



City of North Port

RESOLUTION NO. 2022-R-60

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA, VACATING A PORTION OF THE TEN (10) FOOT UTILITY AND DRAINAGE EASEMENT ON THE WESTERN BOUNDARY OF LOT 18, BLOCK 1310, TWENTY-SIXTH 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 September 1, 2022 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-22-128 as well as testimony and other evidence presented at the quasi-judicial hearing, the City Commission makes the following findings of fact:
 - (a) Clifford Charbonneau and Alicia Charbonneau own fee simple title to Lots 16, 27, 18 and 19, Block 1310, Twenty-sixth Addition to Port Charlotte Subdivision;
 - (b) Instrument Number SUBDIVBK15PG3 of the official records of Sarasota County, Florida grants to the City of North Port, Florida 10 feet for the purpose of utility and drainage easements at the rear of Lot 18, Block 1310 of the plat (“Easements”);
 - (c) The petition requests that the City vacate a portion of the platted ten-foot (10’) utility and drainage 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-22-128 to the extent provided in this resolution.

2.02 The City Commission vacates a ±719.00 square foot portion of its existing platted ten-foot (10') wide utility and drainage easements, as described below and depicted in the survey attached as Exhibit A:

A portion of a 10-foot-wide Utility & Drainage Easement lying over and across the Westerly 10' of Lot 18, Block 1310, Twenty-sixth Addition to Port Charlotte Subdivision, according to the plat thereof, as recorded in Plat Book 15. Pages 3, 3-A through 3-S, inclusive of the Public Records of Sarasota County, Florida, and being more particularly described as follows:

Commencing at the Southwest corner of said Lot 18; thence N.57 44' 43"E. along the Northerly Right of Way Line of Mambo Avenue (a 50' wide Public Right of Way), a distance of 1.67' to the Point of Beginning; thence N.34°49'43"W., a distance of 37.21' to the intersection with the Westerly line of Lot 18; thence N.32°15'17"W. along said Westerly line of said Lot 18, a distance of 37.83'; thence N.57 44' 43"E. along a line being 25.00' Southerly of and parallel with the Northerly line of said Lot 18, a distance of 10.00'; thence, S.32° 15'17"E. along a line being 10.00' Easterly of and parallel with said Westerly line of Lot 18, a distance of 75.00' to the intersection with said Northerly Right of Way Line of Mambo Avenue; thence, S.57° 44' 43"W. along said Northerly Right of Way Line, a distance of 8.33. to the Point Beginning, and containing 719 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 September 27, 2022.

