



City of North Port

RESOLUTION NO. 2021-R-11

A RESOLUTION OF THE CITY OF NORTH PORT, FLORIDA, VACATING UTILITY AND DRAINAGE EASEMENTS FOR LOTS 5, 6, 16, AND 17, BLOCK 1565, 32nd 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 32nd Addition to Port Charlotte Subdivision recorded at Plat Book 15, Page 16 and 16A thru 16L, of the Public Records of Sarasota County, Florida reserves ten-feet (10') at the rear lot line for the purpose of utility and drainage easements of Lots 5, 6, 16 and 17, Block 1565 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

WHEREAS, Joseph Hankins (Petitioner) filed Petition VAC-20-230 to vacate the entirety of the platted ten-foot (10') rear utility and drainage easements of Lots 5, 6, 16, and 17, as depicted in Exhibit A; and

WHEREAS, Petition VAC-20-230 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-20-230; and

WHEREAS, the Planning and Zoning Advisory Board considered the request at a public hearing on February 4, 2021 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-20-230, the City Commission in reliance upon the Petition VAC-20-230 hereby makes the following findings of fact:
 - (a) Joseph and Cathy Hankins own fee simple title to Lots 5, 6, 16 and 17, Block 1565, 32nd Addition to Port Charlotte Subdivision;
 - (b) The petition is a request to vacate the entirety of the platted ten-foot (10') rear utility and drainage easements of Lots 5, 6, 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-20-230 to the extent provided herein.
- 2.02 The City Commission hereby vacates a ±5,960. square foot portion of its existing platted ten 10-foot-wide rear utility and drainage easements, as described below and depicted in the survey attached as “Exhibit A”:

Vacation of Easements all lying and being in Section 20, Township 39 South, Range 22 East, Sarasota County, Florida; being a portion of Lots 5 and 6, Block 1565 and Lots 16 and 17, Block 1565, Thirty-Second Addition to Port Charlotte Subdivision, according to the Plat thereof recorded in Plat Book 15, Pages 16 and 16A through 16L, Public Records of Sarasota County, Florida and being more particularly described as follows:

Commence at the Southwest corner of Lot 6, Block 1565, Thirty-Second Addition to Port Charlotte Subdivision, according to the Plat thereof recorded in Plat Book 15, Pages 16 and 16A through 16L, Public Records of Sarasota County, Florida; thence along the East right-of-way line of Nordendale Boulevard (a 80' wide

public right-of-way), North, a distance of 74.00 feet for a point of beginning; thence continue along said east right-of-way line, North, a distance of 12.00 feet; thence leaving said East right-of-way, East, a distance of 115.00 feet; thence North, a distance of 74.00 feet to a point on the North line of Lot 5, Block 1565, Thirty-Second Addition to Port Charlotte Subdivision, according to the Plat thereof recorded in Plat Book 15, Pages 16 and 16A through 16L, Public Records of Sarasota County, Florida; thence along said North line of Lot 5 and the North line of Lot 17, Block 1565, a distance of 20.00 feet; thence leaving said North line of said Lot 17, South, a distance of 74.00 feet; thence East, a distance of 115.00 feet to a point on the West right-of-way line of La Suzia Street (a 50' wide public right-of-way); thence along said West right-of-way line, South, a distance of 12.00 feet; thence leaving said West right-of-way, West, a distance of 115.00 feet' thence South, a distance of 74.00 feet to a point on the South line of Lot 16, Block 1565, Thirty-Second Addition to Port Charlotte Subdivision, according to the Plat thereof recorded in Plat Book 15, pages 16 and 16A through 16L, Public Records of Sarasota County, Florida; thence along the South line of said Lot 16 and the South line of Lot 6, Block 1565, a distance of 20.00 feet; thence leaving said South line of said Lot 6, North, a distance of 74.00 feet; thence West, a distance of 115.00 to the point of beginning.

All lying and being in Section 20, Township 39 South, Range 22 East, Sarasota County, Florida. Said easements to be vacated containing 5,960.00 square feet or 0.14 acres, 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 ____ day of _____, 2021.

