



City of North Port

RESOLUTION NO. 2021-R-10

A RESOLUTION OF THE CITY OF NORTH PORT, FLORIDA, VACATING UTILITY AND DRAINAGE EASEMENTS FOR LOTS 12, AND 16, BLOCK 870, FIRST REPLAT IN THE SIXTEENTH ADDITION TO PORT CHARLOTTE SUBDIVISION; PROVIDING FOR FINDINGS; PROVIDING FOR FILING OF APPROVED DOCUMENTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the first replat of the 16th Addition to Port Charlotte Subdivision recorded at Plat Book 20, Pages 12, 12-A through 12-E, 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 16, Block 870 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

WHEREAS, Joshua N. and Mary L. Shelton property owners (Petitioner) filed Petition VAC-20-243 to vacate in the portion of the platted ten-foot (10') utility and drainage easements at the rear of Lots 12 and 16, as depicted in Exhibit A; and

WHEREAS, Petition VAC-20-243 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; and

WHEREAS, the Planning Division notified affected utilities, which, through written response recommended approval of Petition VAC-20-243; and

WHEREAS, the Planning and Zoning Advisory Board considered the request at a public hearing on February 4, 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 recitals outlined above are incorporated by reference as findings of fact as if expressly set forth herein.
- 1.02 With respect to Petition VAC-20-243, the City Commission in reliance upon the Petition VAC-20-243 hereby makes the following findings of fact:
 - (a) Joshua N. and Mary L. Shelton own fee simple title to Lots 12 and 16, Block 870, first replat in Sixteenth Addition to Port Charlotte Subdivision;
 - (b) The petition is a request to vacate the portion of the platted ten-foot (10') utility and drainage easements at the rear of Lots 12 and 16, except the areas of the six-foot (6') side lot line utility and drainage easements;
 - (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-20-243 to the extent provided herein.
- 2.02 The City Commission hereby vacates a ±1,360 square foot portion of its existing platted ten 10-foot (10') utility and drainage easements, as described below and depicted in the survey attached as "Exhibit A":

"All that portion of the ten foot wide Utility & Drainage Easements lying adjacent to the common rear line of Lots 12 and 16, Block 870, First Replat in Sixteenth Addition to Port Charlotte Subdivision, according to the Plat thereof, recorded in Plat Book 20, Pages 12 , 12-A through 12-E, inclusive of the Public Records of Sarasota County, Florida and being more particularly described as follows:

Commence at the Southwest corner of said Lot 12: thence N.00'08'41 "W. along said common rear lot line of Lots 12 & 16, a distance of 6.00' to the Point of Beginning: thence N.89'51'19. E. along a line being 6.00' North of and parallel with the South line of said Lot 12, a distance of 10.00': thence, N.00'08' 41"W.

along a line being 10.00' East of and parallel with said common rear lot line of Lots 12 & 16, a distance of 68.00' to the intersection with a line being 6.00' South of the North line of said Lot 12; thence, S.89°51'19"W, along a line being 6.00' South of and parallel with the North line of Lots 12 & 16, a distance of 20.00'; thence, S.00°00'41"E. along a line being 10.00' West of and parallel with said common rear lot line of Lots 12 & 16, a distance of 68.00' to the intersection with a line being 6.00' North of the South line of Lot 16: thence N.89°51'19"E. along a line being 6.00' North of and parallel with South line of Lot 16, a distance of 10.00' to the Point of Beginning, and containing 1360 Square Feet, More or Less."

SECTION 3 – FILING OF APPROVED DOCUMENTS

- 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.

SECTION 4 – CONFLICTS

- 4.01 In the event of any conflict between the provisions of this resolution and any other resolution or portions thereof, the provisions of this resolution shall prevail to the extent of such conflict.

SECTION 5 – SEVERABILITY

- 5.01 If any section, sentence, clause, or phrase of this resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this resolution.

SECTION 6 – EFFECTIVE DATE

- 6.01 This resolution shall take effect immediately upon adoption by the City Commission of the City of North Port, Florida.

PASSED and DULY ADOPTED by the City Commission of the City of North Port, Florida, this 23rd day of February 2021.

