



*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: December 12, 2022

SUBJECT: The Reserve at Grand Harbor, Plat 33  
Third Request for 2-Year Extension to Final Lift of Asphalt Contract  
Developer: GH Vero Beach Development LLC

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**BACKGROUND:**

In 2016, GH Vero Beach Development LLC, the developer of The Reserve at Grand Harbor PD Phase 1, Plat 33, 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-13-10-03-FLA (2001020101-77703) and posted the required security in the form of cash in the amount of \$212,131.88 to guarantee completion of the final lift of asphalt.

In 2018, the developer requested and the Board of County Commissioners granted 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.

In 2021, the developer requested a second 2-year extension to complete the final lift of asphalt. The Board of County Commissioners granted the second 2-year extension.

The developer has requested a third 2-year extension to complete the final lift of asphalt, has paid the pre-requisite extension request fee, and has submitted its engineer's updated certified cost estimate which reflects a \$105,131.62 increase from the last submittal. An Amended Cash Deposit and Escrow Agreement will be executed.

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.

The Public Works Director and the Current Development Chief have no objection to the third additional 2-year extension, and have approved the submitted updated certified cost estimate. A map depicting the location of where the final lift of asphalt is to be laid is attached to the Third Modification. 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 Third Modification to Contract for Construction for Final Lift of Asphalt, Contract No. PD-13-10-03-FLA (2001020101-77703) to extend the completion date to December 16, 2024, and authorize the Chairman to execute same. It is noted that the supporting cash security will continue to remain in escrow along with the additional posted funds covering the increase on the new cost estimate

**ATTACHMENTS:**

Letter Request for Extension  
Third Modification to Contract  
Amended Cash Deposit and Escrow Agreement