

**SUMTER COUNTY BOARD OF COMMISSIONERS  
EXECUTIVE SUMMARY**

**SUBJECT:** C 466 A Phase III Right of Way Negotiations and Acquisitions Support, Amendment to October 19, 2010 Agreement with Kimley-Horn and Associates (staff recommends approval)

**REQUESTED ACTION:** Board approval

Work Session (Report Only)    **DATE OF MEETING:** 11/9/2010  
 Regular Meeting                       Special Meeting

**CONTRACT:**  N/A    Vendor/Entity: Kimley Horn and Associates and subconsultant Edwin R. Barfield

Effective Date: 12/1/2010    Termination Date: TBD  
Managing Division / Dept: Public Works Division/Road and Bridge

**BUDGET IMPACT:** \$174,470  
 Annual                      **FUNDING SOURCE:** Impact Fee fund 153  
 Capital                      **EXPENDITURE ACCOUNT:** 153 344 541 6554  
 N/A

**HISTORY/FACTS/ISSUES:**

On October 26, 2010 the Board approved an agreement with Kimley-Horn and Associates (KHA) for planning, design, permitting, survey and mapping services and bid documents assistance, for phase III of the C466A widening from US 301 to Powell Road. An integral part of this effort will be acquisition of the right of way (ROW) to implement the design.

The County has used other firms to provide this assistance in the past. In this case, KHA has an existing relationship with a subconsultant (Edwin R. Barfield) who is well versed in this type of work. Subsequent to completing negotiations for the design and permitting of the widening project, Public Works staff entered into negotiations for the necessary ROW acquisition and appraisal support.

If approved, this amendment to the basic agreement with KHA will include the following:

1. Appropriate meetings and design reviews.
2. Public Involvement meeting.
3. Potential ROW acquisition impacts.
4. Property owner research and parcel file preparation.
5. Maintain established relationships, and document.
6. Management of ROW process and supporting subconsultants (subconsultants are additional cost).
7. ROW acquisition services including notifications, negotiations, closings, suit package preparations.

This price is a not-to-exceed (NTE) price which includes KHA's oversight, but does not include subconsultants such as an appraisal firm and CPA, which would be additional cost of more than \$100,000 depending on how many parcels are affected. However, these subconsultants are not needed until the number of parcels affected by acquisition has been identified. County staff will be involved in the selection of the appraisal and CPA firms, which will then work for Edwin R. Barfield.

As a precaution, this scope includes reassessment of estimated fees after the preliminary property acquisition assessment, and after 60% design plans are submitted to the County.

Specifically not included in this scope are (but can be added via supplemental agreements):

1. Title binder, title search, and title insurance.
2. Legal instruments and documents.
3. Relocation services.
4. Property demolition, security, posting, and environmental services such as asbestos abatement.
5. Eminent domain litigation support and expert witness testimony.

See attached scope and fee table.

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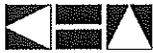


**AMENDMENT #1 TO THE OCTOBER 19, 2010 AGREEMENT  
C466A WIDENING FROM US 301 TO POWELL ROAD  
RIGHT-OF-WAY ACQUISITION SUPPORT SERVICES  
EDWIN R. BARFIELD, LLC SCOPE AND FEE**

The following Scope of Services is an Amendment to the Consulting Engineering Agreement dated October 19, 2010 for the C466A Widening from US 301 to Powell Road Project that was approved by the Board of Sumter County Commissioners on October 26, 2010. All terms and conditions of that Agreement remain in full force and effect except as modified herein.

