

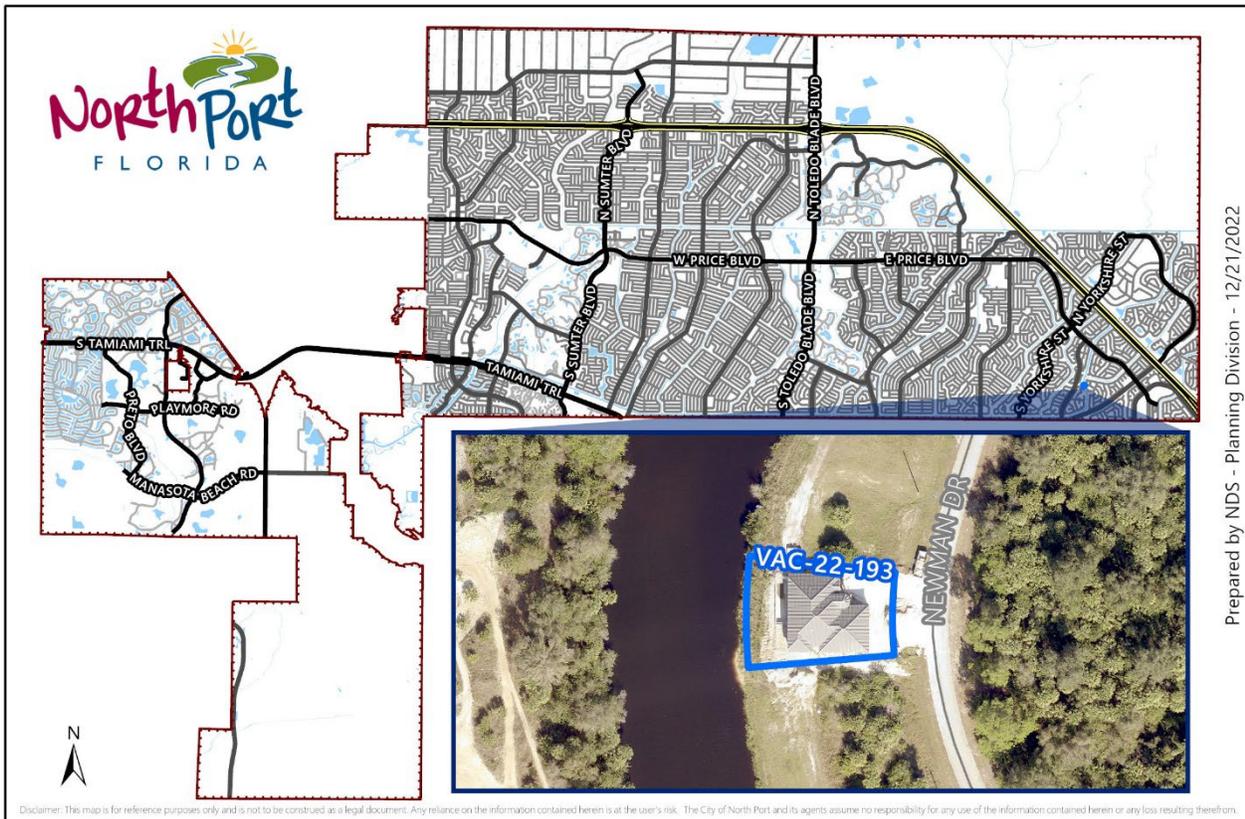


### 2761 Newman Drive (Broadway)

Vacation of a Portion of the Platted Rear Easement  
(Petition No. VAC-22-193)  
Resolution No. 2023-R-08

## STAFF REPORT

- From:** Sherry Willette-Grondin, Planner III
- Thru:** Lori Barnes, AICP, CPM, Planning & Zoning Division Manager
- Thru:** Alaina Ray, AICP, Neighborhood Development Services Director
- Thru:** Jason Yarborough, ICMA-CM, Assistant City Manager
- Thru:** A. Jerome Fletcher II, ICMA-CM, MPA, City Manager
- Date:** January 19, 2023



