

**ORDINANCE NO. 2009-01**

**AN ORDINANCE OF THE TOWN OF GRANT- VALKARIA, BREVARD COUNTY, FLORIDA, AMENDING DIVISION 2, SECTIONS 2.5, 2.6 AND SECTION 2.7 OF ORDINANCE NO. 2008-01; RELATING TO BONDING REQUIREMENTS FOR THE CONSTRUCTION OF A ROAD; CLARIFYING WHEN A BOND IS REQUIRED; CLARIFYING THE IMPROVEMENT PROCESS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.**

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GRANT-VALKARIA, BREVARD COUNTY, FLORIDA, THAT:**

**SECTION 1.** Section 2.5 of Division 2 of Ordinance No. 2008-01 is amended in full to read as follows:

**“Sec. 2.5. Cost of improvement (bond).**

Each owner who applies for a driveway permit in conjunction with the construction of a road, either personally or through an agent or contractor, shall complete an application for a road permit, in the form approved by the Town Council and shall execute a written agreement with the Town of Grant-Valkaria, Brevard County, Florida, in a form approved by the Town Council, to construct a road as described hereinabove in accordance with the town's standards. The entire cost of constructing such road shall be the responsibility of the owner and, prior to the issuance of such road permit, the owner shall post a cash or cost of improvement surety bond with the town if required. The amount of the bond shall be set by the Town Council after receiving public bids from the applicant(s) for said improvements and shall be equal to the estimated cost of completion of the improvement plus twenty (20) percent of such amount. The procedure for establishing the road bond shall be established by Town Council. Procedure shall be adopted by resolution and may be amended by resolution of the Town Council from time to time, as needed. The decision of the Town Council concerning the amount of the bond shall be final.”

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**SECTION 2.** Section 2.6 (2) of Division 2 of Ordinance No. 2008-01 is amended to read as follows:

**“Sec. 2.6. Road permit application and fee.**

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(2) A written estimate, based upon such surveys and drawings described hereinabove in paragraph (1), which estimate shall contain a sufficient description of the work to enable the town engineer and building official to determine that the proposed improvement is consistent with the specifications of the town. The estimate shall at a minimum contain a breakdown on the standard cost for construction of the road (“Standard Road”) and shall also separately itemize those costs of the road construction that

are above the standard cost (“Extra Costs”). In addition the estimate shall describe the basis for the Extra Costs including, but not limited to, environmental factors or any other unusual factors that justify the Extra Costs. The estimate shall also describe the general location of any areas of the road construction where the Extra Costs will occur.

The Town Council shall set the fee for such road permit, which fee may be amended from time to time by Town Council by resolution. No action shall be taken on behalf of the applicant until a completed road application permit is filed with the town clerk and the applicable application fee is paid.

Upon receipt of a completed application and fee, the town clerk shall forward the application package to the town engineer. Upon receipt of the completed road permit application package, the town engineer shall make a recommendation to Town Council as to the improvement process and of the appropriate bond, if any, that shall be required from the applicant as set forth in this division.”

**SECTION 3.** Section 2.7 (a) (1) and (2) of Division 2 of Ordinance No. 2008-01 is amended to read as follows:

**“Sec. 2.7. Improvement process--Bid process, alternatives.**

a. The Town shall choose one of the following alternatives:

(1). If the Town desires to construct the road then upon receipt of the recommendation by the town administrator concerning the appropriate bond the Town Council shall then direct the town administrator to compile all necessary specifications for offering a public bid for the required road improvements. At the next regularly scheduled meeting of the Town Council, after receipt of bid specifications, the Town Council shall direct the town administrator to offer for public bid the improvements as specified. The bidding process shall be conducted in strict compliance with the laws of the State of Florida. A bond in the amount of 120% as outlined in Section 2.5 must be posted by the person desiring the improvements for projects constructed by the Town and the Town engineer shall authorize progress payment to the contractor, based on a progress payment schedule submitted by the contractor, after the town engineer is satisfied that the work complies with the town standards and the design.

For purposes of reimbursement and refunding the individual expending sums to complete the roadway improvement, said individual's engineer shall certify the design, permitting, inspection and construction costs to the town.

(2). If the Town desires the person to construct the road themselves then the person shall apply for and obtain a road permit and the person desiring to improve a public right-of-way shall engage the services of a Florida licensed engineer to design the roadway to current Town of Grant-Valkaria standards and shall solicit proposals from a Florida licensed contractor for construction of the roadway in accordance with the design.

If the town administrator determines that the design meets current town standards and that the proposals submitted are reasonable and in line with pricing, the town administrator is authorized to administratively approve the construction of the roadway.

The town engineer shall within ten (10) working days of receipt of an inspection request, inspect the roadway construction progress

For purposes of reimbursement and refunding the individual expending sums to complete the roadway improvement, said individual's engineer shall certify the design, permitting, inspection and construction costs to the town.”

**SECTION 4. Severability.**

In the event a court of competent jurisdiction shall hold or determine that any part of this ordinance is invalid or unconstitutional, the remainder of this ordinance shall not be affected and it shall be presumed that the Town Council of the Town of Grant-Valkaria did not intend to enact such invalid or unconstitutional provision. It shall further be assumed that the Town Council would have enacted the remainder of this ordinance without said invalid or unconstitutional provision, thereby causing said remainder to remain in full force and effect.

**SECTION 5. Conflicts.**

All ordinances or parts thereof in conflict herewith are hereby repealed to the extent of such conflict with this Ordinance.

**SECTION 6. Effective Date.**

This Ordinance shall take effect immediately upon its adoption.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF GRANT-VALKARIA, BREVARD COUNTY, FLORIDA, ON THIS 11<sup>th</sup> DAY OF FEBRUARY, 2009.

(signature on file)

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Del Yonts, Mayor

ATTEST:

(signature on file)

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Susanne Krueger, Town Clerk

1<sup>ST</sup> READING: January 28, 2009

2<sup>ND</sup> READING: February 11, 2009