

**MODIFICATION TO
CONTRACT FOR CONSTRUCTION FOR FINAL LIFT OF ASPHALT**

CONTRACT NO. SD-15-05-07-FLA (2006030269-74273)

THIS MODIFICATION, made and entered into this ____ day of _____, 2018, by and between **Diamond Court West FL, LLC, a Virginia limited liability company authorized to do business in the State of Florida**, hereinafter referred to as "Developer", and INDIAN RIVER COUNTY, a political subdivision of the State of Florida, by and through its Board of County Commissioners, hereinafter referred to as "County".

WITNESSETH:

WHEREAS, Developer entered into a Contract for Construction for Final Lift of Asphalt, Contract No. SD-15-05-07-FLA (2006030269-74273) guaranteeing the installation of the final lift of asphalt the earlier of 2 years from the project's Certificate of Completion (September 13, 2016) or 60 days prior to turnover to homeowner association or prior to certificate of occupancy for the last residence in this phase of the subdivision; and the Developer posted cash in the amount of \$58,126.81 as security to guarantee completion and entered into a Cash Deposit and Escrow Agreement For Final Lift of Asphalt; and

WHEREAS, the developer has

1. requested an additional 1-year extension to September 13, 2019 to install the final lift of asphalt, as allowed by code;
2. provided an updated certified cost estimate attached as Exhibit "A" which amount has been approved by County engineering and did not change from the initial cost estimate; and
3. paid the required \$660.00 extension fee request to County.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS AND PROMISES HEREIN CONTAINED, the parties agree as follows:

1. The date for completion of the final lift of asphalt as outlined in the Contract for Construction for Final Lift of Asphalt, Contract No. SD-15-05-07-FLA (2006030269-74273) is extended to September 13, 2019.

2. The \$58,126.81 shall continue to be held in escrow for the guaranty for the final lift of asphalt and represents 125% of the cost of the final lift of asphalt to be completed as evidenced by developer's engineer's updated certified cost estimate as approved by County engineering, attached as Exhibit "A".

3. The extension fee in the amount of \$660.00 established by Resolution No. 2005-041 and pursuant to Section 913.10(1)(G) of the Indian River County Code has been paid.

4. All other terms set out in the Contract for Construction for Final Lift of Asphalt, Contract No. SD-15-05-07-FLA (2006030269-74273) remain in full force and effect as well as the Cash Deposit and Escrow Agreement For Final Lift of Asphalt.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals on the day and year first above written.

**DIAMOND COURT WEST FL, LLC, a
Virginia limited liability company
authorized to do business in the
State of Florida DEVELOPER**

By: _____
printed name: _____
title: Manager

**INDIAN RIVER COUNTY, FLORIDA
by and through its Board of County
Commissioners**

ATTEST: Jeffrey R. Smith, Clerk
of Court and Comptroller

By: _____
Peter D. O'Bryan, Chairman

By: _____
Deputy Clerk

BCC approved: _____

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**
BY William K. Debraal
**WILLIAM K. DEBRAAL
DEPUTY COUNTY ATTORNEY**

EXHIBIT "A"

2/2/2018



LILY'S CAY AT VERO BEACH

CERTIFIED COST ESTIMATE

FINAL LIFT ASPHALT

Description	Quantity	Unit	Unit Price	TOTAL	Complete	\$ Value	Remaining	\$ Value
1" SP 9.5 (2nd Lift)	5,583	SY	\$8.15	\$45,501.45	0	\$0.00	5,583	\$45,501.45
Thermoplastic Striping (on 2nd Lift)	1	LS	\$1,000.00	\$1,000.00	0	\$0.00	1	\$1,000.00

TOTAL	\$46,501.45
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Surety Amount (125%)	\$58,126.81
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CERTIFICATE OF COST ESTIMATE

@ 2/6/18

I, Stephen E. Moler, a Florida registered engineering, License No. 33193, do hereby certify to Indian River County that a cost estimate has been prepared under my responsible direction for those improvements itemized in this exhibit and that the total cost estimate for said improvements is \$58,126.81. This estimate has been prepared to support the requested time extension of one (1) year of the original Final Lift - Asphalt Bond for the Lily's Cay at Vero Beach project, and for the purpose of establishing proper surety amounts associated therewith.



Stephen E. Moler, PE, FL # 33193
Vice President