<b>PROJECT:</b>	Newman Drive partial vacation of the platted rear easement, VAC-22-193
<b>REQUEST:</b>	Vacate a portion of the platted rear (20) twenty-foot maintenance easement to allow a pool, deck, and cage to remain.
<b>APPLICANT:</b>	Richard Casa of Custom Pools by Precision, Inc., on behalf of Robert Broadway, Property Owner ( <b>Exhibit A, Affidavit</b> )
<b>OWNERS:</b>	Robert Earl Broadway ( <b>Exhibit B, Warranty Deed</b> )
<b>LOCATION:</b>	2761 Newman Drive, Lot 46, (PID# 1149-21-4846)
<b>PROPERTY SIZE:</b>	± 0.245 acres (10,680 square feet)

# I. BACKGROUND

Richard Casa of Custom Pools by Precision, Inc., on behalf of the property owner Robert Earl Broadway, has formally submitted to the City of North Port a written petition to request a partial vacation of the platted rear 20-foot maintenance easement located on lot 46, Block 2148, 45th Addition to Port Charlotte Subdivision. The purpose of the vacation request is to allow the newly constructed pool, deck, and cage to remain in the 20-foot rear maintenance easement. If the request is granted, approximately 133.4 square feet of the easement will be vacated (Figure 1). In addition to the vacation request, a variance is required as the pool encroaches into the 20-foot rear setback. The variance petition is separate from the vacation request, although approvals for both are necessary for the pool, deck, and cage to remain in their current location. The application was received on September 2, 2022, and was deemed sufficient on December 8, 2022.

The subject property is zoned Residential Single-Family (RSF-2) with a Future Land Use Designation of Low-Density Residential.

