

SUBJECT: Falkenburg Car Wash Off-Site **PI# 5337**
DEPARTMENT: Development Review Division of Development Services Department
SECTION: Project Review & Processing
BOARD DATE: April 11, 2023
CONTACT: Lee Ann Kennedy

RECOMMENDATION:

Grant permission to the Development Services Department to administratively accept the Required Off-Site Improvement Facilities to serve Falkenburg Car Wash Off-Site located in Section 30, Township 29, and Range 20 (water, wastewater, paving and sidewalks) for Maintenance upon proper completion, submittal and approval of all required documentation. Also provide the administrative rights to release the warranty security upon expiration of the warranty period, warranty inspection and correction of any failure, deterioration, or damage to the Improvement Facilities. Accept a Warranty Check in the amount of \$11,996.99 and authorize the Chair to execute the Agreement for Warranty of Required Off-Site Improvements.

BACKGROUND:

On April 11, 2022, Permission to construct was issued for Falkenburg Car Wash Off-Site. Construction has been completed in accordance with the approved plans and has been inspected and approved by the appropriate agencies. The developer has provided the required Check, which the County Attorney's Office has reviewed and approved. The developer is Falkenburg Wash, LLC and the engineer is High Point Engineering.



OWNER/DEVELOPER'S AGREEMENT FOR WARRANTY OF REQUIRED OFF-SITE IMPROVEMENTS

This Agreement made and entered into this _____ day of _____, 20_____, by and between Falkenburg Wash, LLC, hereinafter referred to as the "Owner/Developer" and Hillsborough County, a political subdivision of the State of Florida, hereinafter referred to as the "County."

Witnesseth

WHEREAS, the Board of County Commissioners of Hillsborough County has adopted site development regulations which are set forth in the Land Development Code (hereafter the "Site Development Regulations"); and

WHEREAS, the Site Development Regulations authorize the County to accept ownership and/or maintenance responsibility of off-site improvement facilities constructed by the Owner/Developer in conjunction with site development projects in Hillsborough County, provided that the improvement facilities meet County standards and are warranted against defects in workmanship and materials for a period of two (2) years; and

WHEREAS, the Owner/Developer has completed certain off-site improvement facilities in conjunction with the site development project known as Car Wash - Falkenburg Road (hereafter referred to as the "Project"); and

WHEREAS, pursuant to the Site Development Regulations, the Owner/Developer has requested the County to accept the aforementioned off-site improvement facilities for ownership and/or maintenance; and

WHEREAS, the Owner/Developer has represented to the County that the completed improvement facilities have been constructed in accordance with the approved plans and all applicable County regulations and technical specifications; and

WHEREAS, the Owner/Developer has offered to warranty the off-site improvement facilities against any defects in workmanship and materials and to correct any such defects which arise during the warranty period.

NOW, THEREFORE, in consideration of the intent and desire of the Owner/Developer as set forth herein, and to gain acceptance for ownership and/or maintenance by the County of the aforementioned off-site improvement facilities, the Owner/Developer and the County agree as follows:

1. The terms, conditions and regulations contained in the Site Development Regulations are hereby incorporated by reference and made a part of this Agreement.
2. For a period of two (2) years following the date of acceptance of the off-site improvement facilities for ownership and/or maintenance by the County, the Owner/Developer agrees to warrant the off-site improvement facilities described below against failure, deterioration or damage resulting from defects in workmanship or materials. The Owner/Developer agrees to correct within the warranty period any such

failure, deterioration or damage existing in the improvement facilities so that said improvement facilities thereafter comply with the technical specifications contained in the approved plans and Site Development Regulations. The off-site improvement facilities to be warranted constructed in conjunction with the Project are as follows:

Potable water and wastewater connection / extension and repaving / reconstruction in the areas of pipe crossings on

Tuscany Ridge Dr; as well as the new sidewalk along north side of Tuscany Ridge Dr and west side of Falkenburg Rd.

3. The Owner/Developer agrees to, and in accordance with the requirements of the Site Development Regulations, does hereby deliver to the County an instrument ensuring the performance of the obligations described in paragraph 2 above, specifically identified as:
- a. Letter of Credit, number _____, dated _____, with _____ by order of _____, or
 - b. A Warranty Bond, dated _____ with _____ as Principal, and _____ as Surety, and
 - c. Cashier/Certified Check, number 1527459, dated 01/06/2023 be deposited by the County into a non-interest bearing escrow account upon receipt. No interest shall be paid to the Owner/Developer on funds received by the County pursuant to this Agreement.

A copy of said letter of credit, warranty bond, or cashier/certified check is attached hereto and by reference made a part hereof.


