



City of North Port

RESOLUTION NO. 2021-R-47

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA, VACATING UTILITY AND DRAINAGE EASEMENTS FOR LOTS 12 AND 13, BLOCK 691, SEVENTEENTH ADDITION TO PORT CHARLOTTE SUBDIVISION; PROVIDING FOR FINDINGS; PROVIDING FOR RECORDING; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the first replat of the 17th Addition to Port Charlotte Subdivision recorded at Plat Book 13, Pages 16, 12-A through 12-D, of the Public Records of Sarasota County, Florida reserves ten feet for the purpose of utility and drainage easements at the rear of the Lots 12 and 13, Block 691 of said plat (Easement(s)); and

WHEREAS, the City was assigned all right, title, and interest to the utility easements and additional easements pursuant to that certain assignment recorded in Official Record Book 2460, at Page 1191, of the Public Records of Sarasota County, Florida, and has not performed an independent title examination; and

WHEREAS, Robert C. Rizzo and Pamela M. Rizzo property owners (Petitioners) filed Petition VAC-21-222 to vacate in its entirety the platted ten-foot (10') utility and drainage easements at the rear of Lots 12 and 13, as depicted in Exhibit A; and

WHEREAS, Petition VAC-21-222 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 owner; and

WHEREAS, the Planning Division notified affected utilities, which, through written response recommended approval of Petition VAC-21-222; and

WHEREAS, the Planning and Zoning Advisory Board considered the request at a public hearing on October 21, 2021 and recommended to the City Commission approval of said petition; and

WHEREAS, Section 177.101(3) of the Florida Statutes 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 by reference.
- 1.02 With respect to Petition VAC-21-222, the City Commission in reliance upon the Petition VAC-21-222 hereby makes the following findings of fact:
 - (a) Robert C. Rizzo and Pamela M. Rizzo owns fee simple title to Lots 12 and 13, Block 691, Seventeenth Addition to Port Charlotte Subdivision;
 - (b) The petition is a request to vacate the entire platted ten-foot (10') utility and drainage easements at the rear of Lots 12 and 13;
 - (c) The easements are not needed to provide City service to any property;
 - (d) Other than as set forth herein, no public utilities or City facilities are located or planned to be located in the area;
 - (e) 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
 - (f) The vacation requested will not affect the ownership or right of convenient access of persons owning other parts of the subdivision.
- 1.03 Exhibit A, attached hereto, is hereby incorporated as if set forth fully herein.

SECTION 2 – VACATION OF EASEMENTS

- 2.01 The City Commission hereby approves Petition VAC-21-222 to the extent provided herein.
- 2.02 The City Commission hereby vacates a ±1,630 square foot portion of its existing platted ten 10-foot-wide utility and drainage easements, as described below and depicted in the survey attached as "Exhibit A":

"All that portion of the 10.00 foot wide Drainage & Utility Easements lying adjacent to the common line of Lots 12 & 13, Block 691, 17th Addition to Port Charlotte Subdivision, according to the plat thereof, recorded in Plat Book 13, Pages 16, 16A through 16D, inclusive, of the Public Records of Sarasota County, Florida, being more particularly described as follows:

Begin at the Southwest corner of Lot 12; Thence N 00°37'00" E along the West line of said Lot 12, a distance of 10.00 feet; thence departing said West line run S 89°23'00" E, a distance of 81.50 feet to a point on the West line of a 6.00 foot Drainage and Utility Easement as recorded in said Plat Book; thence S 00°37'00" W along said West line, a distance of 20.00 feet; thence departing said West line, run N 89°23'00" W, a distance of 81.50 feet to a point on the West line of said Lot

13; thence N 00°37'00" E along said West line, a distance of 10.00 feet to the Point of Beginning.

Containing 1630 Square Feet/0.04 Acres, more or less.”

SECTION 3 – RECORDING

3.01 Upon this resolution taking effect, the City Clerk is directed to file a certified copy of this resolution with the Clerk of the Circuit Court for Sarasota County, Florida to be duly recorded in the Official Records of said 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 upon adoption.

ADOPTED by the City Commission of the City of North Port, Florida, in public session on November 23, 2021.

