

SPECORY & DROPEZA | AMELE VIRGINIA STOLES | FURAN M. CABOLLAS

May 3, 2019

VIA Email to: GWallace@CityofKeyWest-FL-gov and U.S. Mail

George Wallace, Esq. Assistant City Attorney City of Key West, Florida 1300 White Street Key West, FL 33040

Re: 1403 Olivia Street, Key West, FL - Legal description deficiencies

Dear George:

Our firm is handling closing on the sale of 1403 Olivia Street, Key West, FL (the "Property"). Our title examiners at Chicago Title have discovered a legal description discrepancy which requires a quit claim deed from the City to correct.

When the City acquired the Property by Special Master's Deed in 1914, the described property measured 29'6" in width and 75'11" in depth. In 1925, when the City conveyed the property out, a 6 inch strip of land along the westerly boundary of the Property (Parcel 1), and an 11 inch strip of land along the northerly boundary of the Property (Parcel 2) were inexplicably dropped from the legal description. We are requesting that the City convey to the current property owner, these two small parcels of retained property.

Enclosed please find:

- 1. The title examiner's sketch highlighting the described "hiatus" parcels in blue along the north and west boundaries of the Property.
- 2. Benjamin Albury's map of the area recorded in Deed Book I, Page 389. 1403 Olivia is highlighted in yellow.
- 3. The October 8, 1914 Special Master's Deed (DB Z, Page 568). This deed is a transfer by the Special Master at public auction to the City of Key West. The legal description in this deed has point of beginning for the Property which is 29 feet, 6 inches from the corner of Olivia and Florida Streets, and then extends 29 feet 6 inches along Olivia; and then 75 feet 11 inches deep in a NW'ly direction.
- 4. The July 20, 1925 deed from the City of Key West to Douglas Wilson (DB C-4, Page 174). The legal description for this deed has a point of beginning for the Property which is 30 feet from the corner of Olivia and Florida Streets, and extends 29 feet along Olivia, and then extends 75 feet deep in a NW'ly direction. This deed dropped 6 inches along the west side of the Property and 11 inches from the north side of the Property acquired by the City in 1914.

George Wallace, Esq. Assistant City Attorney May 3, 2019 Page Two

- 5. A Specific Purpose Survey from J. Lynn O'Flynn Surveying, Inc. which depicts and describes the "hiatus" along the west boundary of the Property measuring 6 inches x 75 feet, 11 inches. We have labeled this as Parcel 1.
- 6. A Specific Purpose Survey from J. Lynn O'Flynn Surveying, Inc. which depicts and describes the "hiatus" along the north boundary of the Property measuring 11 inches x 29 feet. We have labeled this as Parcel 2.
- 7. The proposed Quit Claim Deed from the City conveying the two hiatus parcels to Audree Chase, the current owner of 1403 Olivia.

We would appreciate your review of this and forward of the proposed Quit Claim Deed to the appropriate individuals for approval and signature.

If you have any questions concerning this matter, please do not hesitate to contact me.

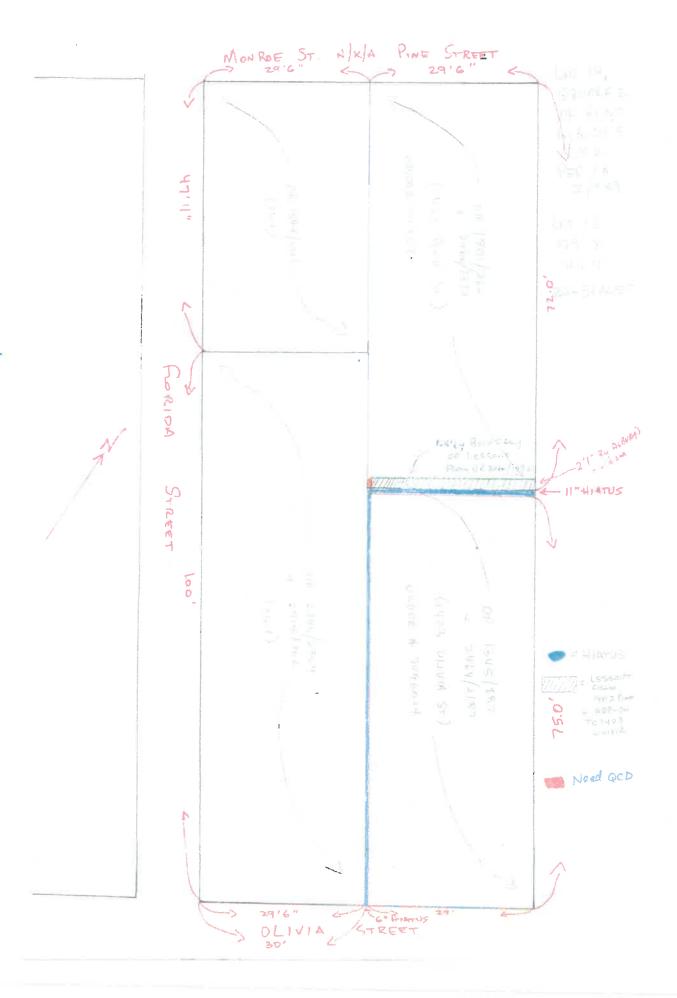
Thank you for your kind assistance.

