



STAFF REPORT

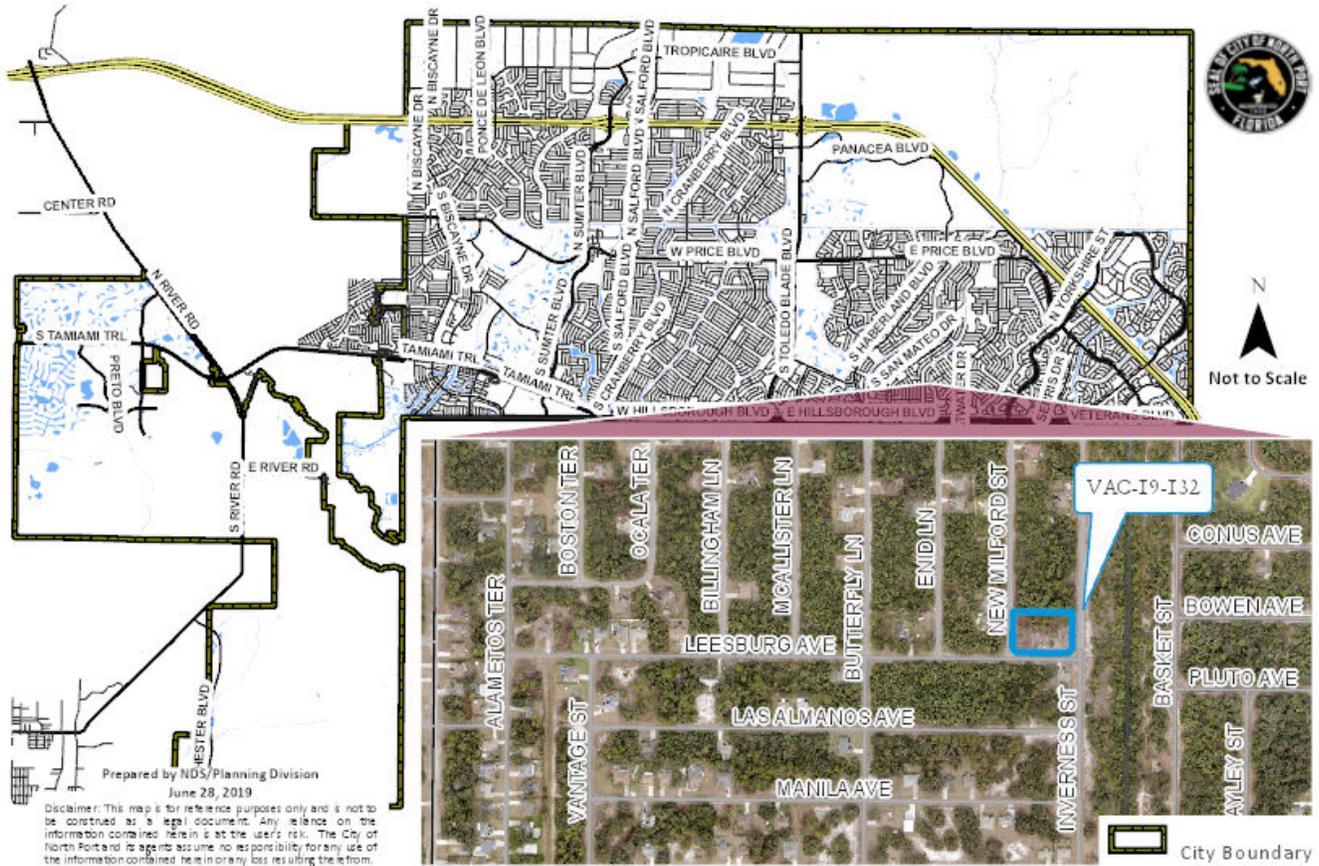
Resolution 2019-R-17

Leesburg Avenue, Partial vacation of platted rear utility and drainage easements (VAC-19-132)

From: Sherry Willette-Grondin, Zoning Coordinator

Thru: Nicole Galehouse, AICP, Planning Manager
Frank Miles, MPA, Director, Neighborhood Development Services

