



# City of North Port

## RESOLUTION NO. 2025-R-01

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA, VACATING THE REAR DRAINAGE EASEMENTS FOR LOT 13, BLOCK 1345, 26TH 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 all or a portion of the Easements; and

**WHEREAS**, the Planning and Zoning Advisory Board considered the petition at a public hearing on December 19, 2024, 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-24-134, as well as testimony and other evidence presented at the quasi-judicial hearing, the City Commission makes the following findings of fact:
  - (a) Shawn M. Swallow and Sheilarey Swallow own fee simple title to Lot 13, Block 1345, Twenty-Sixth Addition to Port Charlotte Subdivision;
  - (b) The plat of the Twenty-Sixth Addition to Port Charlotte Subdivision as recorded in Plat Book 15, pages 3, 3A through 3S, inclusive, of the official records of Sarasota County, Florida grants to the City of North Port, Florida, twenty feet (20') for the purpose of drainage maintenance easements at the rear of Lot 13, Block 1345 of the plat ("Easements");
  - (c) The petition requests that the City vacate a portion of the platted twenty-foot (20') drainage maintenance 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 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-24-134 to the extent provided in this resolution.

2.02 The City Commission vacates a ±327.00 square foot portion of its existing platted twenty-foot (20') wide drainage maintenance easements, as described below and depicted in the survey attached as Exhibit A:

### **LEGAL DESCRIPTION: (PROPOSED RELEASE OF EASEMENT)**

“A PORTION OF LOT 13, BLOCK 1345, 26th ADDITION TO PORT CHARLOTTE SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 15, PAGES 3,3A-3S, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID LOT 13; THENCE NORTH 06°09' 35" EAST ALONG THE EAST LINE OF SAID LOT 13, A DISTANCE OF 105.00 FEET; THENCE NORTH 84°01'22" WEST, A DISTANCE OF 13.34 FEET TO THE POINT OF BEGINNING SAID POINT BEING A POINT ON A CURVE TO THE LEFT, HAVING AS ELEMENTS A RADIUS OF 2095.00 FEET, A CENTRAL ANGLE OF 01°05'38", A CHORD LENGTH OF 40.00 FEET AND A CHORD BEARING OF NORTH 84°45'08" WEST, THENCE ALONG SAID ARC A DISTANCE OF 40.00 FEET TO THE END OF SAID CURVE; THENCE NORTH 04°58'53" EAST, A DISTANCE OF 8.15 FEET; THENCE SOUTH 85°01'07" EAST, A DISTANCE OF 40.00 FEET; THENCE SOUTH 04°58'53" WEST, A DISTANCE OF 8.34 FEET TO THE POINT OF BEGINNING.

CONTAINS 327 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 January 14, 2025.

CITY OF NORTH PORT, FLORIDA

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PHIL STOKES  
MAYOR

ATTEST

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HEATHER FAUST, MMC  
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

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MICHAEL GOLEN, CPM  
INTERIM CITY ATTORNEY

EXHIBIT A TO RESOLUTION NO. 2025-R-01  
 VACATING THE REAR DRAINAGE EASEMENT FOR LOT 13, BLOCK 1345, TWENTY SIXTH ADDITION TO PORT CHARLOTTE  
 SUBDIVISION

