



## Legislation Text

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**File #:** 18-433, **Version:** 1

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**TO:** Mayor and Commissioners  
**FROM:** R. Max Lohman, City Attorney  
**DATE:** July 10, 2018

RESOLUTION 84-18: QUIT-CLAIM DEED TO TRANSFER A PORTION OF RIGHT-OF-WAY AT 998 PELICAN LANE TO DOUGLAS AND EMILY BOWRING IN EXCHANGE FOR A RIGHT-OF-WAY EASEMENT IN FAVOR OF THE TOWN OF GULFSTREAM (PUBLIC HEARING)

**Recommended Action:**

Motion to approve Resolution 84-18 authorizing the City to execute a quit claim deed to transfer a portion of right-of-way at 998 Pelican Lane to Douglas and Emily Bowring subject to the condition that the Town of Gulfstream accept a right-of-way easement over the same area.

**Background:**

In 1958, a 554-square foot portion of right-of-way forming the paved corner cut at the intersection of 998 Pelican Lane and Andrews Avenue was deeded to the City of Delray Beach. This area is located in the Town of Gulfstream, and not within the City boundaries. The owners of the adjacent property at 998 Pelican Lane, Douglas and Emily Bowring, have requested the City convey the property to them in exchange for a right-of-way easement running in favor of the Town of Gulfstream.

The City has no record of requesting or accepting the deed to this property, and has no current need for the property, as the property is located within the Town of Gulfstream and not in the City. The City previously owned and maintained a sewer pipe near this area on Andrews Avenue, but that pipe was removed in 2000.

If the City approves this conveyance, the Town of Gulfstream will make a motion to accept a right-of-way easement over the area at its meeting on July 13, 2018. Pursuant to the easement, the Bowrings have agreed not to construct any improvements over the area, ensuring that this area of the right-of-way will remain unobstructed.

**City Attorney Review:**

Approved as to form and legal sufficiency.