



Resolution 2022-R-06

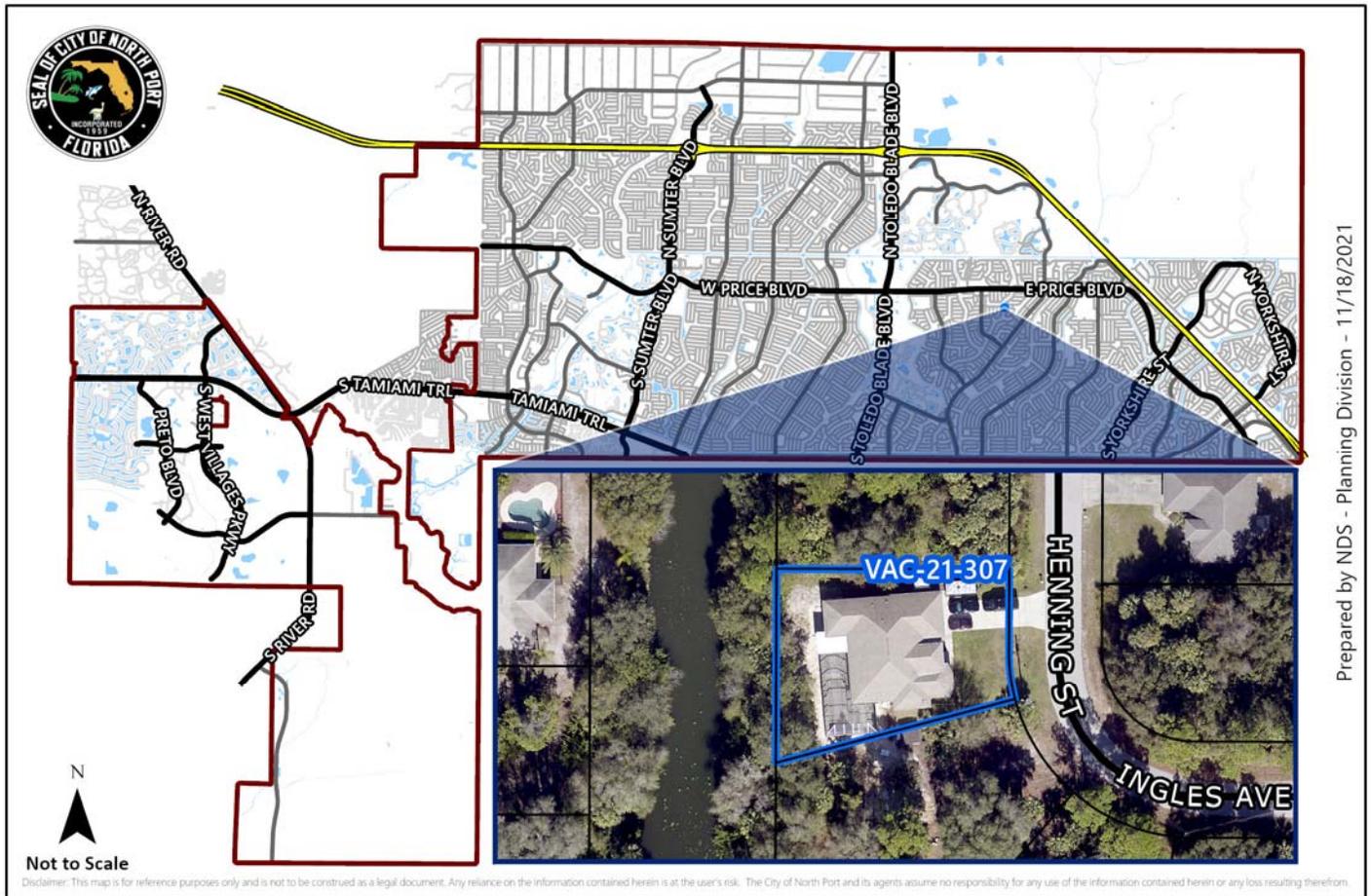
1461 Henning Street Vacation of Platted Rear Maintenance Easement (VAC-21-307)

