

TUSCALOOSA COUNTY COMMISSION  
MEETING  
DECEMBER 5, 2018

TUSCALOOSA COUNTY                   §  
STATE OF ALABAMA                   §

This being the date and hour to which the Tuscaloosa County Commission adjourned, the County Commission met pursuant to such adjournment with Probate Judge W. Hardy McCollum presiding as Chairman. The following members were present:

Stan Acker  
Mark C. Nelson  
Reginald Murray

Commissioner Reginald Murray moved, seconded by Commissioner Stan Acker, the County Commission voted unanimously to go into Executive Session prior to the end of this meeting to discuss a personnel matter.

Senator Gerald Allen presented Chairman W. Hardy McCollum a resolution and thanked him for his dedicated service to the citizens of Tuscaloosa County.

Commissioner Stan Acker moved, seconded by Commissioner Reginald Murray, the County Commission voted unanimously to adopt a resolution approving and accepting the preliminary plat submission and waiver request for Espy Springs Subdivision in District I.

Exhibit 12-1, Pages

Commissioner Stan Acker moved, seconded by Commissioner Reginald Murray, the County Commission voted unanimously to adopt a resolution approving and accepting the preliminary plat submission for Samantha Highlands in District I.

Exhibit 12-2, Page

Commissioner Stan Acker moved, seconded by Commissioner Mark C. Nelson, the County Commission voted unanimously to adopt a resolution approving and accepting the preliminary plat submission for Wenwood Phase II, resurvey of lots 31-34 in District I.

Exhibit 12-3, Page

Commissioner Stan Acker moved, seconded by Commissioner Mark C. Nelson, the County Commission voted unanimously to adopt a resolution approving and accepting the preliminary plat submission for Carol Estates Phase II, resurvey of lot 6 in District I.

Exhibit 12-4, Page

Commissioner Mark C. Nelson moved, seconded by Commissioner Stan Acker, the County Commission voted unanimously to adopt a resolution approving and accepting the preliminary plat submission for Jones Hill in District III.

Exhibit 12-5, Page

Commissioner Reginald Murray moved, seconded by Commissioner Mark C. Nelson, the County Commission voted unanimously to adopt a resolution approving and accepting the preliminary plat submission for Gillam Acres in District IV.

Exhibit 12-6, Page

Commissioner Mark C. Nelson moved, seconded by Commissioner Stan Acker, the County Commission voted unanimously to approve a subdivision regulation waiver request for Carden Family Subdivision in District II.

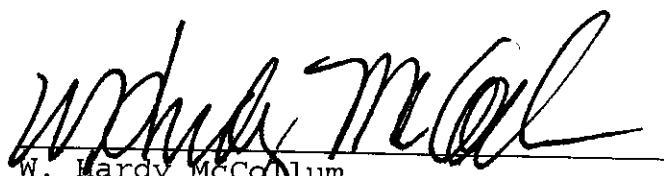
Exhibit 12-7, Page

Commissioner Stan Acker moved, seconded by Commissioner Mark C. Nelson, the County Commission voted unanimously to authorize the Engineering Department to assist Pickens County Commission with a bridge repair project.

Commissioner Mark C. Nelson moved, seconded by Commissioner Stan Acker, the County Commission voted unanimously to approve a deductive change order reducing the County's cost by \$325,653.71 on the completion of the Brookwood Parkway project.

Exhibit 12-8, Pages

There being no further business to come before the Tuscaloosa County Commission, the meeting adjourned to Wednesday, December 19, 2018.



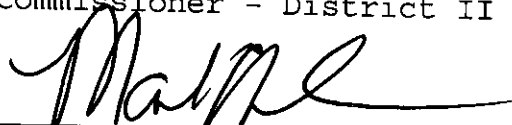
W. Hardy McCollum  
Judge of Probate and Chairman  
Tuscaloosa County Commission



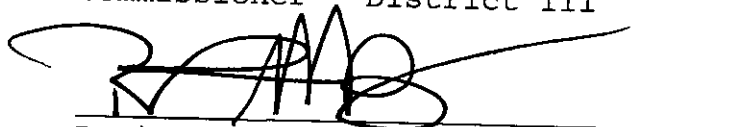
Stan Acker  
Commissioner - District I

ABSENT

Jerry Tingle  
Commissioner - District II



Mark C. Nelson  
Commissioner - District III



Reginald Murray  
Commissioner - District IV

STATE OF ALABAMA       §

TUSCALOOSA COUNTY     §

**RESOLUTION ACCEPTING PRELIMINARY PLAT**

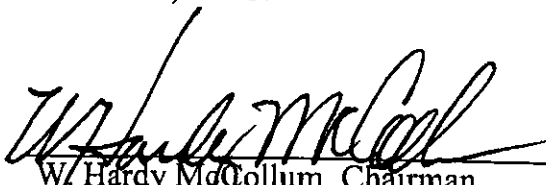
**Espy Springs**


**WHEREAS**, the County Engineer has reported to the Tuscaloosa County Commission that the developer has complied with all Tuscaloosa County Subdivision related to the preparation and presentation of a preliminary plat for a new development or the extension of an existing development; and

