



# Baldwin County Commission

## Legislation Text

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**File #:** 19-0162, **Version:** 2

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**Meeting Type:** BCC Regular Meeting  
**Meeting Date:** 11/6/2018  
**Item Status:** Replacement  
**From:** Joey Nunnally, P.E., County Engineer  
**Submitted by:** Mary Booth, Design Tech II

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### **ITEM TITLE**

\*Sunrise Property Owners' Association - Construction Agreement for Drainage Improvements in and Around Sunrise Subdivision

### **STAFF RECOMMENDATION**

Take the following actions:

- 1) Authorize the Chairman to execute a Construction Agreement with Sunrise Property Owners' Association contingent upon their corporation being qualified to do business in the State of Alabama; and
- 2) Authorize the Chairman to sign any other project related documents.

*(The terms of this agreement shall commence upon full execution of the agreement and shall remain in effect for ten (10) years from date of full execution.)*

### **BACKGROUND INFORMATION**

**Previous Commission action/date:** June 6, 2017 - The Commission approved the Chairman sending a letter to the United States Navy requesting an easement to construct a detention pond near Sunrise Subdivision to address flooding conditions in the area.

### **Background:**

Per the County Attorney, the Staff Recommendation was changed to include that the Agreement is contingent upon Sunrise Property Owners' Association being qualified to do business in the State of Alabama.

During the August 28, 2018, work session the Commission discussed the draft easement to construct a detention pond near Sunrise Subdivision and requested a construction agreement with the Sunrise Property Owners' Association. The construction agreement has been reviewed by Legal, has been reviewed and executed by the Sunrise Property Owners' Association, and was discussed during the

October 18, 2018, Road & Bridge Meeting.

### **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:** County Attorney has reviewed the agreement.

### **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 have the Chairman execute the Construction Agreement.

**Action required (list contact persons/addresses if documents are to be mailed or emailed):**  
Administration Staff forward a copy of the fully executed construction agreement to the address listed below and forward a copy of the fully executed construction agreement to Matthew Brown.

Contact:  
Sunrise Property Owners Association, Inc.  
c/o Mr. Brian Utterback, President  
PO Box 424  
Elberta, Alabama 36530

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