From: Noah Fossick, Planner II

Thru: Alison Christie, Interim Planning & Zoning Division Manager

Date: December 6, 2021

STAFF REPORT

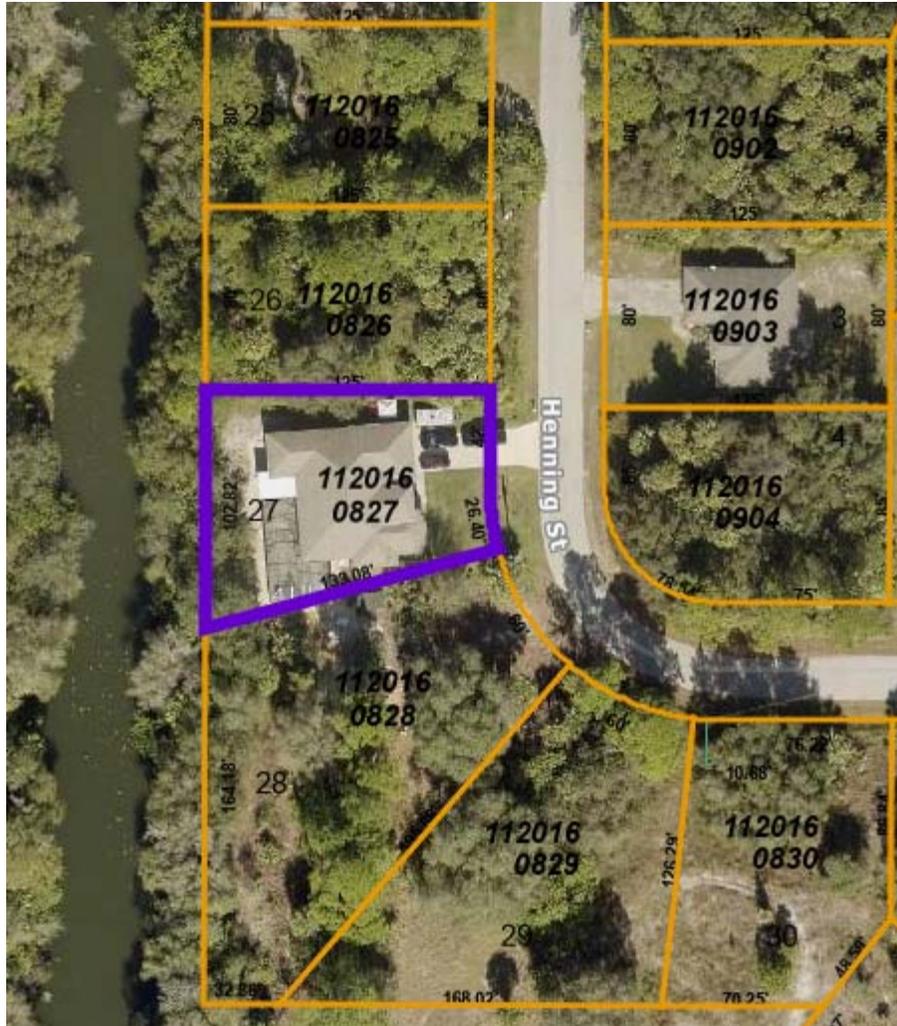


Prepared by NDS - Planning Division - 11/18/2021

PROJECT:	1461 Henning Street (PID 1120-16-0827), David and Chrissy Bucko Vacation of a portion of the Platted Rear Maintenance Easement.
REQUEST:	To vacate 10 sq ft of the platted rear 20-foot Maintenance Easement.
APPLICANTS:	David Bucko (Exhibit A—Warranty Deed and Affidavit)
OWNERS:	David and Chrissy Bucko
LOCATION:	1461 Henning Street (PID 1120-16-0827)
PROPERTY SIZE:	± 0.25 Acres
ZONING:	Residential Single Family (RSF-2)

I. BACKGROUND

On October 22, 2021, the Planning & Zoning Division received an application petitioning the City of North Port to grant a vacation of a portion of the platted rear 20-foot Maintenance Easement located on lot 27, Block 1608, Thirty-Second Addition to Port Charlotte Subdivision. The applicant is requesting to vacate a portion of the platted 20-foot rear easement, approximately 10 square feet, in order to allow a newly constructed pool, pool deck, and screened enclosure to remain. The subject property is zoned Residential Single-Family (RSF-2) with a Future Land Use designation of Low Density Residential.



II. PROJECT SUMMARY

The property owner, David and Chrissy Bucko, are requesting a vacation of a portion of the platted rear 20-foot Maintenance Easement on lot 27 to allow a newly constructed pool, pool deck, and screened enclosure to remain.

