



*Office of*  
**INDIAN RIVER COUNTY  
ATTORNEY**

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Dylan Reingold, County Attorney  
William K. DeBaal, Deputy County Attorney  
Susan J. Prado, Assistant County Attorney

**MEMORANDUM**

TO: The Board of County Commissioners

FROM: William K. DeBaal - Deputy County Attorney

DATE: April 5, 2021

SUBJECT: Cove At Falcon Trace PD Plat 1  
Request for 2-Year Extension to Final Lift of Asphalt Contract  
Developer: D.R. Horton, Inc.

In 2019, D.R. Horton, Inc., the developer of Cove At Falcon Trace PD Plat 1, in order to receive a Certificate of Completion for its project entered into a Contract for Construction for Final Lift of Asphalt, Contract No. PD-14-07-06-FLA (2001050202-80548) and posted the required security in the form of a Wells Fargo Bank, N.A. irrevocable standby letter of credit in the amount of \$140,450.00 to guarantee completion of the final lift of asphalt. The developer has now requested a 2-year extension to this contract in order to avoid laying the final lift until after a majority of the construction is completed so that the finished roadways will be more aesthetically pleasing to potential buyers. The developer has paid the prerequisite extension request fee, has submitted its engineer's updated certified cost estimate which reflects no change from the 2019 cost estimate, and has submitted an acceptable amendment to its existing letter of credit to extend the letter of credit expiration date to August 22, 2023.

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 90-day period following the newly extended time for performance.

Staff has no objection to an additional 2-year extension (until February 22, 2023), and has approved the submitted updated certified cost estimate. Additionally, if after an inspection is performed by the County and it reveals that there is any deficiency in the roadway base, the developer must repair any deficiency noted in such inspection prior to the laying of the final lift of asphalt.

**FUNDING:**

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

**RECOMMENDATION:**

Approve the Modification to Contract for Construction for Final Lift of Asphalt, Contract No. PD-14-07-06-FLA (2001050202-80548) to extend the completion date to February 22, 2023, and authorize the Chairman to execute same.

nhm

attachment: Modification to Contract for Construction for Final Lift of Asphalt,  
Contract No. PD-14-07-06-FLA (2001050202-80548) with updated approved  
certified cost estimate