CITY OF NORTH PORT, FLORIDA

GISELE “JILL” E. LUKE
MAYOR

ATTEST

HEATHER TAYLOR, MMC
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

AMBER L. SLAYTON
CITY ATTORNEY

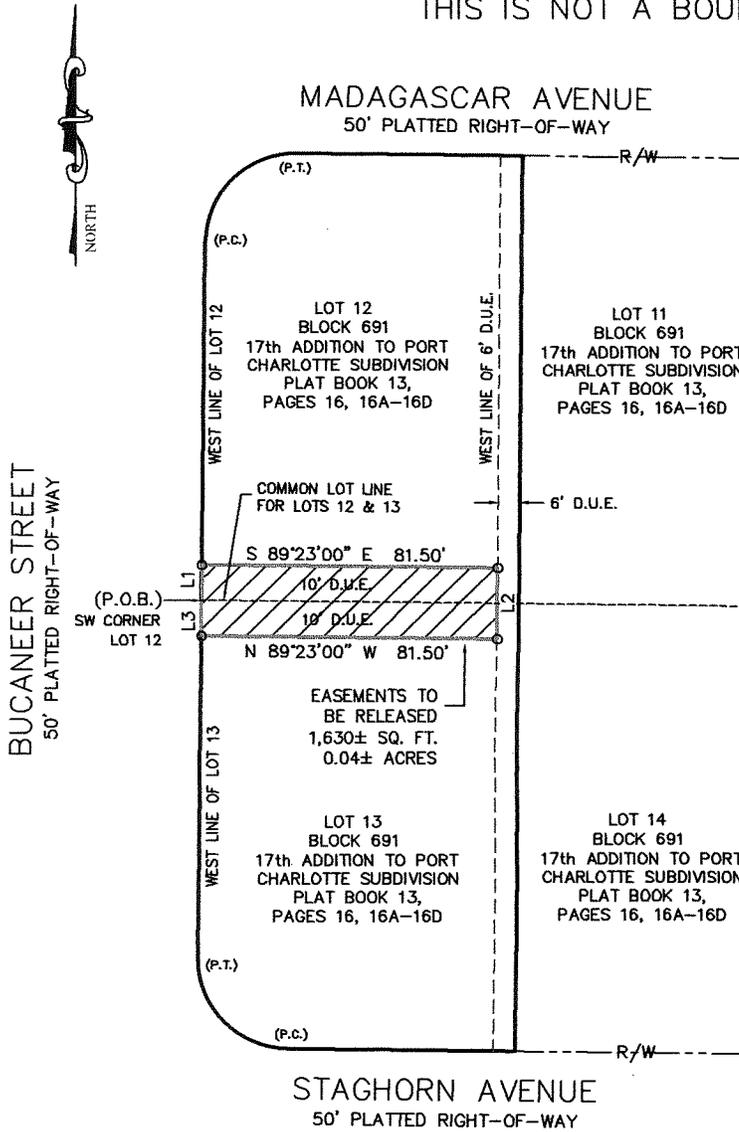
Exhibit A to Resolution 2021-R-47

SKETCH & DESCRIPTION FOR RELEASE OF EASEMENT

THIS IS NOT A BOUNDARY SURVEY

SHEET 1 OF 1

PARCEL #0956069112 & PARCEL #0956069113
MADAGASCAR AVENUE & STAGHORN AVENUE
NORTH PORT, FLORIDA 34286



LINE TABLE

L1	N 00°37'00" E	10.00'
L2	S 00°37'00" W	20.00'
L3	N 00°37'00" E	10.00'

LEGEND

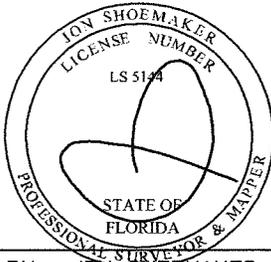
○	= CHANGE IN DIRECTION
D.U.E.	= DRAINAGE & UTILITY EASEMENT
L#	= LINE NUMBER
(P.O.B.)	= POINT OF BEGINNING
R/W	= RIGHT OF WAY
SQ. FT.	= SQUARE FEET

Legal Description:

All that portion of the 10.00 foot wide Drainage & Utility Easements lying adjacent to the common line of Lots 12 & 13, Block 691, 17th Addition to Port Charlotte Subdivision, according to the plat thereof, recorded in Plat Book 13, Pages 16, 16A through 16D, inclusive, of the Public Records of Sarasota County, Florida, being more particularly described as follows:

Begin at the Southwest corner of Lot 12; Thence N 00°37'00" E along the West line of said Lot 12, a distance of 10.00 feet; thence departing said West line run S 89°23'00" E, a distance of 81.50 feet to a point on the West line of a 6.00 foot Drainage and Utility Easement as recorded in said Plat Book; thence S 00°37'00" W along said West line, a distance of 20.00 feet; thence departing said West line, run N 89°23'00" W, a distance of 81.50 feet to a point on the West line of said Lot 13; thence N 00°37'00" E along said West line, a distance of 10.00 feet to the Point of Beginning.

Containing 1630 Square Feet / 0.04 Acres, more or less.



08/12/2021
DATE

SURVEYOR'S NOTES

1. BEARING BASIS ON THE EAST RIGHT OF WAY LINE OF BUCANEER STREET, AS BEING N00°37'00"E, PER 17th ADDITION TO PORT CHARLOTTE SUBDIVISION, PLAT BOOK 13, PAGE 16, 16A-16D.
2. THIS DRAWING IS A DESCRIPTION SKETCH ONLY AND DOES NOT REPRESENT A FIELD SURVEY OF THE PARCEL DESCRIBED.

CERTIFIED BY: JON SHOEMAKER PSM NO. 5144
FIRST CHOICE SURVEYING, INC.
P.O. BOX 470978, LAKE MONROE, FL 32747
407.951.3425 (Office) 407.520.5453 (Fax); LB #7564

CERTIFIED TO: Sarasota County, a Political
Subdivision of the State of Florida

3674 STAGHORN AVENUE, NORTH PORT, FLORIDA (JOB #57504)

REVISIONS:

PARCEL NO. 18-27-16-32778-000-0040	DRAWN	KMS	DATE	8/12/21	SCALE N.T.S.
VACATED PORTION = 1,630 Square Feet ±	CHECKED	JS	DATE	8/12/21	JOB NO. 57504