



GREGORY S. OROPEZA | ADELE VIRGINIA STONES | SUSAN M. CARDENAS

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.

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Assistant City Attorney
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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,



Susan M. Cardenas

SMC/st

enclosures as stated

Benj. Albury's Subdivision of
part of Tract 7.
Key West, Florida.

Sub-divided and drawn by Chas. W. Felt,
County Surveyor.

Recorded Book 21, 1874 in Dead Book "I" page 389.

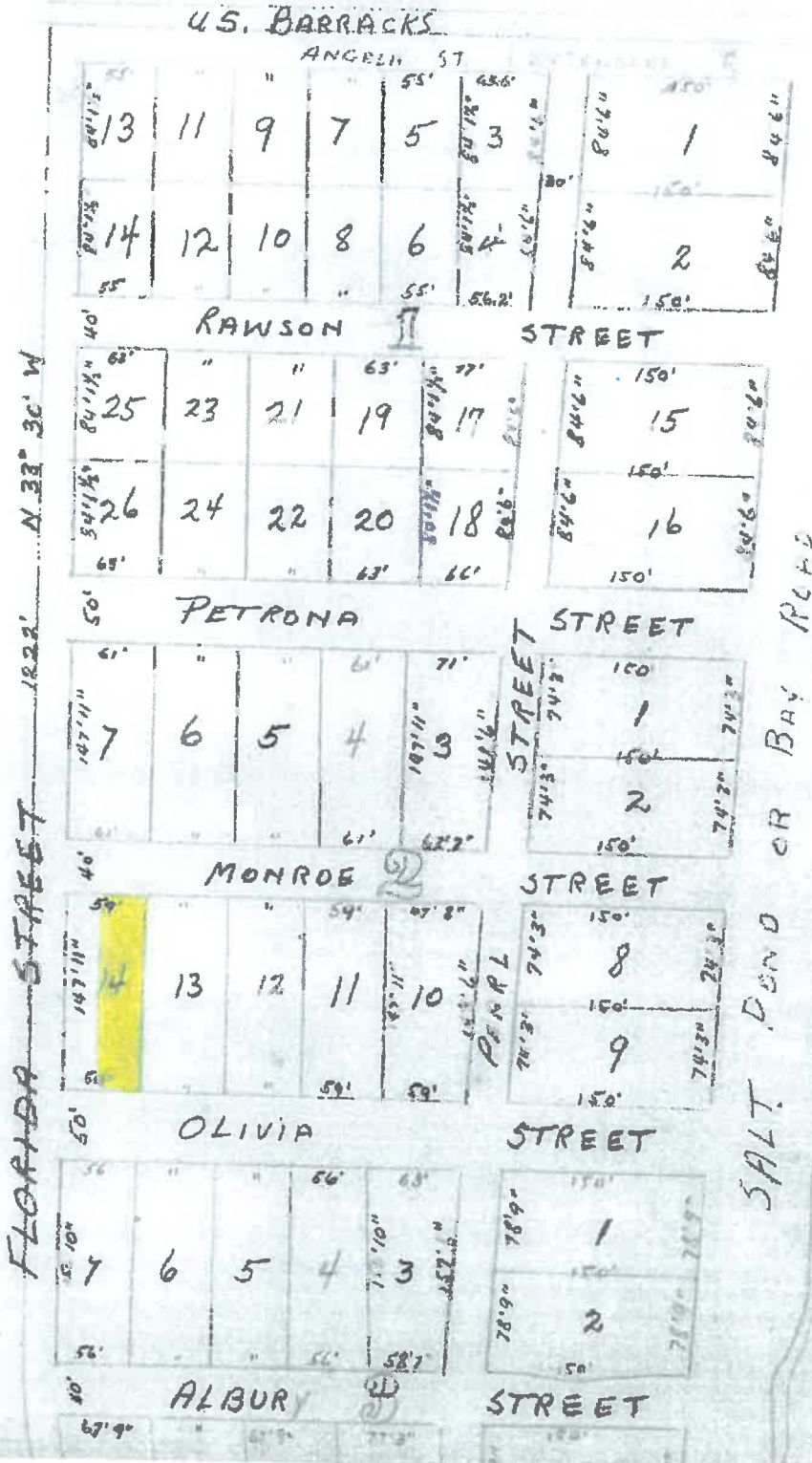


DB I/389

Deed Book I
Page 389

BENJ. ALBUR
SUB. OF PART
TRACT 7
1/4 WEST

W.C. MALONEY, JR.



COUNTY



100
DB-2

568

State of Florida,
Monroe County.

I, an officer 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 foregoing deed of conveyance, and that he acknowledged before me that he executed the foregoing deed, as Special Master in Chancery, aforesaid, for the purposes therein expressed. Witness my hand and official seal, the 8th day of October A.D. 1914, in the State of and County aforesaid.

(SEAL)

E. M. Sewald
Notary public, State of Florida,
My Commission expires Aug. 7th 1915.

Recorded November 6th 1914.

By C. N. Russell
Clerk.
B. C. Melgado
Deputy Clerk.

MASTER'S DEED.

THIS INDENTURE, Made the 8th day of October 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 State of Florida, of the second part:

WHEREAS, the Circuit Court of the Eleventh Judicial Circuit of the State of Florida, in and for the County of Monroe, in Chancery, on the 25th day of August 1914, among other things ordered, adjudged and decreed, in a certain cause then pending in the said Court, between The City of Key West, complainant, and Martin Gurry defendant that the premises mentioned in said decree, and hereinafter particularly described, be sold by said Master, at public auction the said Master first giving four weeks, notice of the time and place of sale, in a newspaper published at Key West, in the said State, to wit, the Key West Morning Journal.

And WHEREAS, 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 Chancery, did on the 5th day of October 1914, sell at public auction 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 75/100 dollars, that being the highest sum bidden for the same.

