



## City of North Port

### RESOLUTION NO. 2023-R-08

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA, VACATING A PORTION OF THE REAR MAINTENANCE EASEMENT FOR LOT 46, BLOCK 2148, 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 January 19, 2023, 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-22-193, as well as testimony and other evidence presented at the quasi-judicial hearing, the City Commission makes the following findings of fact:
  - (a) Robert Earl Broadway owns fee simple title to Lot 46, Block 2148, Port Charlotte Subdivision;
  - (b) The plat of the Forty-Fifth Addition to Port Charlotte Subdivision as recorded in Plat Book 19, pages 38, 38A through 38GG of the official records of Sarasota County, Florida grants to the City of North Port, Florida, 20 feet for the purpose of maintenance easements at the rear of Lot 46, Block 2148 of the plat ("Easements");
  - (c) The petition requests that the City vacate a portion of the platted twenty-foot (20") maintenance easement;

- (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-22-193 to the extent provided in this resolution.

2.02 The City Commission vacates a ± 133.4 square foot portion of its existing platted twenty-foot (20") wide maintenance easement, as described below and depicted in the survey attached as Exhibit A:

“Vacation of a part of the 20-foot maintenance easement to be occupied by a pool deck at the rear of Lot 46, Block 2148

Commence at the northwest corner of said Lot 46, Block 2148, thence S84°00'00"E along the north line of said lot 46, for 20.00 feet; thence S05°17'20"W for 11.92 feet to a point on a curve concave to the west and the point of beginning; thence south along the arc of this curve having a radius of 480.00 feet, central angle of 7°57'52", for 66.72 feet; thence N89°56'24"W for 2.00 feet to a point on a curve concave to the west; thence north along the arc of this curve having a radius of 482.00 feet, a central angle of 7°55'53", for 66.67 feet; thence S89°56'42"E for 2.00' to the point of beginning.”

## **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 February 14, 2023.

CITY OF NORTH PORT, FLORIDA

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BARBARA LANGDON  
MAYOR

ATTEST

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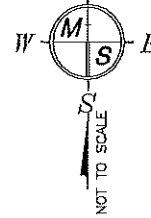
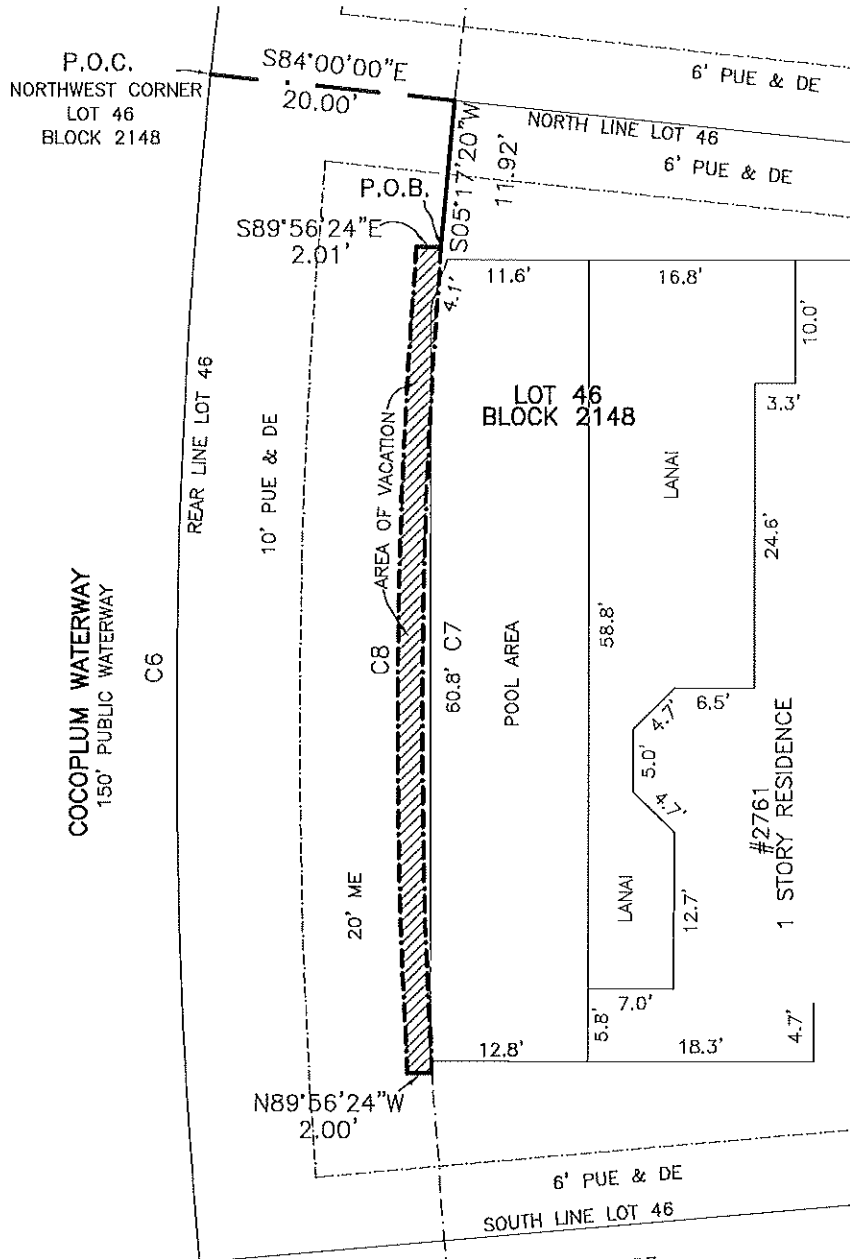
HEATHER FAUST, MMC  
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