4. In the event the Owner/Developer shall fail or neglect to fulfill its obligations under this Agreement and as required by the Site Development Regulations, the Owner/Developer shall be liable to pay for the cost of reconstruction of defective off-site improvement facilities to the final total cost, including but not limited to engineering, legal and contingent costs, together with any damages, either direct or consequential, which the County may sustain as a result of the Owner/Developer's failure or neglect to perform.
5. The County agrees, pursuant to the terms contained in the Site Development Regulations, to accept the off-site improvement facilities for maintenance, at such time as:
- a) The Engineer-of-Record for the Owner/Developer certifies in writing that said off-site improvement facilities have been constructed in accordance with:
 - (1) The plans, drawings, and specifications submitted to and approved by the County's Development Review Division of Development Services Department; and
 - (2) All applicable County regulations relating to the construction of the off-site improvement facilities; and
 - b) Authorized representatives of the County's Development Review Division of Development Services Department have reviewed the Engineer-of-Record's

certification and have not found any discrepancies existing between the constructed improvement facilities and said certification.

- 6. If any part of this Agreement is found invalid and unenforceable by any court of competent jurisdiction, such invalidity or unenforceability shall not affect the other parts of this Agreement if the rights and obligations of the parties contained herein are not materially prejudiced and the intentions of the parties can be effectuated.
- 7. This document, including all exhibits and other documents incorporated herein by reference, contains the entire agreement of the parties. It shall not be modified or altered except in writing signed by the parties.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, effective as of the date set forth above.


ATTEST:



 Witness Signature

Mitch Koop

 Printed Name of Witness



 Witness Signature

KIEL MERFELD

 Printed Name of Witness

Owner/Developer:


 By _____
 Authorized Corporate Officer or Individual
 (Sign before Notary Public and 2 Witnesses)

Bryan Zinober

 Printed Name of Signer

Manager

 Title of Signer

936 S. Howard Ave, Tampa

 Address of Signer

(813) 658-3354

 Phone Number of Signer

CORPORATE SEAL
(When Appropriate)

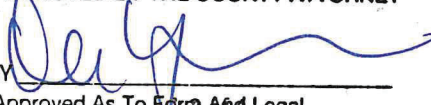
CINDY STUART
Clerk of the Circuit Court

BOARD OF COUNTY COMMISSIONERS
HILLSBOROUGH COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Chair

APPROVED BY THE COUNTY ATTORNEY


 BY _____
 Approved As To Form and Legal
 Sufficiency.

Representative Acknowledgement

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 7th day of MARCH, 2023, by Bryan Zinober as Manager for Falkenburg Wash, LLC

Personally Known OR Produced Identification
PIK
Type of Identification Produced

Official Seal
LINDSAY GUYER
Notary Public State of Florida
Commission Expiration: 09/24/2025
Commission Number: HH133411
(Notary Seal)



[Signature]
(Signature of Notary Public - State of Florida)
Lindsay Guyer
(Print, Type, or Stamp Commissioned Name of Notary Public)
HH133411 9/24/2025
(Commission Number) (Expiration Date)

Individual Acknowledgement

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this _____ day of _____, _____, by _____.

Personally Known OR Produced Identification

Type of Identification Produced

(Notary Seal)

(Signature of Notary Public - State of Florida)

(Print, Type, or Stamp Commissioned Name of Notary Public)

(Commission Number) (Expiration Date)

THIS DOCUMENT HAS A WATERMARK AND MICROPRINT SIGNATURE LINES. ABSENCE OF THESE FEATURES WILL INDICATE A COPY.



CASHIER'S CHECK

55-138
212

1527459

PAY TO THE HILLSBOROUGH COUNTY BOARD OF
ORDER OF COUNTY COMMISSION

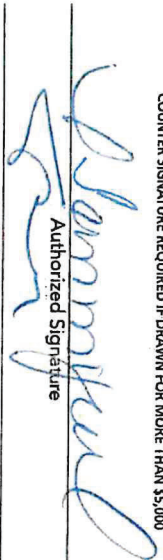
DATE 01/06/2023

\$11,996DOLLARS and 99CENTS

\$ 11,996.99

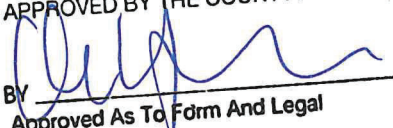
COUNTER SIGNATURE REQUIRED IF DRAWN FOR MORE THAN \$5,000

Memo: CC


Authorized Signature

Authorized Signature

⑈ 1527459⑈ ⑆021201383⑆ 000041297490⑈

APPROVED BY THE COUNTY ATTORNEY
BY 
Approved As To Form And Legal
Sufficiency.

