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KAREN E. RUSHING

CLERK OF THE CIRCUIT COURT

SARASOTA COUNTY, FLORIDA

SIMPLIFILE

Receipt # 3147355



City of North Port

RESOLUTION NO. 2024-R-09

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA, PARTIALLY TERMINATING GRANTS OF EASEMENTS IN SECTIONS 28, 29, 32, AND 33, TOWNSHIP 39 SOUTH, RANGE 21 EAST LOCATED IN SARASOTA COUNTY, FLORIDA; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR PARTIAL TERMINATION AND RELEASE OF EASEMENTS; PROVIDING FOR RECORDING; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of North Port, Florida, ("City") as a successor to General Development Utilities, previously operated and maintained an effluent tank, and appurtenances by non-exclusive ingress and egress easements on property currently owned by Sabal Trace Development Partners, LLC; and

WHEREAS, The City and Sabal Trace Development Partners, LLC, a Florida limited liability company (Developer) are parties to that certain City of North Port, Florida, and Sabal Trace Development Partners, LLC Water and Wastewater System Developer's Agreement dated July 23, 2019, and recorded in Official Records Instrument Number 2019101511; and

WHEREAS, Sabal Trace Development Partners, LLC has asked the City to terminate and release portions of several easements because the City and Developer have agreed that the current infrastructure will be taken out of service, removed, and replaced with a new infrastructure and new easements granted and recorded as a part of the plat; and

WHEREAS, on January 9, 2024, the City Commission approved the new easements for the plat of Central Parc Phase 1; and

WHEREAS, the City Commission approves the *Partial Termination of Grant of Easements* ("Partial Termination") and releases the easement rights as described in this resolution; and

WHEREAS, the City Commission finds that the termination and release of easements satisfies an immediate or future need of the City and 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.
- 1.02 All exhibits attached to this resolution are incorporated in this resolution by reference.

SECTION 2 – TERMINATION AND RELEASE OF EASEMENTS

- 2.01 The City Commission approves the *Partial Termination of Grant of Easements* attached as Exhibit A and terminates and releases the portion of the easements described in Section 2.02 to the extent the easements are on the property described in Exhibit A (the "Released Property").
- 2.02 The portion of the easements terminated and released are referenced in the following official records of Sarasota County, Florida:

Grant of Easement recorded in O.R. Book 1856, Page 1799;
Grant of Easement recorded in O.R. Book 1856, Page 1804; and
Grant of Utility Easement recorded in O.R. Book 2450, Page 2324.
- 2.03 This Partial Termination does not apply to any easements that appear on the plat of Central Parc Phase 1 as approved by the City of North Port City Commission on January 9, 2024.

SECTION 3 – RECORDING

- 3.01 The City Clerk is directed to file a certified copy of this resolution and Exhibit A with the Clerk of the Sarasota County Circuit Court to be duly recorded in the official records of the county.
- 3.02 The City Clerk is directed to record the fully executed *Partial Termination of Grant of Easements* with the Sarasota County Clerk of the Circuit Court to be duly recorded in the official records of the county, concurrent with the recording of this resolution.
- 3.03 Sabal Trace Development Partners, LLC, will reimburse the City for applicable recording fees.

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 Feb 13 2024.

CITY OF NORTH PORT, FLORIDA



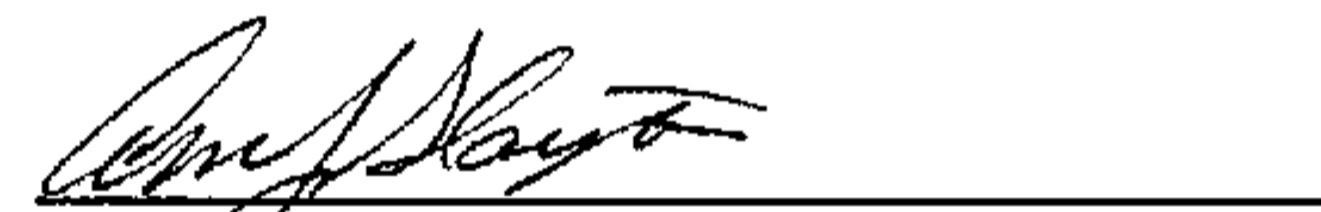
ALICE WHITE
MAYOR

ATTEST



HEATHER FAUST, MMC
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS



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

Prepared by and when
recorded return to:

Jessica Paz Mahoney, Esq.
MAHONEY LAW GROUP, P.A.
2240 Belleair Road, Suite 210
Clearwater, Florida 33764

Cross-Reference: O.R. Book 1856, Page 1799;
O.R. Book 1856, Page 1804; O.R. Book 2450,
Page 2324; O.R. Book 2460, Page 1154; and
O.R. Book 2460, Page 1191.