The vacation of easement is being requested to allow the pool, pool deck, and screened enclosure to remain. Due to the accidental encroachment into the rear Maintenance Easement, it is necessary to vacate a portion of the easement to fit the pool, pool deck,

and screened enclosure on the building site (**Exhibit B—Inspection Comments**). The property has a single-family home and no active building permits.

Sketch & Description for Partial Release of Easement

This is Not a Boundary Survey

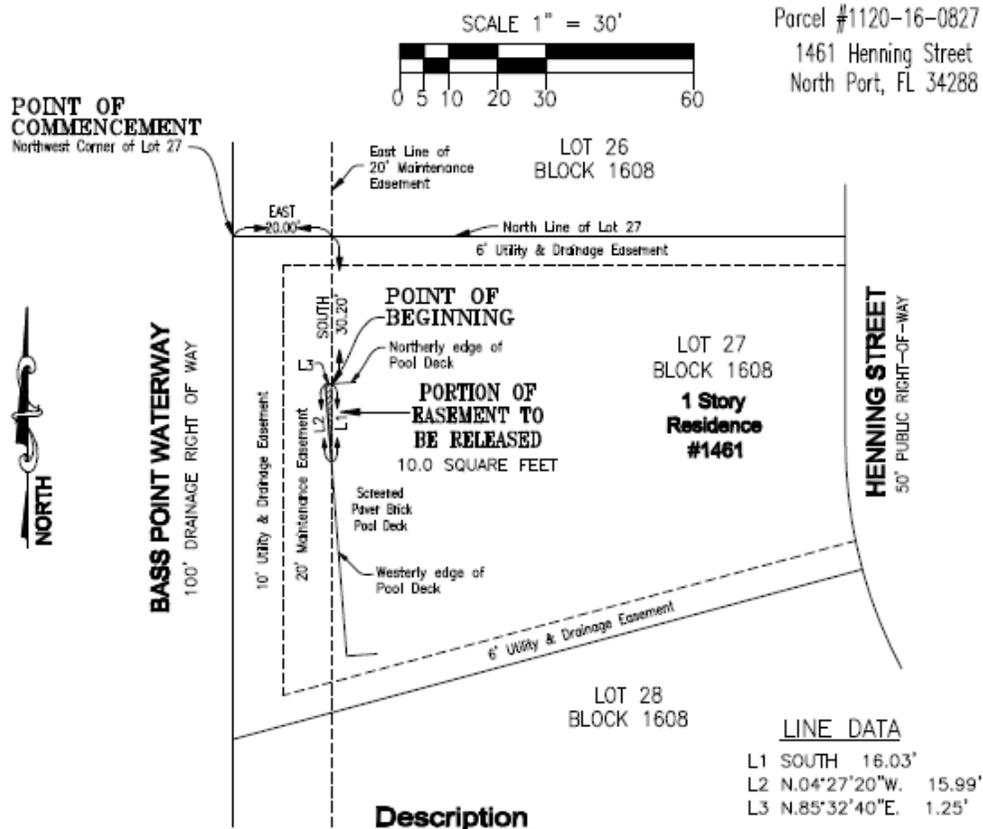


Figure 1—Sketch and description of easement to be vacated

III. REVIEW PROCESS

STAFF REVIEW

The following agencies have reviewed the request to vacate the platted rear 20-foot Maintenance Easement and through written response have granted their approval. (**Exhibit C—Notification to Utility agencies and responses**).

Utility Agency	Response
Amerigas	Is granted
Comcast/Truenet Communications	No objection
Florida Power and Light	Is granted
Frontier	Is granted
North Port Fire/Rescue	Is granted
North Port Public Works	Is granted
North Port Utilities	Is granted

Based on the responses received, the request to vacate a portion of the rear 20-foot Maintenance Easement meets the following:

1. It is a vacation of a public easement.
2. The easement is not needed to provide City service to any property.
3. No public utilities or City facilities are located or planned to be located in the area.
4. The easement is 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.

CITY ATTORNEY
REVIEW

The City Attorney has reviewed the accompanying Resolution 2022-R-06 as to form and correctness.

IV. DATA AND ANALYSIS

FLORIDA
STATUTES
CHAPTER 177

FLORIDA STATUTES CHAPTER 177

Chapter 177 of the Florida Statutes provides requirements that regulate and control the platting of lands. Furthermore, Chapter 177.101 of the Florida Statutes lists the actions needed in making an application for vacation of plats either in whole or in part. The individual requesting a partial vacation of plat must give notice of their intention to apply to the governing body to vacate the plat by publishing a legal notice in a newspaper of general circulation in the county in which the tract or parcel of land is located, in not less than two weekly issues of said paper, and must attach to the petition for vacation the proof of said publication, together with proof that taxes have been paid.

