

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 10, 2020

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

FROM: H. Paul Brazil, P. E., Director of Public Works

RE: 227 Miraflores Drive, El Paraiso Subdivision

DATE: June 3, 2020

REQUEST FOR MOTION TO APPROVE STIPULATION

It is requested that Town Council give consideration to approving the attached Stipulation foreclosing the Town's interest to a 1,572 square foot parcel of private property that comprises a now unused portion of formerly serpentine Miraflores Drive in front of the property at 227 Miraflores Drive owned by Paul A. Krasker, as Trustee of the COATI Limited Trust UAD June 20, 2017 ("Krasker") at 227 Miraflores Drive.

SUMMARY OF LAWSUIT

In November 2017, Laetitia Oppenheim, owner of 247 Miraflores Drive, filed suit against all of the lot owners in the El Paraiso subdivision to quiet title and extend the boundary of her property on lots 14 and 15 to encompass that 1,572 square foot portion of private property that comprised a now straightened serpentine road. The Town was named in the litigation because it owns lots 1 and 2 in the El Paraiso subdivision. See *Oppenheim v. Town of Palm Beach, et al.*, Case No. 502017CA012106XXXXMB (15th Jud. Cir. in and for Palm Beach Cty., Fla.). Those Town lots are operated as Dean Park at Miraflores and Tangier.

BACKGROUND

The subdivision of El Paraiso comprises lots 1 through 20 on the north side of Miraflores Drive. At the time that El Paraiso was platted in or about 1924, Miraflores Drive was a private, serpentine road. All of the subdivision owners acquired a private right to use the serpentine road.

More than 75 years ago (by 1941), Miraflores Drive was straightened out to the south and became a public road. After the road was straightened, each of the El Paraiso property owners retained the private right to use the unused portion of the formerly serpentine road.

This Council, on October 9, 2019, approved a Stipulation foreclosing the Town's interest as one of the El Paraiso subdivision lot owners to that 1,572 square foot parcel of Ms. Oppenheim's property at 247 Miraflores Drive and acknowledging no objection to the declaratory and equitable relief sought by Ms. Oppenheim ("the Oppenheim Stipulation"). My real estate partner, Mark Dahlmeier, had reviewed the complaint, the plats, and further requested that Wallace Surveying provide a sketch that overlays the 16' platted private serpentine road on the Oppenheim property, the 1,572 square foot subject parcel, and the now straightened public road. This was done to confirm that no portion of the property to which Ms. Oppenheim sought to quiet title is public property. The sketch provided by Wallace Surveying confirmed that the parcel to which Ms. Oppenheim seeks to quiet title is private.

The Oppenheim Stipulation was filed with the Court on November 27, 2018, and her claims against the Town have since been dismissed.

On December 10, 2018, Krasker cross-claimed against the Town and the other lot owners on Miraflores Drive seeking stipulations foreclosing any interest in that 1,092 square foot portion of the formerly serpentine road that falls immediately south of its property. Krasker owns lots 7 and 8 in the subdivision of El Paraiso. As with Ms. Oppenheim, we requested that Krasker cause Wallace Surveying to provide us with a sketch that overlays the 16' platted private serpentine road on the Krasker property, the 1,092 square foot subject parcel, and the now straightened public road. Mark Dahlmeier has reviewed the survey and the plats. That sketch is attached. It has been reviewed by Mark Dahlemier together with the plats. The sketch confirms that no portion of the property to which Krasker seeks to quiet title is public property of the Town.

RECOMMENDATION

The Mayor and Town Council should give consideration to approving the attached Stipulation foreclosing the Town's interest as one of the El Paraiso subdivision lot owners to that 1,092 square foot parcel of private property at issue, and acknowledging no objection to the declaratory and equitable relief sought by Krasker. The Town approved a nearly identical Stipulation with Ms. Oppenheim and Krasker, and has obtained nearly identical stipulations or default judgments in this case against almost all of the other lot owner defendants. Alternatively, the Council should give direction to staff and Town Attorney as to how to proceed.

Attachments

cc: Jay Boodheshwar, Deputy Town Manager
Patricia Strayer, P.E., Town Engineer
John Randolph, Esq., Town Attorney
Joanne O'Connor, Esq. Jones Foster