

City of North Port

RESOLUTION NO. 2022-R-64

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA, APPROVING THE PARTIAL RELEASE OF EASEMENT FOR FLORIDA DEPARTMENT OF TRANSPORTATION SIDEWALK MAINTENANCE WITHIN THE UTILITY EASEMENT ALONG TAMIAMI TRAIL AS DESCRIBED IN INSTRUMENT NO. 2021214234 OF SARASOTA COUNTY OFFICIAL RECORDS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR RECORDING; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, West Villages Improvement District has requested a *Partial Release of Easement* relating to a City non-exclusive utility easement bordering Tamiami Trail ("Easement"); and

WHEREAS, the plat of the Wellen Park Village E identified as Instrument No. 2021214234 recorded in the Sarasota County Official Records granted the City the utility easement; and

WHEREAS, Florida Department of Transportation requires the Partial Release of Easement to maintain the sidewalks for highway purposes; and

WHEREAS, the City Commission of the City of North Port, Florida finds that the release serves the public health, safety, and welfare of the citizens of the City of North Port, Florida.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA:

SECTION 1 – INCORPORATION OF RECITALS

1.01 The above recitals are true and correct and are incorporated in this resolution by reference.

SECTION 2 – PARTIAL RELEASE OF EASEMENT

- 2.01 The City Commission approves the *Partial Release of Easement,* attached as Exhibit A.
- 2.02 The *Partial Release of Easement* identifies five areas located within the thirty-foot (30') utility easement adjoining Tamiami Trail in the Wellen Park Village E subdivision.
- 2.03 All identified exhibits are incorporated in this resolution by reference.

SECTION 3 – RECORDING

- 3.01 The City Clerk is directed to file a certified copy of this resolution and the executed *Partial Release* of *Easement* with the Sarasota County Clerk of the Circuit Court to be duly recorded in the official records of the county.
- 3.02 Wellen Park LLLP will be responsible to reimburse the City for the recording costs.

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 October 11, 2022.

PETE EMRICH
MAYOR

ATTEST

HEATHER FAUST, MMC

APPROVED AS TO FORM AND CORRECTNESS

AMBER L. SLAYTON, B.S.C.
CITY ATTORNEY

Record \$120.50

Return to and prepared without title examination by:



200 South Orange Avenue Sarasota, Florida 34236 (941) 366-4800

Attention: Patrick W. Ryskamp, Esq.

PARTIAL RELEASE OF EASEMENT

This Partial Release of Easement is made this _____ day of ________, 2022 by the CITY OF NORTH PORT, FLORIDA, a municipal corporation of the State of Florida ("City").

RECITALS:

- A. By virtue of that certain plat of Wellen Park Village E, recorded in Plat Book 55, page 401, Public Records of Sarasota County, Florida, City was granted a nonexclusive utility easement for the installation and maintenance of underground power, gas, telephone, water, sewer, electric, cable television, and other utilities, lines, and facilities (the "Easement") over and upon certain real property (the "Easement Area") depicted on the plat as a "Utility Easement."
- B. The Easement Area includes portions of the properties, Areas 1, 5, 6, 7, and 8, needed for FDOT sidewalk maintenance and attached hereto as Exhibit A (the "FDOT Areas").
 - C. City desires to release the FDOT Areas from the Easement.

NOW, THEREFORE, in consideration of \$10.00 and other valuable consideration, receipt of which is hereby acknowledged, City hereby agrees as follows:

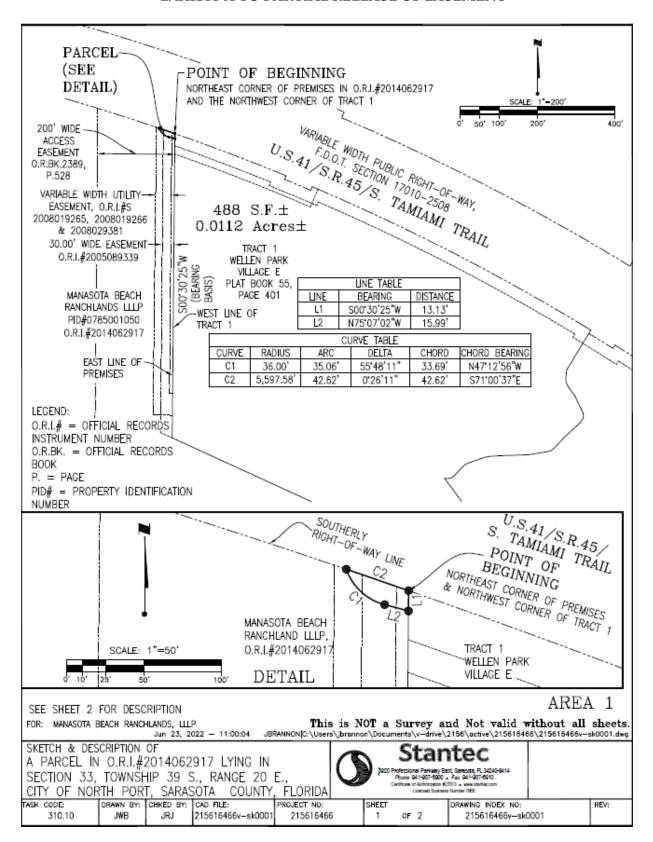
- 1. **Recitals**. The foregoing recitals are true and correct and incorporated into this Partial Release of Easement.
- 2. **Release.** City hereby releases the FDOT Areas from the Easement. City reserves all rights under the Easement with respect to the remainder of the Easement Area.
- 3. **Effect**. The provisions hereof shall bind and inure to the benefit of the owners of the FDOT Areas and their successors and assigns.

[Signature page follows]

IN WITNESS WHEREOF, this Partial Release of Easement is executed and effective as of the date first written above.

WITNESSES:	THE CITY OF NORTH PORT, FLORIDA			
Print Name:	By:PETE EMRICH			
	MAYOR			
Print Name:				
ATTEST:				
HEATHER FAUST, MMC CITY CLERK	_			
Approved as to the form and correctness:				
AMBER L. SLAYTON, B.C.S. CITY ATTORNEY	_			

EXHIBIT A TO PARTIAL RELEASE OF EASEMENT



A parcel of land lying a premises as described Official Records Instrument Number 2014062917 in the Public Records of Sarasota County, Florida and being in Section 33, Township 39 South, Range 20 East, Sarasota County, Florida, being more particularly described as follows:

BEGIN at the northeast corner of said premises, also being the northwest corner of Tract 1, Wellen Park Village E, as recorded in Plat Book 55, Page 401 in said Public Records, also lying on the southerly right—of—way line of U.S.41 (Section 17010—2508, variable width public right—of—way); thence S.00°30'25"W., along the east line of said recorded premises and west line of said Tract 1, a distance of 13.13 feet; thence N.75°07'02"W., a distance of 15.99 feet to the point of curvature of a curve to the right having a radius of 36.00 feet and a central angle of 55°48'11"; thence northwesterly along the arc of said curve, a distance of 35.06 feet to the point of curvature of a non—tangent curve to the right, having a radius of 5,597.58 feet and a central angle of 00°26'11", said point being on the abovementioned southerly right—of—way line of U.S.41; thence easterly along the arc of said curve and said southerly right—of—way line, a distance of 42.62 feet, said curve having a chord bearing and distance of S.71°00'37"E., 42.62 feet, to the POINT OF BEGINNING.

Said parcel contains 488 square feet or 0.0112 acres, more or less.

NOTES:

1. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OR ELECTRONIC SIGNATURE AND SEAL OF A FLORIDA SURVEYOR AND MAPPER.

2. BEARINGS SHOWN HEREON ARE ASSUMED AND RELATIVE TO THE WEST LINE OF TRACT 1, BEING S.00'30'25"W.

3. THIS IS A SKETCH ONLY AND DOES NOT REPRESENT A FIELD SURVEY.

Robert R. Cunningham, P.S.M. Florida Registration No. 3924 Date of Signature

SEE SHEET 1 FOR SKETCH & LINE TABLES

AREA 1

FOR: MANASOTA BEACH RANCHLANDS, LLLP Jun 23, 2022 - 11:00:04

JWB

310.10

This is NOT a Survey and Not valid without all sheets.

A PARCEL IN O.R.I.#2014062917 LYING IN
SECTION 33, TOWNSHIP 39 S., RANGE 20 E.,
CITY OF NORTH PORT, SARASOTA COUNTY, FLORIDA
TASK CODE: [DRAWN BY: [CHAED BY: [CAD FILE:]PROJECT NO:

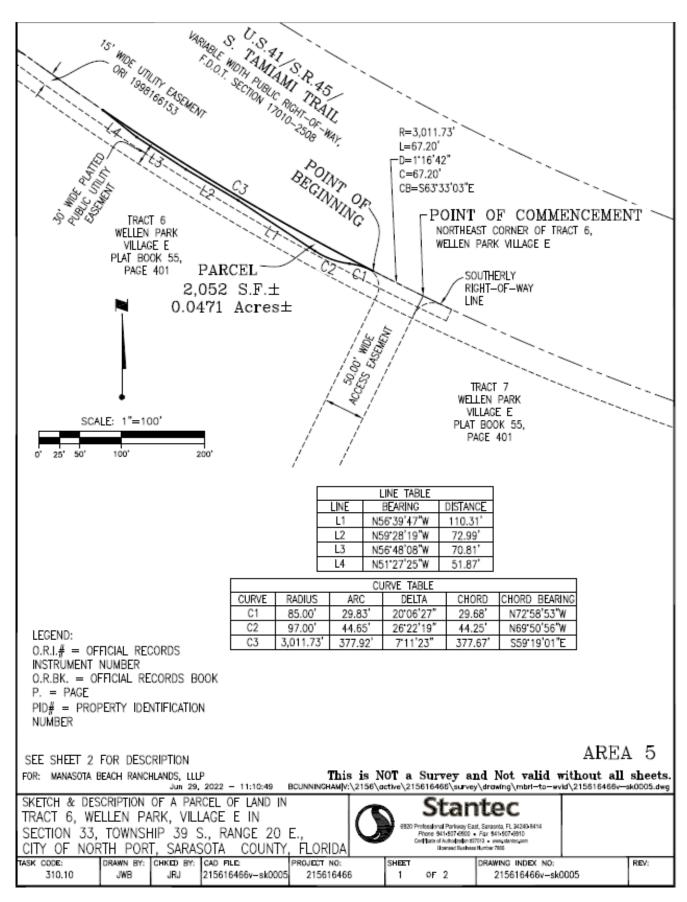
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JRJ

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SHEET DRAWING INDEX NO: REV: 2 0F 2 215616466v—sk0001



A parcel of land in and being a portion of Tract 6, Wellen Park, Village E as recorded in Plat Book 55, Page 401 in the Public Records of Sarasota County, Florida and lying in Section 33, Township 39 South, Range 20 East, City of North Port, Sarasota County, Florida, being more particularly described as follows:

Commence at the northeast corner of said Tract 6, said point being on the southerly right-of-way line of U.S.41 (Section 17010-2508, variable width public right-of-way) and also being the point of curvature of a non-tangent curve to the right, having a radius of 3,011.73 feet; thence northwesterly along the arc of said curve and said southerly right-of-way line, through a central angle of 01°16'42", a distance of 67.20 feet, said curve having a chord bearing and distance of N.63*33'03"W., 67.20 feet to the POINT OF BEGINNING, said point also being a point of reverse curvature of a curve to the left having a radius of 85.00 feet and a central angle of 20.07.27"; thence westerly along the arc of said curve, a distance of 29.83 feet to the point of reverse curvature of a curve to the right having a radius of 97.00 feet and a central angle of 26°22'19"; thence westerly along the arc of said curve, a distance of 44.65 feet to the point of tangency of said curve; thence N.56°39'47"W., a distance of 110.31 feet; thence N.59°28'19"W., a distance of 72.99 feet; thence N.56'48'08"W., a distance of 70.81 feet; thence N.51°28'00"W., a distance of 51.87 feet to the point of curvature of a non-tangent curve to the left, having a radius of 3,011.73 feet and a central angle of 07"11'23", said point also being on the abovementioned southerly right-of-way line of U.S.41; thence southeasterly along the arc of said curve and said southerly right-of-way line, a distance of 377.92 feet, said curve having a chord bearing and distance of S.59*19'01"E., 377.67 feet, to the POINT OF BEGINNING.

Said tract contains 2,052 square feet or 0.0471 acres, more or less.

NOTES:

1. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OR ELECTRONIC SIGNATURE AND SEAL OF A FLORIDA SURVEYOR AND MAPPER.

