

**SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM**

**SUBJECT:** County Road 46A Phase II / Mayfair Meadows Fence Reimbursement

**DEPARTMENT:** PUBLIC WORKS      **DIVISION:** ENGINEERING

**AUTHORIZED BY:** *W. Gary Johnson*      **CONTACT:** Kathleen Myer, P.E. <sup>com</sup> EXT. 5664  
*W. Gary Johnson*      *Jerry McCollum*  
W. Gary Johnson, P.E., Director      Jerry McCollum, P.E.

Agenda Date 05-25-04    Regular     Consent     Work Session     Briefing   
Public Hearing – 1:30     Public Hearing – 7:00

**MOTION/RECOMMENDATION:**

Approve and authorize payment to the Mayfair Meadows Homeowners Association in the amount of \$17,072.72 to settle a claim for reimbursement under the County's Wall Policy relating to the County Road 46A, Phase II Road Project.

District 5 – Commissioner McLain      (Kathleen Myer, P.E.)

**BACKGROUND:**

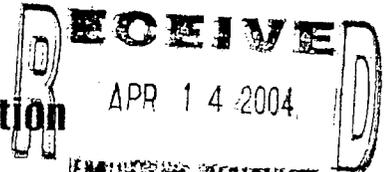
After the recent widening of the County Road 46A, Phase II Roadway Project, a determination was made by the Public Works Department that 709 linear feet of the Mayfair Meadows fence was subject to the County's Wall Policy. A letter was sent to the Mayfair Meadows Home Owners Association President dated February 9, 2004 (copy attached) with an estimate of \$17,072.72 for the monetary value of the portions of the previously existing painted wood board fence where the County's Wall Policy was applicable. A letter dated April 2, 2004 (copy attached) was received from the Mayfair Meadows Community Association Manager accepting the County's estimate of \$17,072.72 to settle the reimbursement value of the painted wood board fence and releasing the County from any further damages or claims relating to the Mayfair Meadows Subdivision Fence/Wall. Funds are available to cover this payment within current year balances remaining in the budgeted County Road 46A, Phase II Project.

Attachments: Letters dated - April 2, 2004, February 9, 2004,  
and April 1, 2002

Reviewed by: *SK*  
Co Atty: \_\_\_\_\_  
DFS: \_\_\_\_\_  
Other: \_\_\_\_\_  
DCM: *MM*  
CM: *KB*  
File No. CPWE02

## Mayfair Meadows Homeowners Association

◆◆◆  
C/O Vista Community Association Management ♦ P. O. Box 162147 ♦ Altamonte Springs, FL 32716-2147  
Phone 407-671-7841 ♦ Fax 407-677-4244 ♦ Email rhall1@cfl.rr.com



April 2, 2004

Jerry Matthews  
Seminole County Engineering Division  
520 West Lake Mary Blvd.  
Sanford, FL 32773

Re: 46A, Phase II, Mayfair Meadows  
Reimbursement For Wood Board Fence & Paint

Dear Mr. Matthews:

This letter is to inform you that the Mayfair Meadows Board of Directors met on March 24, 2004. At that meeting, the Mayfair Board of Directors accepted Seminole County's offer, dated February 9, 2004, of \$17,072.72 to settle the reimbursement issue for the replacement of the wood fence on 46A. The Board of Directors understands and agrees that acceptance of Seminole County's offer releases Seminole County from any further damages or claims relating to the Mayfair Meadows fence.

Sincerely,

A handwritten signature in black ink that reads "Raiford Hall". The signature is written in a cursive, slightly stylized font.

Raiford Hall, C.A.M.  
Mayfair Meadows Community Association Manager

CC: Board of Directors

PUBLIC WORKS DEPARTMENT



ENGINEERING DIVISION

Via/US Mail

February 9, 2004

Mr. Raiford Hall, C.A.M.  
225 South Westmonte Drive, Suite 2050  
Altamonte Springs, FL 32714

RE: 46A, Phase II, Mayfair Meadows  
Wood Board Fence & Paint

Dear Mr. Hall:

The Principal Engineer you had been working with on this matter, Mr. David Nichols, P.E., no longer works for Seminole County. I have been given this matter to handle.

It is my understanding when the County widened 46A Phase II that a portion of your then existing wood board fence was subject to the County's Wall Policy, as the adjacent grade at the fence was increased by a foot more in some areas. See attached letter dated April 1, 2002 from Mr. Gary Johnson, P.E., Public Works Director.

I have reviewed the fence location shown on County plans to determine where the Wall Policy applies. The grade differential of one foot or more affects 709 LF of fence along the CR 46A Right of Way. The County is responsible for this portion of the fence installation and painting.

As Mayfair Meadows has constructed a new brick wall, the County's participation in replacing the fence is no longer an option. Therefore the County will pay the HOA the monetary value of replacing and painting 709 LF of fence.

