

Roads

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The roads within University Place were originally constructed during the 2003-2004 period. Almost from the beginning, cracks began appearing in the asphalt paving. Questions were raised to the developer and it was explained that the cracking is a normal occurrence in the type of roadbed that was commonly used in our area. We were told that this cracking was an esthetic issue only and did not affect the life of the roads.

The HOA Board was skeptical of this information, and sought out other professionals to advise us of the reality of the situation. Some engineers felt that there were potential problems and others felt the developer's story was correct. During the turnover of the community from the developer to the homeowners, the HOA Board again raised the road issue and did not find great satisfaction in the result. However, with the knowledge that the "Water War" negotiations were going to bring the CDD under homeowner control early, and that the CDD was not going to be bound by the settlement agreement between the developer and the HOA, it was strategized that we would have a stronger case on the road issues as the CDD, so we deferred significant progress on the roads until after we controlled the CDD Board.

Once in control of the CDD, we needed to change the District Engineer (since the original would likely be an adversary to our effort as the designer and overseer of the construction of the roads). We then, with the new District Engineer in place, filed notice of the road construction deficiencies with the old Engineering firm and the contractor that built the roads. We then found that the contractor had used a subcontractor for a portion of the original road project, so they were then also added to the complaint. A great deal of core sample testing was performed as a part of the process and the tests showed a substantial area of deficiencies in the construction of our roads.

Ultimately, a lawsuit was filed against the Engineering firm that designed and oversaw construction as our District Engineer, the company that was contracted to build the roads and their sub-contractor.

Several mediation meetings were held. After three years of hard work by the CDD Board, a settlement was finally reached that allowed us to have our roads rebuilt for \$325,000.00 (rather than the \$1,200,000 low bid when we requested competitive bidding), plus a cash payment sufficient to cover our legal fees for the effort.

The repair and resurfacing of our roads was completed in 2015, and thus led to an approximate 10% reduction in the CDD fees to the community due to the Reserves not being depleted to pay for the needed road repairs.