

**ACTION ITEM
BOARD OF SUPERVISORS**

DATE: February 19, 2008

TO: Board of Supervisors
FROM: Anthony J. Romanello, ICMA-CM
County Administrator
ISSUE: Discuss Rescinding Resolution R07-137



RECOMMENDATION: N/A

BUDGET IMPACT: N/A

ATTACHMENTS (1)

[1] Board Package of 09/04/2007 [] Reso/Ord/Proc #

[] [] Reso/Ord/Proc #

[] [] Reso/Ord/Proc #

REVIEW [] Legal _____
[] Office of Transportation _____
[] Budget _____

[] Consent Agenda [X] Other Business [] Public Hearing
[] Discussion Item [] Presentation [] Unfinished Business
[] New Business

PRESENTATION BY: Joe Brito

ELECTION DISTRICTS Aquia, Falmouth, Garrisonville, Hartwood

**ACTION ITEM
BOARD OF SUPERVISORS**

DATE September 4, 2007

TO Board of Supervisors

FROM Fulton deLamorton
Senior Engineer
Office of Transportation



ISSUE Authorize the County Administrator to Execute a Contract to Improve Foreston Woods Drive, Highpointe Boulevard, Silverthorn Court, and Sutherland Boulevard for Acceptance into the Secondary System of State Highways

RECOMMENDATION: Approval

BUDGET IMPACT Budgeted in Account# 210-9601-494-82 18, \$1,650,000
FY2008

ATTACHMENTS: (3)

[1] Background Report [3] **Reso/Ord/Proc # R07-137**

[2] Summary of Projects [] **Reso/Ord/Proc #**

[] [] **Reso/Ord/Proc #**

REVIEW [X] County Administrator's Office Steve Coakley
[X] Legal Paul H. Roberts
[X] Budget [Signature]

[] **Consent Agenda** [] **Other Business** [] **Public Hearing**
[] **Discussion Item** [] **Presentation** [X] **Unfinished Business**
[] **New Business**

PRESENTATION BY Fulton deLamorton, Senior Engineer
Office of Transportation

ELECTION DISTRICTS: Aquia, Falmouth, Garrisonville, Hartwood

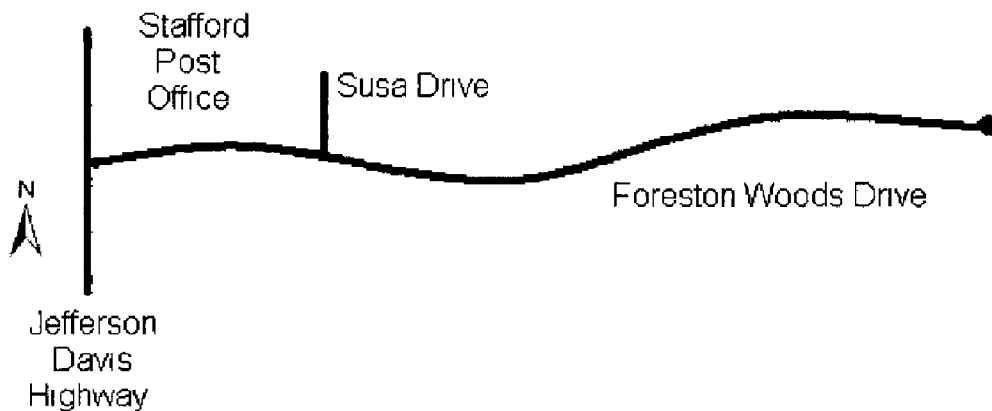
BACKGROUND REPORT

INTRODUCTION

There are four streets or street sections within public rights-of-way that have not been completed by the developer pursuant to the approved construction plans. They are Foreston Woods Drive, Highpointe Boulevard, Silverthorn Court, and Sutherland Boulevard. For each of these streets, the developer of record cannot be located or has defaulted on their performance agreement. In all cases, the street was designed to VDOT standards.

Recently, inspections were conducted on these streets by County and VDOT staff. Cost estimates were developed from the punch lists resulting from the inspections. All estimates include contractor mobilization (10%), contingencies (15%) and inspection (15%).