**WHEREAS**, the Tuscaloosa County Commission has been presented with the preliminary plat and accompanying information, and determines that there is no just reason to withhold approval of the preliminary plat.

**NOW, THEREFORE, IT BE RESOLVED BY THE TUSCALOOSA COUNTY COMMISSION** that the preliminary plat recommended for approval by the Tuscaloosa County Engineer is approved and accepted

Approved and accepted at our regularly scheduled meeting on this the 5th day of December, 2018.

  
W. Hardy McCollum, Chairman  
Tuscaloosa County Commission

  
Melvin L. Vines  
County Administrator

Ex 12-1

STATE OF ALABAMA       §

TUSCALOOSA COUNTY     §

**RESOLUTION ACCEPTING PRELIMINARY PLAT**

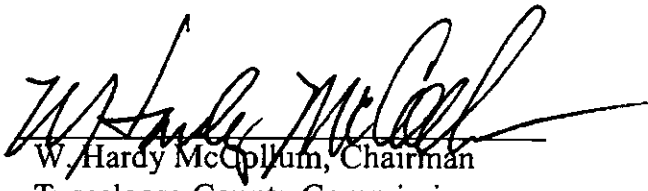
**Samantha Highlands**

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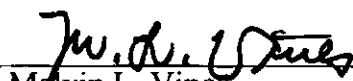
**WHEREAS**, the Tuscaloosa County Commission has been presented with the preliminary plat and accompanying information, and determines that there is no just reason to withhold approval of the preliminary plat.

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W. Hardy McCollum, Chairman  
Tuscaloosa County Commission



Melvin L. Vines  
County Administrator

Ex 12-2

STATE OF ALABAMA       §

TUSCALOOSA COUNTY     §

**RESOLUTION ACCEPTING PRELIMINARY PLAT**


**Wenwood Phase II  
Resurvey of Lots 31-34**

**WHEREAS**, the County Engineer has reported to the Tuscaloosa County Commission that the developer has complied with all Tuscaloosa County Subdivision related to the preparation and presentation of a preliminary plat for a new development or the extension of an existing development; and

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W. Hardy McCollum, Chairman  
Tuscaloosa County Commission

  
Melvin L. Vines  
County Administrator

Ex 12-3

STATE OF ALABAMA §

TUSCALOOSA COUNTY §

**RESOLUTION ACCEPTING PRELIMINARY PLAT**

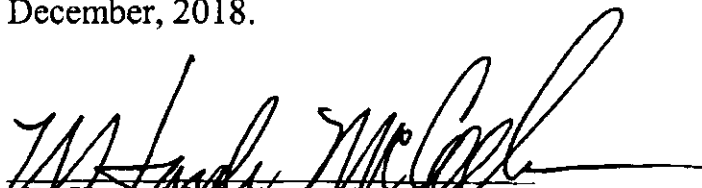
**Carol Estates  
Resurvey of Lot 6**

**WHEREAS**, the County Engineer has reported to the Tuscaloosa County Commission that the developer has complied with all Tuscaloosa County Subdivision related to the preparation and presentation of a preliminary plat for a new development or the extension of an existing development; and

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W. Hardy McCollum, Chairman  
Tuscaloosa County Commission

  
Melvin L. Vines  
County Administrator

Ex 12-4

STATE OF ALABAMA §

TUSCALOOSA COUNTY §

**RESOLUTION ACCEPTING PRELIMINARY PLAT**

**Jones Hill**

**WHEREAS**, the County Engineer has reported to the Tuscaloosa County Commission that the developer has complied with all Tuscaloosa County Subdivision related to the preparation and presentation of a preliminary plat for a new development or the extension of an existing development; and

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W. Hardy McCollum, Chairman  
Tuscaloosa County Commission

