



City of North Port

RESOLUTION NO. 2019-R-17

A RESOLUTION OF THE CITY OF NORTH PORT, FLORIDA, VACATING UTILITY AND DRAINAGE EASEMENTS FOR LOTS 18, 19, 20 & 21, BLOCK 736, TWELFTH ADDITION TO PORT CHARLOTTE SUBDIVISION; PROVIDING FOR FINDINGS; PROVIDING FOR VACATION OF EASEMENTS; PROVIDING FOR FILING OF APPROVED DOCUMENTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the plat recorded at Plat Book 13, Page 8, 8A through 8V, inclusive (and specifically page 8Q), of the Public Records of Sarasota County, Florida dedicates ten feet of utility and drainage easements at the rear of the Lots 18, 19, 20 & 21, Block 736, Twelfth Addition to Port Charlotte Subdivision (the "Property") to the City; and

WHEREAS, Michael Kent Schuelke and Kiki Rochelle Stengel ("Petitioners") filed with the City a petition ("Petition VAC-19-132") to vacate in their entirety the platted ten-foot (10') utility and drainage easements at the rear of Lots 19 and 20, and a portion of the platted ten-foot (10') utility and drainage easements at the rear of Lots 18 and 21, as depicted in "Exhibit D"; and

WHEREAS, Petition VAC-19-132 included evidence of the publication of a Notice of Intent ("Exhibit A"), documentation of ownership ("Exhibit B"), and certification that all taxes have been paid by the current property owners ("Exhibit C"); and

WHEREAS, the Neighborhood Development Services Planning Division notified affected utilities, which, through written response recommended approval of Petition VAC-19-132; and

WHEREAS, the Planning and Zoning Advisory Board considered the request at a public hearing on August 1, 2019 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-19-132, the City Commission hereby makes the following findings of fact:
 - (a) Michael Kent Schuelke and Kiki Rochelle Stengel own fee simple title to Lots 18, 19, 20 & 21, Block 736, Twelfth Addition to Port Charlotte Subdivision;
 - (b) There are no holders of mortgage liens on the lots;
 - (c) The petition is a request to vacate in their entirety the platted ten-foot (10') utility and drainage easements at the rear of Lots 19 and 20, and a portion of the platted ten-foot (10') utility and drainage easements at the rear of Lots 18 and 21;
 - (d) The easements are not needed to provide City service to any property;
 - (e) Other than as set forth herein, 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.
- 1.03 “Exhibits A” through “D,” attached hereto, are hereby incorporated as if set forth fully herein.

SECTION 2 – VACATION OF EASEMENTS

- 2.01 The City Commission hereby approves Petition VAC-19-132 to the extent provided herein.
- 2.02 The City Commission hereby vacates a ±2,163 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 D”:

“A portion of an Easement over and across portions of lots 18, 19, 20 & 21, Block 736, 12th Addition to Port Charlotte Subdivision, according to the plat thereof, as recorded in Plat Book 13, Pages 8, 8A through 8V, inclusive of the Public Records of Sarasota County, Florida, and being more particularly described as follows:

Beginning at the Southeast corner of said Lot 20: thence N.89’39’57” W. along the Northerly Right of Way line of Leesburg Avenue (a 50’ wide public right of way), a distance of 10.00’; thence N.00’20’03” E. along a line being 10.00’ Westerly of and parallel with the Easterly line of said lots 20 & 21, a distance of

108.17' to the intersection with a line being 61.83' Southerly of and parallel with the Northerly line of said Lots 18 & 21; thence, S.89°39'57"E. along said line being 61.83' Southerly of and parallel with the Northerly line of Lots 18 & 21, a distance of 20.00' to the intersection with a line being 10.00' Easterly of and parallel with the Westerly line of said lots 18 & 19; thence, S.00°20'03"W, along said line being 10.00' Easterly of the Westerly Line of Lots 18 & 19, a distance of 108.17' to the intersection with said Northerly Right of Way line of Leesburg Avenue: thence, N.89°39'57"W. along said Northerly Right of way line a distance of 10.00' to the Point of Beginning, and containing 2,163 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.

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 10th day of September, 2019.