Findings & Conclusion: The warranty deed provided to the City as a part of the application established that the applicant owns the fee simple title of the subject property. Based on staff review (detailed as a part of Section III of this document), as well as the due-diligence correspondence with Utility agencies, it is determined that this vacation of the platted rear Maintenance Easement does not affect the ownership or right of convenient access of persons owning any other parts of the subdivision. The property owners filed a notice of intent to petition the City of North Port to vacate a portion of the rear Maintenance Easement by publishing a legal notice in the North Port Sun newspaper on October 11, 2021 and October 18, 2021 (**Exhibit C—Notice of Intent**). Additionally, the applicants provided to the City of North Port Planning and Zoning Division, an application to request a vacation of platted rear Maintenance Easement, a Publisher's Affidavit, certification that taxes have been paid, and all other requisite

documents (**Exhibit D— Certification that all applicable taxes have been paid**).

ULDC
CHAPTER 53

CHAPTER 53 ZONING REGULATIONS

The Unified Land Development Code (ULDC) contains regulations that govern the development and land use within the incorporated area of the City of North Port, Florida. Chapter 53 of the ULDC, Part 4. Administrative Provisions, Article XXIII. Administration and Enforcement, Sec. 53-267.D. allows for a vacation of platted easements provided that platted easements shall be vacated in accordance with Florida Statutes Chapter 177.

Findings & Conclusion: Staff reviewed the Petition VAC-21-307 relative to ULDC Chapter 53 Zoning Regulations. Pursuant to the provisions in Florida Statutes Chapter 177.101, the property owners did file a notice of intent to apply to the City of North Port Planning & Zoning Division for two weekly issues on October 11, 2021 and October 18, 2021. Additionally, the applicants provided to the City of North Port Planning and Zoning Division, an application to request a vacation of a portion of the platted rear Maintenance Easement, a Publisher’s Affidavit, certification that taxes have been paid, and all requisite documents.

Staff concludes that the proposed Petition VAC-21-307 is consistent with Chapter 53 of the ULDC.

V. RECOMMENDED ACTION

Staff recommends **APPROVAL** of Petition No. VAC-21-307.

VI. ALTERNATIVE ACTIONS

City Commission may deny Petition VAC-21-307. If that were the case, new findings would need to be written to support that recommendation. In addition, the property owners would be required to relocate the proposed pool and screened enclosure on the site where it would not encroach into the easement.

VII. PUBLIC HEARING SCHEDULE

Planning & Zoning Advisory Board Public Hearing	January 6, 2022 9:00 AM or as soon thereafter
City Commission Public Hearing	January 25, 2022 10:00 AM or as soon thereafter

VIII. EXHIBITS

A.	Warranty Deed and Affidavit
B.	Inspection Comments
C.	Notification to Utility Agencies and Responses
D.	Notice of Intent
E.	Certification that all applicable taxes have been paid

This Instrument Prepared by and Return to:
Hometown Title & Closing Services, LLC
324 Goldstein Street
Punta Gorda, FL 33950
Our File No.: 20200080
Property Appraisers Parcel Identification (Folio) Number: 112016082
Florida Documentary Stamps in the amount of \$.00 have been paid hereon.

1/19/2021 4:40 PM
KAREN E. RUSHING
CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
Receipt # 2616175

SIMPLIFILE

Doc Stamp-Deed: \$0.70

SPACE ABOVE THIS LINE FOR RECORDING DATA

CORRECTIVE WARRANTY DEED

THIS WARRANTY DEED, made the 19th day of January, 2021 by
Patricia A. Malone, Single,
whose post office address is 1461 Henning St., North Port, FL 34288
herein called the Grantor, to

David A. Bucko and Chrissy E. Bucko, Husband and Wife
whose post office address is 1461 Henning St, North Port, FL 34288
hereinafter called the Grantee:

(Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH: That the Grantor, for and in consideration of the sum of Ten Dollars and 00/100 (\$10.00) Dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee all that certain land situate in Sarasota County, State of Florida, viz.:

Lots 27 and 28, Block 1608, 32nd ADDITION TO PORT CHARLOTTE SUBDIVISION, according to the Plat thereof recorded in Plat Book 15, Page 16, 16A through 16L, of the Public Records of Sarasota County, Florida.