Sincerely,

Puch College Susan M. Cardenas

SMC/st

enclosures as stated



Benj. Albury's Subdivision of part of Track 7.

Key West, Florida.

34b-donded and drawn by Chas W. Till Surveyor.

Throaded Nox 21. 1874 in Dead Book "I" page 357.

U.S. BARRACKS Angela STREET (ATTEMBED) ? 13 11 9 7 5 3 2 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	*	arter announce (Spokester volendischerps aus	AND AND DESCRIPTION OF	and the same	name andress		managan da r				
13 11 9 7 5 3 3 2 2 1 19 17 3 5 15 15 15 15 15 15 15 15 15 15 15 15 1	1	The state of the s	V.,	5.23 <u>4</u>	RRA	GAS				men mineral from	1111
13 11 9 7 5 3 3 2 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	į	N' 15			2	88		7	CANTENO 	(20)	
TANSON STREET RAWSON STREET RES 23 21 19 17 3 16 15 16 18 16 18 16 18 16 18 16 18 18 18 18 18 18 18 18 18 18 18 18 18	12 10 1000	11	11	- 1	7	ad		32 150	1	es Dan H	the section of the se
RAWSON STREET 22 21 19 17 3 15 15 15 15 16 15 16 15 16 16 17 16 17 16 17 16 17 17 18 18 18 18 18 18 18 18 18 18 18 18 18		. 19	12	10	8	6 %	4 3	* 546	2	Charles and the same	The second secon
ER5 23 21 19 17 15 15 15 15 15 15 15 15 15 15 15 15 15	i	*	794	1450	W 1	7	S7	REA	and the state of t	- Hit manner - proper	
ERS 23 21 19 17 18 15 15 16 18 16 18 16 18 16 18 16 18 16 18 16 18 16 18 16 18 16 18 18 18 18 18 18 18 18 18 18 18 18 18		64			2000					to the above to making ag	10
FETRONA STREET		E 25	23	21	19	7/14	7	29.55		A Se Se Se Anne	
FETRONA STREET	30.5%		24	22	RO	-	200	2.59		: 80	entre de la constante de la co
Marie					NA	And a control an					8).)
MONROE DESCRIPTION OF THE PARTY	1					1 .		1 Lon part		$-\lambda$	111.1
MONROE DE STREET	low	April de des	and the same of th	<i>A</i>			1	J. Marie	1	i R	Striftmaniderique
MONROE STREET	1 4	1.261			7 9		SKA		R		The state of the s
* MONROE STREET	1		h	_ ^	61	821	24	ς	150"		Mi.
		\$	MON	POE	2		5	TRE	ET		
\$ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	3 1	579		**	39	87'4	-			0 1	1111
STAREE TO STAREE	N. Carlot	1			1		2 5		8	3 3	1
	1	2		-25	4.	13	3	Marie Company of the	Company of substitute of the Principle	- 0	SH!
25 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3	N				1		1		F.		X1//
57 77 59		59	ly .	- 1	37	37				10	
OLIVIA STREET &		0	02	IVIA			,5`	TRE	ET	A	
		56		17	7	43	11	15	0	1 01]]/!!
100A	T	The same of the sa	The second secon	1	40,	2 10	5		-		Mir
10 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	à	1	(Ellistense		. 35	1	21		2-1		
4	8-	Communication of the Communica	Pocarios es	577			-	0	ď.	1	
VOLVE STREET	0	56			56 6	37-	142	150	. 7)	
N & ALBURY 3 STREET	N	3			3		57	REE	7	V	HH
		41.10	<i>N</i>	47.7	. 77		I.		2	11	Ili
		5			2		27	Ĩ	1	- 11	111
1 100		35	and and	1	35		1	150			
		1		1		Spream out			46.4	111	11
11 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	, E.	1 17.5	1	1	675	1		The San Printers and Advantages and Advantage and Advantages and Advantage and		FIII	1
DVVISION ST. (ON BRANNAN MORD)	Kee				57 72	CON	ATTEN AV AV	AN Ma	(AA)	asis	

