

TAB 10



City of Palmetto Agenda Item

Meeting Date

Presenter: Mark P. Barnebey

Department: City Attorney

Title: Corrective Action for Erroneous Deeds

BACKGROUND:

Manatee County previously acquired two (2) vacant parcels in 2000 via Tax Deeds (402 10th Street West, Parcel No. 2637700002 & 415 11th Street West, Parcel No. 2636800001). The City of Palmetto CRA subsequently requested a transfer of those two parcels pursuant to Fla. Stat. 195.592(3). Manatee County, upon approval of Resolution R-09-015, transferred title to the parcels via Quit Claim Deeds to the CRA.

Concurrent to the County's approval of the Resolution, our firm requested O&E Title Reports on the two parcels. The title underwriter's examination found issue with the legal descriptions used for the parcels in the 2000 Tax Deeds. The Tax deeds fail to identify the Plat Book or Page. Additionally, the description fails to identify that the property is located in Manatee County. Those errors create a defective chain of title. Not only do the Tax Deeds contain deficient legal descriptions, the legal descriptions of the Quit Claim Deeds from the City also include errors.

DISCUSSION:

Our office previously contacted the County Attorney's Office, Property Appraiser and Clerk. Those conversations failed to result in any corrective action, as the County has apparently taken the position that they lack the authority to correct the legal descriptions in the Tax Deeds.

Absent action by the County, we have recorded the Quit Claim Deeds, even with their deficiencies. This, at minimum, establishes the City's record title to the parcels.

We would recommend correcting the chain of title by commencing an action to reform the legal descriptions in both the Tax Deeds as well as the Quit Claim Deeds. The County would be a necessary party as well as potentially the predecessor in title at the time of the Tax Deed sale. The past experience is that the defendants are likely not adversarial to such actions and that the title will be corrected upon entry of a judgment. Barring an unexpected party in strong opposition, the cost of litigation is expected to be less than \$4,000.00.

Budgeted Amount:	\$0.00	Budget Page No(s):		Available Amount:	\$0.00	Expenditure Amount:	\$4000.00
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Additional Budgetary Information:

Funding Source(s):	0015143107	Sufficient Funds Available:	<input type="checkbox"/> Yes <input type="checkbox"/> No	Budget Amendment Required:	<input type="checkbox"/> Yes <input type="checkbox"/> No	Source:	
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City Attorney Reviewed:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Advisory Board Recommendation:	<input type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> N/A	Consistent With:	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
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Potential Motion/Direction Requested: Authorize City Attorney to file and pursue actions to quiet title on the properties located at 402 10th St. W. and 415 11th St. W. in Palmetto.

Staff Contact: Mark P. Barnebey, Esquire

Attachments: