

MEMORANDUM

TO: MAYOR AND CITY COMMISSIONERS

FROM: TERRILL PYBURN, INTERIM CITY ATTORNEY

DATE: MARCH 12, 2014

SUBJECT: AGENDA ITEM REGULAR MEETING OF APRIL 1, 2014
INTERLOCAL AGREEMENT BETWEEN THE CITY OF DELRAY
BEACH AND THE DELRAY BEACH COMMUNITY
REDEVELOPMENT AGENCY REGARDING BLOCK 13 ALLEY
ACQUISITION/TITLE

ITEM BEFORE COMMISSION

The attached Interlocal Agreement between the City and CRA provides that the City will initiate quiet title proceedings within 30 days of receiving the Quit Claim Deed for the Block 13 property from Palm Beach County (which was approved by the County at their March 11, 2014 County Commission meeting and a recorded copy should be forthcoming soon). The Interlocal Agreement further provides that the CRA shall reimburse the City for the costs associated with the title work and quiet title action for the property.

BACKGROUND

Late last year, the CRA staff submitted a request to the City for assistance in clearing a title issue that exists on the CRA's redevelopment site in the 600 block (south side) of West Atlantic Avenue (Block 13, Town of Linton/Delray). Block 13 was created as an agricultural block in 1896 and was owned by a man named George Sails. The Block was later subdivided (circa 1930's) into lots via deeds with metes and bounds legal descriptions. The majority of the legal descriptions excluded a strip of land on the interior of the block, ranging from 15' to 32' in width, which runs the entire length of the block, and has been depicted as an alley on the City's Base Map. Even though the parcel appears to have been intended for use as an alley, and utilities have been located within it for decades, it apparently was never officially dedicated to the public and an owner of record was not known, however, a title search revealed that Palm Beach County currently holds title to the property via a tax lien.

The County is going to provide the City with a Quit Claim Deed and the CRA has requested that our office pursue a quiet title action to obtain a legal determination that fee simple title to the "alleyway" and portions thereof will vest in the City.

RECOMMENDATION

Approve the Interlocal Agreement between the CRA and City regarding Block 13 Alley.