

RESOLUTION NO. 79-25

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AUTHORIZING THE CONVEYANCE OF AN UNIMPROVED PARCEL LOCATED GENERALLY BETWEEN SE 8TH STREET AND SE 9TH STREET AND SE 4TH AVENUE AND SE 5TH AVENUE TO 802 SE 5TH AVE, LLC, AS MORE PARTICULARLY DESCRIBED HEREIN; AUTHORIZING THE MAYOR TO EXECUTE A QUITCLAIM DEED AND ANY OTHER DOCUMENTS REQUIRED TO EFFECTUATE THE INTENT OF THIS RESOLUTION; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, the City of Delray Beach, Florida ("City") owns an inaccessible and unimproved parcel lying between SE 8th Street and SE 9th Street and between SE 4th Avenue and SE 5th Avenue (the "Property"), as more particularly described in Exhibit "A", attached hereto and incorporated herein; and

WHEREAS, the City acquired the Property in November of 1963 by Quit-Claim Deed ("Bradshaw QCD") from William D. Bradshaw, Jr., and Joanna L. Bradshaw (collectively "Grantors"); and

WHEREAS, the Bradshaw QCD conveyed "all the right, title, interest, claim and demand" of the Property to the City "for the purpose of granting . . . a right-of-way for public highway purposes . . . with the express understanding and condition that should the same ever be discontinued or abandoned as a public highway the title to the same shall thereupon revert to and revest in" the Grantors, their heirs, administrators or assigns"; and

WHEREAS, pursuant to Section 255.22, Florida Statutes, when property is conveyed to any municipality for a specific purpose or use and the municipality fails to use the property for such purpose or identify the proposed use in a comprehensive plan, or other public facilities plan, for a period of 60 consecutive months, upon written demand by the grantor, or grantor's successors in title, owning such adjoining land, the municipality may execute and deliver a quitclaim deed to the party making such a demand; and

WHEREAS, 802 SE 5th Ave, LLC, submitted a written demand to the City for the Property to be conveyed to it by quitclaim deed as the successor in interest to the Grantors due to the City's failure to use or identify the Property for "public highway purposes" in a comprehensive plan for 60 consecutive months; and

WHEREAS, 802 SE 5th Ave, LLC, provided a complete chain of title showing it is the successor in title to the Grantors for the parcel located at 802 SE 5th Avenue, Delray Beach, Florida; and

WHEREAS, the City does not have any records reflecting a past, current, or future use of the Property for public highway purposes; and

WHEREAS, the requested conveyance of the Property was presented to the City Commission on April 22, 2025; and

WHEREAS, the City Commission deems approval of this Resolution and the settlement of this matter to be in the best interest of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. The foregoing recitals are hereby affirmed and ratified.

Section 2. The City Commission finds the Property described in Exhibit A has never been used for its intended purpose as a public highway and there is no proposed use in the City Comprehensive plan for such intended purpose, pursuant to Florida Statute 255.22.

Section 3. The City Commission authorizes the conveyance of the Property by quitclaim deed attached hereto as Exhibit B. Within 30 days after the recording of the quitclaim deed, a Unity of Title shall be recorded by 802 SE 5th Avenue, LLC.

Section 4. The City Commission finds 802 SE 5th Ave, LLC, is the successor in interest to the Grantors for the parcel located at 802 SE 5th Avenue, Delray Beach, Florida, adjoining the Property.

Section 5. This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED in regular session on the _____ day of _____, 2025.

ATTEST:

Alexis Givings, City Clerk

Thomas F. Carney, Jr., Mayor

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney

Exhibit "A"

THE WEST 16 FEET OF THE FOLLOWING DESCRIBED PROPERTY:

That part of Lot 10, Block 1 MODEL LAND COMPANY'S S/D of Sec. 21-46-43 DELRAY BEACH, as in Plat Book 1, Page 128 bounded as follows:

Commence at point in West line of SE 5th Avenue in Delray Beach which is 111.13 feet South of intersection of West line of SE 5th Avenue with South line of SE 8th Street; from said P.O.B. run South along West line of SE 5th Avenue, a distance of 100 feet; then run Westerly along a line which is para to South line of SE 8th Street, a distance of 144.5 feet to point; then run North along a line which is para to West line of SE 5th Avenue, a distance of 100 feet to point; then run Easterly along a line which is para to South line of SE 8th Street, a distance of 144.5 feet to P.O.B.

Exhibit “B”

This instrument was prepared by:
Abrams Law Firm, P.A.
888 SE 3rd Avenue, Ste 400,
Fort Lauderdale, FL 33316

Parcel ID: Property does not have Parcel ID

(Space Above This Line for Recording Data)

QUITCLAIM DEED

THIS QUITCLAIM DEED, executed this ____ day of _____, in the year 2025, by first party, Grantor, City of Delray Beach, a Florida municipal corporation, whose post office address is 100 NW 1st Ave, Delray Beach, FL 33444 (“Grantor”), to second party, Grantee, 802 SE 5th Ave, LLC, a Florida limited liability company, whose post office address is 802 SE 5th Avenue, Delray Beach, FL 33483 (“Grantee”).

(Wherever used herein, the terms “Grantor” and “Grantee” include their respective heirs, legal representatives, successors, and assigns where the context requires or permits.)

WITNESSETH, that the said first party, for the sum of ten (\$10.00), and other good and valuable consideration paid by the second party, the receipt whereof is hereby acknowledged, and pursuant to Section 255.22, Florida Statutes, does hereby remise, release, and quitclaim unto the said second party forever, all the right, title, interest, claim, and demand which the said first party has in and to the following described parcel of land, and all improvements and appurtenances thereto, in Palm Beach County, Florida:

THE WEST 16 FEET OF THE FOLLOWING DESCRIBED PROPERTY:

That part of Lot 10, Block 1 MODEL LAND COMPANY’S S/D of Sec. 21-46-43 DELRAY BEACH, as in Plat Book 1, Page 128 bounded as follows:

Commence at point in West line of SE 5th Avenue in Delray Beach which is 111.13 feet South of intersection of West line of SE 5th Avenue with South line of SE 8th Street; from said P.O.B. run South along West line of SE 5th Avenue, a distance of 100 feet; then run Westerly along a line which is para to South line of SE 8th Street, a distance of 144.5 feet to point; then run North along a line which is para to West line of SE 5th Avenue, a distance of 100 feet to point; then run Easterly along a line which is para to South line of SE 8th Street, a distance of 144.5 feet to P.O.B.

[Signature Page to Follow]

IN WITNESS WHEREOF, the Grantor has signed and sealed this Deed on the date written above.

Signed, sealed, and delivered in the presence of:

WITNESS
PRINT NAME: _____
ADDRESS: _____

Thomas F. Carney, Jr., Mayor
City of Delray Beach, Grantor

WITNESS
PRINT NAME: _____
ADDRESS: _____

ATTEST:

Alexis Givings, City Clerk

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this ____ day of _____, 20__, by Thomas F. Carney, Jr., as Mayor for the City of Delray Beach.

Personally known ____ OR Produced Identification
Type of Identification Produced _____

Notary Public – State of Florida