

**INDIAN RIVER COUNTY, FLORIDA
MEMORANDUM**

DEPARTMENTAL

TO: Jason E. Brown, County Administrator

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

SUBJECT: Consideration of Substantial Progress on 17th Street SW and 27th Avenue Intersection

DATE: January 27, 2018

DESCRIPTION AND CONDITIONS

On December 13, 2017 the Developer, SLV Millstone, LLC, was notified that they were not making satisfactory progress with construction of the improvements on 17th Street SW and 27th Avenue and would will not be complete by December 31, 2017. The First Amendment to the Millstone Landing Planned Development Developers Agreement requires that the project be complete by December 31, 2017 or the County would cease issuing certificates of occupancy and building permits for the Millstone Landing Subdivision.

On January 1, 2018, Indian River County suspended the issuance of Certificates of Occupancy and building permits for all residential construction within the Millstone Landing Subdivision.

On January 9, 2018, the Board considered a proposal that would allow for the issuance of Certificates of Occupancy only through February 28, 2018 while the Developer worked to complete the necessary work. After discussion on the item, the Board directed the Public Works Director to monitor the work and report back to the Chairman on or before January 26, 2018 if the project had made substantial progress by this date.

On January 25, 2018 a meeting was held in the County Administrator's Office with representatives of SLV Millstone, LLC, their attorneys, the County Administrator, the Deputy County Attorney, and the Public Works Director. At this meeting, the County was presented with a Status Report of the project from the view of SLV Millstone LLC and their attorneys. The document provided a time frame of 65 days to complete the project after FP&L has removed the poles. At the meeting, the progress over the last 17-days was discussed. While SLV Millstone LLC. representatives believed that the contractor had made substantial progress on the project. There is additional work that could have been completed during this time frame such as shoulder work on 27th Avenue, grading of the drainage system, 2,700 feet of sidewalk, and completion of the paved shoulder on the east side of 27th Avenue. It should be noted that every construction project and the approach to that particular project differs from contractor to contractor and is driven by the contract between the Developer and the contractor.

On January 26, 2018 at approximately 3:00 pm, the County Administrator and the Public Works Director met with the Chairman on site to discuss the progress of the project and whether a Special Call meeting was needed, per Board direction on January 9th. The discussion centered on the significant, although not substantial, progress that had been made since January 9, 2018. However, due to the progress that was made, it was determined that a Special Call Meeting for January 30, 2018 was justified.

FUNDING

No funding is necessary for this item.

RECOMMENDATION

Based on the meeting between SLV Millstone, LLC and County Staff on January 25, 2018, the Status Report provided by SLV Millstone, LLC at the January 25, 2018 meeting, and progress made on the project as observed on January 26, 2018, Staff recommends the following to the Board for consideration:

- The Board reinstate the issuance of Certificates of Occupancy for residential units within the Millstone Landing Subdivision.
- The Board continue the suspension of building permit issuance as well as the acceptance of new building permit applications within the Millstone Landing Subdivision until the construction of the 17th Street SW and 27th Avenue project reaches substantial completion as determined by the Public Works Director.
- The Board reserves the right to cease the issuance of Certificates of Occupancy for future residential units within the Millstone Landing Subdivision if the Developer does not continue to make significant progress on the project.
- The Board stipulates that the Developer will have 60-days from January 30, 2018 (March 31, 2018) to complete the project. If the project is not complete by this time, the Board authorizes the Public Works Director and Community Development Director to cease issuing Certificates of Occupancy.

ATTACHMENTS

Letter to SLV Millstone, LLC., dated December 13, 2018
First Amendment to the SLV Millstone, LLC. Millstone Landings Developers Agreement

DISTRIBUTION

SLV Millstone, LLC.

APPROVED AGENDA ITEM FOR SPECIAL CALL MEETING JANUARY 30, 2018