

Board of County Commissioners

Agenda Request

Date of Meeting: January 20, 2009

Date Submitted: January 5, 2009

To: Honorable Chairman and Members of the Board

From: Benjamin H. Pingree, County Administrator
Timothy Barden, Assistant County Administrator

Subject: Request Board Approval of the Proposed Policy for Grading Private Dirt
Subdivision Roads in Wakulla County and the Invitation To Bid (ITB)

Statement of Issue:

This agenda item requests the Board approve the proposed policy for grading private dirt subdivision roads in Wakulla County and the Invitation To Bid (ITB).

Background:

At the February 4, 2008 meeting, at the request of former Commissioner Brian Langston, the Board directed staff review options available to the residents of the Summerwood and Summerwind Subdivisions for the grading of private dirt roads.

On April 7, 2008, staff presented to the Board a staff report with a list of options available to fund these improvements (Attachment #1). Subsequently, several reports were made by staff on research and options obtained from neighboring sister counties and the traditional methods being employed by these counties to provide road grading assistance to citizens. Later, this effort developed into meetings with local homeowners of these Summerwind and Summerwood subdivisions and other parties with interest in this topic. A total of four meetings were held over a period of six-months.

These meetings included open discussions and comparisons of options for grading and maintenance of private and subdivisions dirt roads in Wakulla County. The discussion included topics and options such as the following issues:

- Safety of dirt roads
- Quality of life
- Transportation of school children
- Life threatening situations that require emergency response by first responders and law enforcement
- County liability pros and cons
- Cost to homeowners, liability and benefits
- County financial constraints
- Costs of Paving, Grading and Maintenance
- Conveyance of road right of way to the county by homeowners
- A review of some other Florida counties' unpaved road improvement

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- programs and policies
- A review of important characteristics of an effective procedure and policy required for adequate homeowner participation
- Conclusions

In an attempt to explore options to assist with road grading needs of Wakulla residents living in private subdivisions, staff performed continued extensive research on available ways, means and options. This research presented many options, all with positive and negative consequence to both the county and the homeowners.

The research performed of neighboring sister counties revealed that they too are in a similar position as Wakulla County. They are seeking more viable options for providing these services. Staff communicated with the neighboring counties of Gadsden, Franklin, Santa Rosa, Bay, St. John's, Leon and the City of Tallahassee in an attempt to identify an option, other than the historical options that have been employed. However, these inquiries revealed that most all counties and cities are practicing similar historical approaches to provide road grading assistance to subdivisions such as, self assessments, ad valorem and non-ad valorem assessments or Municipal Services Taxing Units (MSBU), and special funds used for project assistance.

Additionally, the meeting discussions and advice from the County Attorney, highlighted a number of County liability issues hindering the use of County equipment and employees for non-County owned property.

Consequently, in light of this the results of the research, scarcity of viable options and legalities hindering the use of County equipment and personnel for non-County owned property, the only avenue currently available to the County for assisting these homeowners with road grading is the use of a traditional approach which is to pass the cost directly to the homeowner via a County pre-negotiated price with the contract and payment made directly by the property owners to the contractor. This approach is presented in a proposed policy for grading private dirt roads in Wakulla County (Attachment #2).

The residents of Summerwind and Summerwood Subdivisions voiced concerns about how the unpaved roads have negatively affected their quality of life, lowered property values, the damage to their vehicles and the delayed response by emergency responders and law enforcement and the problem of school buses not traveling the dirt roads to pick up the school children due to the conditions of the dirt roads.

To address the option of assisting private subdivisions with grading of private dirt roads, the option proposed is the 'self-assessment' aided by a County pre-negotiated agreement, with a set price, with a contractor to provide the grading services and the subdivision homeowners working directly with the contractor to perform the grading and provide direct payment to the contractor.

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Analysis:

The grading of dirt roads in private subdivisions is a unique challenge faced by the many jurisdictions throughout Florida and other states that have a substantial amount of un-paved roads in the private subdivisions. Because, in most of these jurisdictions, the roads are private roads that require that the residents bear the costs of having their roads graded. Some of the larger jurisdictions provide some limited level of assistance, but most require that the costs be borne solely by the homeowners within that subdivision.

The reluctance of the property owners over participation in a road grading venture where they will bear the high costs of grading their dirt roads and the reluctance to convey right-of-way rights to the County limit viable options.

As a fiscally constrained small County, Wakulla County is limited in its ability to front costs for private dirt road grading services in these subdivisions. The current cost of grading roads is extremely high so the County's participation has to be extremely limited and the costs have to be recouped via special tax assessments or other similar means.

To assist the property owners, staff requests the Board's authorization to prepare a draft Invitation To Bid (ITB) that will allow the County to negotiate a unit price schedule that guarantees the lowest and best price with contractors for the private dirt road grading services. Once the ITB is negotiated, the property owners will work directly with the selected contractor to oversee the grading work and for direct payment to the contractor. The ITB will be limited to the services provided under the County's Dirt Road Paving Guidelines.

Options:

1. Approve the Proposed Policy for Grading Private Dirt Road Subdivisions in Wakulla County and approve an Invitation To Bid (ITB).
2. Do not approve the Proposed Policy for Grading Private Dirt Road Subdivisions in Wakulla County and do not approve the Invitation To Bid (ITB).
3. Board Direction.

Recommendation:

Option #1

Attachments(s):

1. April 7, 2008 Staff Report to Board on Grading and Paving Options
2. Proposed Private Dirt Road Grading Policy