Date: July 5, 2019



- PROJECT:** Schuelke and Stengel petition to vacate platted easements (Leesburg Ave).
- REQUEST:** To vacate portions of the platted rear (10) ten-foot utility and drainage easements to construct a single-family residence.
- APPLICANT:** Mikhail Margitich of MVM Customs Homes, Inc. on behalf of property owners Michael Kent Schuelke and Kiki Rochelle Stengel (EXHIBIT A-Warranty Deed and Affidavit)
- OWNER:** Michael Kent Schuelke and Kiki Rochelle Stengel
- LOCATION:** Leesburg Avenue, PID #1144073618
- PROPERTY SIZE:** +/- 0.97-acres
- ZONING:** Residential Single-Family District (RSF-2)

I. BACKGROUND

On June 14, 2019, Neighborhood Development Services, Planning Division received an application petitioning the City of North Port to grant the partial vacation of the platted rear 10-foot utility and drainage easements located on lots 18, 19, 20 & 21. The purpose of the vacation request is to construct a single-family residence across portions of the rear easements. If the request is granted, approximately 2,163-square feet of easements will be vacated leaving roughly 1,236-square feet of the easements remaining. 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 owners Michael Kent Schuelke and Kiki Rochelle Stengel are requesting a partial vacation of the platted rear 10-foot utility and drainage easements to construct a single-family residence in the center of four combined lots to be used as one building site.

In addition, the proposed placement of the home will encroach substantially into portions of the rear 10-foot utility and drainage easements encompassing lots 18, 19, 20 and 21 therefore making it necessary to vacate the easements. The property is currently vacant and there are no active building permits for the site.

