

Placement: Resolutions

Action Requested: Motion / Vote

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Resolution 24-R\_\_, Authorizing the Final Acceptance of Public Roadway Improvements for Becker Road at Wilson Grove Phase 1 (P23-067), Constructed by ACR Acquisition, LLC

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Submitted By: Diana Spriggs, P.E., Public Works

Strategic Plan Link: The City's Goal of high-quality infrastructure and facilities.

Executive Summary (General Business): ACR Acquisition, LLC (“Developer”) desires to turnover Becker Road at Wilson Grove Phase 1 to the City per section 156.150 of the Code. Developer has substantially completed the construction of the roadway. The City has negotiated a longer (2 years instead of the required 1 year) warranty for a portion of pipe that was damaged.

Presentation Information: Staff will be available to answer any questions.

Staff Recommendation: Move that the Council accept the roadway with the extended warranty for the repaired portion of drainage pipe.

Alternate Recommendations:

1. Move that the Council deny the recommendation and provide direction for staff.
2. Move that the Council accept the roadway improvements with conditions and provide staff direction for future turnovers.

Background: Developer entered into the Becker Road Construction Agreement (“Agreement”) with the City of Port St. Lucie on February 12, 2022. The Agreement obligated Developer to construct 10,733 linear feet of Becker Road from the west side of the N/S B Road intersection to the Range Line Road intersection<sup>1</sup>. According to the Agreement, the Phase 1 portion from N/S B to N/S A which is included in this resolution, the Completion of Construction must occur within 15 months of the Developer receiving all permits and approvals for construction. The Agreement defines Completion of Construction as (i) a written Certificate of Completion issued by the EOR of record to the City, (ii) a final walk-through and acceptance by the City of the Riverland Road Section in accordance with Section 156.150 of the City Code, (iii) conveyance of utility easements, and (iv) posting a maintenance bond. All prongs have been satisfied. The Developer seeks to fulfill prong (ii) (turnover to the City) through this request and providing the 2 year warranty for

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<sup>1</sup> The total construction cost that the City would have incurred for the construction of the roadway was \$32,608,861.06.

a drainage pipe that was damaged during the installation of the FPL street lights. A repair was made to the pipe and the City negotiated the extended warranty as a precaution.

The Public Works and Utilities Systems Departments inspected the public infrastructure as it was being constructed within the road right-of-way of Becker Road at Wilson Grove Phase 1 in addition to performing a substantial completion and final acceptance review in accordance with the Florida Statutes and City Code. The final acceptance review resulted in knowledge of the damaged drainage pipe mentioned above. The Engineer of Record (“EOR”) provided on October 21, 2024 via certified mail, his Certification of Completion for the improvements of Becker Road at Wilson Grove Phase 1 to be turned over to the City stating that it was constructed in accordance with the approved plans and per the City’s specifications. The EOR was able to obtain the SFWMD Consumptive Use permit on October 21, 2024 for the irrigation system design. The Landscape Architect has certified that the landscape and irrigation improvements of Becker Road at Wilson Grove Phase 1 have been constructed in accordance with the approved plans and per the City’s specifications. Representatives of the Public Works Department generated a punch list on June 28, 2024, for the Becker Road project (P23-067). A drainage final inspection was performed on September 24, 2024 when the damaged pipe was shown. After a repair was made, a review of the drainage repair inspection video for the damaged drainage pipe occurred. It was determined that the repair could be acceptable with the additional warranty time on that pipe.

The Public Works Department recommends accepting the roadway with the additional warranty on the repaired drainage pipe.

Issues/Analysis: The ownership and maintenance responsibility of the completed landscape improvements will be the City’s unless and until the Developer enters into a Landscaping Maintenance Agreement that states otherwise.

Financial Information: Roadway pavement typically has a service life of 15 to 20 years; therefore, maintenance costs are anticipated to be minimal for the initial service life. The maintenance costs associated with turf and landscaping of the 5,875.43 linear feet of roadways is estimated to be \$49,000 annually.

Special Consideration: In accordance with City Code 156.148(E), the City Council shall either approve, partially approve, or reject the improvements based on the recommendation from the City Engineer. The City must notify the Developer in writing, by certified mail, not later than forty-five (45) days after receipt of the notice from the Developer if the City intends to accept or not accept responsibility of the improvements. Failure of the governing body to send or provide such notification to the developer within forty-five (45) days shall be deemed to constitute approval of the improvements, and the obligor and surety, if any, shall be released from all liability pursuant to such performance guarantee for such improvements.

Location of Project: Becker Road between N/S B and N/S A roads.

Attachments:

1. Resolution
2. Owner's Affidavit
3. Contractor's Affidavit and Release of Lien
4. Bill of Sale
5. Cost Estimate – Maintenance Bond
6. Maintenance Bond
7. Owner's Warranty
8. Contractor's Warranty
9. Roadway Turnover Request letter
10. Landscape Certification Letter
11. Irrigation Certification Letter
12. Recorded Plat
13. Location Map
14. Substantial Completion Inspections for Roadway Turnover
15. Request for Roadway Turnover Memo

*NOTE: All of the listed items in the "Attachment" section above are in the custody of the City Clerk. Any item(s) not provided in City Council packets are available upon request from the City Clerk.*

Internal Reference Number: 24255-08

Legal Sufficiency Review:

Reviewed by Elizabeth L. Hertz, Senior Deputy City Attorney. Approved as to Legal form and sufficiency by Richard Berrios, City Attorney.