



## Cover Memorandum/Staff Report

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**File #:** 25-457

**Agenda Date:** 4/22/2025

**Item #:** 6.D.

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**TO:** Mayor and Commissioners  
**FROM:** Lynn Gelin, City Attorney  
**DATE:** April 22, 2025

RESOLUTION 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 THE QUITCLAIM DEED AND ANY OTHER DOCUMENTS REQUIRED TO EFFECTUATE THE INTENT OF THIS RESOLUTION; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

**Recommended Action:**

Review and consider Resolution 79-25.

**Background:**

On November 22, 1963, William D. Bradshaw, Jr., and Joanna L. Bradshaw (collectively "Grantors") executed a Quit-Claim Deed ("Bradshaw QCD") in favor of the City of Delray Beach ("City"). The Bradshaw QCD conveyed "all right, title, interest, claim, and demand" of the west sixteen feet of a portion of Lot 10, Block 1 MODEL LAND COMPANY's S/D of Sec. 21-46-43 as in Plat Book 1, Page 128, for public highway purposes ("Property"). The Property lies between SE 8th Street and SE 9th Street and between SE 4th Avenue and SE 5th Avenue and is highlighted in red in the image below. At the time of conveyance, the Grantors owned the adjoining parcel located at 802 SE 5th Avenue, Delray Beach, Florida, which lies due east of the Property. The Property is currently landlocked. More importantly, the City does not have any records indicating past, current, or future use of the Property for public highway purposes as required by the express language of the Bradshaw QCD.

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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.

802 SE 5th Ave, LLC (“802”), is the current owner of the parcel located at 802 SE 5th Avenue, Delray Beach, Florida. 802 sent 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 the Property for public highway purposes or identify the Property for public highway use in a comprehensive plan for 60 consecutive months. 802 provided a complete chain of title showing it is the successor in title to the Grantors.

The Property adjoins the parcel at 802 SE 5th Avenue, Delray Beach, Florida, owned by 802. 802 is the successor in title to the Grantors. The City has not used the Property for public highway purposes or identified the Property in a comprehensive plan for public highway use for 60 consecutive months. The conditions required by Section 255.22, Florida Statutes, have been met and staff recommends conveyance of the Property to the 802, as the successor in title to Grantors, through a quit-claim deed.