2. BEARINGS SHOWN HEREON ARE ASSUMED AND RELATIVE TO THE SOUTHERLY RIGHT-OF-WAY LINE OF U.S.41, BEING S.54"22"31"E.

3. THIS IS A SKETCH ONLY AND DOES NOT REPRESENT A FIELD SURVEY.

JWB

310,10

Robert R. Cunningham, P.S.M. Florida Registration No. 3924 Date of Signature

SEE SHEET 1 FOR SKETCH & CURVE/LINETABLES

AREA 5

FOR: MANASOTA BEACH RANCHLANDS, LLLP

Jun 29, 2022 - 11:10:49

SKETCH & DESCRIPTION OF A PARCEL OF LAND IN

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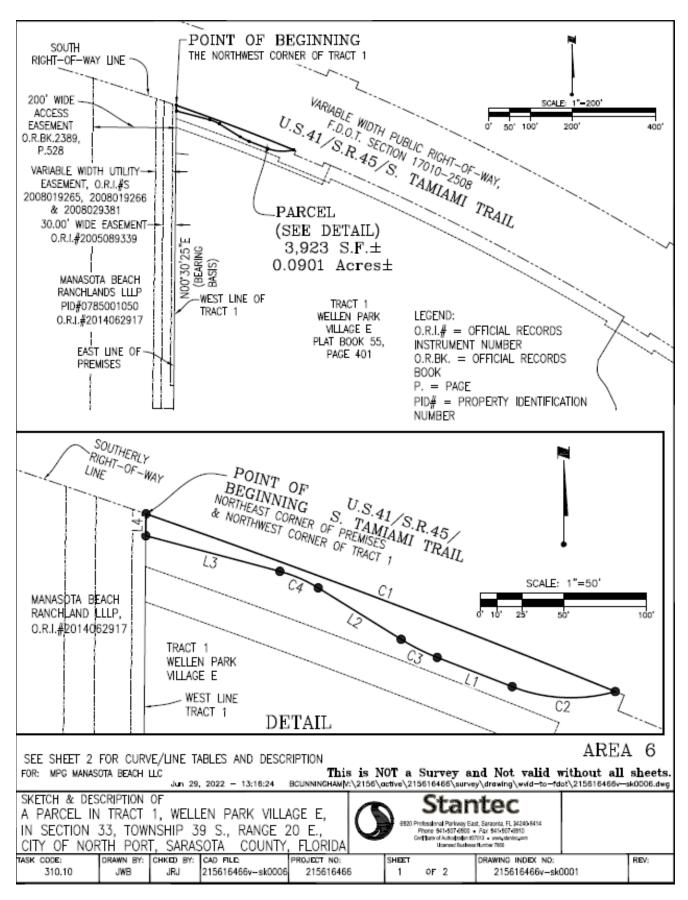
SKETCH & DESCRIPTION OF A PARCEL OF LAND IN
TRACT 6, WELLEN PARK, VILLAGE E IN
SECTION 33, TOWNSHIP 39 S., RANGE 20 E.,
CITY OF NORTH PORT, SARASOTA COUNTY, FLORIDA
TASK CODE: [DRAWN BY:]CHKED BY: [CAD FILE:]PROJECT NO:

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A parcel of land lying in Tract 1, Wellen Park, Village E, as recorded in Plat Book 55, Page 401 in the Public Records of Sarasota County, Florida, in Section 33, Township 39 South, Range 20 East, Sarasota County, Florida, being more particularly described as follows:

BEGIN at the northwest corner of said Tract 1, Wellen Park Village E, also lying on the southerly right-of-way line of U.S.41 (Section 17010-2508, variable width public right-of-way), said point also being the point of curvature of a non—tangent curve to the right, having a radius of 5,597,58 feet and a central angle of 03°04'57"; thence easterly along the arc of said curve and said southerly right-of-way line, a distance of 301.14 feet, said curve having a chord bearing and distance of S.69*15'04"E., 301.11 feet; to the cusp of curvature of a non-tangent curve to the right, having a radius of 97.00 feet and a central angle of 37°14'05"; thence westerly along the arc of said curve, a distance of 63.04 feet, said curve having a chord bearing and distance of N.87°17'12"W., 61.93 feet, to the point of tangency of said curve; thence N.68'40'10"W., a distance of 48.31 feet to the point of curvature of a curve to the right having a radius of 132.00 feet and a central angle of 10°30′49"; thence northwesterly along the arc of said curve, a distance of 24.22 feet to the point of tangency of said curve; thence N.58'09'21"W., a distance of 58.57 feet to the point of curvature of a curve to the left having a radius of 85.00 feet and a central angle of 16°57'41"; thence northwesterly along the arc of said curve, a distance of 25.16 feet to the point of tangency of said curve; thence N.75°07'02"W., a distance of 83.22 feet to a point on the west line of the abovementioned Tract 1; thence N.00°30'25"E., along said west tract line, a distance of 13.13 feet to the POINT OF BEGINNING.

