



Office of *Attorney's Matters* 11/22/16
INDIAN RIVER COUNTY
ATTORNEY

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

MEMORANDUM

TO: Board of County Commissioners

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

FROM: William K. DeBaal, Deputy County Attorney *WKB*

DATE: November 16, 2016

SUBJECT: Termination of the License Agreement for Jones Pier

The Jones Pier property is a 16.5 acre tract of land adjacent to the Indian River Lagoon off of Jungle Trail. The property is improved with a single family home, out buildings and docks along the Lagoon. The County purchased the property in 2008 from the Jones family and as part of the purchase agreement, Mr. and Mrs. Jones remained living on the property for the remainder of their lives. Both Mr. and Mrs. Jones passed away several years ago.

In January 2012, the County entered into a License Agreement with Sergeant Brad Fojtik of the Indian River County Sheriff's Department for Sgt. Fojtik and his wife to reside in the home in exchange for providing law enforcement presence, mowing the lawn and maintaining the property. In 2014, the License Agreement was extended until January 2017. The Agreement also called for the Fojtiks to pay for utilities.

Sadly, the home and cottage on the Jones Pier property was flooded by storm surge during Hurricane Matthew. After inspecting the buildings, the Public Works Director determined the house was not fit for habitation and major repairs were necessary including removal of water damaged dry wall, cabinetry and flooring. In order to avoid the same flooding damage in the event of another storm surge in the future, the house should be raised significantly from its current elevation. The work will take an extended period of time.

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

COUNTY ATTORNEY

Indian River Co.	Approved	Date
Admin.		
Legal		
Budget		
Dept.		
Risk Mgr.		

The Fojtik's have secured other living arrangements and have asked to be released from the Agreement until such time as repairs can be completed to the Jones Pier property. As they have enjoyed living and working on the Jones Pier property for the last four years, they would like to resume the License Agreement following repair of the buildings and approval by the Board. The County Attorney's office has drafted the attached Termination of License Agreement in order to relieve the Fojtik's and the County from their mutual obligations under the Agreement.

Funding. There is no direct funding impacted by this Termination of License Agreement.

Recommendation. Staff recommends that the Board authorize the Chairman to sign the attached Termination of License Agreement between Indian River County and Sgt. Fojtik.

Copies to: Sgt. Brad Fojtik
Richard B. Szpyrka, P.E.