Baldwin County Commission

Legislation Text

File #: 23-0192, **Version:** 1

Meeting Type: BCC Regular Meeting
Meeting Date: 12/5/2022
Item Status: New
From: Joey Nunnally, P.E., County Engineer
Tyler Mitchell, P.E., Construction Manager
Submitted by: Halley Dixon, Operations Support Specialist II

ITEM TITLE
Case No. S-18038-B (SFP22-000012) - Cottages of Aventura, Phase IIIB - Road Acceptance

STAFF RECOMMENDATION
Take the following actions regarding Subdivision Case No. S-18038-B (SFP22-000012) - Cottages of Aventura, Phase IIIB, in Maintenance Area 200:

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

Road Name	Length	Asphalt Width
Prado Loop	483.90 ft	22 ft
Aventura Drive	149 ft	22 ft
Fedora Drive	984.92 ft	22 ft
Prado Loop	80.01 ft	22 ft

2) Approve and authorize the Chairman to execute the Subdivision Roadway and Drainage Improvement Acceptance Agreement and accept the Surety Document from Capitol Indemnity Corporation on behalf of Aventura Associates, LLC, in the amount of $185,717.38 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

Background: On September 8, 2022, the Baldwin County Highway Department approved the Final and “As-Built” construction plans for Cottages of Aventura, Phase IIIB (County Case No. S-18038-B - SFP22-000012) located in Loxley. The required improvements have been inspected and are in accordance with the Subdivision Regulations.

The Baldwin County Subdivision Regulations, Article §7.42 - 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).

Previous Commission action/date: N/A

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 agreement used as previously approved by Brad Hicks, County Attorney (approved 01/09/2020) los

ADVERTISING REQUIREMENTS

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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 prepare correspondence and have Chairman execute Subdivision Roadway Acceptance Agreement. Return correspondence and signed document to Halley Dixon (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):

Contact:

Mr. Todd M. Wheeler, P.E.
Mullins, LLC
Senior Civil Engineer
240 East Intendencia Street
Pensacola, Florida 32502

Additional instructions/notes: Administration - Upload agreement to BCAP with Tyler Mitchell as Originator.