Derd Book I Poge 389

BENJ. FIRER SUB. AF PART TRACT 7 VAL WEST

COUNTY .

1

Valtorio	4.5	s. BA	RRA PNGE	CKS	- Table			100
1 55		11 11	TIVE CONTROL	55'	7 45.6	77	OF ST	Col
\$/3	111	9	7	-	3	0,116	*	,
1 6/3			1	5	3	90.		/ :
1214		10	0	,	- 1		-10	Φ'
217	12	10	8	6	4	7.48		2
70	R	PWSO		55'	5.6.2		150	1
. 63	7 "	100.20	6.	11	77'	STRE		, e
25	23	21	- 6	125		12	. 150'	. 3
1220	1 ~3	Acres	10	300	17 3	7.48	15	0
* 26	1 01			The same		13	1501	
\$26	24	22	20	South.	183	×2.48	16	9.5
65'	Ĭ.	85	1 63		600		1501	- Su.
3	PE	TROI	NA			STI	PEET	7
61"	1 "]	61	7	. 4	112	100	
110	,			2	= 18	24.3	1	74.5
11.67	6	5	14	11.10	57	1	1501	*
						74.3	2	1,30
Lar			610	62	2"	į.	20,	7
*	M	TONR	OE	67		STRE	ET	
59	. 44.	1,	59"	47	"	14.30		: J
nl1, 231	13	12	11		1 4	2	8	25
1	13		11	10	Der Reli	14	Fq1	manue ()
					0 8	7	9	74.3"
61	9	- 1	591	91	I	15	0	1
200	01	IVIA			5	TRE	ET	1
36	**	н 1	66.	63"	7 1	150		N N
1		1	20		78'9"		,	6
197	6	5	4 8	3				2
					78.90	2	E S	
56.			56.	58'7	7.8		1	
	ο.	BUR	1	THE F		RE 6		

State of Florida, Menres County.

I, an efficer authorized to take acknowledgements, hereby certify that H. H. Taylor is well known to me, and known to me to be the individual described in and who executed the . LEME E' ... feregeing deed of conveyance, and that he adknowledged before me that he executed the feregoing deed, as Special Master in Chancery, aferesaid, for the purposes therein expressed

Witness my hand and official seal, the Sth day of steber A.D. 1914, in the State of and County aferesaid.

(SEAL)

Recorded Sevember 5th 1914

Notary public. State of Florida My Commission expires Aug. 7th 1915.

By

Clerk.

Deputy Clark.

MASTER'S DEED.

HIS IMPAULE, Made the 6th day of soteber 1914, between H.H. Taylor, as Special Master in Chancery, of the first part, and the City of Key West, a Municipal Corporation of the

WEEREAS, the Circuit Court of the Eleventh Judicial Circuit of the State of Plerida, A in and for the County of Monroe, in Chancery, on the 25th day of august 1914, among other thing ordered, adjudged and decreed, in a certain cause then pending in the said Court, between The City of Rey West, complainant, and Martin Gurry defendant that the premises mentioned in said decree, and hereinefter particularly described, he seld by said Master, at public amotion abs said Master first giving four weeks, netics of the time and place of sale, in a newspaper published at Key West, in the said State, towit, the Key West Merning Jeurnal.

And MHEREAS, the said Special Master, H.H. Taylor, and party of the first part to these presents, in pursuance of the said order and decree of the said Court, in Chancers, did en the 5th day of October 1914, sell at public enction the said premises, hereinafter particularly described, having first given previous notice of the time and place of sale, with a description of the said premises, agreeable to the order aforesaid; at which sale the said . premises, hereinafter Particularly described, were sold to the said party of the second part for the sum of One Hundred and three and 73/100 dellars, that being the highest sum bidden for the same.