This Scope of Services is for right-of-way acquisition coordination from an estimated forty-three (43) property ownerships as identified on the KHA aerial for a three-lane design concept. These services will be provided by Edwin R. Barfield, LLC as a subconsultant to KHA. The scope for right-of-way support services includes the following:

- A. Attendance and participation in:
  1. Kick off meeting.
  2. Right-of-way presentation meeting to the City of Wildwood Board.
  3. Right-of-way presentation meeting to the Sumter County Board.
  4. Design team meetings.
  5. Team field reviews.
  6. Team telephone conferences.
  7. Project manager telephone conferences.
- B. Public Involvement Meeting
- C. Identification of the potential right-of-way acquisition impacts for each of the affected parcels (44). Recommend design alternatives to avoid or minimize these impacts in order to reduce the number of acquisition parcels and acquisition compensation/costs due to these impacts.
- D. Property/owner research and parcel file preparation for each property proposed to be affected by a right-of-way acquisition, and initial property owner contact.
- E. Maintain the established relationships from the initiation of the project design with those property and/or business owners/representatives affected by the proposed right-of-way acquisitions (43) utilizing individual property owner coordination meetings (three meetings and four telephone conferences per property) to establish rapport, cultivate project and design acceptance, and solicit project input for consideration/evaluation in project impact mitigation. Maintaining open and on-going communications with those directly affected by this project counteracts the spread of inaccurate or false rumors that can undermine the successful acquisition of right-of-way. The affected property owners' stakeholder interest in the project is preserved, and a unified goal for each parcel acquisition is validated with the property owner/representative.
- F. Document the property and business owners'/representatives' concerns, requests, and recommendations for consideration by the design team members and Sumter County representatives at a Team Meeting. Early identification and documentation of those property owners that will request the voluntary purchase of their entire property when only a partial acquisition is required for the project, and those property owners who indicate a desire to voluntarily donate the area of acquisition. This will allow for Advance Whole-Parcel Acquisitions, administrative and appraisal cost savings, and an extended relocation time frame, when appropriate.

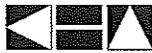


G. Management of the Right-of-Way process and supporting subconsultants, to include:

1. Coordination to assist with obtaining competitive bids from at least three licensed property appraisers who are qualified to provide eminent domain valuation services for the valuation of the proposed right-of-way acquisition parcels. Coordination to assist with obtaining competitive bids from at least two CPA's qualified to provide business damage valuation services for the applicable right-of-way acquisition parcels. Final approval of the appraisal firm and CPA will be at the discretion of Sumter County. On-going coordination, review and meetings with the appraiser, CPA, and their subconsultants to ensure that the appraisal and business damage estimate to be provided to the property/business owner will address all impacts/damages, and will easily be understood by the property owner and/or their representative.
2. Coordination with the City of Wildwood on right-of-way impact and acquisition compensation/cost minimization, and cost-to-cure/code non-conformity determinations. Document City of Wildwood's potential for acceptance of non-conformities or requirement for compliance with code on the remainder of the affected properties.

H. Right-of-Way acquisition services to include:

1. Compliant property owner notifications (per Section 73.015, F.S.).
2. Obtaining written authorization for representation of the owner by an attorney.
3. Providing owners with:
  - a. A copy of a Real Estate Acquisition Process Brochure (English and/or Spanish).
  - b. A legal description of the area of acquisition.
  - c. A copy of the Right-of-Way Map with their parcel delineated, or a copy of the Sketch of Description for the acquisition from their property.
  - d. A Property Owner Questionnaire, with a self-addressed stamped envelope.
  - e. A copy of the appraisal report.
4. Comprehensive explanation of the real estate acquisition valuation process and the appraisal report to the property owner.
5. Personal delivery of the initial binding offer, with written acknowledgement by the owner of receipt of the offer.
6. Acquisition negotiations.
7. Submittal of all conditional offers (with terms and conditions) to Sumter County for consideration/approval.
8. Ensure that all warrants for payments at closing have been requested from Sumter County and will be available at closing.
9. Closings:
  - a. Proper execution of all legal documents related to the closing.
  - b. Clearing of subordinate interest (if necessary) and execution of all ancillary instruments (death certificates, affidavits, mortgage and lien satisfactions, etc.) related to the property, and the closing statement.



