



Baldwin County Commission

Legislation Text

File #: 20-0109, Version: 1

Meeting Type: BCC Regular Meeting
Meeting Date: 11/5/2019
Item Status: New
From: Joey Nunnally, P.E., County Engineer
Tyler Mitchell, P.E., Construction Manager
Submitted by: Laurie Rumbaugh, Office Administrator

ITEM TITLE

S-16045 - Fairhope Falls, Phase 2 - Road Acceptance

STAFF RECOMMENDATION

Take the following actions:

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

<u>Street Name</u>	<u>Length</u>	<u>Asphalt Width</u>
Kaietur Falls Ave.	245.02 ft.	22
Kinlock Falls Ave.	70.06 ft.	22

2) Approve and authorize the Chairman to execute the revised Subdivision Roadway and Drainage Improvement Acceptance Agreement.

BACKGROUND INFORMATION

Previous Commission action/date:

September 3, 2019 - The Commission took the following actions:

1) Accepted the following roads for maintenance and authorized said roads to be added to the County Maintenance Road List:

<u>Street Name</u>	<u>Length</u>	<u>Asphalt Width</u>
Sophie Falls Ave.	1,209.01 ft.	22
Sutherland Cr.	632.72 ft.	22
Hatchet Creek Ave	614.69 ft.	22
Landry Lane	810.28 ft.	22

2) Approved and authorized the Chairman to execute the Subdivision Roadway and Drainage

Improvement Acceptance Agreement and accepted the Surety Document from Hartford Fire Insurance Company on behalf of Cunningham DeLaney Construction, LLC in the amount of \$241,479.26 to guarantee the workmanship and materials of the roadways and drainage improvements with the public rights-of-way as shown on the approved Final and "As-Built" construction plans.

Background:

The Commission approved the Subdivision Roadway and Drainage Improvement Acceptance Agreement for Fairhope Falls, Phase 2 on September 3, 2019. Kaletur Falls Avenue and Kinlock Falls Avenue were not included in the list of roads on the agreement. The surety (Maintenance Bond) accepted by the Commission covered all of the subdivision roads and the required improvements have been inspected and are in accordance with the Subdivision Regulations.

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

- a) *Acceptance of Maintenance Surety Document.* The surety 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 storm water 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 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, or 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*.

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?

No

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 have Commission Chairman and County Administrator execute Subdivision Roadway Acceptance Agreement and return the signed document to the Permit Division. Permit Division will notify all appropriate County Highway personnel to begin maintenance of the additional roads.

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

Additional instructions/notes: N/A