This Corrective Deed is being recorded to correct that certain deed recorded in Official Records Instrument #2020029437, of the Public Records of Sarasota, Florida, to include Lot 28 to the description. The consideration that was paid in full with deed recorded in 2020029437 was to include both lots.

TOGETHER, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND, the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to January 1, 2020.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Kathleen C. Gulick
Witness #1 Signature

Patricia A. Malone
Patricia A. Malone

Kathleen C. Gulick
Witness #1 Printed Name

Kim Moulton
Witness #2 Signature

Kim Moulton
Witness #2 Printed Name

State of Florida
County of Charlotte

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 1st day of January, 2021, by Patricia A. Malone who is personally known to me or has produced Driver's License as identification and did not take an oath.

SEAL

My commission expires:

Kathleen C. Gulick
Notary Public

Kathleen C. Gulick
Printed Notary Name

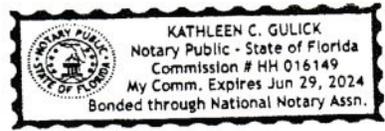


Exhibit B

Application Number

20 00009349

Structure Number

000 000

Permit Type

SWIM SWIMMING (POOL,SPA,ETC.)PERMIT

Permit Sequence Number

00

Inspection Type

818 ZONING- MID-POINT INSP

Inspection Sequence Number

0001

Inspection Status

INSPECTION COMPLETED

Inspection Date

11/24/2020

Parcel ID

1120160827

Property Address

1461 HENNING ST

Export

Inspection Results Comments

plans show that the deck is to measure 3' 6" off of the
back of the home, it measured 6' 2" putting it into the 20'
rear easement.



Application Number

20 00009349

Structure Number

000 000

Permit Type

SWIM SWIMMING (POOL,SPA,ETC.)PERMIT

Permit Sequence Number

00

Inspection Type

818 ZONING- MID-POINT INSP

Inspection Sequence Number

0002

Inspection Status

INSPECTION COMPLETED

Inspection Date

01/05/2021

Parcel ID

1120160827

Property Address

1461 HENNING ST

 Export
Inspection Results Comments
no change in plans and or what was installed at property.
pool deck and now screen appear to be in the rear 20'
easement on the right rear of property. deck does not
measure to was was approved in the permit pack. the left
side of the pool deck was approved at 24'6" and measured
over 25'


Exhibit B

Application Number

20 00009349

Structure Number

000 000

Permit Type

SWIM SWIMMING (POOL,SPA,ETC.)PERMIT

Permit Sequence Number

00

Inspection Type

818 ZONING- MID-POINT INSP

Inspection Sequence Number

0003

Inspection Status

INSPECTION COMPLETED

Inspection Date

01/07/2021

Parcel ID

1120160827

Property Address

1461 HENNING ST

Export
Inspection Results Comments
approval based on approval of spot survey
◀ 1 ▶

Exhibit C



City of North Port
PLANNING DIVISION
Neighborhood Development Services
4970 City Hall Boulevard
North Port, FL 34286
Office: 941.429.7229
Fax: 941.429.7154



VACATION OF EASEMENT

DATE: 11/5/2021

PETITION NO: VAC-21-307/VAR-21-308

TO:

North Port Public Works
Amerigas
Florida Power and Light
Planning & Zoning

North Port Utilities
Comcast Cable/Truernet Communications Mike Little,
Frontier Communications
Fire/Rescue

Please see the attached information concerning the request for vacation of easement for the property described as:

Lots 27, Block 1608, of the 32nd Addition to the Port Charlotte Subdivision, according to Plat thereof recorded in Plat Book 15, Page 16, 16E, of the Public Records of Sarasota County, Florida, also known as street address: 1461 Henning Street.

The vacation of the easement (Please check the appropriate response)

Is Granted Is not Granted Is Granted with Conditions

If vacation of easement is not granted or conditions apply, please state below:

Please respond by November 15 which is (10) ten days from receipt. If after (10) ten days a response is not received, it will be assumed there is no issue with the vacation of easement.

Doug Clark

Signature

239-821-9266

Phone No.

