

Clay County Board of County Commissioners MSBU Policy

There are several different procedures that may apply to the creation of an MSBU, depending on the ownership of the road and the level of service desired by the residents seeking to create the MSBU. It is anticipated that the process surrounding the creation of an MSBU will take over a year from the time of initial application to the point at which the MSBU is ultimately approved.

CREATION OF AN MSBU TO PAVE A GRADED ROAD THAT IS MAINTAINED BY THE COUNTY

If the County owns the road, either through a fee simple title, or is in possession of an easement specifically granting rights to the public, then the procedure to establish an MSBU for paving shall be as follows:

1. The HOA brings forth a request to establish an MSBU for paving along with a \$500 check to cover the costs of the initial ballot mailings. The request can also be brought forth by a petition signed by 10% of the affected residents, along with the \$500 check.
2. The County will send out ballots to all affected owners, with a deadline for response. A majority of the ballots sent (not just those returned) must be returned in favor of the MSBU in order for the MSBU to proceed.
3. After receiving the ballots, the BCC will authorize staff to proceed with the design of the project, which will be tasked to a consultant.
4. A public meeting will be held to obtain comment on the proposed design, and the final plans will be approved by the BCC.
5. After completion of the design and permitting of the project, the project will be let to bid by licensed contractors. The standard paving section will be 20' wide and consist of 1.5" of asphalt on top of 6" of limerock. These standards can be adjusted as deemed necessary by the County Engineer to address the particular needs of the MSBU.
6. Once the bids are returned, then the BCC will hold its final hearing on the creation of the MSBU.
7. If the BCC approves the MSBU and awards the contract, then the construction of the project should begin within 3-6 months.

The MSBU fees will include all costs borne by the County in the implementation of the MSBU, including, but not limited to: design and permitting costs, construction costs, the costs associated with the administration and letting of the design and construction contracts, costs associated with the financing of the project, and the reimbursement of the fees paid for the initial ballot mailout.

CREATION OF AN MSBU TO PAVE A PRIVATELY OWNED ROAD OR EASEMENT

If the County has not accepted a roadway for maintenance and has no other rights to utilize the roadway, then the procedure for the residents to request the implementation of an MSBU for paving is as follows:

1. The HOA brings forth a request to establish an MSBU for paving along with a \$500 check to cover the costs of the initial ballot mailings. The request can also be brought forth by a petition signed by 10% of the affected residents, along with the \$500 check.
2. The County will send out ballots to all affected owners, with a deadline for response. 100% of the affected residents must agree to the MSBU, since access to the roadway must be granted in order for the County to work on the otherwise private property. If 100% of the residents do not agree to the MSBU, then staff will determine whether the project can be designed around the portion denying access. Staff will report its findings regarding the ballot results and recommend whether to proceed.
3. All property owners must agree to provide the County with a temporary construction easement to allow the improvements to be constructed.
4. After receiving the ballots, the BCC will consider staff's recommendation and decide whether to proceed with the MSBU.
5. If the BCC elects to proceed, then they will authorize staff to proceed with the design of the project, which will be tasked to a consultant.
6. A public meeting will be held to obtain comment on the proposed design, and the final plans will be approved by the BCC.
7. After completion of the design and permitting of the project, the project will be let to bid by licensed contractors.
8. Once the bids are returned, then the BCC will hold its final hearing on the creation of the MSBU.
9. If the BCC approves the MSBU and awards the contract, then the construction of the project should begin within 3-6 months.
10. After completion of the project, the roadway will return to the maintenance responsibility of the property owners or HOA as applicable.

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CREATION OF AN MSBU TO PERPETUALLY GRADE A PRIVATE ROAD

In the event that an HOA or other group of homeowners wishes to have their private road graded by the County, then the procedure for the creation of an MSBU to accomplish that work is as follows:

1. The HOA brings forth a request to establish an MSBU for paving along with a \$500 check to cover the costs of the initial ballot mailings. The request can also be brought forth by a petition signed by 10% of the affected residents, along with the \$500 check. This request must also specify the requested level of service, including frequency of grading, whether the importing of material is requested, and whether any specific drainage issues need to be addressed.
2. The County will send out ballots containing a description of the specified level of service that will accompany the proposed MSBU to all affected owners, with a deadline for response. 100% of the affected residents must agree to the MSBU, since access to the roadway must be granted in order for the County to work on the otherwise private property. If 100% of the residents do not agree to the MSBU, then staff will determine whether the project can be designed around the portion denying access. Staff will report its findings regarding the ballot results and recommend whether to proceed.
3. All property owners must agree to provide the County with a maintenance easement to allow the grading of the road.
4. After receiving the ballots, the BCC will consider staff's recommendation and decide whether to proceed with the MSBU.
5. If the BCC elects to proceed, then they will authorize staff to proceed with the design of the project, which may need to be sent to a consultant, depending on the requested services. If significant one time improvements are needed, then the fees can be broken down into two segments – the improvements and the grading.
6. A public meeting may be held to obtain comment on the proposed design.
7. After completion of the design and permitting of the project, the project will be let to bid by licensed contractors.
8. Once the bids are returned, then the BCC will hold its final hearing on the creation of the MSBU.
9. If the BCC approves the MSBU and awards the contract, then the grading and any other associated work should begin within 2-3 months.
10. The roadway will continue to be owned and maintained by the residents of the roadway or the HOA. The County does not accept these roads for maintenance by virtue of the creation of this MSBU.
11. The contract for the grading of the roadway will be for a two year period, with subsequent contracts being the same. Contracts will be let and awarded so that they coincide with new payment periods. There will not be any long-term financing involved with the implementation of this type of MSBU.
12. The MSBU will persist until the BCC elects to terminate the MSBU and the County's obligations for grading on the roadway.

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