FORESTON WOODS DRIVE



Foreston Woods Drive is situated east of and intersects with Jefferson Davis Highway (US-1), just north of Austin Run, in the Aquia District. The intersection is controlled by a traffic signal maintained by VDOT.

The total length of the curb and gutter section street is approximately 0.37 miles. The street width varies, as the westernmost section is four lanes with a raised grass median. The middle section transitions from four lanes to three. The easternmost section is three lanes (two through with a center turn).

Foreston Woods Drive is a spine street providing access to

- A) more than 300 townhouse and condominium residential units in Aquia Terrace, Carriage Point and Villages of Aquia,
- B) the Stafford (22554) Post Office,
- C) two shopping centers and other commercial development, and
- D) one institutional use on Susa Drive

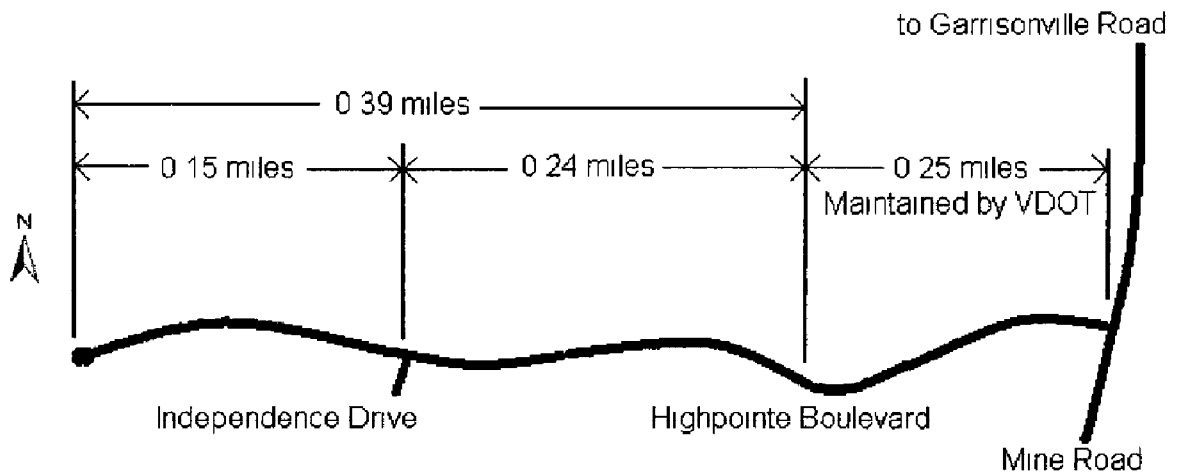
Additionally, two FREDericksburg Regional Transit bus stops are located on the street. No. 518 is located in the cul-de-sac and No. 519 is located in the westbound lanes at the corner of Foreston Woods Drive and Susa Drive.

The approved construction plan for the street indicates a sidewalk on the southern side of the street between Susa Drive and Wild Oak Lane. This sidewalk has not been constructed, and is included in the cost estimate.

Estimated cost to correct deficiencies =	\$880,000
Securities held by County =	\$ 58,146
Estimated Required County Funds =	\$821,854

The performance agreement for this project is between the County and Gregory S. Howard, Howco Homes, Incorporated.

HIGHPOINTE BOULEVARD



Highpointe Boulevard is situated west of and intersects with Mine Road (SR-684), between Garrisonville Road and Northampton Boulevard, in the Garrisonville District.

Highpointe Boulevard is a spine street, 38 feet wide, with curb and gutter. The easternmost approximately 0.25-mile section is maintained by VDOT. The section not maintained by VDOT, approximately 0.39 miles in length, provides access to 87 townhouse residential units, as well as 180 units at Stone Gate Apartments. No commercial or institutional uses are on the street.

The westernmost approximately 0.15-mile section of Highpointe Boulevard was properly constructed by the developer of Stone Gate Apartments and, pursuant to the County's security policy, we are retaining securities for this section of the street, awaiting acceptance by VDOT. These securities cannot be used to correct deficiencies in the middle 0.24-mile section.