CITY OF NORTH PORT, FLORIDA

PETE EMRICH

MAYOR

ATTEST

HEATHER FAUST, MMC

CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

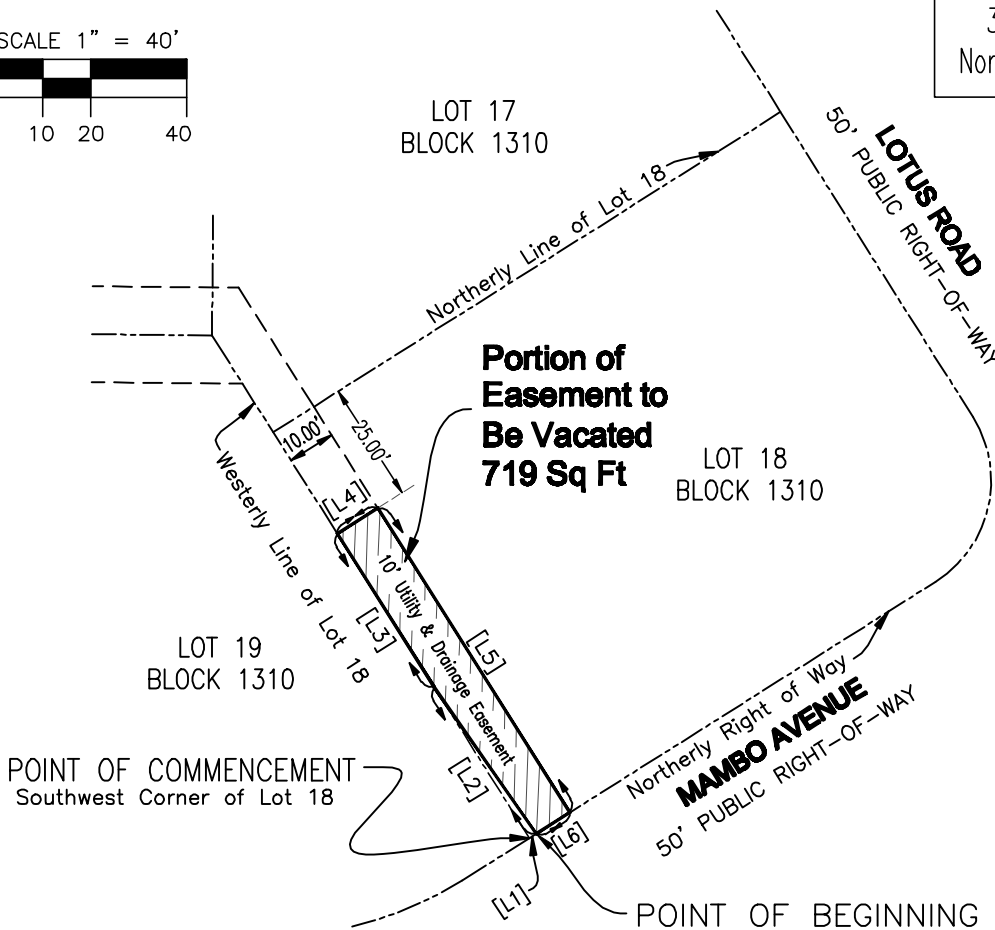
AMBER L. SLAYTON

CITY ATTORNEY

Sketch & Description for Partial Vacation of Easement

This is Not a Boundary Survey

3217 Lotus Road
North Port, FL 34291



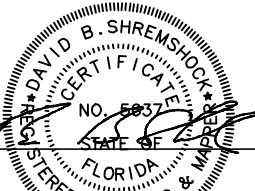
LINE DATA

[L1]	N.57°44'43"E.	1.67'
[L2]	N.34°49'43"W.	37.21'
[L3]	N.32°15'17"W.	37.83'
[L4]	N.57°44'43"E.	10.00'
[L5]	S.32°15'17"E.	75.00'
[L6]	S.57°44'43"W.	8.33'

Description

A portion of a 10 foot wide Utility & Drainage Easement lying over and across the Westerly 10' of Lot 18, Block 1310, Twenty-sixth Addition to Port Charlotte Subdivision, according to the plat thereof, as recorded in Plat Book 15, Pages 3, 3-A through 3-S, inclusive of the Public Records of Sarasota County, Florida, and being more particularly described as follows:

Commencing at the Southwest corner of said Lot 18; thence N.57°44'43"E. along the Northerly Right of Way Line of Mambo Avenue (a 50' wide Public Right of Way), a distance of 1.67' to the Point of Beginning; thence N.34°49'43"W., a distance of 37.21' to the intersection with the Westerly line of Lot 18; thence N.32°15'17"W. along said Westerly line of said Lot 18, a distance of 37.83'; thence N.57°44'43"E., along a line being 25.00' Southerly of and parallel with the Northerly line of said Lot 18, a distance of 10.00'; thence, S.32°15'17"E. along a line being 10.00' Easterly of and parallel with said Westerly line of Lot 18, a distance of 75.00' to the intersection with said Northerly Right of Way Line of Mambo Avenue; thence, S.57°44'43"W, along said Northerly Right of Way Line, a distance of 8.33' to the Point Beginning, and containing 719 Square Feet, More or Less.



David Shremshock Digitally signed by David Shremshock
Date: 2022.08.03 19:10:06 -04'00'

BY: _____ DATE: 8/3/22

Shremshock Surveying, Inc.
Land Surveyors
5265 Alamos Terr.
North Port, Florida 34288
ph. (941) 423-8875 fax (941) 423-4365
e-mail: shremshocksurveying@comcast.net

UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.
SHREMSHOCK SURVEYING, INC. LB #7747