PARTIAL TERMINATION OF GRANT OF EASEMENTS

THIS PARTIAL TERMINATION OF GRANT OF EASEMENTS (this “**Partial Termination**”) is made as of February ____, 2024 by the CITY OF NORTH PORT, FLORIDA, a municipal corporation of the State of Florida (the “**City**”), whose post office address is 4970 City Hall Boulevard, North Port, Florida 34286, with reference to the following facts:

A. The City, as successor to General Development Utilities, Inc. pursuant to that certain Assignment of Plat and Other Easements recorded in O.R. Book 2460, Page 1154 and that certain Assignment of Easements recorded in O.R. Book 2460, Page 1191 of the Public Records of Sarasota County, Florida, is the grantee and beneficial holder of certain easements described in (i) that certain Grant of Easement recorded in O.R. Book 1856, Page 1799, (ii) that certain Grant of Easement recorded in O.R. Book 1856, Page 1804 and (iii) that certain Grant of Utility Easement recorded in O.R. Book 2450, Page 2324 (the easements described in foregoing subsections (i), (ii) and (iii) above being collectively referred to herein as, the “**Easements**”); and

B. The City and Sabal Trace Development Partners, LLC, a Florida limited liability company (“**Developer**”) are parties to that certain City of North Port, Florida and Sabal Trace Development Partners, LLC Water and Wastewater System Developer’s Agreement dated July 23, 2019, and recorded in Official Records Instrument Number 2019101511 (as the same may be amended, the “**Developer’s Agreement**”).

C. Pursuant to Section 3 of the Developer’s Agreement, Developer has removed certain old, existing facilities described in the Developer’s Agreement and installed water, wastewater and reclaimed water facilities as described in the Developer’s Agreement and, concurrent with the City’s approval of that certain plat of Central Parc Phase 1 (“**Central Parc Phase 1**”) which covers a portion of the Property (as defined in the Developer’s Agreement)), new utility and other easements have been created and granted to the City to accommodate the new water and wastewater utility and other facilities as described in Section 3 of the Developer’s Agreement.

D. Pursuant to Section 3 of the Developer’s Agreement, the City shall terminate the Easements over, across or within the Property prior to or concurrently with the Developer’s creation of the streets, roads, utility easements and reserved utility sites required for the new utility facilities to be installed under the Developer’s Agreement.

E. On January 9, 2024, the City Commission approved the plat of Central Parc Phase 1, including public utility, stormwater, sewerage lift station, emergency services access, and lake maintenance access easements as shown on the plat, which easements are not released by this instrument. The City intends to terminate only the portion of the Easements located within the Released Property.

F. The City desires to make and record this Partial Termination to evidence the termination, and release of the Easements as to any portion of the property described on **Exhibit A** attached to this Partial Termination and incorporated herein by reference (the “Released Property”).

NOW, THEREFORE, for good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the City does hereby forever quit claim, terminate and release the portion of the Easements to the extent any portion of the Easements are located within the Released Property, and hereafter, any portion of the Easements located within the Released Property shall have no force or effect on the title to the Released Property. Any portion of the Easements located outside of the Released Property are expressly not released by this Partial Termination.

IN WITNESS WHEREOF, the City has made this Partial Termination as of the date first above written.

Witnesses:

CITY OF NORTH PORT, FLORIDA

A. JEROME FLETCHER, II, ICMA-CM, MPA
CITY MANAGER

Print Name: _____
Address: 4970 City Hall Boulevard
North Port, Florida 34286

ATTEST

Witnesses:

HEATHER FAUST, MMC
CITY CLERK

Print Name: _____
Address: 4970 City Hall Boulevard
North Port, Florida 34286

APPROVED AS TO FORM AND CORRECTNESS

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

EXHIBIT "A"

Released Property

All of the land described on that certain plat of CENTRAL PARC PHASE 1, which is more particularly described as follows:

(Central Parc Phase 1 legal description)

