

MEMORANDUM

TO: JESUS MEREJO, ICMA-CM – CITY MANAGER

THRU: TERESA LAMAR-SARNO, AICP, ICMA-CM – ASSISTANT CITY MANAGER

FROM: COLT SCHWERDT, P.E. – PUBLIC WORKS DIRECTOR & CITY ENGINEER

DATE: AUGUST 21, 2024

SUBJECT: REQUEST FOR ROADWAY TURNOVER –
BECKER ROAD AT RIVERLAND

City Council and the Public Works Department received a certified letter (attached) on July 29, 2024, and turnover package items prior to that date from Mr. Jayson Harrison, P.E. of Engineering, Design & Construction, Inc. requesting the City to take over the ownership and maintenance of the roadway and infrastructure described below. The turnover package included compaction and density test results, record drawings, approved final plat, certification of completion in conformance with approved plans from the Engineer of Record (Engineering Design & Construction, Inc.), and Bill of Sale for the roadway, however at this time the required streetlights by FPL are not installed. The subject roadway is described below.

- A portion of Becker Road at Riverland from STA 10+00 to STA 63+56.66 described as Becker Road at Riverland, 5,367 total linear feet of roadway or otherwise described as east Community Blvd to just east of N/S B intersection.

Construction Status and Cost: Riverland Development Company, LLC has constructed two lanes of Becker Road from just east of the intersection of Community Blvd to just east of the N/S B intersection. The Public Works Department inspectors made visual inspections of the work during construction and conducted the final inspections on June 28 and August 2, 2024. All inspection punch list items have been addressed to the satisfaction of the Engineer of Record and the Public Works Department except for the installation of the FPL streetlights. Based upon the cost breakdown provided by Engineering Design & Construction, Inc., the total construction cost the City would have paid to construct this roadway was \$16,876,229.20.

Plats: Becker Road at Riverland was dedicated to the City of Port St. Lucie for ownership and maintenance and recorded in Plat Book 122 Pages 6-9.

Recommendation of Public Works Department: Based upon the Public Works Department review of the turnover documentation, the Riverland Becker Road Construction Agreement, our files, and the certification of the Engineer of Record, it appears that the roadway has been constructed in conformance with the approved plans and to City standards, however the roadway is not complete without the required FPL streetlights being installed. For this reason, we recommend that the roadway is accepted with the condition that a restoration agreement between the City and Developer is executed, to ensure that the City is not responsible for any damage caused during the FPL lighting installation.

A maintenance guarantee for one year is typical for this type of facility and has been provided. Per City Code 156.146, the value of the maintenance guarantee is a value up to 15% of the total construction cost. A Maintenance bond in the amount of \$761,200.00 has been provided for this portion of Becker Road. Public Works recommends a maintenance period of one year from the date of City Council's acceptance. A maintenance bond does not cover the cost to make repairs for any damage that is caused by the installation of streetlights by FPL. The damage restoration is intended to be covered by the restoration agreement as part of the condition of approval.

Requested Action: We respectfully request that this issue is placed on the next available City Council agenda for review and consideration by the Council. In accordance with the City Code 156.148 (E), *...the City Council shall either approve, partially approve, or reject the improvements on the basis of the report of the City Engineer, and shall notify the developer in writing, by certified mail, of the contents of the report and the action not later than forty-five (45) days after receipt of the notice from the developer of the completion 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.* Based upon a receipt date of July 29, 2024, a notice needs to be sent to the developer by no later than Thursday, September 12, 2024. The recommendation is for approval of the acceptance request by the developer with the condition that a restoration agreement is entered into to ensure the City is not responsible for any damage as the street lighting is not complete and the City does not want to be responsible for the repairs to the roadways from any damage during the construction completion.

Resolution: Attached is a copy of a resolution prepared by staff and reviewed and accepted by the Legal Department in fulfillment of City Code 156.150 requirement for a resolution.

Should you have any questions or need further information, please do not hesitate to contact me or Diana Spriggs at ext. 7644.

/ds

Enclosure

Cc: Richard Berrios – City Attorney
Diana Spriggs, P.E. – Assistant Public Works Director
John Dunton – Deputy Director of Public Works
Clyde Cuffy, P.E. – Regulatory Division Director
John Kwasnicki – Inspections Manager
File – P23-073