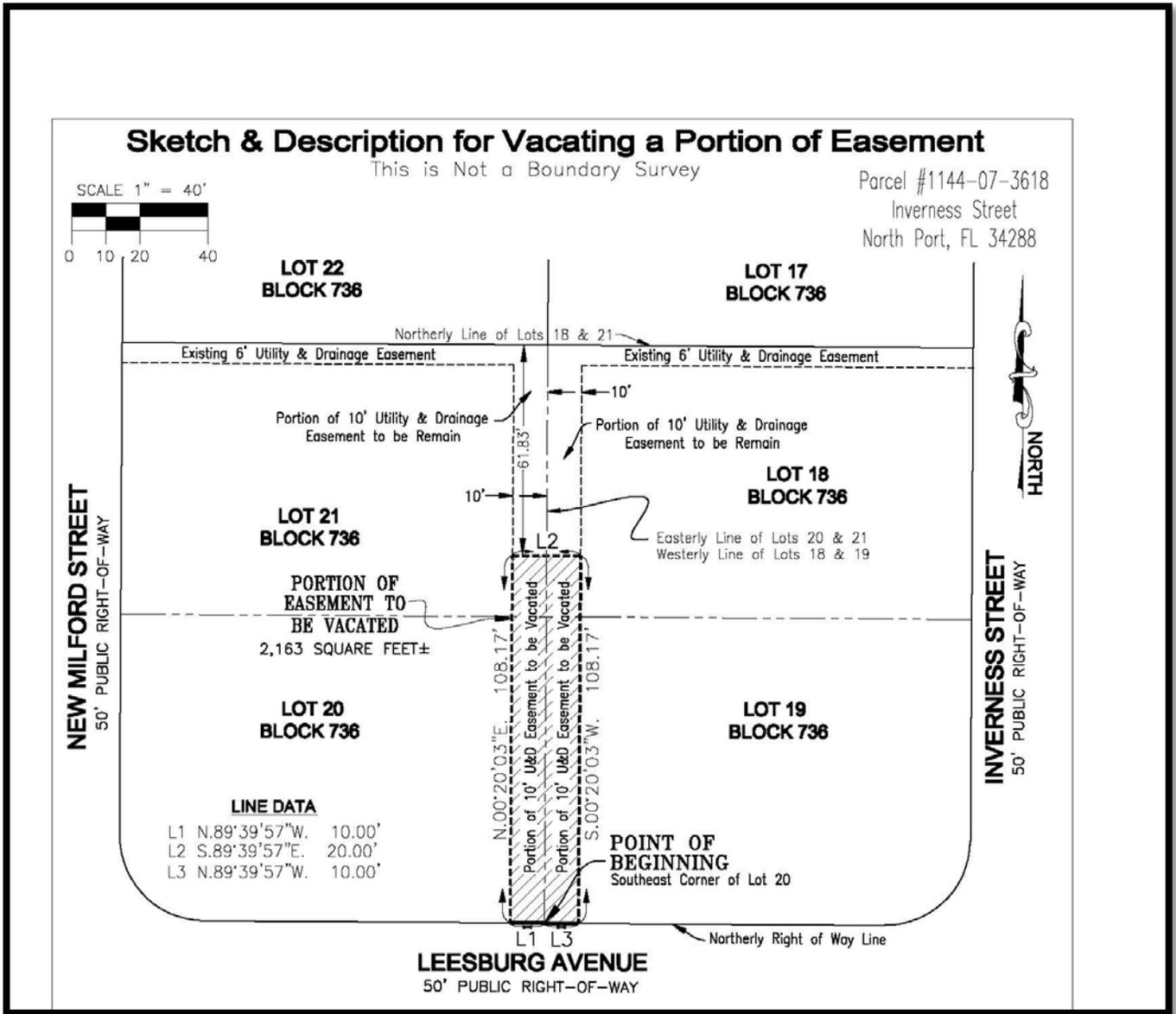


Figure 1 - Sketch and description of easements to be vacated

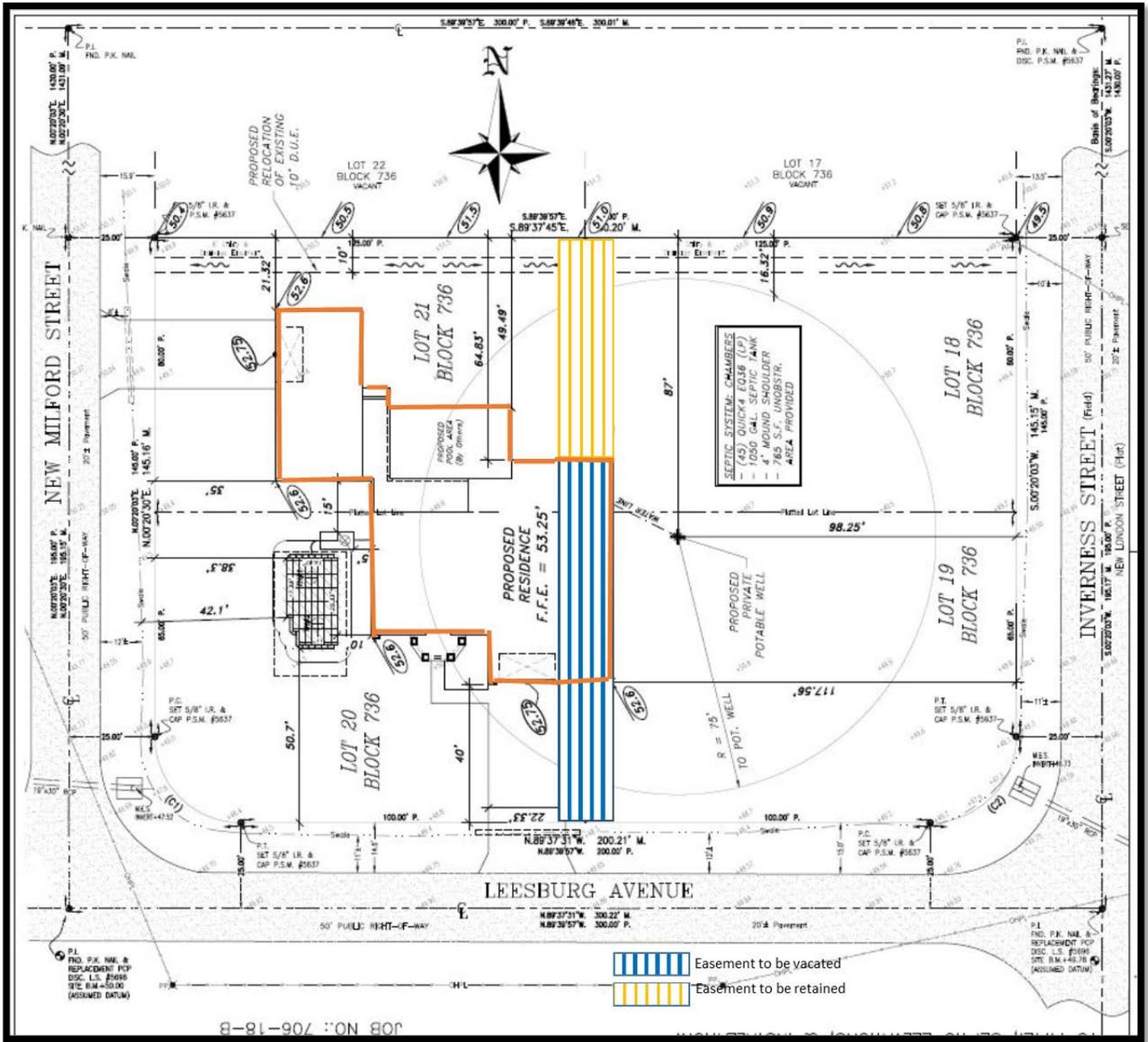


Figure 2- Site plan illustrating house placement across the easements

III. REVIEW PROCESS

The following agencies have reviewed the request to partially vacate portions of the platted rear 10-foot utility and drainages easements and through written response have granted their approval. There were no issues or concerns raised regarding the request (**Exhibit B**).

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

Based on the responses received, the request to partially vacate the rear 10-foot utility and drainage easements 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.

The City Attorney has reviewed the accompanying Resolution 2019-R-17 as to form and correctness.

IV. DATA & ANALYSIS

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 property owners filed a notice of intent to apply to the City of North Port to vacate the plat by publishing a legal notice in the North Port Sun newspaper for two weekly issues on June 16, 2017 and June 24, 2019 (**Exhibit C**) and in addition, provided to the City of North Port Planning Division an application to request a partial vacation of platted easements, proof of said publication, together with proof that taxes have been paid.

Staff concludes that Petition VAC-19-132 is consistent with the Florida Statutes.

CHAPTER 53 ZONING REGULATIONS

The Unified Land Development Code (ULDC) contains regulations that govern the development and use of land 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. 53-267D. 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-19-132 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 to vacate the plat by publishing a legal notice in the North Port Sun newspaper for two weekly issues on June 16, 2017 and June 24, 2019 and in addition provided to the City of North Port Planning Division an application to request a partial vacation of platted easements, proof of said

publication, together with proof that taxes have been paid

