



Office of


Consent Agenda 6/20/17


**INDIAN RIVER COUNTY
ATTORNEY**

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

MEMORANDUM

TO: Board of County Commissioners

THROUGH: Richard B. Szpyrka, P.E., Public Works Director 

FROM: William K. DeBraul, Deputy County Attorney 

DATE: June 14, 2017

SUBJECT: Property Damage Release Concerning Intergenerational Center for Ocean Doors and Windows, Inc.

On October 13, 2016 Hurricane Matthew impacted Indian River County. After the storm passed, the Intergenerational Center was inspected and it was found that some of the windows leaked causing water to enter the building. The leaking windows caused damage to some flooring in one of the Intergenerational Center's rooms. The County's contractor, Kast Construction, Inc., contacted the window subcontractor, Ocean Doors and Windows, Inc., to assess the damage. After investigation by Arch Specialty Insurance Company, the insurance company for Ocean Doors and Windows, it was determined that the windows were defective and the cause of the leak and ensuing floor damage. Arch Insurance has reached a settlement with Kast Construction for replacement of the damaged flooring in the amount of \$23,411.28. As the County is the owner of the building, Arch Insurance has requested the County to sign the attached Property Damage Release. By executing the document, the County will release Ocean Doors and Windows and Arch Insurance only from damages sustained on October 13, 2016. Excepted from the release is any claim for warranty or guarantee from Ocean Doors and Windows or Kast Construction in favor of the County concerning the Intergenerational Center.

Funding: There is no County funding impacted by this matter.

Ocean Windows and Doors has replaced the faulty windows and staff has not observed any leaks with the replacement windows.

Recommendation: Staff recommends that the Board approve the release and authorize the Chairman to execute the release on behalf of the Board of County Commissioners.

Attachment: Property Damage Release

Copies to: Richard B. Szpyrka, Public Works Director
Caroline Johnson, Esq., Attorney for Arch Insurance