CITY OF NORTH PORT, FLORIDA

CHRISTOPHER HANKS
MAYOR

ATTEST

KATHYRN WONG
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

AMBER L. SLAYTON
CITY ATTORNEY



NOTICE OF INTENT
CITY OF NORTH PORT
SARASOTA COUNTY, FLORIDA
TO WHOM IT MY CONCERN:

Notice is hereby given pursuant to the provisions of Section 177.10(4), Florida Statutes, that Michael K. Schuelke and Kiki R. Stengel, the property owners, intend to petition the City of North Port to vacate a portion of the 10-foot platted rear utility and drainage easements located on Lots 18,19,20 and 21.,Block 736, 12th Addition to the Port Charlotte Subdivision, according to the plat thereof as recorded in Plat Book 13, Pages 8, 8A through 8V, of the Public Records of Sarasota County, Florida. All of the above lying and being in the City of North Port, Sarasota County, Florida.
Publish: 06/17/19, 06/24/19
395956 3687331

PUBLISHER'S AFFIDAVIT OF PUBLICATION
STATE OF FLORIDA
COUNTY OF CHARLOTTE:

Before the undersigned authority personally appeared Melinda Dickinson, who on oath says that she is legal clerk of the Charlotte Sun, a newspaper published at Charlotte Harbor in Charlotte County, Florida; that the attached copy of advertisement, being a **Notice of Intent** was published in said newspaper in the issues of:

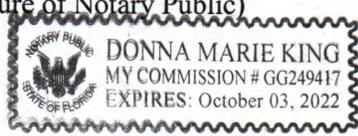
06/17/2019, 06/24/2019

Affiant further says that the said newspaper is a newspaper published at Charlotte Harbor, in said Charlotte County, Florida, and that the said newspaper has heretofore been continuously published in said Charlotte County, Florida, Sarasota County, Florida and DeSoto County, Florida, each day and has been entered as periodicals matter at the post office in Punta Gorda, in said Charlotte County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Melinda Dickinson
(Signature of Affiant)

Sworn and subscribed before me this 24th day
of June, 2019.

Donna Marie King
(Signature of Notary Public)



Personally known X or Produced Identification

Exhibit B to Resolution No. 2019-R-17

This Instrument Prepared by and Return to:
Brandie Mailman
Hometown Title & Closing Services, LLC
17839 Murdock Circle, Suite A
Port Charlotte, FL 33948
Our File No.: 20181177
Property Appraisers Parcel Identification (Folio) Number: 1144073618
Florida Documentary Stamps in the amount of \$182.00 have been paid hereon.

RECORDED IN OFFICIAL RECORDS
INSTRUMENT # 2018153233 1 PG(S)
November 26, 2018 09:13:31 AM
KAREN E. RUSHING
CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FL

Doc Stamp-Deed: \$182.00


SPACE ABOVE THIS LINE FOR RECORDING DATA

WARRANTY DEED

THIS WARRANTY DEED, made the 14 day of November, 2018 by
Lanphier Campion and Donna Campion, Husband and Wife,
whose post office address is 1011 59th St NW, Bradenton, FL 34209
herein called the Grantor, to
Michael K. Schuelke, a Single man and Kiki R. Stengel, a Single woman, as Joint Title with full
Rights of Survivorship
whose post office address is 5907 Penny Lane, The Villages, FL 32163,
hereinafter called the Grantee:

(Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH: That the Grantor, for and in consideration of the sum of \$26,000.00 Dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee all that certain land situate in Sarasota County, State of Florida, viz.:

Lots 18, 19, 20 and 21, Block 736, 12th ADDITION TO PORT CHARLOTTE SUBDIVISION, a Subdivision, according to the Plat thereof, recorded in Plat Book 15, Pages 8, 8A through 8V, Public Records of Sarasota County, Florida.

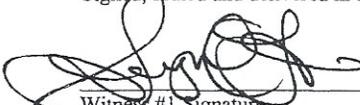
TOGETHER, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

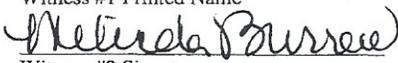
AND, the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2019.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

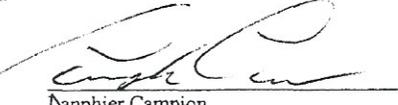
Signed, sealed and delivered in the presence of:


Witness #1 Signature

Shelley D. Lullo
Witness #1 Printed Name


Witness #2 Signature

Melinda Burray
Witness #2 Printed Name


Lanphier Campion

Donna Campion
Donna Campion

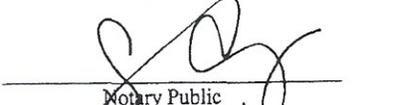
State of Florida

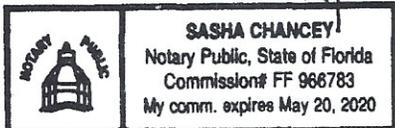
County of Manatee

The foregoing instrument was acknowledged before me this 14 day of November, 2018, by Lanphier Campion and Donna Campion who is personally known to me or has produced Driver's License as identification and did not take an oath.