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

R/W = RIGHT-OF-WAY
 C/L = CENTER LINE
 CA = CERTIFICATE OF AUTHORIZATION
 FES = FLORIDA ENGINEERING & SURVEYING
 P.I.D. = PARCEL IDENTIFICATION NUMBER
 P.B., PG. = PLAT BOOK, PAGE
 O.R.I. = OFFICIAL RECORDS INSTRUMENT
 O.R.B. = OFFICIAL RECORDS BOOK
 P.O.B. = POINT OF BEGINNING
 P.O.C. = POINT OF COMMENCEMENT
 SQ.FT. = SQUARE FEET
 ± = MORE OR LESS
 O.A. = OVERALL
 N.T.S. = NOT TO SCALE

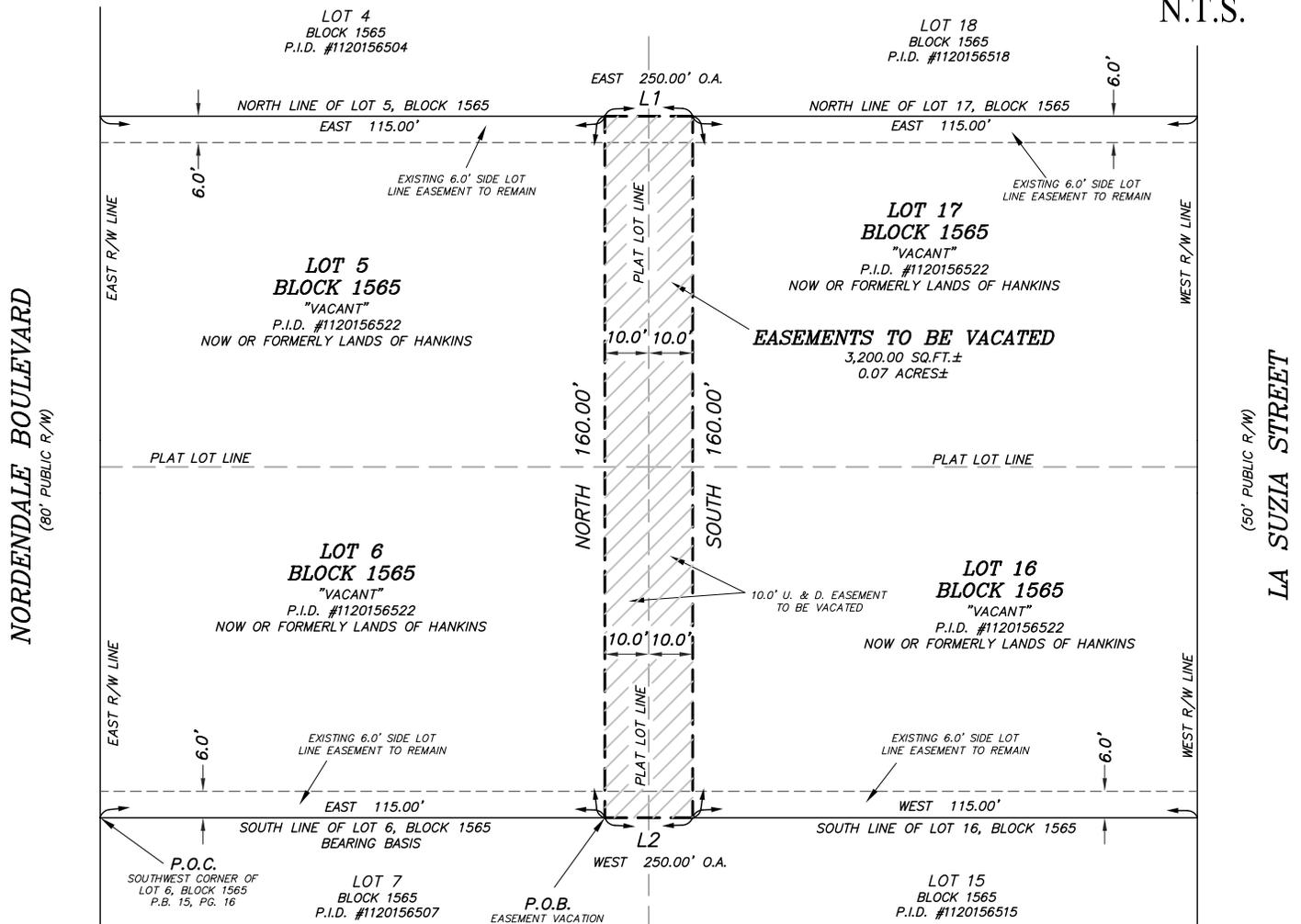
"NOT A SURVEY"

SECTION 20
 TOWNSHIP 39 S.
 RANGE 22 E.



