



Office of
**INDIAN RIVER COUNTY
ATTORNEY**

Dylan Reingold, County Attorney
William K. DeBraul, Deputy County Attorney
Kate Pingolt Cotner, Assistant County Attorney

MEMORANDUM

TO: The Board of County Commissioners

FROM: William K. DeBraul - Deputy County Attorney *WKB*

DATE: February 12, 2018

SUBJECT: Berkley Square Subdivision
Request for 2-Year Extension to Final Lift of Asphalt Contract
Developer: GHO Berkley Square Corp.

In 2016, GHO Berkley Square Corp., the developer of Berkley Square Subdivision, entered into a Contract for Construction for Final Lift of Asphalt, Contract No. SD-04-07-31-FLA (95080082-72145), posted the required security in the form of cash in the amount of \$20,296.75, and entered into a Cash Deposit and Escrow Agreement for Final Lift of Asphalt to guarantee completion of the final lift of asphalt. The developer, through its engineer, indicated that there is ongoing construction within the subdivision, that the replacement/repair of the cul-de-sac has not been completed as it is expected that the usage of heavy equipment will likely further damage the road work, and requested that an extension be granted so that when the majority of the homes have been completed, then the asphalt work will be completed.

Section 913.10(1)(E) of the County Code states that for good cause shown the Board may in its discretion grant one or more extensions of time for performance of any contract for construction of required improvements provided the security supporting such contract remains valid for the required period following the newly extended time for performance.

Staff has no objection to a 2-year extension. Additionally, the developer has paid the required \$660 extension request fee; and has provided its engineer's updated certified cost estimate, which County engineering has approved. It is noted that the approved amount has not changed from the approved initial cost estimate.

FUNDING:

There is no cost to be borne by Indian River County with respect to this item.

RECOMMENDATION:

Approve the attached Modification to Contract for Construction for Final Lift of Asphalt, Contract No. SD-04-07-31-FLA (95080082-72145) to extend the completion date to January 28, 2020, and authorize the Chairman to execute same. It is also noted that the supporting security in the form of \$20,296.75 cash would remain in escrow and continue to be subject to the terms and conditions of both the Contract, as modified, and Cash Deposit and Escrow Agreement for Final Lift of Asphalt.

nhm

attachment: Letter Request for Extension
Modification to Contract