Staff concludes that the proposed Petition VAC-19-132 is compliance with Chapter 53 of the ULDC.

V. PUBLIC HEARING SCHEDULE

Planning & Zoning Advisory Board Public Hearing	August 1, 2019 9:00 a.m. or thereafter
City Commission Public Hearing	September 10, 2019 10:00 a.m. or thereafter

VI. RECOMMENDED ACTION

Approve Resolution 2019-R-17, Petition VAC-19-132.

VII. ALTERNATIVE ACTIONS

- City Commission may deny Petition VAC-19-132. 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 home on the site where it would not encroach into the easements.

VIII. EXHIBITS

A.	Warranty Deed and Affidavit
B.	Notification to utility agencies and responses
C.	Notice of Intent

Exhibit A to Staff Report

AFFIDAVIT

I (the undersigned), MICHAEL KENT SCHUELKE being first duly sworn, depose and say that I am the owner, attorney, attorney-in-fact, agent, lessee or representative of the owner(s) of the property described and which is the subject matter of the proposed hearing; that all answers to the questions in this application, and all sketches, data and other supplementary matter attached to and made a part of the application are honest and true to the best of my (our) knowledge and belief. I understand this application must be complete and accurate before the hearing can be advertised, and that I am authorized to sign the application by the owner or owners. I (we) authorize City staff to visit the site as necessary for proper review of this petition. *If there are any special conditions such as locked gates, restricted hours, guard dogs, etc., please provide the name and telephone number of the individual who can allow access.*

Sworn and subscribed before me this 12th day of June, 20 19

[Signature]
Signature of Applicant or Authorized Agent

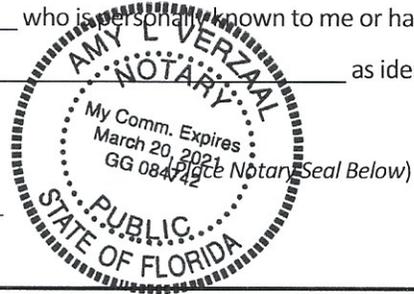
MICHAEL SCHUELKE
Print Name and Title

STATE OF Florida COUNTY OF Sumter

The foregoing instrument was acknowledged by me this 12th day of June, 20 19, by Michael K Schuelke who is personally known to me or has produced WA DL as identification, and who

did/did not take an oath.