NOW THREEFORE THIS LABRITURE WITHESTERN: That the said Special Master, in order to earry into effect the said dale so made aforesaid, in pursuance of the said decree of the said Court afolhancery, in consideration of the premises, and of the said sum of One Eundred and three and 75-200 dellars, paid at the time of the execution hereof, by the said party of the second part to the said Special Master, the reseipt whenced he does hereby acknowledge, has granted, bargained and suid, allamed, released, conveyed and configured, and by the so presents dobe grant, bargain and coll, alien, release, coincy and confirm unto the cald party of the see nd part, ferever, the certain person of land in the County of Monroe. State of Person

On the island of Key West, and known on W.A. Unitehead's plan of said island delineated in Polituary A.D. 1829, as part of let. 14, square 2, tract Juans more particularly assuribed as follows: Reginning at a point on Olivia street 29 feet and 6 inches from the Verner of Olivia and Florica streets, running thence along Olivia street towards Pearl'street 29 feet and 6 inches thence at right angles towards Pine street 75 feet and 11 inches; thench at right angles towards Florida Street 29 feet and 6 inches thence at right angles temands Olivia street 75 feet and 11

Together with all and singular the rights, members, privileges, hereditaments and eppertenances te the same belonging or in anywise apportaining.

TO H VE AND TO ROLD all and singular the said premises, above mentioned and described, and hereby granted and conveyed, ar intended so to be, with the appurtenances, unto the said party of the second part, to the only proper use, benefit and behoof of the said party of the second Part, forever.

In witness whereof, the said Special Master in Chancery, as aforesaid, has hereunte set his hand and seal the day and year first above written. Signed, sealed and delivered in the presence of:

E. M. Semple

Edward L. Semple

H.H. Taylor Asispe vial Master in Chancery aferesaid.

State of Florida,

Monroe County.

I, an efficer authorized to take acknowledgements, hereby certify that H.R. Taylor is well known to me, and known to me to be the individual described in and who executed the feregoing deed of conveyance, and that he acknowledged before me that he executed the foregoing deed, as Special Master in Chancery aferesaid, for the purposes therein expressed.

Witness my hand and scal the 5th day of scholer A.D. 1914, in the State and County aforesaid

(SEAL)

E. M. Somple Ketary Public, State of Florida, MY Commission expires Aug. 7th 1915.

lecorded New 6th 1914,

Deputy Clerk.

TO HAVE AND TO HOLD the same, together with all and singular the apportenances thereunic belonging or in anywise appertaining; and all the estate, exignt, title, interest and claim whatsoever of the said parties of the first part, eitherin law or equity, to the only proper use, benefit and behoof of the said parties of the second part, their heirs and assigns forever.

IN WITNESS WHEREOF the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered

in presence of:

(sd) A. Davis

(sd) C.E. Carbonell

STATE OF FLORIDA

COUNTY OF DADE

(sd) W.M. Buckner

(seal)

(sd) Margaret Ines Buckner(seal)

I HEREBY CERTIFY that on this day personally appeared before me, an officer duly suthorized to administer caths and take acknowledgments W.M. Buckmer and Margaret Inez Buckmer his wife to me well known to be the persons described in and who executed the foregoing instrument and they acknowle deed before me that they executed the same freely and voluntarily for the purposes therein expressed.

. AND I FURTHER CERTIFY that the said Margaret Inex Buckner known to me to be the wife of the said W. M. Buckner on a separate and private examination taken and made by and before me, separately and epart fromher said husband, did acknowledge that the executed the foregoing deed for the purpose of relinquishing aldenating and conveying all her right, title and interest whether of dower, homestead of of separate property, statutory or equitable in and to the lands described therein, and that she executed said deed freely and voluntarily and without any compulsion, constraint, apprehension or fear of or from her said husband.

WITNESS my hand and official seal at Mismi County of Dade and State of Florida this 15th day of August A.D. 1925,

(sa) C.M. Carbonell

Notary Public State of Fla. at Large My commission expires Nov. 18, 1927

(Notarial Seal) Filed Aug. 21, 1925

Recorded Aug. 26, 1925

Times Boher

D.C .

