

RESOLUTION NO. 62-25

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AUTHORIZING THE SETTLEMENT OF SHOEMAKER VS. THE CITY OF DELRAY BEACH, CASE NUMBER 50-2023-CA-000910-XXXX-MB PENDING IN THE CIRCUIT COURT OF PALM BEACH COUNTY RELATING TO A PORTION OF THE UNIMPROVED DAVIS ROAD RIGHT OF WAY AS MORE PARTICULARLY DESCRIBED HEREIN; AUTHORIZING THE CITY MANAGER TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, Chad and May Shoemaker (“Plaintiffs”) filed a lawsuit against the City of Delray Beach, Florida (“City”) (collectively, the “Parties”), claiming ownership of an improved 80-foot right of way on Davis Road, Case Number 50-2023-CA-000910-XXXX-MB, pending in Palm Beach County Circuit Court (“Lawsuit”); and

WHEREAS, the City denies the claims asserted by Plaintiffs in the Lawsuit; and

WHEREAS, the Parties desire to resolve their disputes to limit risk and conserve resources, but do not concede their positions in the Lawsuit; 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 “WHEREAS” clauses are ratified and confirmed as being true and correct factual findings and are made a specific part of this Resolution.

Section 2. The City Commission hereby finds that the unimproved portion of the Davis Road right-of-way described in Exhibit A attached hereto and incorporated herein, 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. As such, pursuant to Florida Statute 255.22, the City Commission authorizes the execution of the quitclaim deed attached as Exhibit A.

Section 3. The City Commission of the City of Delray Beach hereby approves the terms and conditions of the Settlement Agreement in the matter of *Chad and May Shoemaker v. the City of Delray Beach*, case number 50-2023-CA-000910-XXXX-MB, attached hereto and incorporated herein as Exhibit B.

Section 4. The City Commission authorizes the City Manager to take any and all actions necessary to effectuate the intent of this Resolution

Section 5. This Resolution shall become effective immediately upon its passage and 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