[Signature]
Signature - Notary Public



AFFIDAVIT AUTHORIZATION FOR AGENT/APPLICANT

I (we), MICHAEL KENT SCHUELKE, property owner(s), hereby authorize MVM CUSTOM HOMES, LLC to act as Agent/Applicant on our behalf

to apply for this petition on the property described as (legal description) LOTS 18, 19, 20, 21
BLK 736, 12TH ADDITION TO PORT CHARLOTTE

[Signature] 6/12/19
Signature of Owner Date

STATE OF Florida COUNTY OF Sumter

The foregoing instrument was acknowledged by me this 12th day of June, 20 19, by Michael Kent Schuelke who is personally known to me or has produced WA DL as identification, and who did

not take an oath.

[Signature]
Signature - Notary Public

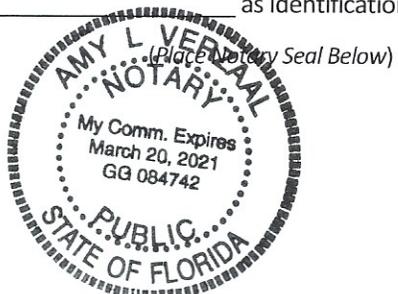


Exhibit A to Staff Report

AFFIDAVIT

I (the undersigned), KIKI ROCHELLE STENGEL being first duly sworn, depose and say that I am the owner, attorney, attorney-in-fact, agent, lessee or representative of the owner(s) of the property described and which is the subject matter of the proposed hearing; that all answers to the questions in this application, and all sketches, data and other supplementary matter attached to and made a part of the application are honest and true to the best of my (our) knowledge and belief. I understand this application must be complete and accurate before the hearing can be advertised, and that I am authorized to sign the application by the owner or owners. I (we) authorize City staff to visit the site as necessary for proper review of this petition. *If there are any special conditions such as locked gates, restricted hours, guard dogs, etc., please provide the name and telephone number of the individual who can allow access.*

Sworn and subscribed before me this 12th day of June, 2019

[Signature]
Signature of Applicant or Authorized Agent

KIKI ROCHELLE STENGEL
Print Name and Title

STATE OF Florida

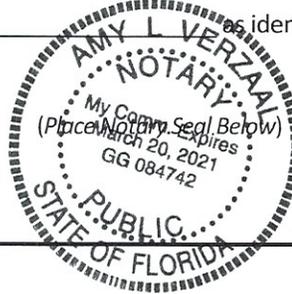
COUNTY OF Sumter

The foregoing instrument was acknowledged by me this 12th day of June, 2019, by

Kiki Rochelle Stengel who is personally known to me or has produced

FUDL as identification, and who did/did not take an oath.

[Signature]
Signature - Notary Public



AFFIDAVIT

AUTHORIZATION FOR AGENT/APPLICANT

I (we), KIKI ROCHELLE STENGEL, property owner(s),

hereby authorize MVM CUSTOM HOMES, LLC to act as Agent/Applicant on our behalf

to apply for this petition on the property described as (legal description) LOTS 18, 19, 20, 21

BLK 736, 12TH ADDITION TO PORT CHARLOTTE

[Signature] 06-12-19
Signature of Owner Date

STATE OF Florida

COUNTY OF Sumter

The foregoing instrument was acknowledged by me this 12th day of June, 2019, by

Kiki Rochelle Stengel who is personally known to me or has produced

FUDL as identification, and who did not take an oath.

[Signature]
Signature - Notary Public



Exhibit A to Staff Report

This Instrument Prepared by and Return to:
Brandie Mailman
Hometown Title & Closing Services, LLC
17839 Murdock Circle, Suite A
Port Charlotte, FL 33948
Our File No.: 20181177
Property Appraisers Parcel Identification (Folio) Number: 1144073618
Florida Documentary Stamps in the amount of \$182.00 have been paid hereon.

RECORDED IN OFFICIAL RECORDS
INSTRUMENT # 2018153233 1 PG(S)
November 26, 2018 09:13:31 AM
KAREN E. RUSHING
CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FL

Doc Stamp-Deed: \$182.00


SPACE ABOVE THIS LINE FOR RECORDING DATA

WARRANTY DEED

THIS WARRANTY DEED, made the 14 day of November, 2018 by
Lanphier Campion and Donna Campion, Husband and Wife,
whose post office address is 1011 59th St NW, Bradenton, FL 34209
herein called the Grantor, to
Michael K. Schuelke, a Single man and Kiki R. Stengel, a Single woman, as Joint Title with full
Rights of Survivorship

whose post office address is 5907 Penny Lane, The Villages, FL 32163,
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 \$26,000.00 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 18, 19, 20 and 21, Block 736, 12th ADDITION TO PORT CHARLOTTE SUBDIVISION, a
Subdivision, according to the Plat thereof, recorded in Plat Book 15, Pages 8, 8A through 8V,
Public Records of Sarasota County, Florida.