A PARCEL OF LAND LYING IN PORTIONS OF SECTIONS 28, 29, 32 AND 33, TOWNSHIP 39 SOUTH, RANGE 21 EAST, SARASOTA COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 28, AND THE SOUTHEAST CORNER OF SECTION 29, AND THE NORTHEAST CORNER OF SECTION 32, AND THE NORTHWEST CORNER OF SECTION 33; THENCE N.00°22'00"W. ALONG THE WEST LINE OF SECTION 28 AND THE EAST LINE OF SECTION 29, FOR 172.64 FEET TO THE POINT OF BEGINNING;

THENCE S.45°46'34"E., FOR 277.32 FEET TO A POINT ON A CURVE;

THENCE SOUTHWESTERLY 132.32 FEET ALONG THE ARC OF A NON-TANGENTIAL CURVE TO THE LEFT HAVING A RADIUS OF 1,050.00 FEET THROUGH A CENTRAL ANGLE OF 07°13'13" AND BEING SUBTENDED BY A CHORD WHICH BEARS S.36°02'00"W. FOR 132.23 FEET;

THENCE S.32°25'23"W., FOR 22.10 FEET TO A POINT OF CURVATURE;

THENCE WESTERLY 51.38 FEET ALONG THE ARC OF A TANGENTIAL CURVE TO THE RIGHT HAVING A RADIUS OF 35.00 FEET THROUGH A CENTRAL ANGLE OF 84°06'47" AND BEING SUBTENDED BY A CHORD WHICH BEARS S.74°28'47"W. FOR 46.89 FEET TO A POINT OF REVERSE CURVATURE;

THENCE WESTERLY 141.13 FEET ALONG THE ARC OF A REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 550.00 FEET THROUGH A CENTRAL ANGLE OF 14°42'09" AND BEING SUBTENDED BY A CHORD WHICH BEARS N.70°48'54"W. FOR 140.75 FEET;

THENCE S.10°47'31"W., FOR 185.05 FEET TO A POINT ON A CURVE;

THENCE EASTERLY 127.80 FEET ALONG THE ARC OF A NON-TANGENTIAL CURVE TO THE RIGHT HAVING A RADIUS OF 365.00 FEET THROUGH A CENTRAL ANGLE OF 20°03'40" AND BEING SUBTENDED BY A CHORD WHICH BEARS S.67°36'27"E. FOR 127.15 FEET TO A POINT OF COMPOUND CURVATURE;

THENCE SOUTHEASTERLY 112.86 FEET ALONG THE ARC OF A COMPOUND CURVE TO THE RIGHT HAVING A RADIUS OF 875.00 FEET THROUGH A CENTRAL ANGLE OF 07°23'26" AND BEING SUBTENDED BY A CHORD WHICH BEARS S.53°52'54"E. FOR 112.79 FEET;

THENCE S.34°14'28"W., FOR 119.86 FEET;

THENCE S.25°47'46"W., FOR 428.54 FEET TO A POINT OF CURVATURE;

THENCE SOUTHWESTERLY 672.92 FEET ALONG THE ARC OF A TANGENTIAL CURVE TO THE RIGHT HAVING A RADIUS OF 1,800.00 FEET THROUGH A CENTRAL ANGLE OF 21°25'11" AND BEING SUBTENDED BY A CHORD WHICH BEARS S.36°30'22"W. FOR 669.01 FEET;

THENCE S.47°12'36"W., FOR 314.31 FEET;

THENCE S.19°02'27"E., FOR 229.37 FEET;

THENCE S.70°57'32"W., FOR 69.43 FEET TO A POINT OF CURVATURE;

THENCE WESTERLY 243.65 FEET ALONG THE ARC OF A TANGENTIAL CURVE TO THE RIGHT HAVING A RADIUS OF 350.00 FEET THROUGH A CENTRAL ANGLE OF 39°53'10" AND BEING SUBTENDED BY A CHORD WHICH BEARS N.89°05'53"W. FOR 238.76 FEET;

THENCE N.69°09'18"W., FOR 1,041.93 FEET;

THENCE N.22°04'06"W., FOR 232.53 FEET;

THENCE N.05°20'00"E., FOR 133.96 FEET;

THENCE N.09°57'32"E., FOR 637.41 FEET;

THENCE N.00°17'24"W., FOR 100.20 FEET;

THENCE N.89°52'24"E., FOR 289.90 FEET TO A POINT OF CURVATURE;

THENCE EASTERLY 282.67 FEET ALONG THE ARC OF A TANGENTIAL CURVE TO THE LEFT HAVING A RADIUS OF 385.00 FEET THROUGH A CENTRAL ANGLE OF 42°04'00" AND BEING SUBTENDED BY A CHORD WHICH BEARS N.68°50'24"E. FOR 276.36 FEET;