SEAL

My commission expires: May 20, 2020


Notary Public
Sasha Chancery
Printed Notary Name



Prepare By: Brandie Mailman
Hometown Title & Closing Services
324 Goldstein St
Punta Gorda, Fl. 33950
File ~~20190216~~ 20181177

Affidavit Legal Description — Erroneous Reference

BEFORE ME, the undersigned authority, duly authorized to take acknowledgments and administer oaths, personally appeared **Donna M. Terwilliger** (“Affiant”), who depose(s) and say(s) under penalties of perjury that:

1. This affidavit is made with regard to the following described property:

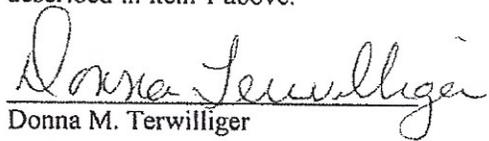
Lot 18, 19, 20 and 21, Block 736, 12th ADDITION TO PORT CHARLKOTTE SUBDIVISION, a Subdivision, according to the Plat thereof, recorded in Plat Book 13, Pages 8, 8A through 8V, Pubic Records of Sarasota County, Florida.

2. Affiant is the Title Plant Manager with Old Republic National Title Insurance Agent in the State of Florida.

3. Title to the property described in item 1 above (“Property”) was conveyed to Michael K. Schuelke and Kiki R. Stengel by deed recorded in O.R. Instrument # 2018153233 of the Public Records of Sarasota County, Florida, and erroneously contained the following legal description:

Lot 18, 19, 20 and 21, Block 736, 12th ADDITION TO PORT CHARLKOTTE SUBDIVISION, a Subdivision, according to the Plat thereof, recorded in Plat Book 15, Pages 8, 8A through 8V, Pubic Records of Sarasota County, Florida.

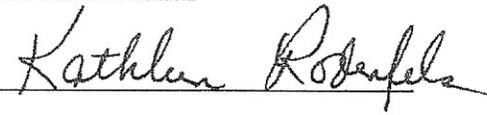
4. Affiant has reviewed the Public Records of Sarasota County, Florida, and has determined that the legal description of the real property described in item 3 above contains an error in the Plat Book and the proper legal description which should have been contained in the deed described in 3 above is as described in item 1 above.


Donna M. Terwilliger

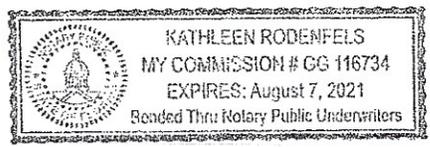
STATE OF Florida

COUNTY OF Lee

Sworn to, affirmed, and subscribed before me this 15th day of June, 2019 by Donna M. Terwilliger, who is/are personally known to me or who has/have produced _____ as identification.

Notary Signature: 

[PLACE NOTARIAL SEAL]



Sarasota County Tax Collector

Exhibit C to Resolution No. 2019-R-17

generated on 6/14/2019 3:04:51 PM EDT

Tax Record

Last Update: 6/14/2019 3:04:51 PM EDT

Register for eBill

Ad Valorem Taxes and Non-Ad Valorem Assessments

The information contained herein does not constitute a title search and should not be relied on as such.