NOW THEREFORE THIS INDENTURE WITNESSETH: That the said Special Master, in order to carry into effect the said sale so made aforesaid, in pursuance of the said decree of the said Court of Chancery, in consideration of the premises, and of the said sum of One Hundred and three and 75/100 dollars, paid at the time of the execution hereof, by the said party of the second part to the said Special Master, the receipt whereof he does hereby acknowledge, has granted, bargained and sold, aliened, released, conveyed and confirmed, and by these presents does grant, bargain and sell, alien, release, convey and confirm unto the said party of the second part, forever, the certain parcel of land in the County of Monroe, State of Florida, described as follows:

PB-2

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On the island of Key West, and known on W.A. Whitehead's plan of said island delineated in February A.D. 1829, as part of lot 14, square 2, tract 7 and more particularly described as follows: Beginning at a point on Olivia street 29 feet and 6 inches from the corner of Olivia and Florida 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; thence at right angles towards Florida Street 29 feet and 6 inches thence at right angles towards Olivia street 75 feet and 11 inches to the point of beginning.

Together with all and singular the rights, members, privileges, hereditaments and appurtenances to the same belonging or in anywise appertaining.

TO HAVE AND TO HOLD all and singular the said premises, above mentioned and described, and hereby granted and conveyed, or 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 hereunto 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. R. Taylor (SEAL)
As Special Master in Chancery aforesaid.

State of Florida,
Monroe County.

I, an officer 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 foregoing deed of conveyance, and that he acknowledged before me that he executed the foregoing deed, as Special Master in Chancery aforesaid, for the purposes therein expressed.

Witness my hand and seal the 8th day of October A.D. 1914, in the State and County aforesaid.

(SEAL)

E. M. Semple
Notary Public, State of Florida,
MY Commission expires Aug. 7th 1915.

Recorded Nov 6th 1914.

