



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Consent

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F.15.

9/14/2021

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### **Subject:**

Adopt Resolution and Release Performance Bond: Bridgewater North at Viera Subdivision - District 4  
Developer: Lennar Homes, LLC

### **Fiscal Impact:**

None

### **Dept/Office:**

Public Works/Engineering

### **Requested Action:**

In accordance with Section 62-2844(b), it is requested that the Board of County Commissioners adopt the attached Resolution and authorize the Chair to sign the Resolution releasing the Contract and Surety Performance Bond dated May 22, 2018 for the above referenced project.

### **Summary Explanation and Background:**

The Bridgewater North at Viera subdivision is located within the Viera Development of Regional Impact (DRI) approximately 1.5 miles south of Wickham Road on the west side of Lake Andrew Drive. The proposed subdivision contains 207 residential lots on 147 acres.

The Bridgewater North at Viera subdivision received preliminary plat and final engineering plans on September 6, 2016, and final plat and contract approval on February 7, 2017. The developer posted a Surety Performance Bond for guarantee of the completion of the infrastructure improvements according to the approved plans.

Per Section 62-2809(b)(2), "Construction after final plat recordation: ...the applicant shall provide security required in Section 62-2844 for the performance of such construction..." Section 62-2844(a) states: "An applicant shall be required to secure its performance security of the construction required under this article by a surety bond, letter of credit, savings account, certificate of deposit or execution of a tri-party escrow agreement. Such security shall not be required if a certificate of completion has been issued for all the subdivision improvements prior to final plat recordation." Because the applicant chose to plat the subdivision prior to completion of construction, the applicant entered into Contract with the Board and posted a Surety Performance Bond to guarantee the completion of the infrastructure improvements according to the approved plans.

The approved plans allowed for the Developer to construct the two-inch SP-9.5 asphaltic pavement in two lifts at one inch each. The infrastructure and first lift were completed as of May 2, 2018. On May 22, 2018, the Board released the contract and bond as well as granted contract approval to guarantee the construction of

the second lift of asphaltic pavement.

As of August 17, 2021, the second lift of asphaltic pavement has been completed and has passed inspection. We are requesting the Board of County Commissioners adopt the attached Resolution to Release the Contract and Surety Performance Bond back to the Developer.

Reference: 16SD00002

Contact: Christine Verrett, Special Projects Coordinator III, Extension 58328#

**Clerk to the Board Instructions:**

Please forward the Board action to the Public Works Department and provide 2 originals of the Resolution.



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

Telephone: (321) 637-2001  
Fax: (321) 264-6972  
Kimberly.Powell@brevardclerk.us

September 15, 2021

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

**TO:** Marc Bernath, Public Works Director

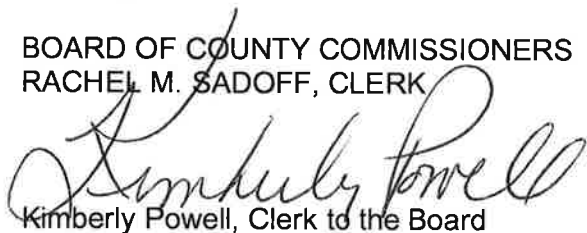
**RE:** Item F.15., Adopt Resolution and Release Performance Bond: Bridgewater North at Viera Subdivision – Developer: Lennar Homes, LLC

The Board of County Commissioners, in regular session on September 14, 2021, adopted Resolution No. 21-115; and authorized the Chair to sign the Resolution releasing the Contract and Surety Performance Bond dated May 22, 2018, for Bridgewater North at Viera Subdivision – Developer: Lennar Homes, LLC. Enclosed are two fully-executed Resolutions.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
RACHEL M. SADOFF, CLERK



Kimberly Powell, Clerk to the Board

/sm

Encls. (2)

cc: County Manager  
County Attorney  
Engineering

## RESOLUTION 21- 115

WHEREAS, the Board of County Commissioners of Brevard County, Florida and Lennar Homes, LLC entered into a contract to guarantee the construction of the second lift of asphalt on property commonly known as Bridgewater North at Viera Subdivision.

WHEREAS, by execution of the Contract, the Board of County Commissioners of Brevard County, Florida agreed to accept said improvements for private use at such time as said improvements were satisfactorily completed; and

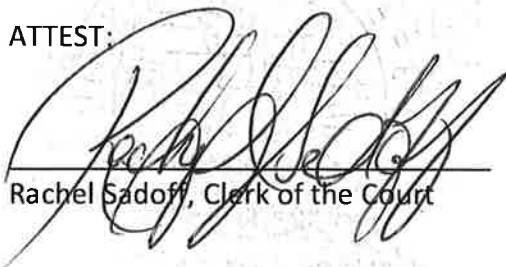
WHEREAS, Lennar Homes, LLC has completed all of the infrastructure improvements and has requested that the executed contract approved on May 22, 2018 be released and release of all undisbursed funds referenced in the Contract hereinabove described.

NOW, THEREFORE, be it resolved by the Board of County Commissioners of Brevard County, Florida that:

1. The Board of County Commissioners of Brevard County, Florida hereby acknowledges that there is satisfactory completion of all improvements to that certain real property commonly known as Bridgewater North at Viera, Subdivision.
2. The Board of County Commissioners of Brevard County, Florida hereby releases the contract and performance bond executed on May 22, 2018.
3. This Resolution shall take effect immediately upon adoption.

DONE, ORDERED, AND ADOPTED in Regular Session the 14<sup>th</sup> day of September, 2021.

ATTEST:



Rachel Sadoff, Clerk of the Court

BOARD OF COUNTY COMMISSIONERS  
BREVARD COUNTY, FLORIDA



By: Rita Pritchett, Chair

As approved by the Board on September 14, 2021