

Meeting Date
January 24, 2017



AGENDA	
Section	New Business
Item No.	VI D 2

## AGENDA REPORT

## BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

<b>SUBJECT:</b>	Viera Development of Regional Impact (Viera DRI) Letter of Credit Relating to Barnes Boulevard Work Due under Resolution No. 14-120; Request to reduce amount.		
<b>DEPT/OFFICE:</b>	County Attorney's Office/Public Works Department		
Requested Action:	Approve reduction of the Letter of Credit to the amount of \$3,023,326.27 and authorize the chairman to execute the letter attached consenting to the reduction.		
<b>Summary Explanation &amp; Background:</b>	<p>The County received a Letter of Credit in 2015 to fulfill the security requirement of Resolution 14-120, which requires The Viera Company (TVC) to reimburse the County \$12,290,000 in connection with the widening of Barnes Boulevard. TVC paid \$4,325,738.05 on September 1, 2015 and delivered Wells Fargo Bank NA, Irrevocable Standby Letter of Credit Number IS0334466U in the amount of \$7,964,261.95 on September 21, 2015. As of April 19, 2016, TVC had timely paid progress payments in the amount of \$2,893,715.24, leaving a remaining balance owed of \$5,070,546.71. The Board approved a reduction in the Letter of Credit (LOC) to the balance owed, \$ 5,070,546.71 on April 19, 2016. In August, 2016, TVC requested another reduction in the letter of credit due to additional payments in the amount of \$1,761,622.22, leaving a remaining balance of \$ 3,881,987.48 to be paid by TVC. As requested, the letter of credit was reduced to \$3,881,987.48. TVC is now requesting another reduction in the letter of credit due to payments of \$858,661.26, leaving the letter of credit securing \$3,023,326.27. The issuing bank requires consent of the beneficiary (the County) to reduce the amount of the Letter of Credit. The County staff has no objection to the reduction. The letter specifically provides that no other changes will be made in the LOC; only the face amount will be reduced from \$3,881,987.48 to \$3,023,326.27.</p>		
<b>Fiscal Impact:</b>	FY 2016/2017		
<b>Fund and Account:</b>	1168/3449000 (Transportation Reimbursement) \$0		
<b>Contact Person:</b>	Eden Bentley <a href="mailto:eden.bentley@brevardfl.gov">eden.bentley@brevardfl.gov</a> John Denninghoff <a href="mailto:john.denninghoff@brevardfl.gov">john.denninghoff@brevardfl.gov</a> <b>Phone:</b> 633-2090/ 57202		
<b>Clerk to the Board Instruction:</b>			
<b>Exhibits Attached:</b>	Letter to be signed by chairman		
<b>Contract / Agreement (if attached):</b>	Reviewed by County Attorney	Yes	<input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>County Manager's Office</b>	<b>Public Works Department:</b>	PR <input type="checkbox"/>	
Stockton Whitten, County Manager 	 Scott Knox, County Attorney  John P. Denninghoff, Public Works Department Director		



Tammy Rowe, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001  
Fax: (321) 264-6972  
Tammy.Rowe@brevardclerk.us

January 25, 2017

**M E M O R A N D U M**

**TO:** Scott Knox, County Attorney

**RE:** Item VI.D.2., Viera Development of Regional Impact (Viera DRI), Letter of Credit for Barnes Boulevard Work Due Under Resolution No. 14-120, Request to Reduce Amount

The Board of County Commissioners, in regular session on January 24, 2017, approved the reduction for Viera Development Regional Impact (Viera DRI), of the Letter of Credit for Barnes Boulevard work due under Resolution No. 14-120; and authorized the Chairman to execute the letter consenting to the reduction. Enclosed is the Letter of Credit

Your continued cooperation is greatly appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

/kp

Encl. (1)

cc: Public Works Director  
Finance  
Budget



January 24, 2017

Wells Fargo Bank, N.A.  
U.S. Trade Services  
Standby Letters of Credit  
401 N. Research Pkwy, 1st Floor  
Winston-Salem, NC 27101-4157

Re: Irrevocable Standby Letter of Credit  
Number: ISO334466U  
Issue Amount: USD 7,964,261.95  
Issue Date: September 17, 2015  
Expiry Date: September 17, 2018  
Applicant: The Viera Company  
Beneficiary: Board of County Commissioners of Brevard County, Florida

Dear Sir or Madam:

The Applicant under the above-referenced Letter of Credit has proposed a third amendment to the Letter of Credit to further reduce its "Issue Amount" from \$3,881,987.48 to \$3,023,326.27. This letter will confirm that the Board of County Commissioners of Brevard County, Florida, as the Beneficiary under the Letter of Credit, consents to amending the Letter of Credit to reduce its Issue Amount to \$3,023,326.27.

Except with respect to reducing the Letter of Credit's Issue Amount as specified above, this letter shall not be construed as the Beneficiary's consent to any other change or modification of the Letter of Credit's provisions. If you have any questions regarding this letter or the Beneficiary's consent to the proposed Amendment as described herein, please telephone Mr. Stockton Whitten, County Manager, at 321-633-2004.

Sincerely,

  
Curt Smith  
Chairman  
Board of County Commissioners of Brevard County

cc: Mr. Stockton Whitten  
Eden Bentley, Esq.  
John P. Denninghoff, P.E.  
Andrew J. Holmes, P.E.  
Mr. Todd J. Pokrywa



January 24, 2017

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Curt Smith  
Chairman  
Board of County Commissioners of Brevard County

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