

Clay County Board of County Commissioners MSBU Policy

July 30, 2012

Creation of an MSBU to pave Privately-owned Roads

If the County has not accepted a roadway for maintenance and has no other rights to utilize the roadway, then procedures contained herein must be followed for residents to request the implementation of an MSBU for paving the privately-owned roadway.

1. Owners of a privately-owned right-of-way and all other property owners whose properties can be accessed only by use of that privately-owned right-of-way (heretofore referred to as "the affected property owners") shall form a Home Owners' Association (HOA) before creation of an MSBU will be considered by the Board of County Commissioners. Alternatively, affected property owners may submit a petition to the Board, signed by no less than 25% of the affected property owners, requesting creation of an MSBU.
2. If step one has been successfully met, the County Manager shall organize a community meeting to fully explain the MSBU process and answer neighborhood questions. During this meeting, staff will provide a general overview on road specifications and how assessments will be calculated, once all project costs have been determined. This is important so that the citizens fully understand the MSBU process and how costs are determined.
3. The HOA (or alternatively, the petitioners) must submit their request in writing to the County Manager, along with a nonrefundable check for \$500 to cover initial administrative costs and the cost of ballot mailings.
4. The County Manager shall submit all conforming MSBU requests to the Board via the Economic Development Committee. The Economic Development Committee shall consider all conforming requests and forward them to the Board along with a recommendation whether to proceed with formation of the requested MSBU.
5. If the Board approves a request to form an MSBU, County staff will be authorized to proceed with the design of the project. Project cost containment shall be a priority. In order to keep costs to a minimum, projects will be designed to conform to the design specified in attachment "A" – Private Road MSBU design specifications. The County Manager shall be encouraged to bring the design to the Project Design and Review Committee for comments and suggestions.
6. When project design is complete, the County Manager shall estimate the total cost of the project, along with all associated staff costs, and determine the amount of the assessment to be billed to all affected property owners as part of their annual county property tax bill. The cost shall be initially estimated by county engineering staff; however the County Manager shall at this juncture cause the project to be publicly bid.
7. The County Manager and his/her staff shall ensure that bid respondents are qualified to do the work. Bid respondents shall not be required to be "FDOT pre-qualified contractors". The lowest-cost qualified bid response shall be selected; however, no contract will be signed unless and

until a successful ballot has been conducted and permissions to proceed with the work have been received from all property owners.

8. Once step 7. has been completed, the County Manager shall conduct a second public meeting. During this meeting, the citizens will be informed regarding the cost of the project; be allowed to view all bids received; meet with the selected contractor; and, be informed of the estimated amount of the prospective assessment.
9. Once the project has been bid and total cost is accurately known, the County Manager shall send out ballots to all affected property owners disclosing: 1) The project cost; 2) All other costs (staff costs); 3) The estimated/anticipated assessment amount; 4) A statement disclaiming any warranties associated with the work; and 5) A statement disclosing that the county is not responsible for any future maintenance or repair of the constructed road.
10. Returned ballots must reflect that, at minimum, 51% of affected property owners approve of the creation of the MSBU. Approval levels of less than 51% will result in automatic disapproval (failure) of the MSBU. However, before proceeding with the remaining steps for formation of the MSBU, the staff shall secure the affirmative permission of 100% of the right-of-way owners to enter onto their property and perform the work. Such permission shall take the form of a grant by said owners of temporary construction easements for their property. If such easements are not obtained from 100% of the property owners, the MSBU fails for lack of consent to make improvements on the private property in question.
11. If the MSBU ballot is successful (51% or greater approval) and 100% of property owners have given permission to work on their property through the grant of easement previously discussed, the County Manager will attempt to secure private (bank) financing of the project. If financing is not available, the MSBU fails for lack of funding.
12. If financing is secured, a contract with the lowest-cost qualified bid respondent will be let and construction shall begin within 3-6 months.
13. When the roadway is completed, maintenance responsibility shall be returned to the affected property owners.

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; administrative costs; financing costs; costs associated with the acquisition of temporary construction easements; costs of ballot mailings, net of nonrefundable deposits.

Clay County Board of County Commissioners

MUNICIPAL SERVICE BENEFIT UNIT

Scope of Service

Clay County requests bids to perform DESIGN/BUILD services for a Municipal Service Benefit Unit (MSBU). All design and construction plans must be certified by the design engineer (consultant) to be in substantial conformance with the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways per Florida Statutes 336.045. All required permits must be obtained by the Consultant including, but not limited to SJRWMD, FDOT, ACOE, and FDEP permits. The Consultant must also receive approval of the design by the County prior to releasing for construction. The DESIGN/BUILD firm (FIRM) will perform all work at a lump sum cost including permit fees at no additional cost to the County or the resident of the MSBU. The Firm will "Value Engineer" the paving of this proposed roadway in order to reduce the overall cost to the residents.

MSBU ROAD PAVING & DRAINAGE IMPROVEMENTS

Road standards will consist of:

- 6" limerock base primed LBR 100
12" stabilized subgrade LBR 40 (limerock or clay mix)
- 12" stabilized shoulder LBR 25 (limerock and clay mix)
- Minimum of 1 1/2" asphalt pavement with maximum of 15% reclaim mix
- Width of pavement varies to allow flexibility to save trees or to lower costs for very low traffic roads ie: 18 ft. vs. 20 ft.

