



## City of North Port

### RESOLUTION NO. 2020-R-39

**A RESOLUTION OF THE CITY OF NORTH PORT, FLORIDA, VACATING UTILITY AND DRAINAGE EASEMENTS FOR LOTS 1, 2, 37, AND 38, BLOCK 513, ELEVENTH 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 plat of the Eleventh Addition to Port Charlotte Subdivision recorded at Plat Book 13, Page 2, 2A through 2I, 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 1, 2, 37 and 38, Block 513 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**, John Guin on behalf of John M. Donlan and Ashlee S. Donlan (Petitioners) filed Petition VAC-20-133 to vacate the entirety of the platted ten-foot (10') utility and drainage easements at the rear of Lots 1 and 38, and a portion of the platted ten-foot (10') utility and drainage easements at the rear of Lots 2 and 37, as depicted in Exhibit A; and

**WHEREAS**, Petition VAC-20-133 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-20-133; and

**WHEREAS**, the Planning and Zoning Advisory Board considered the request at a public hearing on November 19, 2020 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-20-133, the City Commission in reliance upon the Petition VAC-20-133 hereby makes the following findings of fact:
  - (a) John M. Donlan and Ashlee S. Donlan own fee simple title to Lots 1, 2, 37, and 38, Block 513, Eleventh Addition to Port Charlotte Subdivision;
  - (b) The petition is a request to vacate the entirety of the platted ten-foot (10') utility and drainage easements at the rear of Lots 1 and 38, and a portion of the platted ten-foot (10') utility and drainage easements at the rear of Lots 2 and 37, less and except the West 6.00 feet;
  - (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-20-133 to the extent provided herein.
- 2.02 The City Commission hereby vacates the entirety of its existing platted ten foot (10') wide utility and drainage easements described as follows:

The South 10.00 feet of Lot 1, Block 513, Eleventh Addition to Port Charlotte Subdivision, according to the plat thereof as recorded in Plat Book 13, Pages 2, 2A-2I of the Public Records of Sarasota County, Florida.
- 2.03 The City Commission hereby vacates the entirety of its existing platted ten foot (10') wide utility and drainage easements described as follows:

The North 10.00 feet of Lot 38, Block 513, Eleventh Addition to Port Charlotte Subdivision, according to the plat thereof as recorded in Plat Book 13, Pages 2, 2A-2I of the Public Records of Sarasota County, Florida.

- 2.04 The City Commission hereby vacates a ± 740 square foot portion of its existing platted ten foot (10') wide utility and drainage easements described as follows:

The South 10.00 feet of Lot 2, Block 513, Eleventh Addition to Port Charlotte Subdivision, according to the plat thereof as recorded in Plat Book 13, Pages 2, 2A-2I of the Public Records of Sarasota County, Florida less and except the West 6.00 feet.

- 2.05 The City Commission hereby vacates a ± 740 square foot portion of its existing platted ten foot (10') wide utility and drainage easements described as follows:

The North 10.00 feet of Lot 37, Block 513, Eleventh Addition to Port Charlotte Subdivision, according to the plat thereof as recorded in Plat Book 13, Pages 2, 2A-2I of the Public Records of Sarasota county, Florida less and except the West 6.00 feet.

### **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 8<sup>th</sup> day of December, 2020.

CITY OF NORTH PORT, FLORIDA

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GISELE "JILL" E. LUKE  
MAYOR

ATTEST

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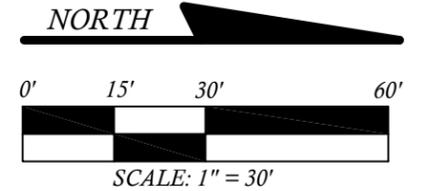
HEATHER TAYLOR, CMC  
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