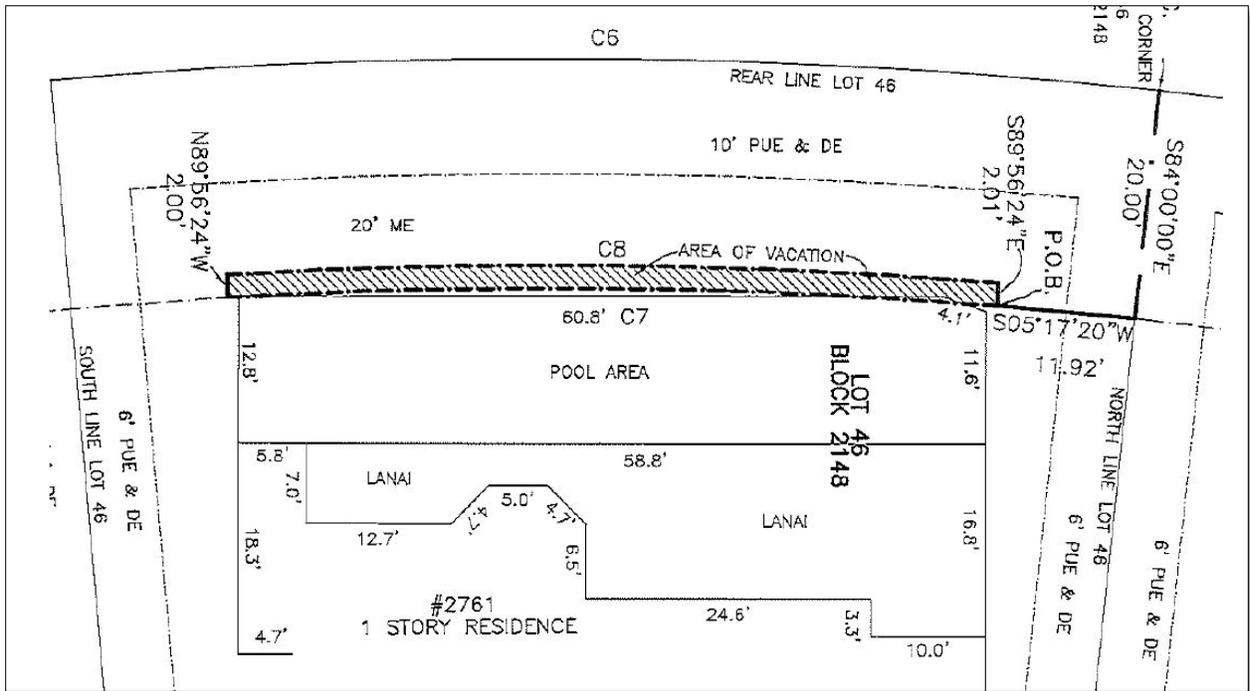


Figure 1 Easement area to be vacated

## II. PROJECT SUMMARY

The applicant Richard Casa on behalf of the property owner Robert Earl Broadway is requesting to vacate a portion of the platted rear 20-foot maintenance easement to allow a newly constructed pool deck and cage to remain. Based on the as-built survey dated August 9, 2022, the pool area is currently encroaching approximately 7.2 inches in the easement and the required rear setback.

The site plans provided with the building permit numbers 21-7931 (pool) and 21-9257 (pool cage) showed that the pool area was located outside of the easement, met the minimum setback of 20 feet and were approved and both permits issued (Figure 2). Subsequently, when the as-builts were submitted for the pool permit on August 26, 2022, it was found that the pool was located inside the 20-foot rear maintenance easement. In addition, the pool does not meet the required 20-foot rear setback, and a variance is needed (Figure 3). The applicant has been notified regarding the variance, and it is pending the submission of the variance application.

The pool permits can only be closed once the easement encroachment and rear setback issues are resolved.