THENCE N.42°11'36"W., FOR 184.98 FEET;

THENCE S.48°39'32"W., FOR 2.97 FEET TO A POINT ON A CURVE;

THENCE WESTERLY 208.99 FEET ALONG THE ARC OF A NON-TANGENTIAL CURVE TO THE RIGHT HAVING A RADIUS OF 200.00 FEET THROUGH A CENTRAL ANGLE OF 59°52'14" AND BEING SUBTENDED BY A CHORD WHICH BEARS S.78°35'38"W. FOR 199.61 FEET;

THENCE N.18°31'45"E., FOR 127.47 FEET TO A POINT ON A CURVE;

THENCE NORTHERLY 117.25 FEET ALONG THE ARC OF A NON-TANGENTIAL CURVE TO THE RIGHT HAVING A RADIUS OF 640.00 FEET THROUGH A CENTRAL ANGLE OF 10°29'48" AND BEING SUBTENDED BY A CHORD WHICH BEARS N.18°12'58"W. FOR 117.08 FEET;

THENCE N.12°58'04"W., FOR 184.08 FEET TO A POINT OF CURVATURE;

THENCE NORTHERLY 578.60 FEET ALONG THE ARC OF A TANGENTIAL CURVE TO THE RIGHT HAVING A RADIUS OF 5,180.00 FEET THROUGH A CENTRAL ANGLE OF 06°24'00" AND BEING SUBTENDED BY A CHORD WHICH BEARS N.09°46'04"W. FOR 578.30 FEET TO A POINT OF REVERSE CURVATURE;

THENCE NORTHERLY 304.76 FEET ALONG THE ARC OF A REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 685.00 FEET THROUGH A CENTRAL ANGLE OF 25°29'27" AND BEING SUBTENDED BY A CHORD WHICH BEARS N.19°18'48"W. FOR 302.25 FEET TO A POINT OF REVERSE CURVATURE;

THENCE NORTHERLY 276.45 FEET ALONG THE ARC OF A REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 675.00 FEET THROUGH A CENTRAL ANGLE OF 23°27'56" AND BEING SUBTENDED BY A CHORD WHICH BEARS N.20°19'33"W. FOR 274.52 FEET;

THENCE N.80°33'29"E., FOR 130.02 FEET TO A POINT ON A CURVE;

THENCE NORTHERLY 6.77 FEET ALONG THE ARC OF A NON-TANGENTIAL CURVE TO THE RIGHT HAVING A RADIUS OF 545.00 FEET THROUGH A CENTRAL ANGLE OF 00°42'41" AND BEING SUBTENDED BY A CHORD WHICH BEARS N.08°02'06"W. FOR 6.77 FEET;

THENCE N.07°40'45"W., FOR 728.23 FEET; TO A POINT OF CURVATURE;

THENCE NORTHWESTERLY 381.87 FEET ALONG THE ARC OF A TANGENTIAL CURVE TO THE LEFT HAVING A RADIUS OF 580.00 FEET THROUGH A CENTRAL ANGLE OF 37°43'24" AND BEING SUBTENDED BY A CHORD WHICH BEARS N.26°32'27"W. FOR 375.01 FEET;

THENCE N.45°24'09"W., FOR 254.22 FEET TO A POINT OF CURVATURE;

THENCE NORTHWESTERLY 20.35 FEET ALONG THE ARC OF A TANGENTIAL CURVE TO THE LEFT HAVING A RADIUS OF 48.00 FEET THROUGH A CENTRAL ANGLE OF 24°17'09" AND BEING SUBTENDED BY A CHORD WHICH BEARS N.57°32'44"W. FOR 20.19 FEET TO A POINT OF REVERSE CURVATURE;

THENCE NORTHEASTERLY 243.44 FEET ALONG THE ARC OF A REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 65.00 FEET THROUGH A CENTRAL ANGLE OF 214°34'58" AND BEING SUBTENDED BY A CHORD WHICH BEARS N.37°36'10"E. FOR 124.12 FEET;

THENCE N.44°35'01"E., FOR 136.06 FEET;

THENCE S.45°24'09"E., FOR 40.00 FEET;

THENCE S.44°35'01"W., FOR 160.52 FEET TO A POINT ON A CURVE;

THENCE SOUTHERLY 74.26 FEET ALONG THE ARC OF A TANGENTIAL CURVE TO THE LEFT HAVING A RADIUS OF 56.93 FEET THROUGH A CENTRAL ANGLE OF 74°44'13" AND BEING SUBTENDED BY A CHORD WHICH BEARS S.05°19'15"E. FOR 69.11 FEET;

