



City of North Port

RESOLUTION NO. 2022-R-38

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA, VACATING A PORTION OF THE UTILITY AND DRAINAGE EASEMENTS FOR LOTS 3, 4, 18, AND 19, BLOCK 822, 19th ADDITION TO PORT CHARLOTTE SUBDIVISION; PROVIDING FOR FINDINGS; PROVIDING FOR RECORDING; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the plat for this property reserves certain easements to the City of North Port; and

WHEREAS, this petition requests the vacation of a portion of the easements; and

WHEREAS, the Planning and Zoning Advisory Board considered the petition at a public hearing on June 16, 2022 and made its recommendation to the City Commission; and

WHEREAS, Florida Statutes Section 177.101(3) authorizes the City Commission to adopt a resolution vacating plats in whole or in part.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA:

SECTION 1 – FINDINGS

- 1.01 The above recitals are true and correct and are incorporated in this resolution.
- 1.02 In reliance upon Petition VAC-22-092, as well as testimony and other evidence presented at the quasi-judicial hearing, the City Commission makes the following findings of fact:
 - (a) Patrick Ireland and Michelle Ireland own fee simple title to Lots 3, 4, 18, and 19, Block 822, 19th Addition to Port Charlotte Subdivision;
 - (b) The plat of the Nineteenth Addition to Port Charlotte Subdivision, as recorded in Plat Book 14, pages 7, 7A through 7P of the official records of Sarasota County, Florida grants to the City of North Port, Florida, for the purpose of utility and drainage, a ten-foot (10') easement at the rear of Lots 3, 4, and a ten-feet (10') easement at the rear of Lots 18, and 19, Block 822 of the plat (“Easements”);

- (c) The petition requests that the City vacate the entirety of the platted ten-foot (10') utility and drainage easements;
- (d) The Easements are not needed to provide City service to any property;
- (e) Other than as identified in this resolution, no public utilities or City facilities are located or planned to be located in the area;
- (f) The Easements are not necessary to any logical extension of public utility service, sanitary sewer service, drainage, or other City services to any property in the future, or an alternate and equally acceptable easement of such extension has been dedicated to the City; and
- (g) The vacation requested will not affect the ownership or right of convenient access of persons owning other parts of the subdivision; and
- (h) The City notified affected utilities, and the utilities have either not objected to approval of the petition or have provided written responses recommending approval of the petition; and
- (i) The petition included evidence of the publication of a Notice of Intent, documentation of ownership, and certification that all taxes due have been paid by the current property owners.

1.03 All exhibits attached to this resolution are incorporated by reference.

SECTION 2 – VACATION OF EASEMENTS

2.01 The City Commission approves Petition VAC-22-092 to the extent provided in this resolution.

2.02 The City Commission vacates a \pm 2,960.00 square foot portion of its existing platted ten-foot (10') wide utility and drainage easements, as described below and depicted in the survey attached as Exhibit A:

All that portion of the 10 feet wide Utility and Drainage Easements lying adjacent to the common rear lot line of Lots 3, 4, 18 and 19, Block 822, Nineteenth Addition to Port Charlotte Subdivision, according to the plat thereof, as recorded in Plat Book 14, Pages 7, 7A through 7P, of the Public Records of Sarasota County, Florida, and being more particularly described as follows:

Commence at the intersection of the west side lot line and the rear lot line of said Lot 18; thence N37°39'17"E along the common rear lot line of Lots 4 and 18, a distance of 6.00 feet to the Point of Beginning; thence S52°20'43"E, a distance of 10 feet, thence N37°39'17"E, a distance of 148.00 feet; thence N52°20'43"W, a distance of 20.00 feet; thence S37°39'17"W a distance of 148.00 feet; thence S52°20'43"E, a distance of 10.00 feet to the Point of Beginning, and containing \pm 2,960.00 square feet, more or less.

SECTION 3 – RECORDING

3.01 The City Clerk is directed to file a certified copy of this resolution with the Sarasota County Clerk of the Circuit Court to be duly recorded in the official records of the county.

SECTION 4 – CONFLICTS

4.01 In the event of any conflict between the provisions of this resolution and any other resolution, in whole or in part, the provisions of this resolution will prevail to the extent of the conflict.

