



Attorney's Matters - 11/22/16

Office of
**INDIAN RIVER COUNTY
ATTORNEY**

Dylan Reingold, County Attorney
William K. DeBraul, Deputy County Attorney
Kate Pingolt Cotner, Assistant County Attorney

MEMORANDUM

TO: Board of County Commissioners

FROM: William K. DeBraul, Deputy County Attorney *WKO*

DATE: November 16, 2016

SUBJECT: Request for Tenth Lease Amendment with St. Francis Manor

St. Francis Manor of Vero Beach, Inc., a not-for profit corporation, has leased property from the County for over 40 years. The 99-year lease began back in 1973 when St. Francis Manor (SFM) proposed to build a complex of apartments on County owned land that would be leased to low income senior citizens who are residents of Indian River County. The lease has been amended several times over the years. The 5.52 acre complex of apartments is located at 1750 20th Street and abuts the County owned 16th Street Ballfield property to the south.

At its meeting of May 10, 2016, the Board declared the 16th Street Ballfield property east of 20th Avenue, north of 16th Street and west of 17th Avenue, within the City of Vero Beach to be surplus property and expressed its desire to sell the property. The existing lease on the 16th Street Ballfield property expires at the end of this month.

On June 4, 2013, the County Commission approved the Eighth Amendment to the lease and included a portion of the former jail site to be added to SFM's existing 99-year lease with the County. While SFM would still like to use the site for future expansion the existing communication tower and guy wires that occupies the Old Jail Site creates challenges to the planned expansion. After the County declared the 16th Street Ballfields to be surplus, representatives from SFM approached the County about obtaining a portion of the surplus property for future expansion of SFM. Development of a part of the 16th Street Ballfield site benefit from existing ingress/egress from 20th Avenue and would be free of challenges presented by the communications tower.

APPROVED FOR 11-22-16
B.C.C. MEETING - REGULAR AGENDA
COUNTY ATTORNEY,

Indian River Co	Approved	Date
Admin.		
Legal	<i>02</i>	<i>11/16/16</i>
Budget		
Dept.		
Risk Mgr.		

Engineers on behalf of SFM consulted with the County Surveyor and developed a sketch and legal description for part of the 16th Street Ballfields to be added to the SFM lease. The 0.61 acre parcel is included with the proposed 10th Amendment and Modification of 99 Year Lease attached to this memo.

City Planning staff may require SFM to amend the City's Comprehensive Plan to change the future land use of the 16th Street Ballfield parcel to a residential land use category. A change in the City's zoning map would also be needed before any expansion plans would be approved. The Tenth Amendment to the lease provides SFM with the authority to make the required changes needed for their planned expansion.

The Tenth Amendment and Modification of Ninety-Nine Year Lease is attached for the Board's consideration and approval. A resolution is attached setting forth the authority for the Chairman to sign any additional documents related to the Comprehensive Plan Amendment or the zoning change and that the county shall not incur fees or costs as a result of the changes.

Funding: There is no expenditure of County funds associated with this matter.

Recommendation: Staff recommends the Board of County Commissioners approve the Tenth Amendment and Modification to Ninety-Nine Year Lease with the accompanying resolution and authorize the Chairman to execute the two documents on behalf of the Board.

Attachment: Tenth Amendment to Lease
Resolution

c: Louis Schacht
George Glenn