



Office of

Attorney's Matters 08/18/2020

INDIAN RIVER COUNTY ATTORNEY

Dylan Reingold, County Attorney
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MEMORANDUM

TO: Board of County Commissioners

THROUGH: Richard B. Szpyrka, P.E., Public Works Director

FROM: William K. DeBaal, Deputy County Attorney

DATE: August 12, 2020

SUBJECT: Quit Claim Deed to James W. Steil, Inc.

I. INTRODUCTION

In 1925, the plat of Rosedale Gardens was recorded in Indian River County. A copy of the plat is attached to this memo. The boundaries of the plat are the railroad tracts to the west, 12th Street to the north (then called Church Street), 10th Street to the south and what was then Palm Avenue to the east. Commerce Avenue bisected the plat. The plat dedicated "to the use of the Public the streets shown on this plat" and was approved by the City Council of the City of Vero Beach. Sometime after the plat was recorded, part of the plat was annexed into the County and U.S. Highway 1 was constructed which partially replaced Palm Avenue but not entirely.

James W. Steil, Inc. (Steil, Inc.) purchased, Lots 6 and 7 of Block 4 of Rosedale Gardens in the 1990s and has run Steil Oil gas station on the site since that time. Recent title and surveying work performed on the property has revealed a remnant of Palm Avenue that remains between Lot 6 and the sidewalk along U.S Highway 1. This remnant is highlighted on the attached sketch. Title and surveying work do not show any current ownership of the remnant property. Staff contacted the Florida Department of Transportation (FDOT) and they do not claim ownership of the remnant property nor do they recognize it as right-of-way. Improvements within the remnant include the sign for Steil Oil, a grass strip, landscaping, pavement and parking.

Attorney Doug Vitunac represents Steil, Inc. He has prepared a draft complaint to quiet title to the remnant on behalf of his client and provided a courtesy copy to the County Attorney's Office. The lawsuit seeks to quiet title in the name of Steil, Inc. County staff has contacted FDOT and they claim there are no future plans to widen U.S. Highway 1 in the area near the remnant. The Public Works division has no use for the remnant but seeks to reserve an easement for underground utilities for future use. No records of County maintenance on the remnant can be found.

The title company claims this remnant is a cloud on the property's title and will not issue a policy of insurance on the remnant unless a Quit Claim Deed is received from the County. Steil Inc. avers that one prospective purchaser has cancelled a contract for purchase of the property due to the outstanding remnant. In order to resolve the threatened litigation, Steil Inc. will accept a Quit Claim Deed to the remnant from the County.

FUNDING: There is no funding associated with this matter.

RECOMMENDATION:

Staff recommends that the Board approve settlement of the threatened litigation by directing the County Attorney's Office to finalize a Quit Claim Deed to the remnant property to James W. Steil, Inc., and authorize the Chairman to execute the deed on behalf of the Board.

Attachments:

Aerial photo of the parent parcel, sketch of remnant and quit claim deed to James W. Steil, Inc.

Copy to Douglas Vitunac, Esq. via email