  
Melvin L. Vines  
County Administrator

Ex 12-5



STATE OF ALABAMA §

TUSCALOOSA COUNTY §

**RESOLUTION ACCEPTING PRELIMINARY PLAT**

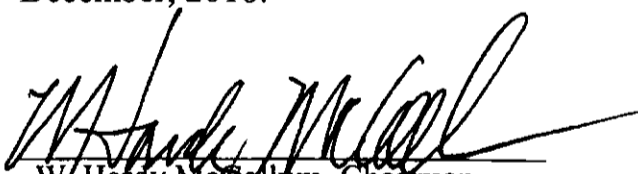
**Gillam Acres**


**WHEREAS**, the County Engineer has reported to the Tuscaloosa County Commission that the developer has complied with all Tuscaloosa County Subdivision related to the preparation and presentation of a preliminary plat for a new development or the extension of an existing development; and

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W. Hardy McCallum, Chairman  
Tuscaloosa County Commission

  
Melvin L. Vines  
County Administrator

Exl 2-6



**TUSCALOOSA COUNTY PUBLIC WORKS DEPARTMENT**  
 2810 35th Street  
 Tuscaloosa, Alabama 35401  
 (205) 345-6600



**Scott F. Anders, P.E.**  
 County Engineer

**Tracy M. Criss, P.E.**  
 Assistant County Engineer

**Subdivision Wavier Request  
 Carden Family Subdivision  
 Tuscaloosa County Commission  
 December 5, 2018**

Commission District: 2

Owner: Arnold Carden

Engineer / Surveyor: Cary Cobb, PLS

Wavier Requested: Mr. Cobb is requesting a waiver from the Tuscaloosa County Subdivision Regulations on behalf of Arnold Carden for the size of a parcel that is accessed by an easement, the number of lots that are served by a easement, and for the length of an easement.

Comments:

**This subdivision is in the City of Tuscaloosa Planning Jurisdiction. Mr. Arnold is wanting to reconfigure 45.7 acres of land that he owns and distribute it to his family members. The proposed development consist of a one acre parcel, a three acre parcel, and three parcels that are greater than 13 acres. Tuscaloosa County has a family division exclusion and an exclusion for lots greater than 10 acres in size that are accessed by an easement, but the City of Tuscaloosa does not. If a parcel is in the City of Tuscaloosa Planning Jurisdiction, the stricter of the two regulations applies.**

The 2013 Subdivision Regulations state the following:

Private Access Easements: Private access easements will be allowed for access to a County maintained road in conjunction with the following provisions:

- i. Lots or parcels must be three acres or greater in size
  - **One parcel is one acre in size. The remaining parcels are 3 acres, 13.1 acres, 13.7 acres, and 14.9 acres.**
- ii. No more than three lots or parcels will be allowed using a common access easement as the source of ingress-egress, regardless if said easement existed prior to the new subdivision being created. Such easement shall not exceed twelve hundred feet in length.
  - **Five parcels will be using this private access easement. Three of the parcels are greater than 10 acres.**
- iii. Easements to any parcels platted shall be no less than thirty feet in width. If multiple easements are required, said easements must be a minimum thirty feet apart in distance between the adjoining margins in said easements.
  - **The easement is 30 feet in width.**
- iv. A gate must be placed at the entrance to the easement signifying that the road is not a public road. Also, a sign must be placed at the entrance depicting its "private" status prior to the plat being signed.
- v. A statement or note must be placed upon the plat with the following verbiage:

**"THE PRIVATE ACCESS EASEMENT AS SHOWN ON THIS MAP OR PLAT DOES NOT CONSTITUTE A DEDICATION OF THE SAME AS A PUBLIC RIGHT-OF-WAY AND WILL NOT BE IMPROVED OR MAINTAINED BY TUSCALOOSA COUNTY UNTIL SUCH TIME THAT THE DEPICTED EASEMENT HAS BEEN APPROVED."**

The above note must also be included within any documents of conveyance.

Exp 12-7

**CONTRACT CHANGE ORDER NO. 2**

Tuscaloosa County

DATE: 10/08/2018 PROJECT: Brookwood Parkway Extension

TO: W.S. Newell & Sons, Inc.  
(Contractor)

TERMS: You are hereby authorized, subject to the provisions of your Contract for this Project, to make the following changes thereto in accordance with the attached Change Order Request and supporting documents and to:

FURNISH the necessary labor, materials and equipment to:

Reflect final line item quantities and costs. The balancing change order is required to authorize payment to finalize costs for project closeout. This will be a deductive change order.

**TOTAL ADDITION OR REDUCTION TO CONTRACT PRICE:**

(Note: Numbers in parentheses are deductions).