11/5/2021

Date

AmeriGas

Name of Utility

Please email responses to nfossick@cityofnorthport.com

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If you received this in error or do not receive all the pages, please contact the Planning Division at 941.429.7156

Exhibit C



November 11, 2021

Attn: Noah Fossick

RE: Letter of Review and Recommendation – Vacation Utility Easement
VAC-21-307/VAR-21-308
1461 Henning St, North Port, FL 34288

Dear Mr. Fossick,

Thank you for contacting Comcast regarding your proposed vacation. This is to inform you that Comcast **does not** have facilities in the proposed area and Comcast has no objection to the vacation providing that any of Comcast facilities that are in need of being relocated be paid for by the customer and Comcast is granted new easements.

If you have any further question or concerns, please do not hesitate to contact me at (941) 914-7844.

Sincerely,

Paul Brown
Manager, Construction SWFL

12600 Westlinks Dr. Suite #4
Fort Myers, FL 33913
Cell (941) 914-7844
Brown_Paul@Comcast.com



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VACATION OF EASEMENT

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TO:

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Amerigas
Florida Power and Light
Planning & Zoning

North Port Utilities
Comcast Cable/Truenet Communications Mike Little,
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The vacation of the easement (Please check the appropriate response)

[X] Is Granted [] Is not Granted [] Is Granted with Conditions

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Please respond by November 15 which is (10) ten days from receipt. If after (10) ten days a response is not received, it will be assumed there is no issue with the vacation of easement.

Signature [Handwritten Signature]

Phone No. (941) 423-4888

Date 11/5/2021

Name of Utility FPL

Please email responses to nfossick@cityofnorthport.com

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Office: 941.429.7229
Fax: 941.429.7154



VACATION OF EASEMENT

DATE: 11/8/2021

PETITION NO: VAC-21-307/VAR-21-308

TO:

North Port Public Works
Amerigas
Florida Power and Light
Planning & Zoning

North Port Utilities
Comcast Cable/Truenet Communications Mike Little,
Frontier Communications
Fire/Rescue

Please see the attached information concerning the request for vacation of easement for the property described as:

Lots 27, Block 1608, of the 32nd Addition to the Port Charlotte Subdivision, according to Plat thereof recorded in Plat Book 15, Page 16, 16E, of the Public Records of Sarasota County, Florida, also known as street address: 1461 Henning Street.

The vacation of the easement (Please check the appropriate response)

[X] Is Granted [] Is not Granted [] Is Granted with Conditions

If vacation of easement is not granted or conditions apply, please state below:

Please respond by November 15 which is (10) ten days from receipt. If after (10) ten days a response is not received, it will be assumed there is no issue with the vacation of easement.

Stephen Waidley Digitally signed by Stephen Waidley Date: 2021.11.08 14:22:29 -05'00'

Signature

(941) 266-9218

Phone No.

11/8/2021

Date

Frontier Florida LLC

Name of Utility

Please email responses to nfossick@cityofnorthport.com

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VACATION OF EASEMENT

DATE: November 8, 2021

PETITION NO: VAC-21-307/VAR-21-308

TO:

North Port Public Works
Amerigas
Florida Power and Light
Planning & Zoning

North Port Utilities
Comcast Cable/Truenet Communications Mike Little,
Frontier Communications
Fire/Rescue

Please see the attached information concerning the request for vacation of easement for the property described as:

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The vacation of the easement (Please check the appropriate response)

Is Granted Is not Granted Is Granted with Conditions

If vacation of easement is not granted or conditions apply, please state below:

Please respond by November 15 which is (10) ten days from receipt. If after (10) ten days a response is not received, it will be assumed there is no issue with the vacation of easement.

Peter J. Marietti III Digitally signed by Peter J. Marietti III
Date: 2021.11.08 16:47:37 -05'00'

Signature

941.240.8180

Phone No.

11/08/2021

Date

North Port Fire Rescue District

Name of Utility

Please email responses to nfossick@cityofnorthport.com

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VACATION OF EASEMENT

DATE: _____ PETITION NO: VAC-21-307/VAR-21-308

TO:

- | | |
|-------------------------|---|
| North Port Public Works | North Port Utilities |
| Amerigas | Comcast Cable/Truenet Communications Mike Little, |
| Florida Power and Light | Frontier Communications |
| Planning & Zoning | Fire/Rescue |

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If vacation of easement is not granted or conditions apply, please state below:

Please respond by November 15 which is (10) ten days from receipt. If after (10) ten days a response is not received, it will be assumed there is no issue with the vacation of easement.

