



City of North Port

RESOLUTION NO. 2020-R-40

A RESOLUTION OF THE CITY OF NORTH PORT, FLORIDA, VACATING UTILITY AND DRAINAGE EASEMENTS FOR LOTS 14, 15, 16, AND 17, BLOCK 1476, 30TH ADDITION TO PORT CHARLOTTE SUBDIVISION; PROVIDING FOR FINDINGS; PROVIDING FOR FILING OF APPROVED DOCUMENTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the plat of the 30th Addition to Port Charlotte Subdivision recorded at Plat Book 15, Page 14, 14A through 14Q, of the Public Records of Sarasota County, Florida reserves ten feet for the purpose of utility and drainage easements at the rear of the Lots 14, 15, 16 and 17, Block 1476 of said plat (Easement(s)); and

WHEREAS, the City was assigned all right, title and interest to the utility easements and additional easements pursuant to that certain assignment recorded in Official Record Book 2460, at Page 1191, of the Public Records of Sarasota County, Florida, and has not performed an independent title examination; and

WHEREAS, Heather Guy-Weller on behalf of Bettie Hughes Curtis (Petitioner) filed Petition VAC-20-160 to vacate a portion of the platted ten-foot (10') utility and drainage easements at the rear of Lots 14, 15, 16, and 17, as depicted in Exhibit A; and

WHEREAS, Petition VAC-20-160 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; and

WHEREAS, the Planning Division notified affected utilities, which, through written response recommended approval of Petition VAC-20-160; and

WHEREAS, the Planning and Zoning Advisory Board considered the request at a public hearing on November 19, 2020 and recommended to the City Commission approval of said petition; and

WHEREAS, Section 177.101(3) of the Florida Statutes 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 recitals outlined above are incorporated by reference as findings of fact as if expressly set forth herein.
- 1.02 With respect to Petition VAC-20-160, the City Commission in reliance upon the Petition VAC-20-160 hereby makes the following findings of fact:
 - (a) Bettie Hughes Curtis owns fee simple title to Lots 14, 15, 16 and 17, Block 1476, 30th Addition to Port Charlotte Subdivision;
 - (b) The petition is a request to vacate part of the platted ten-foot (10') utility and drainage easements at the rear of Lots 14, 15, 16, and 17;
 - (c) The easements are not needed to provide City service to any property;
 - (d) Other than as set forth herein, no public utilities or City facilities are located or planned to be located in the area;
 - (e) 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
 - (f) The vacation requested will not affect the ownership or right of convenient access of persons owning other parts of the subdivision.
- 1.03 Exhibit A, attached hereto, is hereby incorporated as if set forth fully herein.

SECTION 2 – VACATION OF EASEMENTS

- 2.01 The City Commission hereby approves Petition VAC-20-160 to the extent provided herein.
- 2.02 The City Commission hereby vacates a ±1,450.16 square foot portion of its existing platted ten 10-foot-wide utility and drainage easements, as described below and depicted in the survey attached as "Exhibit A":

"A portion of an Easement lying over, under and across portions of Lots 14, 15, 16 and 17, Block 1476, 30th Addition to Port Charlotte Subdivision, according to the Plat thereof, recorded in Plat Book 15, Pages 14 and 14A through 14Q, Public Records of Sarasota County, Florida and being more particularly describes as follows:

Commence at the Southwest corner of Lot 16, Block 1476, 30th Addition to Port Charlotte Subdivision, according to the Plat thereof, recorded in Plat Book 15, Pages 14 and 14A through 14Q, Public Records of Sarasota County, Florida; thence along the Westerly line of said Lot 16, N 42°02'16" E, a distance of 58.42 feet for a point of beginning; thence leaving said westerly line, N 47°57'44" W,

distance of 10.00 feet; thence N 42°02'16" E, a distance of 4.98 feet to the point of curvature of a curve to the left having: a radius of 865.00 feet, delta angle of 04°25'18": a chord bearing of N 39°49'37" E and a chord length of 66.74 feet; thence along the arc of said curve an arc length of 66.76 feet; thence S 52°23'02" E, a distance of 20.00 feet to a point of a curvature of a non-tangent curve to the right having: a radius of 885.00 feet, delta angle of 04°25'18", a chord bearing of S 39°49'37" W and a chord length of 68.28 feet; thence along the arc of said curve an arc length of 68.30 feet; thence S 42°02'16" W, a distance of 4.98 feet; thence N 47°57'44" W, a distance of 10.00 feet to the point of beginning.

Said portion of easement to be vacated all lying and being in Section 5, Township 39 South, Range 21 East, Sarasota County, Florida. portion containing 1,450.16 square feet, more or less."

SECTION 3 – FILING OF APPROVED DOCUMENTS

- 3.01 Upon this resolution taking effect, the City Clerk is directed to file a certified copy of this resolution with the Clerk of the Circuit Court for Sarasota County, Florida.

SECTION 4 – CONFLICTS

- 4.01 In the event of any conflict between the provisions of this resolution and any other resolution or portions thereof, the provisions of this resolution shall prevail to the extent of such conflict.

