



**INDIAN RIVER COUNTY, FLORIDA**  
**AGENDA ITEM**  
**Assistant County Administrator /**  
**Department of General Services**

---

**Date:** January 28, 2019

**To:** The Honorable Board of County Commissioners

**Through:** Jason E. Brown, County Administrator  
Michael C. Zito, Assistant County Administrator  
Kevin Kirwin, Director – Parks & Conservation Resources

**From:** Beth Powell, Asst. Director, Parks & Conservation Resources

**Subject:** Assignment of License Agreement for Ryall Tract

---

**BACKGROUND**

On June 18, 2013, the County entered into an agreement with current tenant to provide a security presence and other related maintenance activities at the Ryall Tract Conservation Area, aka South Prong Preserve Conservation Area (“Conservation Area”). On December 28, 2018, current tenant notified the County that he would be vacating the property and requested an assignment of the lease. The original License Agreement and subsequent renewals do not expressly prohibit assignment.

**DESCRIPTIONS AND CONDITIONS:**

The Ryall Tract is the northern parcel of two parcels comprising the South Prong Preserve Conservation Area. The property was acquired in 2006 under the County’s Environmental Lands program, with cost-share funding from the Florida Communities Trust. The 10.1 acre Ryall Tract is located at 7780 85<sup>th</sup> Street (CR 510) and is improved with a single-family house and a detached shed. The County renovated the house in 2012 to ready it for occupancy with a Sheriff’s Deputy in order to provide site security and maintenance. In 2013, the County entered into a license agreement with current lessee, an Indian River County Sheriff’s Deputy who resided there until January 9, 2019. In exchange for residing on the property, the Deputy is required to provide a law enforcement presence, maintain both the Ryall Tract yard and the Shadowbrook property, and maintain Brazilian pepper within the Conservation Area.

Under the Agreement, proposed assignee would accept the assignment of the Agreement dated June 18, 2013, and all Amendments thereto. The County would grant to the assignee a revocable license to use and occupy the real property and improvements contemplated by attached License Agreement.

The Agreement shall take effect on the date approved by the Board of County Commissioners and shall expire on June 18, 2019. This Agreement shall be extended upon mutually agreeable terms, with approval for an additional one (1) year, unless one party notifies the other party in writing of its intent to not renew at least ninety (90) days prior to the expiration of this Agreement.

Because the South Prong Preserve Conservation Area is identified in the Capital Improvement Element of the Comprehensive Plan for improvements beginning October 2019, it is likely that the Agreement will be terminated by the County on June 18, 2019 and continue on a month to month basis until commencement of the design phase of the pending improvement project.

The proposed assignee has agreed to be responsible for all elements outlined in the License Agreement, is assuming the property in an as-in condition and agrees to take possession of the premises with the expectation of a relatively short tenancy.

**FUNDING:**

No Funding is required to approve this Agreement.

**RECOMMENDATION:**

Staff respectfully recommends that the Board accept the Assignment and License Agreement and authorize the Chairman to sign the Consent to Assignment of License Agreement.

**ATTACHMENT:**

1. Assignment and License Agreement and Consent to Assignment of License Agreement
2. Third Renewal and Extension of License Agreement approved June 19, 2018.

**APPROVED AGENDA ITEM FOR FEBRUARY 5, 2019**