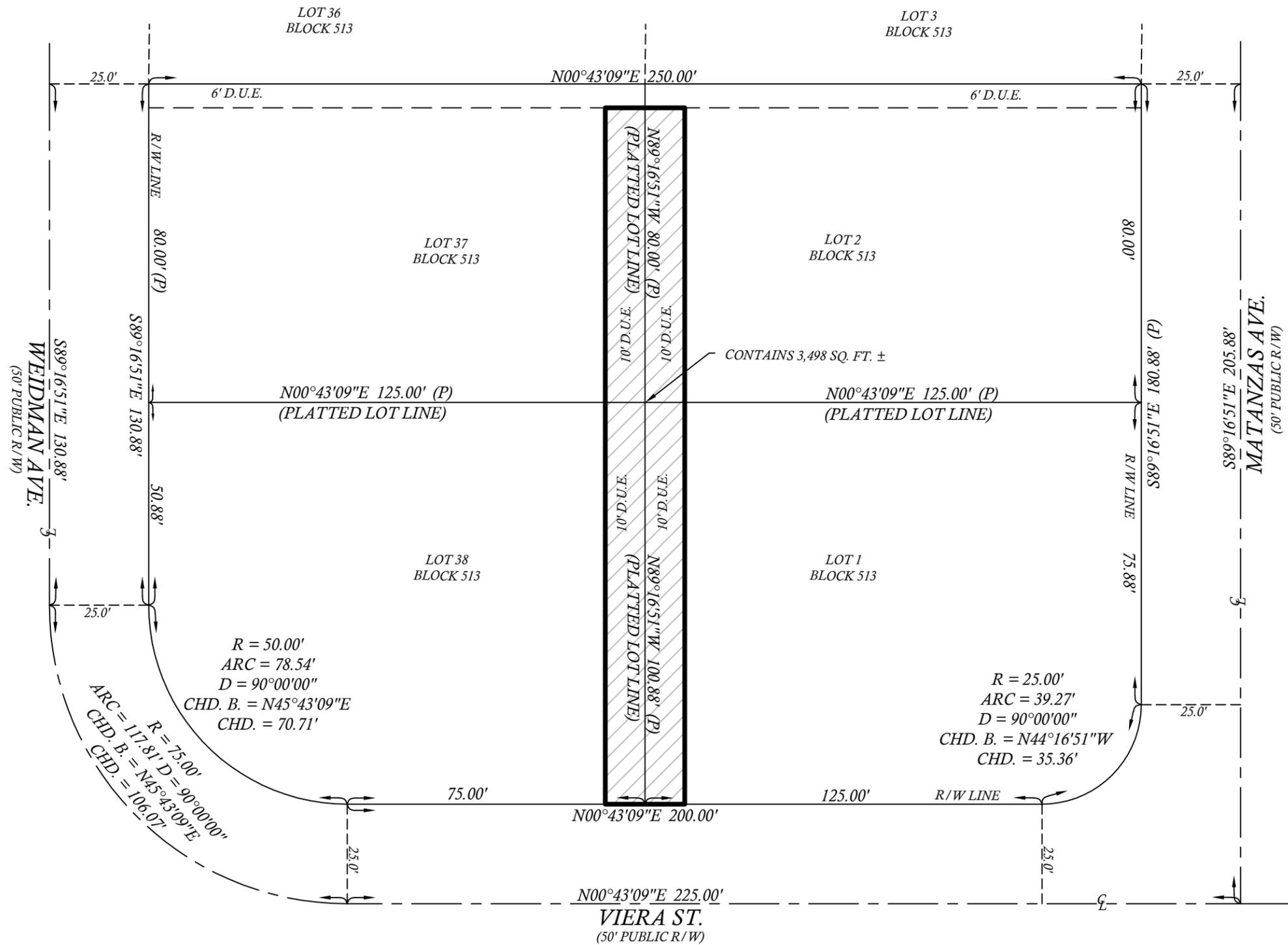
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AMBER L. SLAYTON  
CITY ATTORNEY

SKETCH OF DESCRIPTION PREPARED FOR:  
LEADING EDGE CONSTRUCTION, INC.