**SKETCH OF:
 VACATION OF EASEMENTS**
 SEE SHEET 2 FOR LEGAL DESCRIPTION

LINE	BEARING	DISTANCE
L1	EAST	20.00'
L2	WEST	20.00'



SURVEYORS NOTES:

THE SKETCH AND DESCRIPTION SHOWN HEREON DOES NOT REPRESENT A BOUNDARY SURVEY.

BEARINGS SHOWN HEREON ARE BASED ON THE RECORD PLAT OF THIRTY-SECOND ADDITION TO PORT CHARLOTTE SUBDIVISION, THE SOUTH LINE OF LOT 6, BLOCK 1565, BEING EAST.

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.

DRAWN BY: JDG, 12/7/2020
 CHECKED BY: JDG, 12/8/2020

FILE NO.: 18-08-190
 REVISION: 1/4/2021, REVISE EASEMENT PER CITY COMMENTS, JDG

PREPARED FOR:
 JOE HANKINS



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SHEET 1 OF 2
 NOT VALID WITHOUT ALL SHEETS
 SEE SHEET 2 FOR LEGAL DESCRIPTION AND CERTIFICATION

"NOT A SURVEY"**LEGAL DESCRIPTION OF:**

VACATION OF EASEMENTS ALL LYING AND BEING IN SECTION 20, TOWNSHIP 39 SOUTH, RANGE 22 EAST, SARASOTA COUNTY, FLORIDA; BEING A PORTION OF LOTS 5 AND 6, BLOCK 1565 AND LOTS 16 AND 17, BLOCK 1565, THIRTY-SECOND ADDITION TO PORT CHARLOTTE SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 15, PAGES 16 AND 16A THROUGH 16L, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF LOT 6, BLOCK 1565, THIRTY-SECOND ADDITION TO PORT CHARLOTTE SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 15, PAGES 16 AND 16A THROUGH 16L, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA; THENCE ALONG THE SOUTH LINE OF SAID LOT 6, BLOCK 1565, EAST, A DISTANCE OF 115.00 FEET FOR A POINT OF BEGINNING; THENCE LEAVING SAID SOUTH LINE, NORTH, A DISTANCE OF 160.00 FEET TO A POINT ON THE NORTH LINE OF LOT 5, BLOCK 1565, THIRTY-SECOND ADDITION TO PORT CHARLOTTE SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 15, PAGES 16 AND 16A THROUGH 16L, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA; THENCE ALONG SAID NORTH LINE OF LOT 5 AND THE NORTH LINE OF LOT 17, BLOCK 1565, A DISTANCE OF 20.00 FEET; THENCE LEAVING SAID NORTH LINE OF SAID LOT 17, SOUTH, A DISTANCE OF 160.00 FEET TO A POINT ON THE SOUTH LINE OF LOT 16, BLOCK 1565, THIRTY-SECOND ADDITION TO PORT CHARLOTTE SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 15, PAGES 16 AND 16A THROUGH 16L, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA; THENCE ALONG THE SOUTH LINE OF SAID LOT 16 AND THE SOUTH LINE OF LOT 6, BLOCK 1565, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING.

ALL LYING AND BEING IN SECTION 20, TOWNSHIP 39 SOUTH, RANGE 22 EAST, SARASOTA COUNTY, FLORIDA. SAID EASEMENTS TO BE VACATED CONTAINING 3,200.00 SQUARE FEET OR 0.07 ACRES, MORE OR LESS.

SURVEYORS NOTES:

THE SKETCH AND DESCRIPTION SHOWN HEREON DOES NOT REPRESENT A BOUNDARY SURVEY.

BEARINGS SHOWN HEREON ARE BASED ON THE RECORD PLAT OF THIRTY-SECOND ADDITION TO PORT CHARLOTTE SUBDIVISION, THE SOUTH LINE OF LOT 6, BLOCK 1565, BEING EAST.

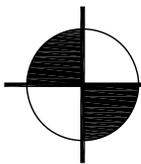
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SHEET 2 OF 2

NOT VALID WITHOUT ALL SHEETS

SEE SHEET 1 FOR SKETCH OF EASEMENT

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 JANUARY 4, 2021.