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

# Exhibit A to Resolution No. 2023-R-08



## DESCRIPTION:

VACATION OF A PART OF THE 20 FOOT MAINTENANCE EASEMENT TO BE OCCUPIED BY A POOL DECK AT THE REAR OF LOT 46, BLOCK 2148, IN THE 45TH ADDITION TO PORT CHARLOTTE SUBDIVISION, AS RECORDED IN PLAT BOOK 19, PAGE 38 AND PAGES 38A THROUGH 38GG OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCE AT THE NORTHWEST CORNER OF SAID LOT 46, BLOCK 2148, THENCE S84°00'00"E ALONG THE NORTH LINE OF SAID LOT 46, FOR 20.00 FEET; THENCE S05°17'20"W FOR 11.92 FEET TO A POINT ON A CURVE CONCAVE TO THE WEST AND THE POINT OF BEGINNING; THENCE SOUTH ALONG THE ARC OF THIS CURVE HAVING A RADIUS OF 480.00 FEET, CENTRAL ANGLE OF 7°57'52", FOR 66.72 FEET; THENCE N89°56'24"W FOR 2.00 FEET TO A POINT ON A CURVE CONCAVE TO THE WEST; THENCE NORTH ALONG THE ARC OF THIS CURVE HAVING A RADIUS OF 482.00 FEET, A CENTRAL ANGLE OF 7°55'53", FOR 66.67 FEET; THENCE S89°56'42"E FOR 2.00' TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 133.4 SQUARE FEET.

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C6	500.00	95.99	95.85	S00°29'55"W	11°00'00"
C7	480.00	66.72	66.67	S00°35'43"W	7°57'52"
C8	482.00	66.72	66.67	N00°35'35"E	7°55'53"

## ABBREVIATIONS:

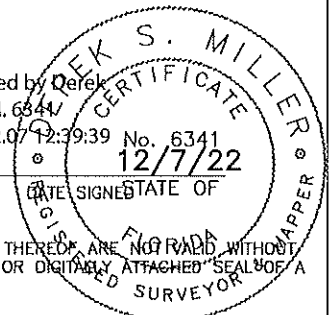
P.O.C. = POINT OF COMMENCEMENT  
P.O.B. = POINT OF BEGINNING  
DE = DRAINAGE EASEMENT  
PUE = PUBLIC UTILITY EASEMENT  
ME = MAINTENANCE EASEMENT

Derek S. Miller  
P.S.M. 6341

Digitally signed by Derek S. Miller P.S.M. 6341  
Date: 2022.12.07 12:39:39 -05'00'

BY:

DEREK S. MILLER  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA CERTIFICATE NO. 6341  
SURVEY MAP AND REPORT OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED OR DIGITALLY ATTACHED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.



**MILLER SURVEYING INC.**

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LICENSED BUSINESS NO. 7413

DATE: 12/6/22

SCALE: NOT TO SCALE

DRAWN BY: DSM

CHECKED BY: DSM

SEC: 35 TWP: 39S RGE: 22E

CLIENT:

BROADWAY  
CUSTOM POOLS

TITLE:

VACATION OF EASEMENT  
SKETCH & DESCRIPTION

PROJECT NUMBER:

190202

SHEET NUMBER:

1 OF 1

FILE NUMBER:

190202