SECTION 5 – SEVERABILITY

5.01 If a court of competent jurisdiction finds that any section, subsection, sentence, clause, phrase, or provision of this resolution is for any reason invalid or unconstitutional, that provision will be deemed a separate, distinct, and independent provision and will not affect the validity of the remaining portions of the resolution.

SECTION 6 – EFFECTIVE DATE

6.01 This resolution takes effect immediately.

ADOPTED by the City Commission of the City of North Port, Florida, in public session on _____, 2022.

CITY OF NORTH PORT, FLORIDA

PETE EMRICH
MAYOR

ATTEST

HEATHER TAYLOR, MMC
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

AMBER L. SLAYTON
CITY ATTORNEY

LEGEND

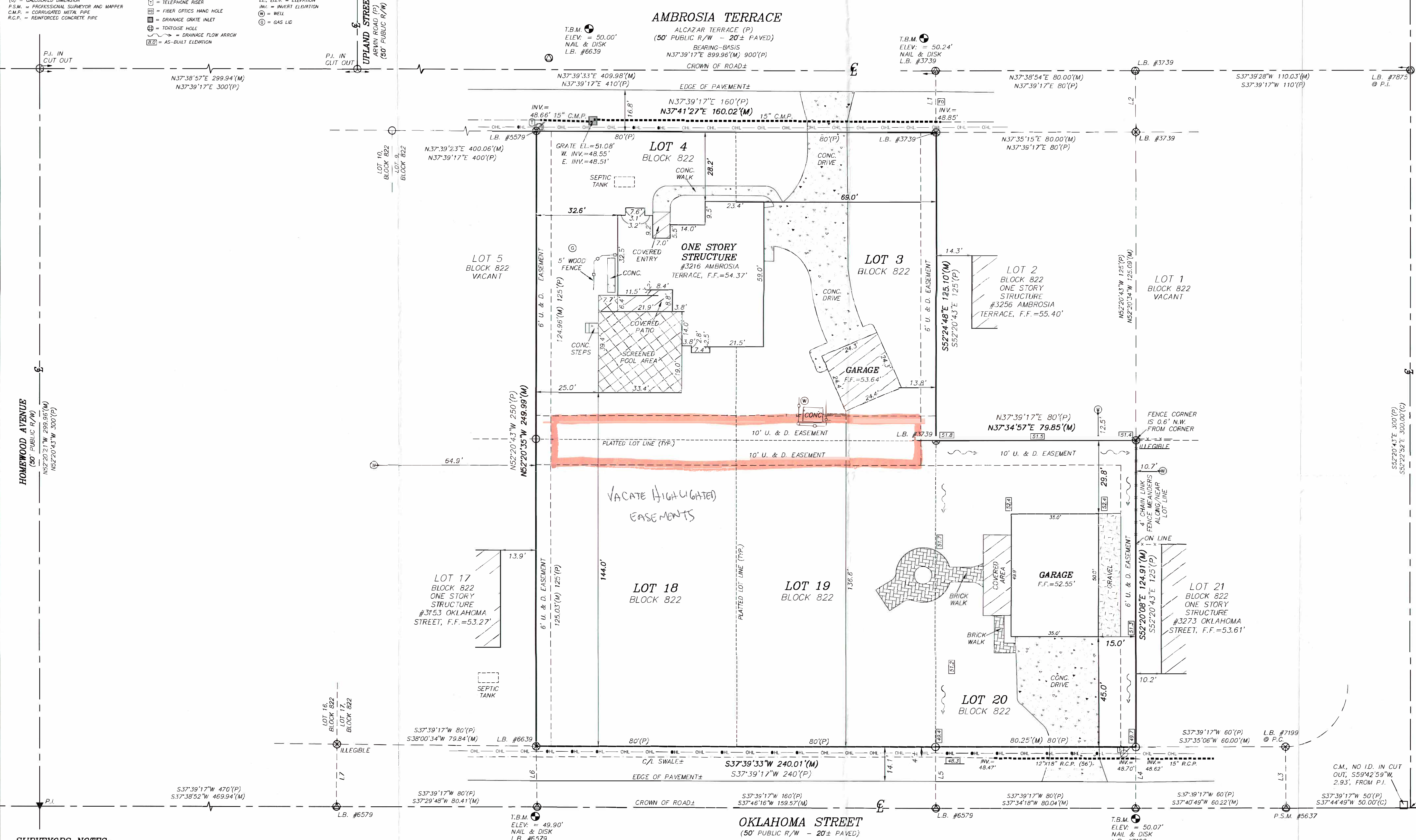
- 4"x4" CONCRETE MONUMENT FOUND (I.D. NOTED)
5/8" COPPER IRON ROD SET (L.B. #6639)
5/8" IRON ROD FOUND (I.D. NOTED)
5/8" IRON ROD FOUND (NO I.D.)
NAIL & DISK SET (L.B. #6639)
NAIL & DISK FOUND (I.D. NOTED)
SURVEY NAIL
P.I. = PLAT DIMENSION
(M) = MEASURED DIMENSION
(C) = CALCULATED DIMENSION
P.S.M. = PROFESSIONAL SURVEYOR AND MAPPER
C.M.S. = CORRUGATED METAL PIPE
R.C.P. = REINFORCED CONCRETE PIPE
U. & D. = UTILITY & DRAINAGE
L.S. = LICENSED SURVEYOR BUSINESS
L.S. = LAND SURVEYOR
P.C. = POINT OF CURVATURE
P.I. = POINT OF INTERSECTION
C.M. = CONC. MONUMENT
R/W = RIGHT-OF-WAY
C/L = CENTER LINE
(O) = UTILITY POLE
(T) = TELEPHONE RISER
(F) = FIBER OPTICS HAND HOLE
(D) = DRAINAGE GRATE INLET
(T) = TORTOISE HOLE
(D) = DRAINAGE FLOW ARROW
(D) = AS-BUILT ELEVATION
(OHL) = OVERHEAD UTILITY LINES
(TYP.) = TYPICAL
CONC. = CONCRETE
ID. = IDENTIFICATION
A/C = AIR CONDITIONER
T.B.M. = TEMPORARY BENCH MARK
F.I.M. = FLOOD INSURANCE RATE MAP
ZOO = EXISTING ELEVATIONS
GR = GROUND ELEVATION
EL. ELEV. = ELEVATION
IM. = INVERT ELEVATION
(W) = WELL
(G) = GAS L.D.