Road Materials testing requirements shall be as follows:

- **Stabilized Subgrade** shall have LBR 40 with no test results less than 35. The density of stabilized subgrade shall not be less than 96% of the maximum density as determined by the latest ASTM standard.
- **Limerock Base Course** shall have average LBR Value of 100 with no test result less than 95. Density shall not be less than 98% of maximum density as determined by the latest ASTM standard.
- **Asphaltic Concrete Surface Course:** Extraction and Marshall Stability tests shall be taken on materials placed each day as required by the MSBU project manager. The design mix shall be submitted and approved by MSBU Project Manager or Design Engineer prior to the manufacture of the asphaltic concrete.
- **Stabilized Roadway** shall have LBR value of not be less than 40 and the field density shall not be less than 96%
- **Stabilized Shoulder** shall have LBR of not less than 25. Density of stabilized shoulder shall not be less than 95% of maximum density.

Drainage will be constructed as follows:

- Drainage will be designed for 10 year/24 hour storm event to minimize flooding problems. However, when these standard's are not attainable, water management district requirements shall prevail.
- Culverts will be installed and used where necessary to maintain existing drainage

Guideline

VALUE ENGINEERING

- The MSBU project manager, and design engineer will have the authority to work with the contractor to incorporate value engineering on all road assessment and MSBU projects as needed.
- Value engineering will be used especially to save costs and where necessary to save trees;
- Value Engineering will be used to have the ability to construct the project in such a way as to keep the aesthetics of the neighbor-hood or area intact.

ADJUSTEMENT TO DESIGN DURING CONSTRUCTION

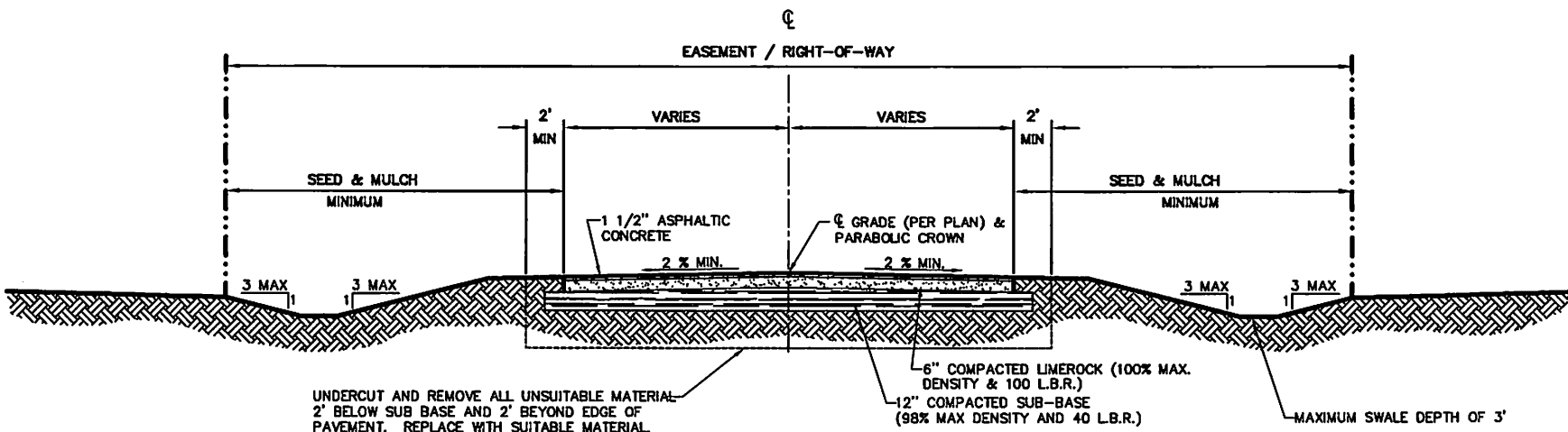
- If any adjustments to design are required during construction the design engineering firm will be contacted and the issue resolved through a cooperative effort between the County Engineering Division, the design engineering firm, and the contractor. If changes are significant, the County Manager or her designee shall be the approving authority along with the design Professional Engineer (Consultant) for such change.

FINAL INSPECTION AND WARRANTY OF COMPLETED ROAD IMPROVEMENTS

- A final inspection of the improvements will be completed with the MSBU project manager and the design Professional Engineer (Consultant) to determine that the improvements were completed in accordance with approved plans and specifications.
- As-Built drawings will be submitted to the Engineering Division for future reference on all MSBU and road assessment projects.
- The Contractor shall warranty that labor and materials furnished and work performed in conjunction with the above referenced project are in accordance with the Contract Documents and authorized modifications thereto, and will be free from defects due to defective materials or workmanship for a period of TWO years from Date of Completion and acceptance of all improvements by the Clay County Board of County Commissioners.

All Firms interested in bidding on the project must be licensed and bonded and have visited this site prior to submitting a bid.

COUNTY PROJ. NO.	SHEET NO.
ConAgeSite.DWG	1



TYPICAL R/W SECTION W/ SWALES

REVISIONS				DESIGNED	DATE	SUPERSEDED	CLAY COUNTY ENGINEERING DEPARTMENT CLAY COUNTY, FLORIDA 477 HOUSTON ST. GREEN COVE SPRINGS, FL 32043		TYPICAL ROAD SECTION FOR MSBU POLICY <i>Green Cove Springs, Florida</i>
NO.	DATE	BY	DRAWN	APPROVED BY:					
			SHAWN D. THOMAS	8/21/12	JEFFREY BECK, P.E.				