



Cover Memorandum/Staff Report

File #: 25-361

Agenda Date: 4/8/2025

Item #: 6.E.

TO: Mayor and Commissioners
FROM: Lynn Gelin, City Attorney
DATE: April 8, 2025

RESOLUTION 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.

Recommended Action:

Motion to approve Resolution 62-25

Background:

Chad and May Shoemaker (collectively, the Plaintiffs) filed a lawsuit against the City after their request for a right-of-way abandonment was denied by the City Commission in 2022. Plaintiffs reside on Lone Pine Road and their property abuts an 80' ROW that was deeded from the County for use as a "public highway." Plaintiffs contend that, since the City never used the ROW for its intended purpose, a portion of the unimproved ROW should revert to their ownership.

The settlement agreement and related exhibits have been drafted in accordance with the consensus given by the City Commission during the shade meeting held on February 25, 2025. Approval of this agenda item will result in the settlement of the above-referenced litigation.

City Attorney Review:

Approved as to form and legal sufficiency.

Funding Source/Financial Impact:

N/A

Timing of Request:

This matter is currently on the trial calendar tentatively scheduled for April of this year. However, after the February 25, 2025 shade meeting, the parties notified the Court of this proposed settlement agreement requiring formal City Commission approval.