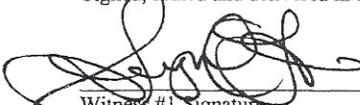
TOGETHER, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise
appertaining.

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

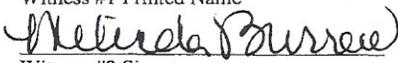
AND, the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in
fee simple; that the Grantor has good right and lawful authority to sell and convey said land, and hereby
warrants the title to said land and will defend the same against the lawful claims of all persons
whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to
December 31, 2019.

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

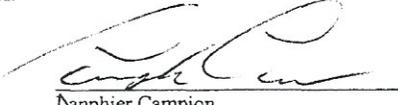
Signed, sealed and delivered in the presence of:


Witness #1 Signature

Shelley D. Lullo
Witness #1 Printed Name


Witness #2 Signature

Melinda Burray
Witness #2 Printed Name


Lanphier Campion

Donna Campion
Donna Campion

State of Florida

County of Manatee

The foregoing instrument was acknowledged before me this 14 day of November, 2018, by Lanphier
Campion and Donna Campion who is personally known to me or has produced Driver's License as
identification and did not take an oath.

SEAL

My commission expires: May 20, 2020

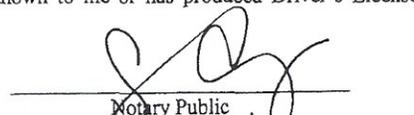

Notary Public
Sasha Chancey
Printed Notary Name



Exhibit A to Staff Report

Prepare By: Brandie Mailman
Hometown Title & Closing Services
324 Goldstein St
Punta Gorda, Fl. 33950
File ~~20190216~~ 20181177

Affidavit Legal Description — Erroneous Reference

BEFORE ME, the undersigned authority, duly authorized to take acknowledgments and administer oaths, personally appeared **Donna M. Terwilliger** (“Affiant”), who depose(s) and say(s) under penalties of perjury that:

1. This affidavit is made with regard to the following described property:

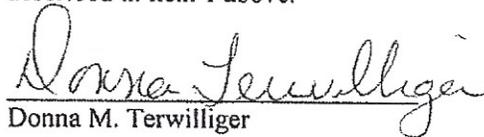
Lot 18, 19, 20 and 21, Block 736, 12th ADDITION TO PORT CHARLKOTTE SUBDIVISION, a Subdivision, according to the Plat thereof, recorded in Plat Book 13, Pages 8, 8A through 8V, Pubic Records of Sarasota County, Florida.

2. Affiant is the Title Plant Manager with Old Republic National Title Insurance Agent in the State of Florida.

3. Title to the property described in item 1 above (“Property”) was conveyed to Michael K. Schuelke and Kiki R. Stengel by deed recorded in O.R. Instrument # 2018153233 of the Public Records of Sarasota County, Florida, and erroneously contained the following legal description:

Lot 18, 19, 20 and 21, Block 736, 12th ADDITION TO PORT CHARLKOTTE SUBDIVISION, a Subdivision, according to the Plat thereof, recorded in Plat Book 15, Pages 8, 8A through 8V, Pubic Records of Sarasota County, Florida.

4. Affiant has reviewed the Public Records of Sarasota County, Florida, and has determined that the legal description of the real property described in item 3 above contains an error in the Plat Book and the proper legal description which should have been contained in the deed described in 3 above is as described in item 1 above.


Donna M. Terwilliger

STATE OF Florida

COUNTY OF Lee

Sworn to, affirmed, and subscribed before me this 15th day of June, 2019 by Donna M. Terwilliger, who is/are personally known to me or who has/have produced _____ as identification.