THIS ISCENIURS add this 20th day of July 1.2. 1925 between the City of Eay Seet, a municipal corporation of the State of Florida, party of the first part and Douglas S. Wilson of the County, of Monroe and State of Florida, party of the second part,

WITNESSETE, that the said party of the first part, for and in consideration of the sum of One dollar (\$1.00) in hand paid by the said party of the second part, the receipt whereof is hereby and by these presents does remise, release and quit claim acknowledged, has remised, released, and quit-claimed/snac the said party of the second part his, heirs and assigns forever, all the right, title, interest and claim and demand which the party of the firstpart has in and to the following described lot, piece orparcel of land situate lying and being in the County of Monroe and State of Florida and described as follows: On the Island of Key West known on William A. Whitehead's map delmineated in February 1829, as part of tract seven (7) but/better known as part of lot fourteen (14) of square two (2) of said traot seven (7). Commencing at a point of Olivia street distant tairty (30) feet from the corner of said Olivia street and Florida street, and running thence along the said Chivia street in a NIE'ly direction. twenty nine (29) feet; thence at right angles in a H.Wily direction community fire (75) feet; thence at right angles in a S.Wily direction twenty nine (29) feet; thence at right angles in a S.Eily direction seventy five (75) feet, back to the point of baginning.

Subject however to the following: Taxes to be assessed for the year 1989.

IN SITMESS THEREOF the said City of Key West has caused these presents to be executed by the Mayor and its common seal affixed by its dity Clerk the day and year first above tristen. Signed, sealed and delivered

Attest; Wallace Pinder

in the presence of:

CITY OF KEY WEST

(ad) J.W. Mitchell

By: Frank H. Ladd

(sd) John A. Roker

Mayor

(Corporate Scal)

oity Clark

STATE OF FLORIDA

COUNTYOF MONROE

On this the 20th day of July 1925, before me the undersigned authority personally ormsound appeared Frank H. Ladd and Wallace Pinder, to me well known to be respectively the Mayor and Oaty Clerk of the City of Key West, a municipal corporation whose names are subscribed to the within instrument and they being informed of the contents whereof acknowledged that they executed the sure on behalf and as the free act and deed of said municipal corporation for the purposes therein expressed, and enobbeing by me duly sworn did say that the said instrument was executed and the seal of said correspation affixed pursuant to authority of resolution duly passed by its City Council, that they know its common seal and the seal affixed thereto is the common seal of said municipal corporation.

IN WITNESS WHEREOF I have hereunto set my hand and rffixed my notarial seal the day and year first above written.

(md) Ohas, H.J. Roberts

Notary Public State of Fla. at Large

My commission expires Dec. 20, 1925

(Notarial Seal)

Filed Aug. 22, 1925

Recorded Aug. 26, 1925

D. G. Filer Glerk

By: Vinnen Rake D.C.

THIS INDENTURE made this lith day of August A.D. 1925 between Horberg Thompson and Emis M. Thompson his wis and Andrew J. Page and Plinabeth Page his wife of the County of Monroe and State of Florida parties of the first part and J. Lancelot Lester of the County of Monroe and State of Florida party of the second part, WITNESSTEP that the saidparties of the first part for and in consideratin of the sum of ten and other good and valuable considerations to them in hand past, the receipt whereof is hereby acknowledged, have granted, bargained, sold and transferred, and by these presents do grant, bargain, sell and transfer unto the said party of the second part and his beirs and assigns forever, all that certain parcel of land lying and being in the County Monroe and State of Florida more particularly described as follows: On the Island of Key West and known on William A. Whitehead's map delinested in February 1.B. 1829 as part of tract thirty (30) but now particularly described as lot twhere (12) of Slock six (6) in said tract thirty (30) according to W.D. Cash's diagram of land tract tairty (30) surveyed and drawn from map of William A. Whitehead by T.J. Eshe, Deputy County Surveyor dated March 5, 1887 said daigram being reforded in Plat Book one, page 13, monroe Jointy, Florida Public Records. Subject to taxes for \$3.00 U.SI.R.D.S.

TOGETHER with all the tenements, hereditements and appurtenances, with avery phivilege, right. title, interes t and satata, down and right of down, reversion remainder and execusit thereto belonging or in maywise appertaining; TOORATE AND TO HOLD the same in fee simple some