THENCE S.45°24'09"E., FOR 196.20 FEET TO A POINT OF CURVATURE;

THENCE SOUTHEASTERLY 414.79 FEET ALONG THE ARC OF A TANGENTIAL CURVE TO THE RIGHT HAVING A RADIUS OF 630.00 FEET THROUGH A CENTRAL ANGLE OF 37°43'24" AND BEING SUBTENDED BY A CHORD WHICH BEARS S.26°32'27"E. FOR 407.34 FEET;

THENCE S.07°40'45"E., FOR 703.59 FEET;

THENCE N.82°19'15"E., FOR 204.85 FEET;

THENCE S.07°40'45"E., FOR 24.40 FEET TO A POINT ON A CURVE;

THENCE SOUTHEASTERLY 299.44 FEET ALONG THE ARC OF A TANGENTIAL CURVE TO THE LEFT HAVING A RADIUS OF 290.00 FEET THROUGH A CENTRAL ANGLE OF 59°09'39" AND BEING SUBTENDED BY A CHORD WHICH BEARS S.37°15'16"E. FOR 286.31 FEET;

THENCE S.00°10'27"W., FOR 150.00 FEET;

THENCE S.07°50'17"E., FOR 265.03 FEET;

THENCE S.82°08'53"E., FOR 73.49 FEET;

THENCE S.20°24'11"E., FOR 373.99 FEET;

THENCE S.25°31'07"W., FOR 276.53 FEET;

THENCE S.25°43'22"E., FOR 179.85 FEET;

THENCE S.72°32'00"E., FOR 432.36 FEET;

THENCE N.73°58'00"E., FOR 159.34 FEET;

THENCE N.19°52'09"E., FOR 430.17 FEET;

THENCE S.80°13'18"E., FOR 44.37 FEET TO A POINT ON A CURVE;

THENCE SOUTHERLY 207.00 FEET ALONG THE ARC OF A NON-TANGENTIAL CURVE TO THE RIGHT HAVING A RADIUS OF 900.00 FEET THROUGH A CENTRAL ANGLE OF 13°10'40" AND BEING SUBTENDED BY A CHORD WHICH BEARS S.17°40'10"E. FOR 206.54 FEET;

THENCE S.11°04'50"E., FOR 41.73 FEET;

THENCE N.78°55'10"E., FOR 135.00 FEET;

THENCE N.83°04'04"E., FOR 50.13 FEET;

THENCE S.11°04'50"E., FOR 119.00 FEET TO A POINT OF CURVATURE;

THENCE SOUTHEASTERLY 51.38 FEET ALONG THE ARC OF A TANGENTIAL CURVE TO THE LEFT HAVING A RADIUS OF 35.00 FEET THROUGH A CENTRAL ANGLE OF 84°06'47" AND BEING SUBTENDED BY A CHORD WHICH BEARS S.53°08'14"E. FOR 46.89 FEET TO A POINT OF REVERSE CURVATURE;

THENCE EASTERLY 105.84 FEET ALONG THE ARC OF A REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 550.00 FEET THROUGH A CENTRAL ANGLE OF 11°01'32" AND BEING SUBTENDED BY A CHORD WHICH BEARS S.89°40'52"E. FOR 105.67 FEET;

THENCE N.11°04'50"W., FOR 220.06 FEET TO A POINT OF CURVATURE;

THENCE NORTHERLY 166.16 FEET ALONG THE ARC OF A TANGENTIAL CURVE TO THE LEFT HAVING A RADIUS OF 1,220.00 FEET THROUGH A CENTRAL ANGLE OF 07°48'13" AND BEING SUBTENDED BY A CHORD WHICH BEARS N.14°58'57"W. FOR 166.03 FEET TO A POINT OF REVERSE CURVATURE;

THENCE NORTHEASTERLY 106.89 FEET ALONG THE ARC OF A REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 40.00 FEET THROUGH A CENTRAL ANGLE OF 153°06'29" AND BEING SUBTENDED BY A CHORD WHICH BEARS N.57°40'11"E. FOR 77.81 FEET;

THENCE S.45°46'34"E., FOR 202.88 FEET TO THE POINT OF BEGINNING OF THE PARCEL DESCRIBED HEREIN;

PARCEL CONTAINS 3,599,006 SQUARE FEET OR 82.62 ACRES, MORE OR LESS.