Using the lowest estimate of the three you provided, \$22,910.00 for the fence and \$3,575.00 for the paint, the total cost is \$26,485.00. Dividing this by the total length of fence in your estimate, 1,100 feet, yields a unit cost of \$24.08. Using this unit price the County is responsible for \$17,072.72 of the total cost to replace and paint the previously existing wood fence.

With regard to the light pole mentioned in Mr. Johnson's letter (attached), Steve Krug has checked the Right of Way acquisition file and the HOA was paid for the light pole. Once paid for the County has no further obligation to repair or replace this pole.

Once the HOA and County have agreed to an acceptable price, the County will need a letter from the HOA accepting and releasing the County from any further damages or claims relating to the Mayfair Meadows fence. The County will then proceed with BCC action for approval of payment.

If you have any questions or need further information, please call me at (407) 665-5646 or e-mail me at [jmatthew@co.seminole.fl.us](mailto:jmatthew@co.seminole.fl.us).

Sincerely,  
SEMINOLE COUNTY

  
Jerry Matthews  
Principal Coordinator/Major Projects

C: Gary Johnson, P.E., Public Works Director  
Geoffrey Baldwin, President Mayfair Meadows HOA

# PUBLIC WORKS DEPARTMENT

Director's Office



April 1, 2002

Geoffrey M. Baldwin, President  
Mayfair Meadows HOA  
c/o EPM Services  
P.O. Box 915322  
Longwood, FL 32791-5322

RE: Mayfair Meadows (CR-46A-II) / Response to March 18<sup>th</sup> Correspondence  
Application of County Wall Policy

Mr. Baldwin,

Thank you for your letter of March 18, 2002, regarding roadway improvements along CR 46A and impacts to Mayfair Meadows (HOA). A construction plans review and field visit by County staff indicate the HOA may be eligible to participate in a County program created to address indirect and adverse impacts by County improvements to adjacent private property. Specifically, it is County policy to evaluate an existing subdivision wall or fence adjacent to a County roadway when the roadway is reconstructed. This evaluation primarily addresses proposed changes in the vertical relationship of the roadway to the existing subdivision wall, or fence in this case.

Current County policy defines the minimum threshold for application of the 'Wall Policy'. Specifically, when the height of an existing subdivision wall/fence is reduced by more than 12" as a result of roadway construction, remedial action by the County is required. The determination of the wall/fence height reduction is a measure of its height after construction from the new sidewalk or the final grade adjacent to the wall/fence. In other words, if the final grade (dirt or concrete) adjacent to the existing subdivision wall/fence is raised by more than 12", reducing the effective height of the wall/fence, the County's policy is applicable. Our review indicates the Wall Policy applies to your subdivision's existing fence. However, we should state this application may not apply to the entire length of subdivision along CR-46A. Our engineering consultant will evaluate this and advise us regarding the scope of any remedial action by the County, consistent with County policy. The apparent 'cure' is to replace your existing fence with a similar fence (in-kind), except that the replacement fence would be of a greater height to meet the County's policy.

Please be advised, there is one critical element to County action on this matter. There must be 100% participation by all lot owners affected by this policy. If not, the policy will not be applied. The purpose here is to preclude the creation of a visible discontinuity with the 'cure'. In other words, the County will not create a wall or fence line that has a gap or vertical irregularity in its final construction.

To implement this policy, we ask that you contact all lot owners within your development with property adjacent to CR-46A. Please determine their willingness to participate and provide us with their names and addresses. We will verify this information with our records and start the technical and legal process. The HOA leadership will act as the County's primary contact for this effort.

Mayfair Meadows HOA-Baldwin  
Wall Policy  
March 21, 2002  
Page 2

Regarding the light pole issue within your letter, we will review the legal file to confirm what items were compensated when the Right-of-Way was acquired. If the lamp post was not within the acquisition area and not paid for by the County (or some other arrangement made to move/remove this post) then it would be the Contractor's responsibility to address damages to private property. Steve Krug, with our Construction Management Section (407-665-2345) would be the County's contact for this item.

We will work with you, your HOA and each individual lot owner on these matters. When you have obtained the requested information, please contact Kathleen Myer, P.E., Section Head, Seminole County Major Projects @ 407-665-5670. She will assist the HOA with these matters.

Again, we thank you for your letter and look forward to working with you. Please call upon us if you need further assistance. We hope to hear from you soon.

Sincerely,



W. Gary Johnson, P.E.  
Public Works Director

Jerry McCollum, P.E., County Engineer  
Kathleen Myer, P.E., Major Projects Section Head  
David Nichols, P.E., Project Manager  
Steve Krug, Construction Management  
Lynn Vouis, Esq., Assistant County Attorney

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