Notary Signature: 

[PLACE NOTARIAL SEAL]

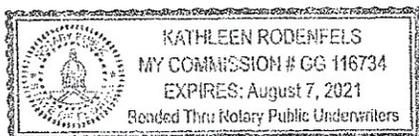




Exhibit B to Staff Report
 City of North Port
 PLANNING DIVISION
 Neighborhood Development Services
 4970 City Hall Boulevard
 North Port, FL 34286
 Office: 941.429.7229
 Fax: 941.429.7154



VACATION OF EASEMENT

DATE: June 17, 2019

PETITION NO: VAC-19-132

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 18,19,20 & 21, Block 736, of the 12th Addition to the Port Charlotte Subdivision, according to Plat thereof recorded in Plat Book 13, Page 8, 8A through 8V, of the Public Records of Sarasota County, Florida, also known as street address: PID#1144073618.

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 June 27, 2019 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.


 Digitally signed by Bruce Drackett
 Date: 2019.06.17 08:30:14 -04'00'
 Signature
941-730-0600
 Phone No.

6/17/19
 Date
Comcast Cable
 Name of Utility

Please e-mail responses to swillette@cityofnorthport.com

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If you received this in error or do not receive all the pages, please contact Neighborhood Development Services, Planning Division at 941.429.7229.

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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)

[checked] 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 June 27, 2019 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: 2019.06.18 09:00:31 -04'00'

Signature

941-240-8180

Phone No.

6/18/2019

Date

City of North Port Fire Rescue

Name of Utility

Please e-mail responses to swillette@cityofnorthport.com

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DATE: June 17, 2019

PETITION NO: VAC-19-132

TO:

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

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

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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 June 27, 2019 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]

Date 6/19/19

Phone No. 941-423-4855

Name of Utility FPL

Please e-mail responses to swillette@cityofnorthport.com

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VACATION OF EASEMENT

DATE: June 17, 2019

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TO:

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North Port Utilities
 Comcast Cable/Truenet Communications Mike Little,
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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 June 27, 2019 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: 2019.06.17 09:19:30 -04'00'

Signature

(941) 266-9218

Phone No.

6/17/2019

Date

Frontier Florida LLC

Name of Utility

Please e-mail responses to swillette @cityofnorthport.com

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VACATION OF EASEMENT

DATE: June 17, 2019

PETITION NO: VAC-19-132

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)

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Please respond by June 27, 2019 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. 240 8021

Date 06.18.19

Name of Utility NP UTILITIES

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DATE: June 17, 2019

PETITION NO: VAC-19-132

TO:

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Florida Power and Light
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North Port Utilities
Comcast Cable/Truenet Communications Mike Little,
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Fire/Rescue

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Please respond by June 27, 2019 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. 240-8890

Date June 18 2019

Name of Utility North Port Public Works Operations and Maintenance

Please e-mail responses to swillette@cityofnorthport.com

NOTICE: The information contained in this document may be confidential and/or legally privileged information intended for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any copying, dissemination or distribution of confidential or privileged information is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone.

If you received this in error or do not receive all the pages, please contact Neighborhood Development Services, Planning Division at 941.429.7229.

Exhibit C to Staff Report



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

Notice is hereby given pursuant to the provisions of Section 177.10(4), Florida Statutes, that Michael K. Schuelke and Kiki R. Stengel, the property owners, intend to petition the City of North Port to vacate a portion of the 10-foot platted rear utility and drainage easements located on Lots 18,19,20 and 21.,Block 736, 12th Addition to the Port Charlotte Subdivision, according to the plat thereof as recorded in Plat Book 13, Pages 8, 8A through 8V, of the Public Records of Sarasota County, Florida. All of the above lying and being in the City of North Port, Sarasota County, Florida.
Publish: 06/17/19, 06/24/19
395956 3687331

PUBLISHER'S AFFIDAVIT OF PUBLICATION
STATE OF FLORIDA
COUNTY OF CHARLOTTE:

Before the undersigned authority personally appeared Melinda Dickinson, who on oath says that she is legal clerk of the Charlotte Sun, a newspaper published at Charlotte Harbor in Charlotte County, Florida; that the attached copy of advertisement, being a **Notice of Intent** was published in said newspaper in the issues of:

06/17/2019, 06/24/2019

Affiant further says that the said newspaper is a newspaper published at Charlotte Harbor, in said Charlotte County, Florida, and that the said newspaper has heretofore been continuously published in said Charlotte County, Florida, Sarasota County, Florida and DeSoto County, Florida, each day and has been entered as periodicals matter at the post office in Punta Gorda, in said Charlotte County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Melinda Dickinson
(Signature of Affiant)

Sworn and subscribed before me this 24th day of June, 2019.

Donna Marie King
(Signature of Notary Public)



Personally known X or Produced Identification