Said tract contains 3,923 square feet or 0.0901 acres, more or less.

CURVE TABLE					
CURVE	RADIUS	ARC	DELTA	CHORD	CHORD BEARING
C1	5,597.58	301.14	3'04'57"	301.11	S69'15'04"E
C2	97.00'	63.04'	37'14'05"	61.93'	N87'17'12"W
C3	132.00	24.22'	10'30'49"	24.19	N63'24'45"W
C4	85 00'	25 16'	16'57'41"	25.07	N66'38'11"W

LINE TABLE				
LINE	BEARING	DISTANCE		
L1	N68'40'10"W	48.31'		
L2	N58'09'21"W	58.57		
L3	N75'07'02"W	83.22'		
L4	N00'30'25"E	13.13		

NOTES

 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OR ELECTRONIC SIGNATURE AND SEAL OF A FLORIDA SURVEYOR AND MAPPER.
 BEARINGS SHOWN HEREON ARE ASSUMED AND RELATIVE TO THE WEST LINE OF TRACT 1, BEING N.00'30'25"E.

Jun 29, 2022 - 13:16:24

3. THIS IS A SKETCH ONLY AND DOES NOT REPRESENT A FIELD SURVEY.

Robert R. Cunningham, P.S.M. Florida Registration No. 3924 Date of Signature

SEE SHEET 1 FOR SKETCH

AREA 6

FOR: MPG MANASOTA BEACH LLC

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SKETCH & DESCRIPTION OF A PARCEL IN TRACT 1, WELLEN PARK VILLAGE E, IN SECTION 33, TOWNSHIP 39 S., RANGE 20 E., CITY OF NORTH PORT, SARASOTA COUNTY, FLORIDA

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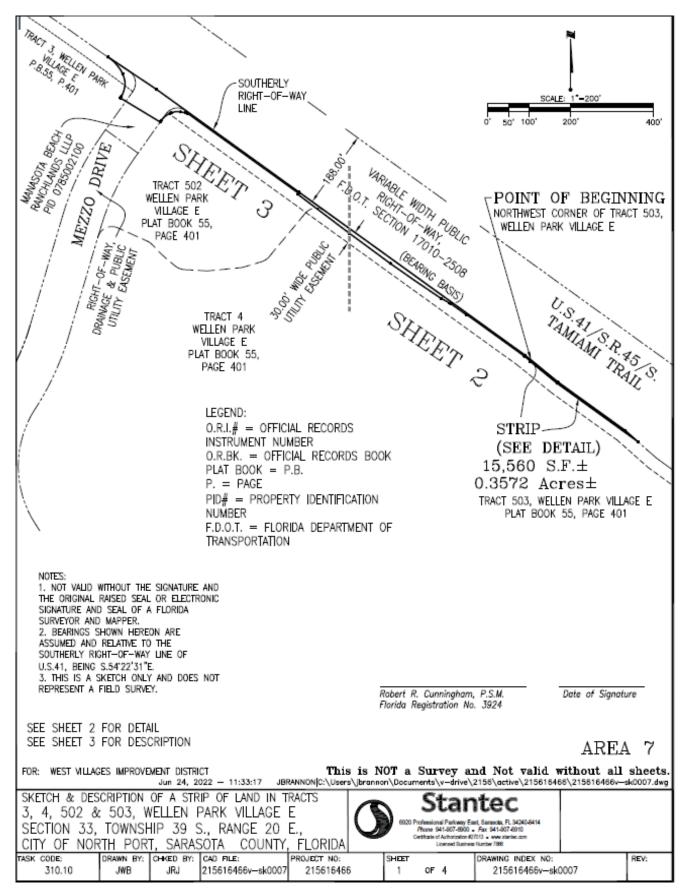
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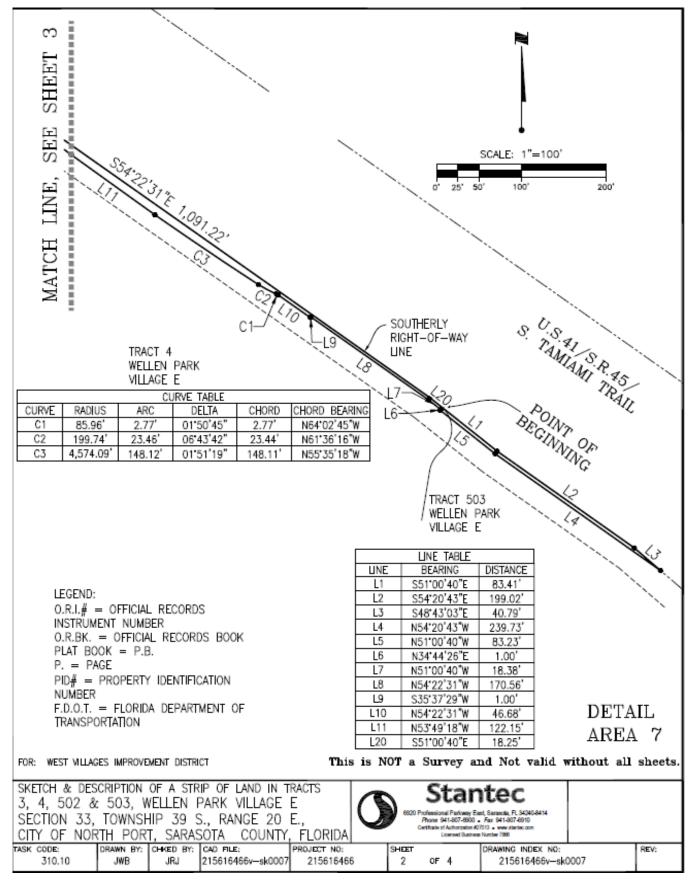
Phone 941-937 6900 • Pair 941-957 6910