ORIGINAL CONTRACT PRICE	\$	8,632,423.38
LESS CONTINGENCY/ALLOWANCE	\$	0.00
NET ORIGINAL CONTRACT PRICE	\$	8,632,423.38
Net total of previous Change Orders	\$	109,080.50
Previous revised Contract Price	\$	8,741,503.88
This Change Order No. <u>2</u> <input type="checkbox"/> Add <input checked="" type="checkbox"/> Deduct	\$	-325,653.71
Revised Contract Price this date	\$	8,415,850.17

Extension of time resulting from this Change Order 0 (Indicate number of calendar days)

This Contract Modification constitutes full and mutual accord and satisfaction for all time and all cost related to this change. By acceptance of this Contract Modification, the Contractor hereby agrees that the modification represents an equitable adjustment to the Contract, and further, agrees to waive all right to file any further claims or changes arising out of or as a result of this change, or the accumulation of executed Contract Modifications on this Contract.

The Contractor and Owner(s) hereby agree to the terms of this Change Order as contained herein.

**CONSENT OF SURETY**

Travelers Casualty & Surety Company of America

**CONTRACTING PARTIES**

(Company)  
By: [Signature]  
Charles E. Carper, IV Attorney-in-Fact

W.S. Newell & Sons, Inc.  
(Contractor)  
By: [Signature]  
(Authorized Representative)

**RECOMMENDED**

By: [Signature]  
Burk-Kleinpeter, Inc.  
(Design Engineer or Architect)

**TUSCALOOSA COUNTY**

By: [Signature]  
(County Representative)

8,632,423.38  
109,080.50 C.O. #1 +  
 8,741,503.88  
325,653.71 C.O. #2 -  
8,415,850.17 FINAL AMOUNT



POWER OF ATTORNEY

Farmington Casualty Company  
Fidelity and Guaranty Insurance Company  
Fidelity and Guaranty Insurance Underwriters, Inc.  
St. Paul Fire and Marine Insurance Company  
St. Paul Guardian Insurance Company

St. Paul Mercury Insurance Company  
Travelers Casualty and Surety Company  
Travelers Casualty and Surety Company of America  
United States Fidelity and Guaranty Company

Attorney-In Fact No. 232672

Certificate No. 007403822

KNOW ALL MEN BY THESE PRESENTS: That Farmington Casualty Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company are corporations duly organized under the laws of the State of Connecticut, that Fidelity and Guaranty Insurance Company is a corporation duly organized under the laws of the State of Iowa, and that Fidelity and Guaranty Insurance Underwriters, Inc. is a corporation duly organized under the laws of the State of Wisconsin (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint

George William Thompson, III, Jamie Leeper Hooie, Charles E. Carper, IV, Douglas K. Aman, LaVera D. Brown, Sabrina W. Donaldson, James A. Gunn, and Donna P. Mock

of the City of Montgomery, State of Alabama, their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 10th day of October, 2017.

Farmington Casualty Company  
Fidelity and Guaranty Insurance Company  
Fidelity and Guaranty Insurance Underwriters, Inc.  
St. Paul Fire and Marine Insurance Company  
St. Paul Guardian Insurance Company

St. Paul Mercury Insurance Company  
Travelers Casualty and Surety Company  
Travelers Casualty and Surety Company of America  
United States Fidelity and Guaranty Company



State of Connecticut  
City of Hartford ss.

By: [Signature]  
Robert L. Roney, Senior Vice President

On this the 10th day of October, 2017, before me personally appeared Robert L. Roney, who acknowledged himself to be the Senior Vice President of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

In Witness Whereof, I herewith set my hand and official seal.  
My Commission expires the 30th day of June, 2021.



[Signature]  
Marie C. Tetreault, Notary Public

EX12-8

WARNING: THIS POWER OF ATTORNEY IS INVALID WITHOUT THE RED BORDER

This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, which resolutions are now in full force and effect, reading as follows:

**RESOLVED**, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the Company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her; and it is

**FURTHER RESOLVED**, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary; and it is

**FURTHER RESOLVED**, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority; and it is

**FURTHER RESOLVED**, that the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any Power of Attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such Power of Attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding on the Company in the future with respect to any bond or undertaking to which it is attached.

I, Kevin E. Hughes, the undersigned, Assistant Secretary, of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 8th day of October, 2018.

  
Kevin E. Hughes, Assistant Secretary



To verify the authenticity of this Power of Attorney, call 1-800-421-3880 or contact us at [www.travelersbond.com](http://www.travelersbond.com). Please refer to the Attorney-in-Fact number, the above-named individuals and the details of the bond to which the power is attached

WARNING: THIS POWER OF ATTORNEY IS INVALID WITHOUT THE RED BORDER

Ex 12-8