LEGEND:  
D.U.E. = DRAINAGE & UTILITY EASEMENT  
R/W = RIGHT-OF-WAY  
CL = CENTERLINE  
[Hatched Box] = PROPOSED EASEMENT VACATION



LEGAL DESCRIPTION: (EASEMENT VACATION)  
THE SOUTH 10.00 FEET OF LOT 1, BLOCK 513, 11th ADDITION TO PORT CHARLOTTE SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 13, PAGES 2, 2A-2I OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA

THE SOUTH 10.00 FEET OF LOT 2, BLOCK 513, 11th ADDITION TO PORT CHARLOTTE SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 13, PAGES 2, 2A-2I OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA LESS AND EXCEPT THE WEST 6.00 FEET.

THE NORTH 10.00 FEET OF LOT 37, BLOCK 513, 11th ADDITION TO PORT CHARLOTTE SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 13, PAGES 2, 2A-2I OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA LESS AND EXCEPT THE WEST 6.00 FEET.

THE NORTH 10.00 FEET OF LOT 38, BLOCK 513, 11th ADDITION TO PORT CHARLOTTE SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 13, PAGES 2, 2A-2I OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA



**ALL SERVICE  
LAND SURVEYING, INC.**

17840 TOLEDO BLADE BOULEVARD, SUITE B  
PORT CHARLOTTE, FLORIDA  
PHONE: (941) 629-6801 FAX: (941) 627-5168  
EMAIL: allservicelandsurveying@comcast.net  
L.B. #7875

REVISION:	DATE:

NOTE:  
BEARINGS ARE BASED ON RECORD PLAT.  
ALL DISTANCES ARE EXPRESSED IN  
DECIMAL FEET.  
THIS IS NOT A BOUNDARY SURVEY.

NOTE: THE UNDERSIGNED AND ALL SERVICE LAND SURVEYING, INC. MAKE NO WARRANTIES, GUARANTEES OR REPRESENTATIONS REGARDING INFORMATION SHOWN HEREON PERTAINING TO EASEMENTS, RIGHT-OF-WAYS, SETBACK LINES, AGREEMENTS, RESERVATIONS, AND OTHER SIMILAR MATTERS, EXCEPT PLATTED EASEMENTS WHERE APPLICABLE. DETERMINATION OR RESEARCH FOR THE ABILITY OR INABILITY TO USE THIS PARCEL OF LAND FOR ANY PURPOSE IS NOT INCLUDED IN THIS SURVEY. THE SURVEY SKETCH AS SHOWN WAS MADE WITHOUT BENEFIT OF A TITLE REPORT UNLESS NOTED OTHERWISE. THIS SKETCH IS NOT VALID UNLESS IT BEARS AN ORIGINAL SIGNATURE AND AN EMBOSSED SURVEYORS SEAL. ANY ADDITIONS AND/OR DELETIONS TO THIS SKETCH, OR DUPLICATION OF THIS SKETCH, IS PROHIBITED WITHOUT THE WRITTEN CONSENT OF THE UNDERSIGNED. THIS SURVEY IS PREPARED SPECIFICALLY FOR THE PARTY OR PARTIES LISTED ABOVE. USE OF THIS SURVEY BY OTHERS FOR LENDING, DESIGN, CONSTRUCTION, OR ANY OTHER REASON, WILL BE AT THE SOLE RISK OF THE USER. WHERE APPLICABLE, FLOOD ZONE INFORMATION HAS BEEN DETERMINED FROM THE F.E.M.A. FLOOD INSURANCE RATE MAPS AND IS A COURTESY TO THE CLIENT. IT IS THE RESPONSIBILITY OF THE CLIENT TO VERIFY THE FLOOD ZONE INFORMATION AND ANY APPLICABLE BASE FLOOD ELEVATION REQUIREMENTS WITH THE LOCAL GOVERNING BODY AND THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR A FINAL DETERMINATION. JURISDICTIONAL WETLANDS, IF ANY HAVE NOT BEEN LOCATED.

I HEREBY CERTIFY THAT THIS SKETCH WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE "STANDARDS OF PRACTICE FOR SURVEYS" AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 55-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.007, FLORIDA STATUTES.

STATE OF FLORIDA  
Professional Surveyor  
[Signature]  
PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SHA AUTHENTICATION CODE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

20-4620 SD