CITY OF NORTH PORT, FLORIDA

GISELE "JILL" E. LUKE
MAYOR

ATTEST

HEATHER TAYLOR, CMC
CITY CLERK

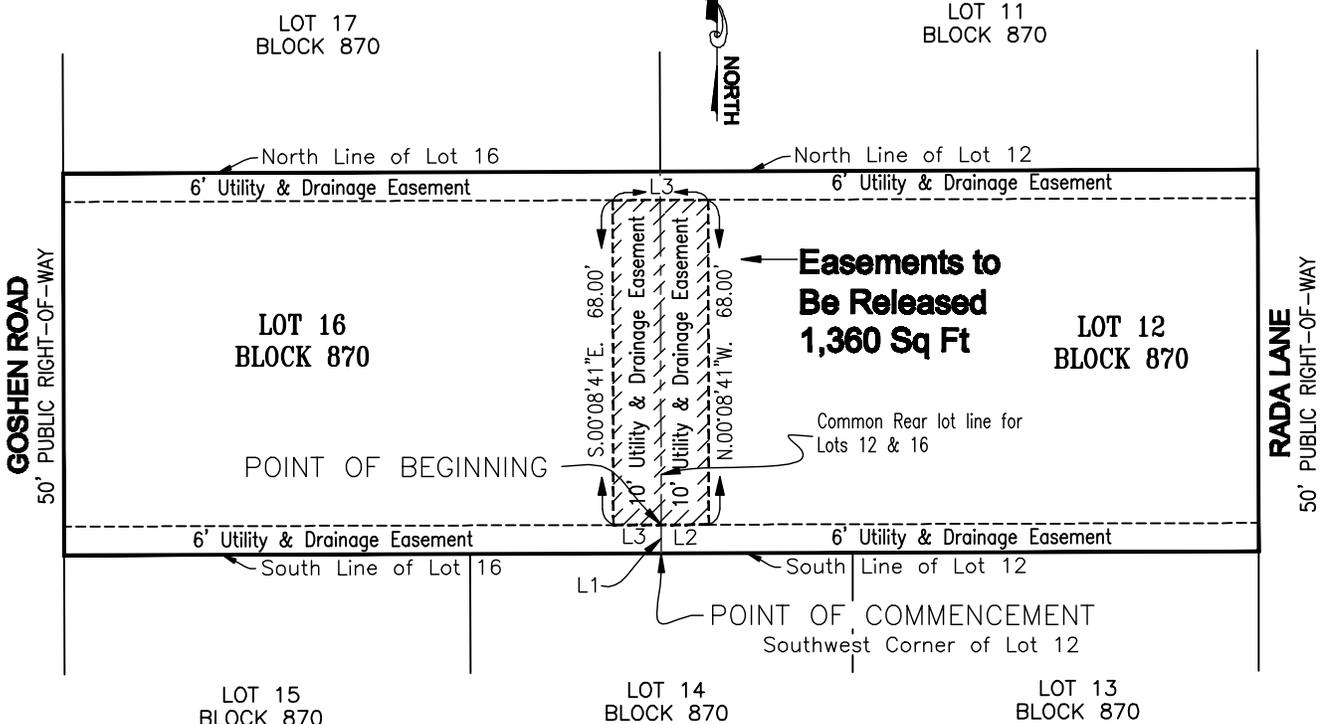
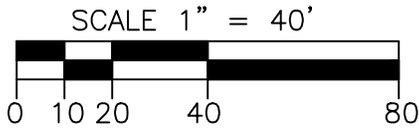
APPROVED AS TO FORM AND CORRECTNESS

AMBER L. SLAYTON
CITY ATTORNEY

Sketch & Description for Release of Easement

This is Not a Boundary Survey

Parcel #1135080712
Goshen Road & Rada Lane
North Port, FL 34288



LINE DATA

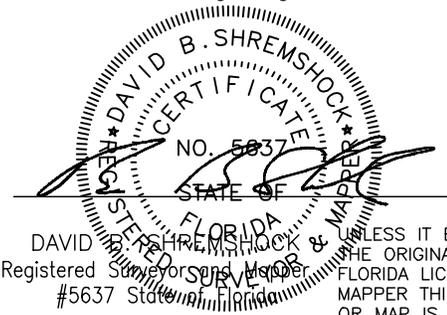
- L1 N.00°08'41"W. 6.00'
- L2 N.89°51'19"E. 10.00'
- L3 S.89°51'19"W. 20.00'
- L4 N.89°51'19"E. 10.00'

Description

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The digital signature and seal appearing on this document was authorized by David B. Shremshock, P.S.M. #5637 on 11/19/20



DATE: 11/19/20

Shremshock Surveying, Inc.
Land Surveyors
5265 Alamos Terr.
North Port, Florida 34288
ph. (941) 423-8875 fax (941) 423-4365
e-mail: shremshocksurveying@comcast.net

DAVID B. SHREMSHOCK & MAPPER
Registered Surveyors and Mapper
#5637 State of Florida
SHREMSHOCK SURVEYING, INC. LB #7747

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.