- c. All executed easements documents will be delivered or sent certified mail, return receipt requested, to Sumter County Public Works Department, no later than 48 hours after the closing, excluding weekends and holidays, for recording in the Sumter County Public Records.
  - d. Delivery to the property owner at closing, or by mail after closing, of Internal Revenue Service Form 1099-S.
10. Preparation of documented settlement justifications (if the settlement is above the initial offer).
  11. Suit package preparation (if necessary).
  12. Physical inspection of the property within 24 hours prior to closing, excluding weekends and holidays, to verify that no one is in physical possession of the property other than those persons previously identified, and that all property to be acquired is present and has not been removed. The inspection outcome will be documented in the parcel file.
- I. Establish and maintain relationships with those property owners (2) not affected by a parcel acquisition that have non-conforming driveway access connections to CR 466A that will be modified/removed as part of this design project.

#### **SERVICES NOT PROVIDED IN THIS SCOPE**

These services are not included, but can be provided subject to a supplemental agreement, etc.

- A. Title binder, title search report, and title insurance policy (to be provided by Sumter County).
- B. Legal instruments and documents (to be prepared and provided by Sumter County).
- C. Relocation services for those residential and business occupants that will be displaced by the project.
  1. Relocation will be in compliance with The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, if requested by Sumter County.
  2. The number of required relocations is unknown until the project design has been completed to a point (typically 60% design) where the final right-of-way requirements have been identified in order to determine which properties will require relocation, and individual interviews have been conducted.
  3. Relocation services will need to be addressed in a Supplemental Service Agreement after the number of required relocations have been identified.
- D. Securing, posting, rodent control inspections, and asbestos management of whole acquisition parcels.
- E. Eminent Domain Litigation Support and/or Expert Witness Testimony.
- F. Any other service pertaining to right-of-way acquisition assistance not specifically described in the above Scope of Services.



**FEE**

The ENGINEER will perform the services described in the Scope of Services on an hourly labor fee basis, inclusive of expenses, not to exceed \$174,470.00. This fee estimate includes time allotted for KHA's coordination and oversight of Edwin R. Barfield, LLC. The estimated hourly fees will be re-assessed with County Staff once the preliminary property acquisition assessment is completed, and again at the submittal of 60% plans to the County.

All permitting, application, and similar project fees will be paid directly by the Board. Fees and expenses will be invoiced monthly based, as applicable, upon the percentage of services performed or actual services performed and expenses incurred as of the invoice date. Payment will be due within 10 days of your receipt of the invoice, as per Item 6 in the Consulting Engineering Agreement. If additional efforts become necessary during the performance of the assignment, the ENGINEER will immediately advise the Board of any budget revisions.

ACCEPTED:

BOARD OF COUNTY COMMISSIONERS  
OF SUMTER COUNTY, FLORIDA

KIMLEY-HORN AND ASSOCIATES, INC.

BY: \_\_\_\_\_

BY:   
Richard V. Busche, PE

TITLE: \_\_\_\_\_

TITLE: Vice President

DATE: \_\_\_\_\_

DATE: November 1, 2010

ROW Support

Estimator: KHA / BARFIELD

C-466A Road Widening

Task No.	Units	# of Units	Hours / Unit	HOURS	Hourly Rate	Fee
A	HOURS	1	80	80.00	\$125.00	\$10,000.00
B	HOURS	1	6	6.00	\$125.00	\$750.00
C	HOURS	1	6	6.00	\$125.00	\$750.00
D	PARCEL / HOURS	43	1.25	53.75	\$125.00	\$6,718.75
E	PARCEL / HOURS	43	8	344.00	\$125.00	\$43,000.00
F	PARCEL / HOURS	43	2	86.00	\$125.00	\$10,750.00
G	PARCEL / HOURS	43	3	129.00	\$125.00	\$16,125.00
H	PARCEL / HOURS	43	16	688.00	\$125.00	\$86,000.00
I	HOURS	1	3	3.00	\$125.00	\$375.00
				<b>1,395.75</b>		<b>\$174,468.75</b>

**SAY: \$174,470.00**

Above tasks reference Right of Way Acquisition Support Services Agreement Dated 11/01/2010