| | | | | | |
|--|--------------------------------|-----------------------|-------------------------|----------------------|---------------------|
| Account Number | Type Tax | Tax Year | | | |
| 1144073618 | REAL ESTATE | 2018 | | | |
| Mailing Address | | | | | |
| SCHUELKE MICHAEL K | | | | | |
| STENGEL KIKI R | | | | | |
| 5907 PENNY LN | | | | | |
| THE VILLAGES FL 32163 | | | | | |
| Property Address | | | | | |
| INVERNESS ST 005 | | | | | |
| Old Account Number | | | | | |
| 1144-07-3618 | | | | | |
| Base Exempt Amount | Taxable Value | | | | |
| see below | see below | | | | |
| Exemption Detail | Millage Code | Escrow Code | | | |
| NO EXEMPTIONS | 0500 | | | | |
| Legal Description | | | | | |
| INVERNESS ST LOTS 18, 19, 20 & 21, BLK 736, 12TH ADD TO PORT CHARLOTTE | | | | | |
| Ad Valorem Taxes | | | | | |
| Taxing Authority | Rate | Assessed Value | Exemption Amount | Taxable Value | Taxes Levied |
| Sarasota Co. General Revenue | 3.2140 | 10,800 | 0 | \$10,800 | \$34.71 |
| Bonds-Debt Service | 0.1222 | 10,800 | 0 | \$10,800 | \$1.32 |
| Mosquito Control | 0.0550 | 10,800 | 0 | \$10,800 | \$0.59 |
| Sarasota Memorial Hospital | 1.0420 | 10,800 | 0 | \$10,800 | \$11.25 |
| SW FL Water Management Dist. | 0.2955 | 10,800 | 0 | \$10,800 | \$3.19 |
| West Coast Inland Navigation | 0.0394 | 10,800 | 0 | \$10,800 | \$0.43 |
| Sarasota School Board | | | | | |
| School District Fund | 5.5030 | 10,800 | 0 | \$10,800 | \$59.43 |
| School Capital Impr | 1.5000 | 10,800 | 0 | \$10,800 | \$16.20 |
| City of North Port | 3.4070 | 10,800 | 0 | \$10,800 | \$36.80 |
| Total Millage | | 15.1781 | Total Taxes | | \$163.92 |
| Non-Ad Valorem Assessments | | | | | |
| Code | Levyng Authority | Amount | | | |
| F093 | North Port Fire & Rescue | \$78.59 | | | |
| R097 | North Port Road & Drainage | \$183.60 | | | |
| R197 | North Port R&D Capital Improve | \$46.00 | | | |
| Total Assessments | | | | | \$308.19 |
| Taxes & Assessments | | | | | \$472.11 |
| If Paid By | | | | | Amount Due |
| | | | | | \$0.00 |

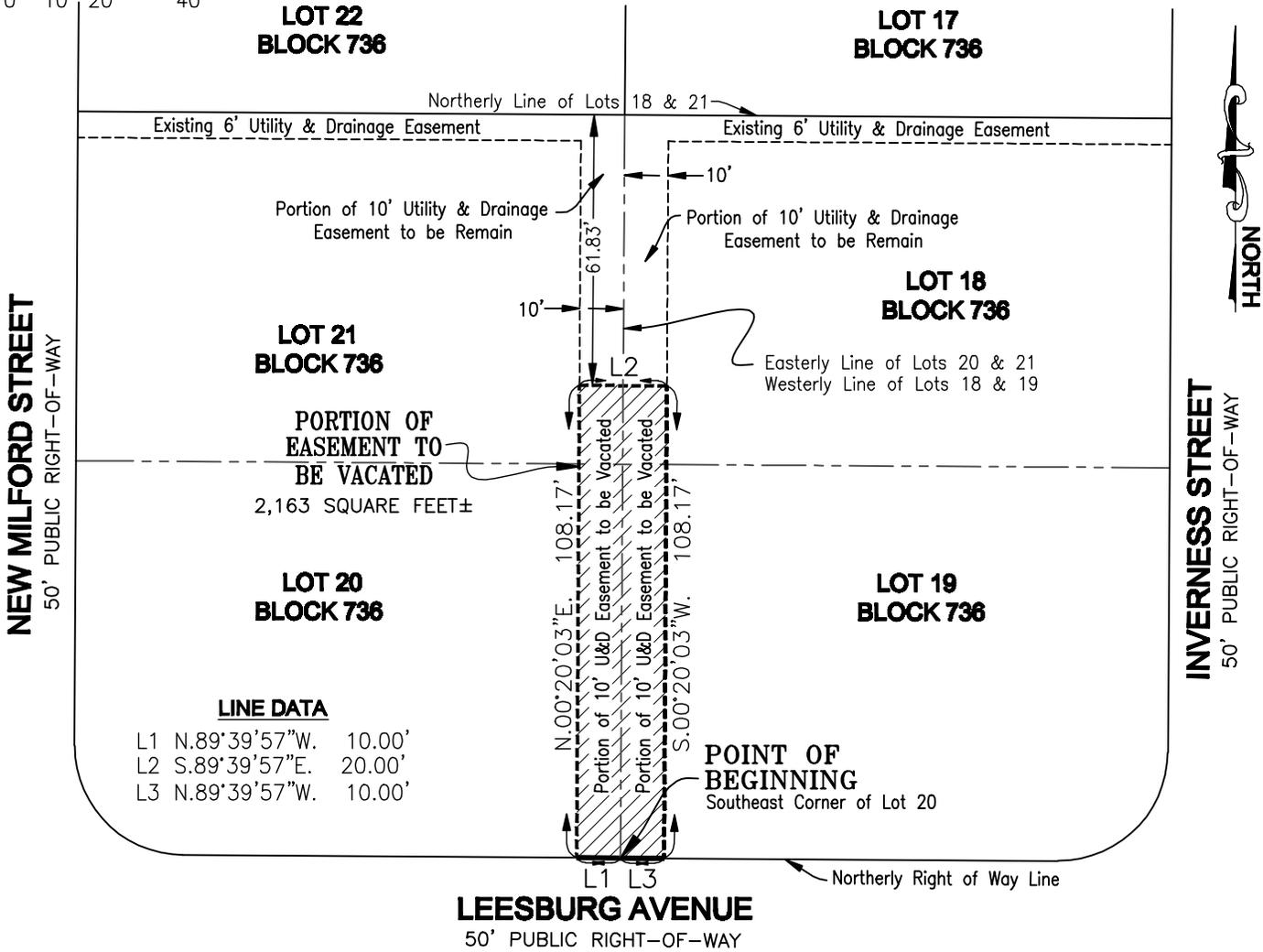
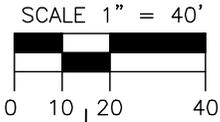
| Date Paid | Transaction | Receipt | Item | Amount Paid |
|------------|-------------|--------------|------|-------------|
| 11/20/2018 | PAYMENT | 9045569.0001 | 2018 | \$453.23 |

