



Office of
**INDIAN RIVER COUNTY
ATTORNEY**

Jennifer W. Shuler, County Attorney
Susan J. Prado, Deputy County Attorney
Christopher A. Hicks, Assistant County Attorney

MEMORANDUM

TO: Board of County Commissioners
THROUGH: John A. Titkanich, Jr., County Administrator
FROM: Susan J. Prado, Deputy County Attorney
DATE: February 24, 2025
SUBJECT: Calcutta Drive Docks License Agreements

BACKGROUND

An agenda Item was brought to the Board back on November 19, 2024, to seek guidance on how to proceed with addressing issues that were discovered upon implementation of the license agreements that were adopted in 2022 for the Calcutta Docks. The directive to staff at that end of that meeting was the following:

- Have addresses issued to each dock
- The building department is in charge of all inspections dealing with the docks
- No person may have more than one dock license agreement
- The County Attorney's office was to update the license agreement to reflect those changes including an inspection fee for the building department.

Since the November 2024 Board meeting, the docks have been issued addresses. In addition, the building department has performed an annual inspection of all the docks and multiple docks were found to need repairs. Those docks were issued letters to repair the docks as well as notices of violations from the building department. A few of those dock licensees have called in and requested extensions of time stating that the 30-day time frame contained in their current license agreements is not sufficient to have the repairs done.

Based on the Boards direction, the County Attorney's Office has prepared the new attached lease agreement for consideration. It is our opinion that the current license agreements are tenancies at will and may be revoked upon the annual anniversary if certain notice requirements are met. The County Attorney's Office recommends that the Board approve the form of the new lease agreement. In addition, the County Attorney's Office is seeking direction from the Board on the following questions:

1. Does the Board want to move forward with terminating the old license agreements as they come due and offer the new lease agreement upon notice of termination of the old license agreement?

2. Does the Board want to delegate the authority to terminate the dock lease agreements to a department head or would the Board like to keep that authority?

FUNDING

Revenues collected for dock license agreements are deposited into account 001038-362010 - General Fund/Miscellaneous/Rents & Royalties.

Account Description	Account Number
General Fund/Miscellaneous/Rents & Royalties	001038-362010

RECOMMENDATION

Staff recommends that the Board approve the form of the new dock lease agreement and that it direct staff on additional matters involving the leases.

ATTACHMENT.

Resolution
Form Proposed License Agreement
Agenda Items from 2022 with attachments for historical reference