Estimated cost to correct deficiencies =	\$270,000
Securities held by County =	\$ 0
Estimated Required County Funds =	\$270,000

The performance agreement for this project is between the County and Russ Emerson, Liberty Place, LC.

SILVERTHORN COURT

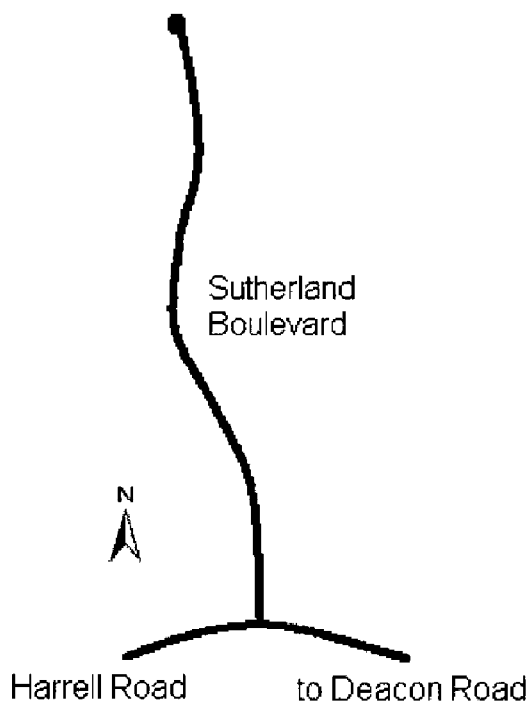
Silverthorn Court is situated in Autumn Ridge Subdivision, in the Hartwood District. The public streets within this subdivision were improved in 2005 to correct deficiencies identified by VDOT. The street portion of Silverthorn Court was completed to the cul-de-sac bulb. Subsequently, all the streets in the subdivision, except this one, were accepted by VDOT. This particular project is to repair the cul-de-sac not included in the 2005 project.

The reason for its exclusion from the previous improvement project was that the cul-de-sac is constructed in a fill section, and a small portion of the fill has settled. The reasons for the slope failure were unknown at that time. Subsequent professional engineering analysis has revealed that the settlement is due to improper material being used as fill in conjunction with improper compaction techniques. The solution involves removing the unsuitable material and replacing it with proper material at proper density.

Estimated cost to correct deficiencies =	\$150,000
Securities held by County =	\$ 0
Estimated Required County Funds =	\$150,000

The performance agreement for this project is between the County and Michael Revell, Autumn Ridge Development Corporation.

SUTHERLAND BOULEVARD



Sutherland Boulevard is situated on the north side of Harrell Road, between Deacon Road and the CSX Railroad, in the Falmouth District.

The curb and gutter street was designed to be constructed from Harrell Road northward 0.326 miles to a cul-de-sac. Construction of the street ceased without the completion of the cul-de-sac, and its actual distance is 0.303 miles. Sutherland Boulevard is 38 feet wide.

While no residences are located on this spine street, it serves a total of 207 townhouses within Heather Hills Subdivision on the intersecting streets of Braemar Place, Ben Neuis Place, Barrie Place, Dundee Place and Townes Place.

Estimated cost to correct deficiencies =	\$350,000
Securities held by County =	\$ 44,380
Estimated Required County Funds =	\$305,620

The performance agreements for this project are between the County and the following parties

Heather Hills, Section 1

William J Hazard, Landmark Properties and Investment

Heather Hills, Section 2

10/1/1991 to 5/19/2004 - William Hazard, Heather Hills Development Company

5/19/2004 to 9/26/2006 - Robert Pierce

9/26/2006 to Present - Robert Pierce, RJCC, Inc

Heather Hills, Section 3

10/1/1991 to 5/19/2004 - William Hazard, Heather Hills Development Company

5/19/2004 to 9/26/2006 - Robert Pierce

9/26/2006 to Present - Robert Pirece, RJCC, Inc

CONCLUSION

As indicated on Attachment No 2, the estimated total cost to repair the deficiencies on the aforementioned public streets is \$1,650,000. The County is retaining \$102,526 in securities that may be applied to specific projects. The estimated total required County funds is \$1,547,474.