| |
|-----------------------------|
| Prior Year Taxes Due |
| NO DELINQUENT TAXES |

Sketch & Description for Vacating a Portion of Easement

This is Not a Boundary Survey

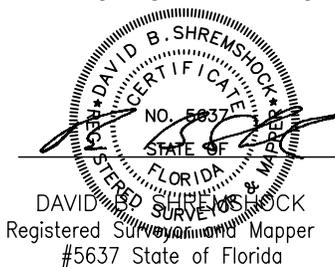
Parcel #1144-07-3618
Inverness Street
North Port, FL 34288



Description

A portion of an Easement over and across portions of Lots 18, 19, 20 & 21, Block 736, 12th Addition to Port Charlotte Subdivision, according to the plat thereof, as recorded in Plat Book 13, Pages 8, 8A through 8V, inclusive of the Public Records of Sarasota County, Florida, and being more particularly described as follows:

Beginning at the Southeast corner of said Lot 20; thence N.89°39'57"W. along the Northerly Right of Way line of Leesburg Avenue (a 50' wide public right of way), a distance of 10.00'; thence N.00°20'03"E. along a line being 10.00' Westerly of and parallel with the Easterly line of said Lots 20 & 21, a distance of 108.17' to the intersection with a line being 61.83' Southerly of and parallel with the Northerly line of said Lots 18 & 21; thence, S.89°39'57"E. along said line being 61.83' Southerly of and parallel with the Northerly line of Lots 18 & 21, a distance of 20.00' to the intersection with a line being 10.00' Easterly of and parallel with the Westerly line of said Lots 18 & 19; thence, S.00°20'03"W, along said line being 10.00' Easterly of the Westerly Line of Lots 18 & 19, a distance of 108.17' to the intersection with said Northerly Right of Way line of Leesburg Avenue; thence, N.89°39'57"W. along said Northerly Right of way line a distance of 10.00' to the Point of Beginning, and containing 2,163 Square Feet, More or Less.



The digital signature and seal appearing on this document was authorized by David B. Shremshock, P.S.M. #5637 on 6/14/19

DATE: 6/14/19

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.

Land Surveyors

5265 Alamos Terr.

North Port, Florida 34288

ph. (941) 423-8875 fax (941) 423-4365

e-mail: shremshocksurveying@comcast.net

SHREMSHOCK SURVEYING, INC. LB #7747