ORDINANCE 12-38

COUNCIL ITEM 10D
DATE 7/23/12

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF SECTION 156.149, PORT ST. LUCIE CITY CODE; PROVIDING FOR THE REVISION OF MAINTENANCE OF IMPROVEMENTS; PROVIDING AN EFFECTIVE DATE.

THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:

Section 1. That Section 156.149, Port St. Lucie City Code, is hereby amended to read as follows:

Sec. 156.149. - Maintenance of Improvements.

(A) Final paving course and final pavement markings shall ~~not~~ be applied ~~until~~ upon completion of seventy-five (75%) percent of the structures ~~are completed~~ within a subdivision or within two years of the issuance of the bond, whichever comes first. One two-year extension can be requested, in writing, and shall include a new cost estimate for the completion of the work. The City Engineer will review the request. In the event that City Engineer approves the extension, the developer will be required to provide an updated bond based upon the updated cost estimate. If the extension is not approved by the City Engineer, the final paving course and pavement markings shall be completed within six months. Upon completion of the final pavement course and markings, a satisfactory inspection, and a written request to the City Engineer, the maintenance guarantee shall be released. ~~However, when undue hardship is created by disallowing the final paving of a street prior to construction of seventy-five (75%) percent, but not less than fifty (50%) percent, of the structures within a subdivision, the City Engineer may permit final paving to occur and the City Council may allow the subsequent release of the Performance Guarantee provided a Maintenance Guarantee is substituted therefore. The Maintenance Guarantee may be renewed by the City Council, if additional time is needed to complete further buildout within the subdivision.~~

(B) ~~The Maintenance Guarantee shall be released when at least seventy-five (75%) percent of the subdivision lots have been satisfactorily completed, inspected and released by inspecting departments The Maintenance Guarantee shall be in an amount and for a term as recommended by the City Engineer.~~ Under no circumstance shall final paving occur until all utility installations, including service lines to lots are complete.

Additions to text are indicated by underline; deletions by ~~strikeout~~

Section 2. This Ordinance shall become effective immediately upon approval.

PASSED AND APPROVED by the City Council of the City of Port St. Lucie, Florida, this _____ day of _____, 2012.

CITY COUNCIL
CITY OF PORT ST. LUCIE

ATTEST:

By_____
JoAnn M. Faiella, Mayor

_____
Karen A. Phillips, City Clerk

APPROVED AS TO FORM:_____
Roger G. Orr, City Attorney

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COUNCIL ITEM 13C
DATE 7/9/12

CITY OF PORT ST. LUCIE

Engineering Department

Accredited Agency – American Public Works Association

"A City for All Ages"

MEMORANDUM

To: Gregory J. Oravec – City Manager

Thru: Patricia Roebling, P.E. – City Engineer

From: Roxanne M. Chesser, P.E. – Civil Engineer

Date: June 19, 2012

Re: Requested Revision to City Code
Section 156.149 Maintenance of Improvements

Per your direction, we have worked with the Legal Department to prepare a revision to the City Code associated with maintenance bonds, specifically those dealing with the timing for the second lift of asphalt. A draft of the proposed revision is attached for your use. Additionally, an electronic version of the revision is available, if needed.

This revision will provide the City with more flexibility as it relates to the developer's schedule for the application of the second lift of asphalt. Currently, the code provides for the installation of the final lift of asphalt upon the completion of 75 percent of the structures within the development. The revision will allow for the installation of the second lift of asphalt upon completion of 75 percent of the structures <u>or</u> after two years, whichever comes first. The developer may request one two-year extension; however, the second lift shall be completed after the extension, if allowed by the City Engineer.

If you concur with the requested revision and would like to add this item to a City Council Agenda; we are available to present or answer questions during the meeting. Should you have any questions or requirement additional information, please contact me.

RC/
enclosure

c: Jesus Merejo, Utility Systems Director
Roger Orr – City Attorney
James Angstadt, P.E. – Acting Assistant City Engineer

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