Staff believes that, if authorized by the Board, the work to correct the deficiencies can be completed in FY2008. Some of the work can be completed during the 2007 construction season with the remainder being completed in the 2008 construction season. The unaudited FY2007 undesignated fund balance in the Transportation Fund is approximately \$3,676,588. In addition, the adopted FY2008 budget allocates \$1,843,521 in the Transportation Fund for local road projects. This allocation exceeds the estimated cost of the work by \$193,521.

Upon the expenditure of County funds, staff will seek reimbursement of fuels tax revenues from the Potomac-Rappahannock Transportation Commission (PRTC) for eligible expenses. In addition, the County Attorney will seek reimbursement for the costs of each project from past and future developers to the extent allowed by law.

Proposed Resolution R07-137 authorizes the County Administrator to execute contracts not to exceed \$1.65 million to improve Foreston Woods Drive, Highpointe Boulevard, Silverthorn Court, and Sutherland Boulevard for VDOT Acceptance of each street into the Secondary System of State Highways. It further authorizes reimbursement of fuels tax monies from PRTC for eligible expenses. Additionally, it authorizes the County Administrator and the County Attorney to take all possible legal action to collect monies from the responsible parties. Staff recommends approval of Proposed Resolution R07-137.

The Board deferred action on this resolution at its August 21st meeting.

Summary of Defaulted Developer Public Street Projects in Stafford County - July 17, 2007						
Street Name	Subdivision Name	Estimated Cost	Securities Held	Required County Funds	District	
Foreston Woods Drive		\$880,000	\$58,146	\$821,854	Aquia	
Highpointe Boulevard		270,000	0	270,000	Garrisonville	
Silverthorn Court	Autumn Ridge	150,000	0	150,000	Hartwood	
Sutherland Boulevard	Heather Hills	350,000	44,380	305,620	Falmouth	
TOTAL		\$1,650,000	\$102,526	\$1,547,474		

PROPOSED

BOARD OF SUPERVISORS
COUNTY OF STAFFORD
STAFFORD, VIRGINIA

RESOLUTION

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, Stafford County Administration Center, Stafford, Virginia, on the 4th day of September, 2007

MEMBERS

Jack R. Cavalier, Chairman
Mark Dudenhefer, Vice Chairman
M. S. "Joe" Brito
Peter J. Fields
Robert C. Gibbons
Paul V. Milde III
George H. Schwartz

VOTE

On motion of _____, seconded by _____, which carried by a vote of _____, the following was adopted

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE CONTRACTS NOT TO EXCEED \$1.65 MILLION TO IMPROVE FORESTON WOODS DRIVE, HIGHPOINTE BOULEVARD, SILVERTHORN COURT AND SUTHERLAND BOULEVARD FOR VDOT ACCEPTANCE OF EACH STREET INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, Foreston Woods Drive, Highpointe Boulevard, Silverthorn Court and Sutherland Boulevard, having been designed to Virginia Department of Transportation (VDOT) standards, have not been accepted by VDOT due to the incompleteness of each by developers, and

WHEREAS, it is the desire of the Board to improve and complete these public streets in accordance with the respective approved construction plans so VDOT will include each into the Secondary System of State Highways, and

WHEREAS, the Board has appropriated funds to be expended for the purchase of goods and services in accordance with an approved budget, and

WHEREAS, a portion of the project expenses are eligible for reimbursement from the County's fuel tax funds, with the balance being paid from developer securities,

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of September, 2007, that the County Administrator be and he hereby is authorized to execute contracts not to exceed \$1 65 million to improve Foreston Woods Drive, Highpointe Boulevard, Silverthorn Court and Sutherland Boulevard for VDOT acceptance of each street into the Secondary System of State Highways, and

BE IT FURTHER RESOLVED that the County Attorney and County Administrator be and they are hereby authorized to take necessary legal action against responsible parties to recoup the cost of this work, and

BE IT STILL FURTHER RESOLVED that the Potomac and Rappahannock Transportation Commission be and it hereby is requested to reimburse the County for eligible expenditures from the fuels tax fund

SC OFD tbn