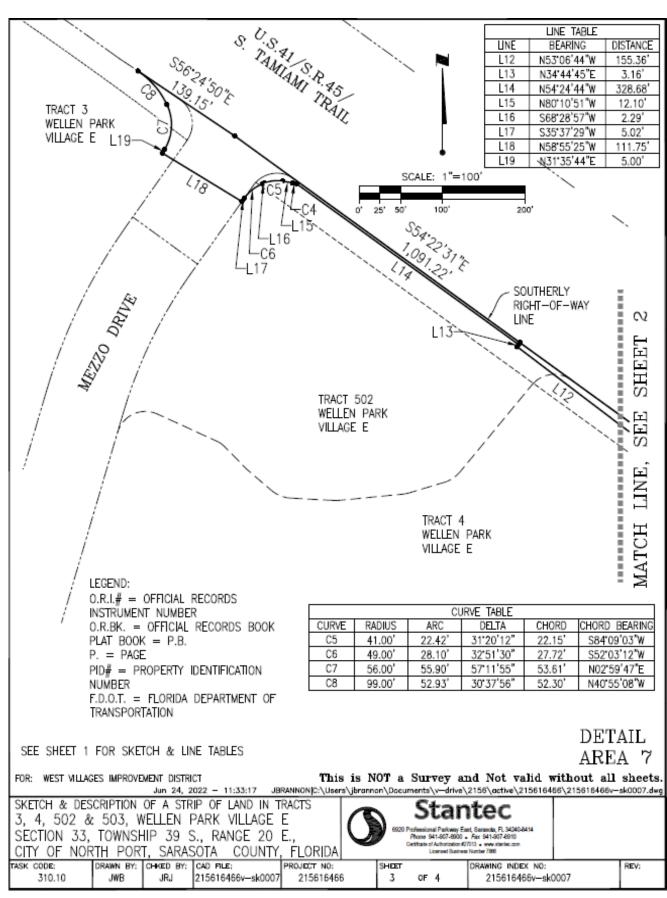
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A strip of land lying in Section 33, Township 39 South, Range 20 East, City of North Port, Sarasota County, Florida, being more particularly described as follows:

