



City of North Port

RESOLUTION NO. 2022-R-44

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA, VACATING A PORTION OF THE UTILITY AND DRAINAGE EASEMENTS FOR LOTS 1 AND 2, BLOCK 2453, FORTY-NINTH 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 August 4, 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-22-102, as well as testimony and other evidence presented at the quasi-judicial hearing, the City Commission makes the following findings of fact:
 - (a) Amanda and Jose Losada own fee simple title to Lots 1 and 2, Block 2453, 49th Addition to Port Charlotte Subdivision;
 - (b) The plat of the Forty-Ninth Addition to Port Charlotte Subdivision recorded as instrument number SUBDIVBK21PG1 of the official records of Sarasota County, Florida grants to the City of North Port, Florida, for the purposes of utility and drainage, ten-foot (10') easements at the rear of Lots 1 and 2, Block 2453 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 either not objected to approval of the petition or 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-22-102 to the extent provided in this resolution.

2.02 The City Commission vacates a ±1,150 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 foot wide Utility & Drainage Easement lying North of and adjacent to the South line of Lot 1, and a portion of the 10 foot wide Utility & Drainage Easement lying North of and adjacent to the South line of Lot 2, Block 2453, 49th ADDITION TO PORT CHARLOTTE SUBDIVISION, according to the map or Plat thereof, as recorded in Plat Book 21, at Pages 1, 1-A through 1-TT, inclusive, of the Public Records of Sarasota County, Florida, and being more particularly described as follows:

Beginning at the Southwest corner of said Lot 1; thence North along the East Right of Way Line of Palestine Road (a 50' wide Public Right of Way), a distance of 10.00'; thence East along a line being 10.00' North of and parallel with the South line of said Lots 1 and 2, a distance of 115.00'; thence, South, a distance of 10.00' to the intersection with the said South line of Lots 1 and 2; thence, West, along said South line of Lots 1 and 2, a distance of 115.00' to the Point of Beginning, and containing 1150 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 _____, 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

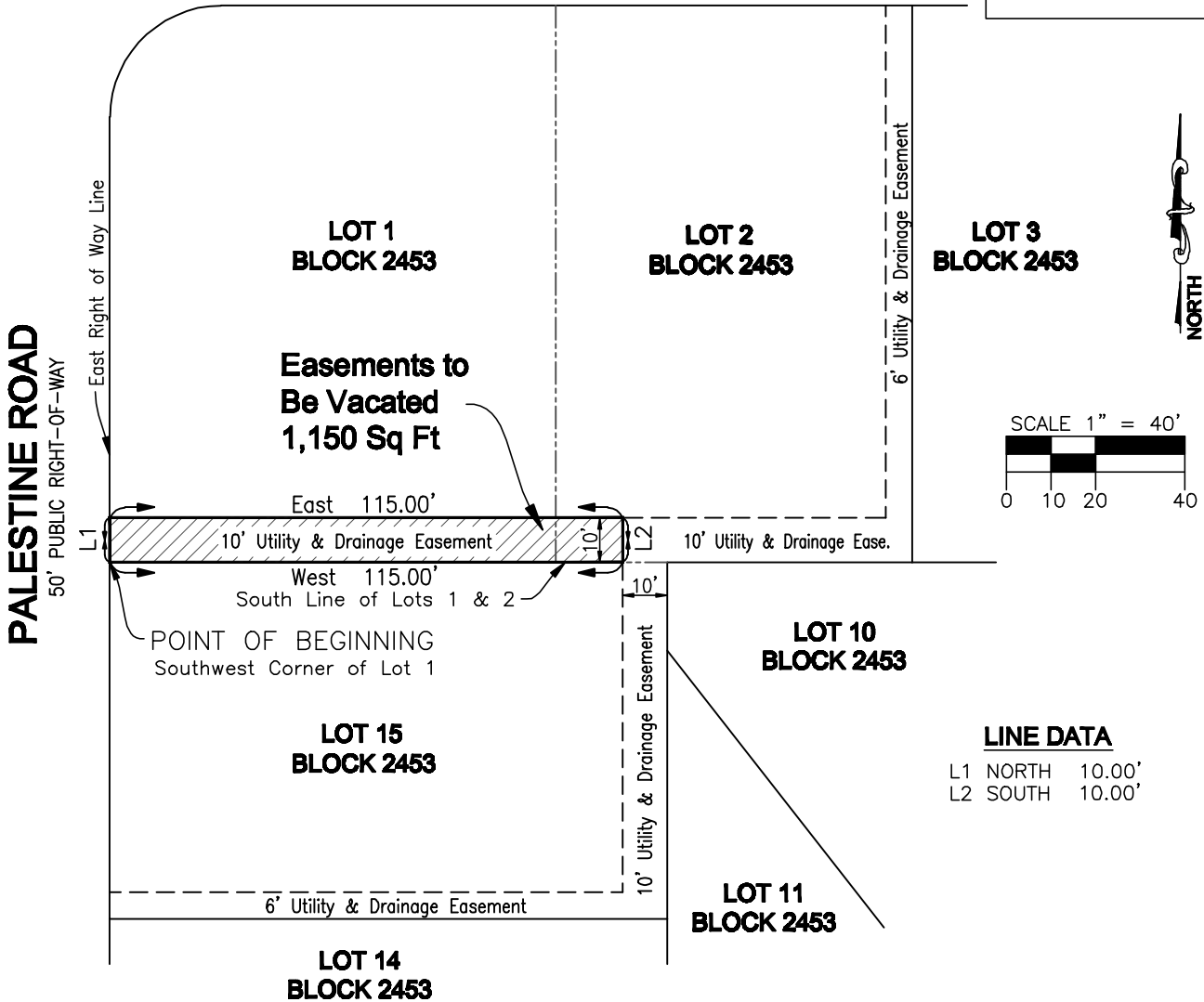
Sketch & Description for Vacation of Easement

This is Not a Boundary Survey

CULLOM AVENUE

50' PUBLIC RIGHT-OF-WAY

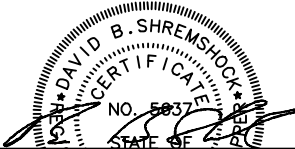
Parcel #1121-24-5301
3509 Cullom Avenue
North Port, FL 34288



Description

All that portion of the 10 foot wide Utility & Drainage Easement lying North of and adjacent to the South line of Lot 1, and a portion of the 10 foot wide Utility & Drainage Easement lying North of and adjacent to the South line of Lot 2, Block 2453, 49th ADDITION TO PORT CHARLOTTE SUBDIVISION, according to the map or Plat thereof, as recorded in Plat Book 21, at Pages 1, 1-A through 1-TT, inclusive, of the Public Records of Sarasota County, Florida, and being more particularly described as follows:

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BY: 
DAVID B. SHREMSHOCK
Registered Surveyor and Mapper
#5637 State of Florida

David
Shremshock

Digitally signed by David
Shremshock
Date: 2022.05.26 14:11:50
-04'00'

DATE: 5/26/22

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

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