



Office of

Consent Agenda 01/14/2020

# INDIAN RIVER COUNTY ATTORNEY

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Dylan Reingold, County Attorney  
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## MEMORANDUM

TO: Board of County Commissioners

THROUGH: Richard B. Szpyrka, P.E., Public Works Director

FROM: William K. DeBaal, Deputy County Attorney

DATE: January 7, 2020

SUBJECT: Assignment of Lease and Rent from Theodore Bartosiewicz

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On December 3, 2019, the Board approved an Agreement to Purchase and Sell Real Estate (Agreement) with Theodore Bartosiewicz (Seller) for the property located at 2601 51st Avenue, Vero Beach, FL 32966. The property is under contract and will be used for future right-of-way for the expansion of 26th Street. Mr. Bartosiewicz, currently holds a residential lease on the Property with tenants Nick and Ember Pappas. At closing, the Seller will assign all of his right, title and interest in the Lease to the County on the same terms as those set forth in the Lease. The closing will take place in the next few days.

The lease expires on March 1, 2020, and the Tenants will continue to lease the Property on the same terms as those set forth in their Lease and will vacate the property when the Lease expires on March 1, 2020. The Lease will not be renewed or extended.

In accordance with the Agreement, the County will become the Landlord and is entitled to receive rental payments from the tenants. The tenants will be formally notified of the sale so the rental payment for February will be sent to the County instead of the previous owner. The attached Assignment of Lease and Rent formally provides notice to the tenants and assigns the right to receive rent to the County.

**Funding.** The rental income will be deposited into the General Fund/Miscellaneous Revenue/Rents & Royalties, Acct. #001038-362010.

**Recommendation.** Staff recommends the Board approve the Assignment of Lease and Rent from Theodore Bartosiewicz, and authorize the Chairman to execute the document on behalf of the Board.

Attachment: Assignment of Lease and Rent