BEGIN at the northwest corner of Tract 503, Wellen Park Village E as recorded in Plat Book 55, Page 401 in the Public Records of Sarasota County, Florida, said point also being on the southerly right-of-way line of U.S. 41 (Section 17010-2508, variable width public right-of-way); thence along said southerly right-of-way line, also being the northeasterly line of said Tract 503 for the following three (3) calls: (1) thence S.51°00'40"E., a distance of 83.41 feet; (2) thence S.54*20'43"E., a distance of 199.02 feet; (3) thence S.48*43'03"E., a distance of 40.79 feet; thence N.54'20'43"W., a distance of 239.73 feet; thence N.51'00'40"W., a distance of 83.23 feet to a point on the northwest line of said Tract 503, also being the southeast line of Tract 4, Wellen Park Village E; thence N.34'44'26"E., along said northwest and southeast tract line, a distance of 1.00 feet; thence N.51'00'40"W., a distance of 18.38 feet; thence N.54'22'31"W., a distance of 170.56 feet; thence S.35'37'29"W., a distance of 1.00 feet; thence N.54'22'31"W., a distance of 46.68 feet to the point of curvature of a non-tangent curve to the left, having a radius of 85.96 feet and a central angle of 01°50'45"; thence northwesterly along the arc of said curve, a distance of 2.77 feet, said curve having a chord begring and distance of N.64'02'45"W., 2.77 feet, to the point of reverse curvature of a curve to the right having a radius of 199.74 feet and a central angle of 06'43'42"; thence northwesterly along the arc of said curve, a distance of 23.46 feet to the point of curvature of a non-tangent curve to the right, having a radius of 4,574.09 feet and a central angle of 01°51'19"; thence northwesterly along the arc of said curve, a distance of 148.12 feet, said curve having a chord bearing and distance of N.55'35'18'W., 148.11 feet, to the point of tangency of said curve; thence N.53'49'18"W., a distance of 122.15 feet; thence N.53'06'44"W., a distance of 155.36 feet; thence N.34'44'45"E., a distance of 3.16 feet; thence N.54'24'44"W., a distance of 328.68 feet to the point of curvature of a non-tangent curve to the left, having a radius of 49.51 feet and a central angle of 05°46'17"; thence westerly along the arc of said curve, a distance of 4.99 feet, said curve having a chord bearing and distance of N.77'17'42"W., 4.98 feet, to the point of tangency of said curve; thence N.80'10'51"W., a distance of 12.10 feet to the point of curvature of a curve to the left having a radius of 41.00 feet and a central angle of 31°20'12"; thence westerly along the arc of said curve, a distance of 22.42 feet to the point of tangency of said curve; thence S.68'28'57"W., a distance of 2.29 feet to the point of curvature of a curve to the left having a radius of 49.00 feet and a central angle of 32'51'30"; thence southwesterly along the arc of said curve, a distance of 28.10 feet to the point of tangency of said curve; thence S.35'37'29"W., a distance of 5.02 feet; thence N.58'55'25"W., a distance of 111.75 feet; thence N.31'35'44"E., a distance of 5.00 feet to the point of curvature of a curve to the left having a radius of 56.00 feet and a central angle of 57"11"55"; thence northerly along the arc of said curve, a distance of 55.90 feet to the point of compound curvature of a curve to the left having a radius of 99.00 feet and a central angle of 30'59'24"; thence northwesterly along the arc of said curve, a distance of 53.55 feet to a point on the abovementioned southerly right-of-way line of U.S.41, also being the northeasterly line of Tract 3, said plat of Wellen Park Village E; thence along said southerly right-of-way line and the northeasterly lines of Tracts 3, 502 and 4 for the following three (3) calls: (1) thence S.56'24'50"E., a distance of 139.77 feet; (2) thence S.54'22'31"E., a distance of 1,091.22 feet; (3) thence S.51'00'40"E., a distance of 18.25 feet to the POINT OF BEGINNING.

Said tract contains 15,560 square feet or 0.3572 acres, more or less.

AREA 7

FOR: WEST VILLAGES IMPROVEMENT DISTRICT

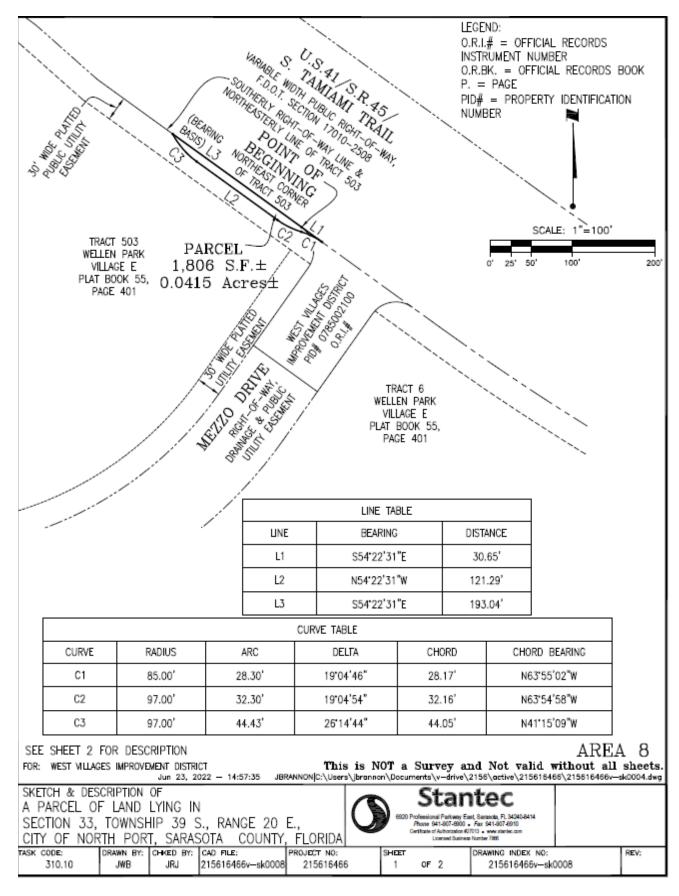
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SKETCH & DESCRIPTION OF A STRIP OF LAND IN TRACTS 3, 4, 502 & 503, WELLEN PARK VILLAGE E SECTION 33, TOWNSHIP 39 S., RANGE 20 E.,