SECTION 14, TOWNSHIP 39S., RANGE 21E.



SCALE 1" = 20'

Exhibit A



SURVEYORS NOTES:

DESCRIPTION FURNISHED BY CLIENT.
THE SURVEY AS SHOWN HEREON WAS MADE WITHOUT BENEFIT OF ABSTRACT OF TITLE AND THEREFOR THE UNDERSIGNED AND STRAYER SURVEYING AND MAPPING, INC. MAKE NO GUARANTEES OR REPRESENTATIONS REGARDING INFORMATION SHOWN HEREON PERTAINING TO EASEMENTS, CLAIMS OF EASEMENTS, RIGHTS-OF-WAY, SETBACK LINES, OVERLAPS, BOUNDARY LINE DISPUTES, AGREEMENTS, RESERVATIONS OR OTHER SIMILAR MATTERS WHICH MAY APPEAR IN THE ABSTRACT, BUT IF THE SAME, OR ANY OF THEM ACTUALLY (S) ARE IN EVIDENCE ON THE LAND SURVEYED, THEN IN THAT EVENT, THE SAME (S) ARE SHOWN HEREON.
THE INFORMATION REFLECTED ON THIS MAP REPRESENTS THE RESULT OF A SURVEY PERFORMED ON THE INDICATED DATE AND CAN ONLY BE CONSIDERED AS INDICATING THE GENERAL CONDITIONS AT THAT TIME.
THIS SURVEY WAS PREPARED FOR THE EXCLUSIVE USE OF THE PARTY OR PARTIES CERTIFIED HEREON FOR THE EXPRESS PURPOSE STATED AND/OR COMPAHED IN THE CONTRACT BETWEEN STRAYER SURVEYING & MAPPING, INC. AND THE CLIENT FOR THIS PROJECT. COPIES, DISTRIBUTION, AND/OR USING THIS SURVEY, IN WHOLE OR IN PART FOR ANY PURPOSE OTHER THAN ORIGINALLY INTENDED WITHOUT WRITTEN CONSENT FROM STRAYER SURVEYING & MAPPING, INC. IS STRICTLY PROHIBITED AND REMAINS THE SURVEYOR'S CERTIFICATION, SIGNATURE AND SEAL, NAIL AND VOID. ANY QUESTIONS CONCERNING THE CONTENT OR PURPOSE OF THIS DRAWING SHOULD BE DIRECTED TO STRAYER SURVEYING AND MAPPING, INC.
NO UNDERGROUND INSTALLATIONS OR IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS NOTED.
BEARINGS SHOWN HEREON ARE BASED ON THE RECORD PLAT OF NINETEENTH ADDITION TO PORT CHARLOTTE SUBDIVISION, THE CENTERLINE OF AMBROSIA TERRACE, ALCAZAR TERRACE (P), BEING N. 37°39'17" E.
SIMBOL CHARACTERS AND OR POSITIONS MAY NOT BE DEPICTED TO SCALE FOR CLARIFICATION PURPOSES.