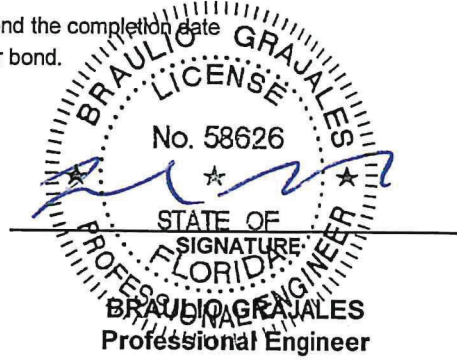
**COST ESTIMATE FOR WARRANTY BOND
 CAR WASH - FALKENBURG ROAD
 10302 TUSCANY RIDGE DRIVE, TAMPA
 HILLSBOROUGH COUNTY ROW PERMIT 28949S
 FOLIO: 72210-1212 & 72210-1214
 DATE: 12-8-22**

DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
RIGHT OF WAY IMPROVEMENTS				
6" CONCRETE SIDEWALK	5755	SF	\$ 8.00	\$ 46,040.00
CONCRETE APRON	1536	SF	\$ 12.00	\$ 18,432.00
CONCRETE CURB	197	FT	\$ 22.00	\$ 4,333.56
DETECTABLE WARNING SURFACE	4	EA	\$ 600.00	\$ 2,400.00
1" SP-9.5 STRUCTURAL COURSE	153	SY	\$ 31.11	\$ 4,759.83
2" SP-12.5 STRUCTURAL COURSE	153	SY	\$ 29.37	\$ 4,493.61
10" CRUSHED CONCRETE BASE	153	SY	\$ 24.42	\$ 3,736.26
12" STABILIZED SUBGRADE	153	SY	\$ 23.07	\$ 3,529.71
			SUB-TOTAL	\$ 87,724.97
POTABLE WATER DISTRIBUTION				
8" GATE VALVE	4	EA	\$ 589.25	\$ 2,357.00
6" GATE VALVE	2	EA	\$ 545.25	\$ 1,090.50
4" GATE VALVE	1	EA	\$ 421.05	\$ 421.05
12" - 11.25° M.J. BEND	1	EA	\$ 168.25	\$ 168.25
8" - 11.25° M.J. BEND	4	EA	\$ 143.25	\$ 573.00
8" - 22.5° M.J. BEND	3	EA	\$ 189.26	\$ 567.78
8" - 45° M.J. BEND	6	EA	\$ 174.77	\$ 1,048.62
6" - 90° M.J. BEND	1	EA	\$ 140.25	\$ 140.25
8"x8" M.J. TEE	2	EA	\$ 479.07	\$ 958.14
FIRE HYDRANT	1	EA	\$ 720.00	\$ 720.00
12"x8" M.J. REDUCER	1	EA	\$ 225.35	\$ 225.35
8"x6" M.J. REDUCER	2	EA	\$ 189.45	\$ 378.90
6"x4" M.J. REDUCER	1	EA	\$ 166.36	\$ 166.36
8" DUCTIL IRON PIPE	328	LF	\$ 37.55	\$ 12,316.40
6" DUCTIL IRON PIPE	18	LF	\$ 32.45	\$ 584.10
4" DUCTIL IRON PIPE	4	LF	\$ 28.35	\$ 113.40
3" WATER METER	1	EA	\$ 3,218.00	\$ 3,218.00
20" STEEL CASING	50	LF	\$ 49.45	\$ 2,472.50
			SUB-TOTAL	\$ 27,519.60

FORCE MAIN EXTENSION				
4" PLUG VALVE	1	EA	\$ 463.75	\$ 463.75
4" - 45° BEND	4	EA	\$ 125.25	\$ 501.00
12" STEEL CASING	35	LF	\$ 42.75	\$ 1,496.25
4" PVC PIPE	64	LF	\$ 35.38	\$ 2,264.32
SUB-TOTAL				\$ 4,725.32
TOTAL COST OF CONSTRUCTION				\$ 119,969.89
10% WARRANTY BOND AMOUNT				\$ 11,996.99

Note: Warranty bonds are 10% for two years from date of acceptance by BOCC.

If letter of credit or bonds are used, a minimum of thirty additional days will be required beyond the completion date and /or the warranty period to allow the county sufficient time to draw on the letter of credit or bond.



12-8-22 58626
 DATE FL REG. No.



Hillsborough
County Florida
Development Services

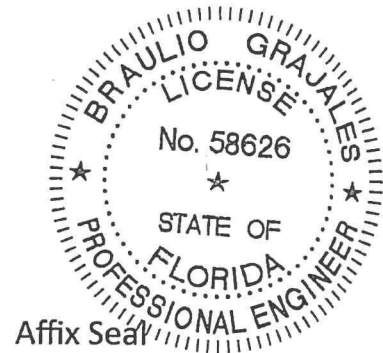
Engineer of Record Certification of Construction Completion

I, Braulio Grajales, P.E., hereby certify that I am associated with the firm of High Point Engineering, Inc.. I certify that construction of the Improvement Facilities, at Car Wash - Falkenburg Road have been completed in substantial compliance with the current Hillsborough County Regulations and in substantial compliance with the approved plans and specifications. I certify that these Record plans have recorded any design deviations due to field conflicts.

Signed and sealed this 15 day of November, 2022

(signature)

Florida Professional Engineer No. 58626



No County agreement, approval or acceptance is implied by this Certification.