SECTION 5 – SEVERABILITY

- 5.01 If any section, sentence, clause, or phrase of this resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this resolution.

SECTION 6 – EFFECTIVE DATE

- 6.01 This resolution shall take effect immediately upon adoption by the City Commission of the City of North Port, Florida.

PASSED and DULY ADOPTED by the City Commission of the City of North Port, Florida, this 8th day of December, 2020.

CITY OF NORTH PORT, FLORIDA

GISELE "JILL" E. LUKE
MAYOR

ATTEST

HEATHER TAYLOR, CMC
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

AMBER L. SLAYTON
CITY ATTORNEY

ABBREVIATION LEGEND

- U. & D. = UTILITY & DRAINAGE
- R/W = RIGHT-OF-WAY
- C/L = CENTER LINE
- TYP. = TYPICAL
- CA = CERTIFICATE OF AUTHORIZATION
- FES = FLORIDA ENGINEERING & SURVEYING
- P.I.D. = PARCEL IDENTIFICATION NUMBER
- P.B., PG. = PLAT BOOK, PAGE
- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCEMENT
- SQ.FT. = SQUARE FEET

LINE	BEARING	DISTANCE
L1	N 47°57'44" W	10.00'
L2	N 42°02'16" E	4.98'
L3	S 52°23'02" E	20.00'
L4	S 42°02'16" W	4.98'
L5	N 47°57'44" W	10.00'

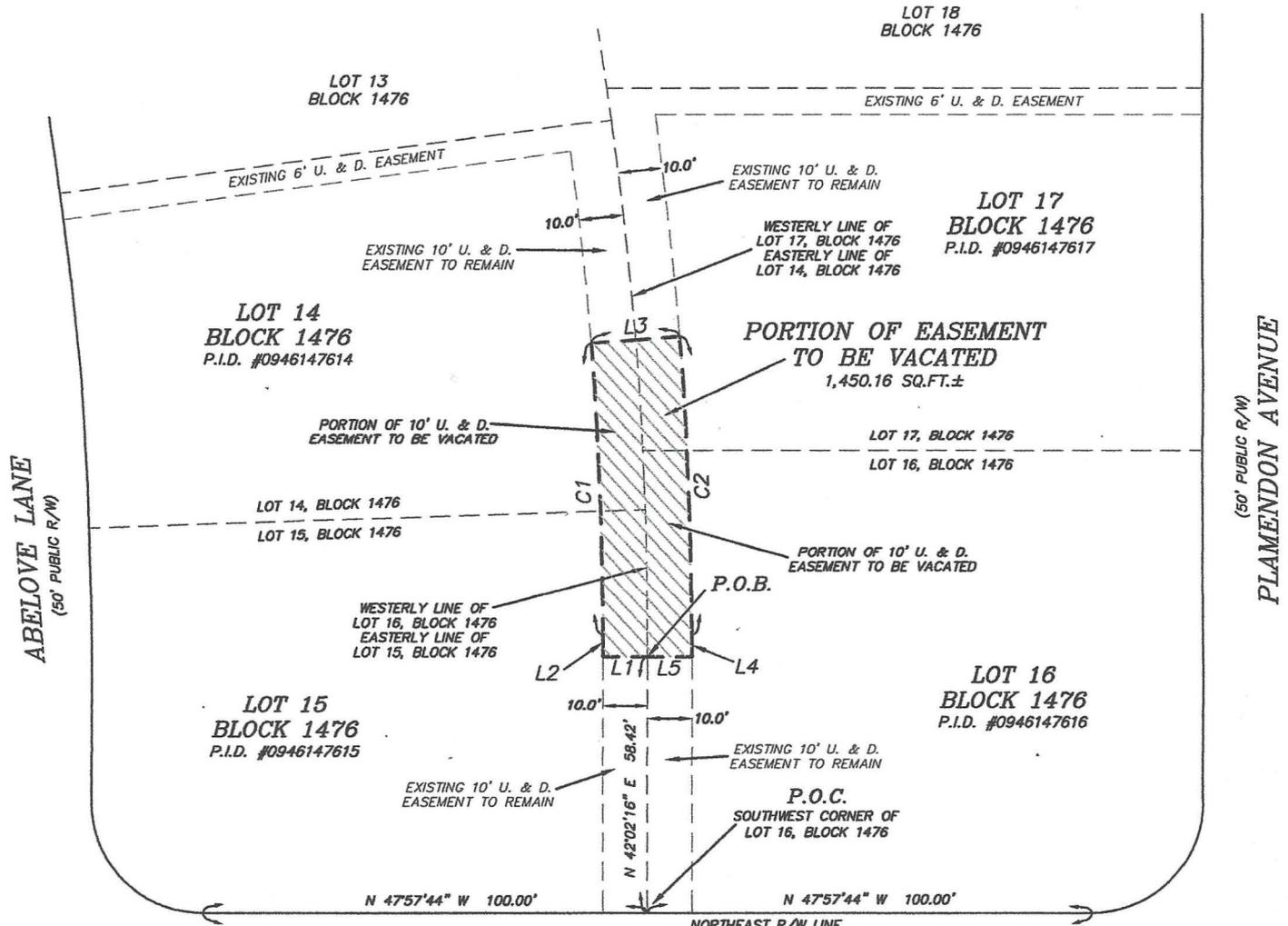
SECTION 5
TOWNSHIP 39 S.
RANGE 21 E.