ASSUMED ELEVATION NOTE:

ELEVATIONS SHOWN HEREON ARE BASED ON AN ASSUMED ELEVATION OF 50.00' AND ARE NOT RELATED IN ANY WAY TO SEA LEVEL DATUM.

FLOOD ZONE DATA:

THIS IS NOT A CERTIFIED FLOOD ZONE DETERMINATION. IT IS THE RESPONSIBILITY OF THE OWNER AND/OR CONTRACTOR TO VERIFY FLOOD ZONE INFORMATION AND ANY BUILDING RESTRICTIONS PRIOR TO CONSTRUCTION.

SEPTIC DRAIN FIELD NOTE:

THE DRAIN FIELDS (S) AS SHOWN ON THIS SURVEY (S) ARE AN APPROXIMATE LOCATION BY AN AERIAL COGNITION INVESTIGATION BY PROBING AND POT HOLEING THE EXTENT OF THE OPERATING PORTION OF THIS DRAIN FIELD SYSTEM IS BEYOND THE REPAIR OF EXPERTISE OF THIS SURVEYOR. WITHOUT THE BENEFIT OF UNCOVERING THE SEPTIC DRAIN FIELD, IT IS IMPOSSIBLE TO DETERMINE THE PARAMETERS OF IT OR THE PERMITTED FUNCTIONING PORTION OF IT.

LINE TABLE

Table with 3 columns: LINE, BEARING, DISTANCE. Contains 17 rows of survey data.

STRAYER SURVEYING & MAPPING, INC. logo and contact information including address, phone, and website.

FILE NUMBER: 19-12-28
DRAWING NUMBER: 191228.DWG
DATE OF FIELD SURVEY: 01/13/2020, 10/28/2020
FIELD BOOK: 850, 886
PAGE: 25, 29, 10
CHECKED BY: B.G.R.
DRAWN BY: M.S.P.

CERTIFIED TO: PATRICK IRELAND AND MICHELLE IRELAND
THIS SURVEY IS PROTECTED BY COPYRIGHT AND IS CERTIFIED ONLY TO THE PEOPLE LISTED HEREON, AND ONLY FOR THIS PARTICULAR TRANSACTION. THE SURVEYOR EXPRESSLY DISCLAIMS ANY CERTIFICATION TO THIRD PARTIES IN FUTURE TRANSACTIONS. NO PERSON OTHER THAN THOSE LISTED SHOULD RELY ON THIS SURVEY.

THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE "STANDARDS OF PRACTICE FOR SURVEYS" SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS & MAPPERS...
B. GREGORY RIETH, FLORIDA MAPPING REG# 5228
PRINTED COPIES OF THIS DOCUMENT ARE NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. ELECTRONIC COPIES OF THIS DOCUMENT ARE ONLY VALID IF THE DIGITAL SIGNATURE AND DATE HAVE BEEN VERIFIED.

BOUNDARY & TOPOGRAPHIC SURVEY OF: LOTS 3, 4, 18, 19 & 20, BLOCK 822, NINETEENTH ADDITION TO PORT CHARLOTTE SUBDIVISION