Anthony C. Payne Digitally signed by Anthony C. Payne
Date: 2021.11.09 06:43:45 -05'00'

Signature

11/09/2021

Date

NPPW

Phone No. _____

Name of Utility

Please email responses to nfossick@cityofnorthport.com

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VACATION OF EASEMENT

DATE:

PETITION NO: VAC-21-307/VAR-21-308

TO:

North Port Public Works
Amerigas
Florida Power and Light
Planning & Zoning

North Port Utilities
Comcast Cable/Truenet Communications Mike Little,
Frontier Communications
Fire/Rescue

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The vacation of the easement (Please check the appropriate response)

Is Granted

Is not Granted

Is Granted with Conditions

If vacation of easement is not granted or conditions apply, please state below:

Please respond by November 15 which is (10) ten days from receipt. If after (10) ten days a response is not received, it will be assumed there is no issue with the vacation of easement.

Signature

Phone No.

Date

Name of Utility

Please email responses to nfossick@cityofnorthport.com

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Exhibit D

NOTICE OF INTENT CITY OF NORTH PORT, SARASOTA COUNTY, FLORIDA TO WHOM IT MAY CONCERN:

Notice is hereby given pursuant to the provisions of Chapter 177, Florida Statutes, that David and Chrissy Bucko, the property owners, intends to petition the City of North Port to vacate a portion of the 20-foot platted rear drainage maintenance easement located on lot 27, Block 1608, 32nd Addition to the Port Charlotte Subdivision, according to the plat thereof as recorded in Plat Book 15, Pages 16, 16A through 16L, inclusive of the Public Records of Sarasota County, Florida. All of the above lying and being in the City of North Port, Sarasota County, Florida.

Published October 11, 2021 and October 18, 2021

Tax Record

Last Update: 10/7/2021 8:31:40 AM EDT

Register for eBill

Ad Valorem Taxes and Non-Ad Valorem Assessments

The information contained herein does not constitute a title search and should not be relied on as such.

Account Number 1120160827	Type Tax REAL ESTATE	Tax Year 2020		
Mailing Address BUCKO DAVID A BUCKO CHRISSEY E 1461 HENNING ST NORTH PORT FL 34288-8971	Property Address 1461 HENNING ST 005	Old Account Number 1120-16-0827		
Base Exempt Amount see below	Taxable Value see below			
Exemption Detail	Millage Code	Escrow Code		
HX 25000	0500	870316		
H2 25000				
WX 500				
Legal Description 1461 HENNING ST LOTS 27 & 28, BLK 1608, 32ND ADD TO PORT CHARLOTTE BEING SAME LANDS AS DESC IN ORI 2018058521 & 2018138739				
Ad Valorem Taxes				
Taxing Authority	Rate	Assessed Exemption Value Amount	Taxable Value	Taxes Levied
Sarasota Co. General Revenue	3.2149	131,838 50,500	\$81,338	\$261.49
Mosquito Control	0.0510	131,838 50,500	\$81,338	\$4.15
Sarasota Co. Hospital Dist.	1.0420	131,838 50,500	\$81,338	\$84.75
West Coast Inland Navigation	0.0394	131,838 50,500	\$81,338	\$3.20
SW FL Water Management Dist.	0.2669	131,838 50,500	\$81,338	\$21.71
Bonds-Debt Service	0.1253	131,838 50,500	\$81,338	\$10.19
Sarasota Co. Legacy Trl	0.0688	131,838 50,500	\$81,338	\$5.60
Sarasota School Board				
School Board - State	3.7270	131,838 25,500	\$106,338	\$396.32
School Board - Local	3.2480	131,838 25,500	\$106,338	\$345.39
City of North Port	3.7667	131,838 50,500	\$81,338	\$306.38
Total Millage		15.5500	Total Taxes \$1,439.18	
Non-Ad Valorem Assessments				
Code	Levying Authority	Amount		
F093	North Port Fire & Rescue	\$338.48		
G071	North Port Solid Waste	\$245.00		
R097	North Port Road & Drainage	\$171.56		
R197	North Port R&D Capital Improve	\$92.00		
Total Assessments			\$847.04	
Taxes & Assessments			\$2,286.22	
If Paid By			Amount Due	
			\$0.00	

Date Paid	Transaction	Receipt	Item	Amount Paid
11/17/2020	PAYMENT	8020463.0001	2020	\$2,194.77

Exhibit E

Prior Year Taxes Due
NO DELINQUENT TAXES