"NOT A SURVEY"



SCALE 1" = 40'

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	66.76'	865.00'	4°25'18"	N 39°49'37" E	66.74'
C2	68.30'	885.00'	4°25'18"	S 39°49'37" W	68.28'



SURVEYORS NOTES:

THIS SKETCH AND DESCRIPTION DOES NOT REPRESENT A BOUNDARY SURVEY.

THE SKETCH AND DESCRIPTION AS SHOWN HEREON WAS MADE WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE.

BEARINGS SHOWN HEREON ARE BASED ON THE RECORD PLAT OF 30th ADDITION TO PORT CHARLOTTE SUBDIVISION, THE NORTHEAST R/W LINE OF ABESAID AVENUE, BEING N. 47°57'44" W.

THIS SURVEY IS PROTECTED BY COPYRIGHT AND IS ONLY CERTIFIED TO THE PERSONS LISTED HEREON. ANY ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY IS PROHIBITED WITHOUT THE CONSENT OF THE SIGNING PARTY. ANY USE OR REPRODUCTION OF THIS SURVEY WITHOUT THE CONSENT OF THE SURVEYOR IS PROHIBITED.

FILE #19-08-190
DRAWN: JDG, CHECKED: JDG, 8/14/2020

N 47°57'44" W 200.00'
BEARING BASIS

(50' PUBLIC R/W)
ABESAID AVENUE

**SKETCH & DESCRIPTION OF:
VACATING A PORTION OF EASEMENT
(SEE LEGAL DESCRIPTION ON SHEET 2)**

**PREPARED FOR:
HEATHER WELLER**

**SHEET 1 OF 2
NOT VALID WITHOUT BOTH SHEETS**



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I HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON WAS PREPARED UNDER MY DIRECT SUPERVISION AND IS IN ACCORDANCE WITH THE STANDARDS OF PRACTICE FOR SURVEYS, CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES. SURVEY SHOWN HEREON "NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER". THE DIGITAL SIGNATURE AND SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY JUSTIN D. GARNER, PSM #6896 ON AUGUST 14, 2020.



Digitally signed by Justin D Garner
Date: 2020.08.14 10:50:55 -04'00'

"NOT A SURVEY"

LEGAL DESCRIPTION OF:

A PORTION OF AN EASEMENT LYING OVER, UNDER AND ACROSS PORTIONS OF LOTS 14, 15, 16 AND 17, BLOCK 1476, 30th ADDITION TO PORT CHARLOTTE SUBDIVISION, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 15, PAGES 14 AND 14A THROUGH 14Q, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF LOT 16, BLOCK 1476, 30TH ADDITION TO PORT CHARLOTTE SUBDIVISION, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 15, PAGES 14 AND 14A THROUGH 14Q, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA; THENCE ALONG THE WESTERLY LINE OF SAID LOT 16, N 42°02'16" E, A DISTANCE OF 58.42 FEET FOR A POINT OF BEGINNING; THENCE LEAVING SAID WESTERLY LINE, N 47°57'44" W, DISTANCE OF 10.00 FEET; THENCE N 42°02'16" E, A DISTANCE OF 4.98 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING: A RADIUS OF 865.00 FEET, DELTA ANGLE OF 04°25'18", A CHORD BEARING OF N 39°49'37" E AND A CHORD LENGTH OF 66.74 FEET; THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 66.76 FEET; THENCE S 52°23'02" E, A DISTANCE OF 20.00 FEET TO A POINT OF A CURVATURE OF A NON-TANGENT CURVE TO THE RIGHT HAVING: A RADIUS OF 885.00 FEET, DELTA ANGLE OF 04°25'18", A CHORD BEARING OF S 39°49'37" W AND A CHORD LENGTH OF 68.28 FEET; THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 68.30 FEET; THENCE S 42°02'16" W, A DISTANCE OF 4.98 FEET; THENCE N 47°57'44" W, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

SAID PORTION OF EASEMENT TO BE VACATED ALL ALL LYING AND BEING IN SECTION 5, TOWNSHIP 39 SOUTH, RANGE 21 EAST, SARASOTA COUNTY, FLORIDA. PORTION CONTAINING 1,450.16 SQUARE FEET, MORE OR LESS.

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FILE #19-08-190
DRAWN: JDG, CHECKED: JDG, 8/14/2020

PREPARED FOR:
HEATHER WELLER



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&

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SHEET 2 OF 2
NOT VALID WITHOUT BOTH SHEETS