E. W. Russell
Clerk.

Bohica G. Helgud
Deputy Clerk.

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances thereunto belonging or in anywise appertaining; and all the estate, right, title, interest and claim whatsoever of the said parties of the first part, either in 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.M. Carbonell

(sd) W.M. Buckner (seal)

(sd) Margaret Inez Buckner (seal)

STATE OF FLORIDA

COUNTY OF DADE

I HEREBY CERTIFY that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments W.M. Buckner and Margaret Inez Buckner his wife to me well known to be the persons described in and who executed the foregoing instrument and they acknowledged before me that they executed the same freely and voluntarily for the purposes therein expressed.
AND I FURTHER CERTIFY that the said Margaret Inez 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 apart from her said husband, did acknowledge that she executed the foregoing deed for the purpose of relinquishing alienating and conveying all her right, title and interest whether of dower, homestead or 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 Miami County of Dade and State of Florida this 18th day of August A.D. 1925,

(sd) 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

D.Z. Filer Clerk

By: *William Robert*

D.C.

THIS INSTRUMENT made this 20th day of July A.D. 1925 between the City of Key West, 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,

WITNESSETH, 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 acknowledged, has remise, released, and quit-claimed and 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 first part has in and to the following described lot, piece or parcel of land situated 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 delineated in February 1829, as part of tract seven (7) but better known as part of lot fourteen (14) of square two (2) of said tract seven (7). Commencing at a point of Olivia street distant thirty (30) feet from the corner of said Olivia street and Florida street, and running thence along the said Olivia street in a N.E.'ly direction twenty nine (29) feet; thence at right angles in a N.W.'ly direction seventy five (75) feet; thence at right angles in a S.W.'ly direction twenty nine (29) feet; thence at right angles in a S.E.'ly direction seventy five (75) feet, back to the point of beginning.

C4-175

Subject however to the following: Taxes to be assessed for the year 1925
IN WITNESS WHEREOF the said City of Key West has caused these presents to be executed by its Mayor and its common seal affixed by its City Clerk the day and year first above written.

Signed, sealed and delivered
in the presence of:
(sd) J.W. Mitchell
(sd) John A. Roker

CITY OF KEY WEST
By: Frank H. Ladd
Mayor

Attest: Wallace Pinder
City Clerk

(Corporate Seal)
STATE OF FLORIDA
COUNTY OF MONROE

On this the 20th day of July 1925, before me the undersigned authority personally appeared and appeared Frank H. Ladd and Wallace Pinder, to me well known to be respectively the Mayor and City 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 thereof acknowledged that they executed the same on behalf and as the free act and deed of said municipal corporation for the purposes therein expressed, and each being by me duly sworn did say that the said instrument was executed and the seal of said corporation 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 affixed my notarial seal the day and year first above written.

(sd) Chas. 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 Clerk
By: *Wm. R. Raker* D.C.

THIS INDENTURE made this 11th day of August A.D. 1925 between Norberg Thompson and Emma M. Thompson his wife and Andrew J. Page and Elisabeth 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, WITNESSETH: that the said parties of the first part for and in consideration of the sum of ten and other good and valuable considerations to them in hand paid, 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 heirs 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 delineated in February A.D. 1829 as part of tract thirty (30) but now particularly described as lot twelve (12) of Block six (6) in said tract thirty (30) according to W.D. Cash's diagram of land tract thirty (30) surveyed and drawn from map of William A. Whitehead by T.J. Sene, Deputy County Surveyor dated March 8, 1867 said diagram being recorded in Plat Book one, page 13, Monroe County, Florida Public Records, Subject to taxes for the year 1925 and thereafter. \$3.00 U.S.I.R.D.S.

TOGETHER with all the tenements, hereditaments and appurtenances, with every privilege, right, title, interest and estate, dower and right of dower, reversion remainder and accretion thereto belonging or in anywise appertaining; TO HAVE AND TO HOLD the same in fee simple forever