6920 Professional Parkway East, Saranota, Fl. 34240-8414 Phone 941-807-8900 • Fax 941-907-8910 Certificate of Authorization 607013 • www.stantec.com Licensed Business Number 7888

CITY OF NORTH PORT, SARASOTA COUNTY, FLORIDA TASK CODE: DRAWN BY: CHKED BY: CAD FILE: PROJECT NO:

DRAWING INDEX NO: SHEET REV: 310.10 JWB JRJ 215616466v-sk000 215616466 OF 4 215616466v-sk0007



A strip of land lying in Section 33, Township 39 South, Range 20 East, City of North Port, Sarasota County, Florida, being more particularly described as follows:

BEGIN at the northeast corner of Tract 503, Wellen Park Village E, as recorded in Plat Book 55, Page 401 in the Public Records of Sarasota County, Florida, said point also being on the southerly right-of-way line of U.S.41 (Section 17010-2508, variable width public right-of-way); thence S.54°22'31"E., along said southerly right-of-way line, a distance of 30.65 feet to the point of curvature of a non-tangent curve to the left, having a radius of 85.00 feet and a central angle of 19°04'46"; thence northwesterly along the arc of said curve, a distance of 28.30 feet, said curve having a chord bearing and distance of N.63°55'02"W., 28.17 feet, to the point of reverse curvature of a curve to the right having a radius of 97.00 feet and a central angle of 19°04'54"; thence northwesterly along the arc of said curve, a distance of 32.30 feet to the point of tangency of said curve; thence N.54°22'31"W., a distance of 121.29 feet to the point of curvature of a curve to the right having a radius of 97.00 feet and a central angle of 26°14'44"; thence northwesterly along the arc of said curve, a distance of 44.43 feet to a point on the abovementioned U.S.41, also being the northeasterly line of said Tract 503; thence S.54'22'31"E., glong said southerly right-of-way line and said northeasterly tract line, a distance of 193.04 feet to the POINT OF BEGINNING.

Said tract contains 1,806 square feet or 0.0415 acres, more or less.

 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OR ELECTRONIC SIGNATURE AND SEAL OF A FLORIDA SURVEYOR AND MAPPER. 2. BEARINGS SHOWN HEREON ARE ASSUMED AND RELATIVE TO THE SOUTHERLY RIGHT-OF-WAY LINE OF U.S.41, BEING S.54'22'31"E. 3. THIS IS A SKETCH ONLY AND DOES NOT REPRESENT A FIELD SURVEY.

Robert R. Cunningham, P.S.M. Florida Registration No. 3924 Date of Signature

SEE SHEET 1 FOR SKETCH & LINE TABLES

AREA 8

REV:

FOR: WEST VILLAGES IMPROVEMENT DISTRICT Jun 23, 2022 - 14:57:35

JWB

310.10

This is NOT a Survey and Not valid without all sheets. JBRANNON|C:\Users\jbrannon\Documents\v-drive\2156\active\215616466\215616466v-sk0004.dwg

SKETCH & DESCRIPTION OF A PARCEL OF LAND LYING IN SECTION 33, TOWNSHIP 39 S., RANGE 20 E., CITY OF NORTH PORT, SARASOTA COUNTY, FLORIDA TASK CODE: DRAWN BY: CHKED BY: CAD FILE: PROJECT NO:

215616466v-sk0008

JRJ

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