



Office of

Attorney's Matters 05/21/2024

INDIAN RIVER COUNTY ATTORNEY

William K. DeBaal, County Attorney
Susan J. Prado, Deputy County Attorney

MEMORANDUM

TO: Indian River County Board of County Commissioners

THROUGH: John A. Titkanich, Jr., County Administrator

FROM: William K. DeBaal, County Attorney

DATE: May 15, 2024

SUBJECT: Approval of License to Occupy and Improve County Property located at 1235, 1239 and 1247 16th Street

BACKGROUND. Indian River County owns a strip of right-of-way on the south side of 16th Street between Old Dixie Highway and the Florida East Coast Railroad tracks as shown on the aerial photo attached to this memorandum. After researching the issue with the help of the County Surveyor, David Schryver, it appears that the County acquired the strip in 1982 via a Florida Department of Transportation map dedication. There are three property owners that abut this strip:

Faulman Investment Ltd
1245 16th Street

Ocean Research & Conservation
Association Inc
1235 16th Street

Indian River Clay Inc
1239 16th Street

These three properties have historically used the strip as additional parking for their businesses. Back in 1992, the County entered into a License with the then owner, Sandab Communications, for Sandab to use the strip for parking in exchange for maintaining the strip, its landscaping and parking lot surface. The License expired in 2012 and was never renewed. New owners of the properties have inquired about executing a new License under the same terms and conditions of the previous license. For one of the small business owners, the License is a requirement of financing. Staff has no objection to the requests, so long as the County is named as an additional insured on the property owners' certificates of insurance.

FUNDING. There is no impact to County funding as a result of this agenda item.

RECOMMENDATION. The County Attorney's Office recommends that the Board approve the License to Occupy and Improve County Property as to each property owner and authorize the Chairman to execute each license on behalf of the Board.

Attachments: Aerial Photo, Example of License to Occupy and Improve County Property

Copies sent by email to each property owner

