvements within the public rights-of-way, including but not limited to, grading, paving of the streets, and installation of stormwater structures. When the County Engineer identifies potential problems, conditions or reasons for further protection of the County and public funds a greater amount may be required by the County Engineer;

c) *Term of Maintenance Surety Document.* A maintenance surety document must state that it is "valid for a period of time" as prescribed in the *Subdivision Roadway and Drainage Improvement Acceptance Agreement*. A twenty-four (24) month warranty period will begin to run upon the occurrence of both of the following (a) the County Commission votes in the affirmative to accept for maintenance the roadway and drainage improvements, within the public rights-of-way; and (b) the maintenance surety document in acceptable form is delivered to the Baldwin County Commission.

Notwithstanding the above requirements, this warranty period shall be automatically extended in the event that an invoice has been sent to the Owner and the time of the subject invoice conflicts with, of the necessary repairs extend beyond, the final date of the twenty-four (24) month warranty period. In such event, said maintenance surety document shall remain in full effect until the Baldwin County Commission releases said surety document following the fulfillment of all obligations to the Baldwin County Commission as required by the *Subdivision Roadway and Drainage Improvement Acceptance Agreement*.

The value and terms of the surety have been reviewed by Highway Department Staff and are consistent with the requirements of the *Baldwin County Subdivision Regulations* (see attached Cost Estimate).

## **FINANCIAL IMPACT**

**Total cost of recommendation:** N/A

**Budget line item(s) to be used:** N/A

**If this is not a budgeted expenditure, does the recommendation create a need for funding?**

N/A

## **LEGAL IMPACT**

**Is legal review necessary for this staff recommendation and related documents?**

N/A

**Reviewed/approved by:** N/A

**Additional comments:** Standard Subdivision Roadway and Drainage Improvement Acceptance Agreement used as previously approved by the County Attorney.

## **ADVERTISING REQUIREMENTS**

**Is advertising required for this recommendation?** N/A

**If the proof of publication affidavit is not attached, list the reason:** N/A

## **FOLLOW UP IMPLEMENTATION**

**For time-sensitive follow up, select deadline date for follow up:** N/A

**Individual(s) responsible for follow up:** Administration Staff to have Commission Chairman and County Administrator execute Subdivision Roadway Acceptance Agreement and return signed document to Tyler Mitchell (Highway Department). Appropriate Highway Department Personnel will be notified to begin maintenance.

**Action required (list contact persons/addresses if documents are to be mailed or emailed):**

N/A

**Additional instructions/notes:** N/A