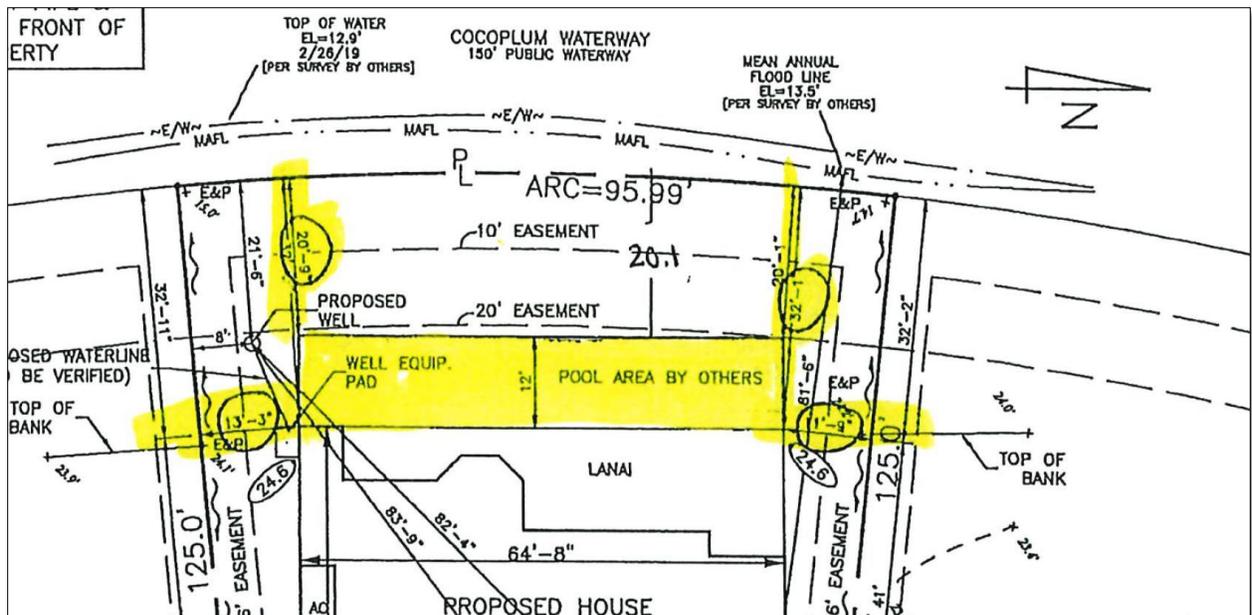


Figure 2 – Site Plan approved with pool and pool cage permit

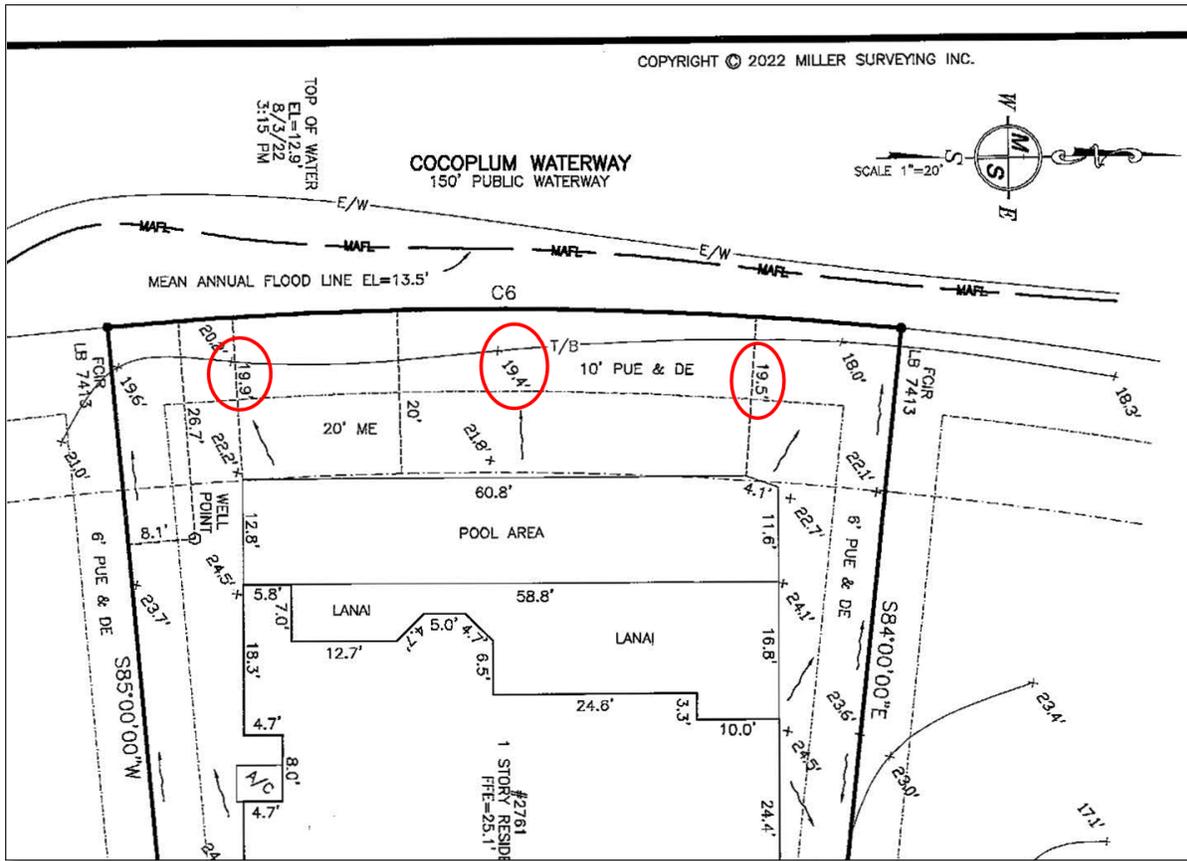


Figure 3 – As-built survey after the pool was constructed

### III. REVIEW PROCESS

The following agencies<sup>1</sup> have reviewed the request to vacate the portion of the platted rear 20-foot maintenance easement and, through written response, have granted their approval. No issues or concerns were raised regarding the request (**Exhibit C**).

Utility Agency	Response
<b>Amerigas</b>	Is granted <sup>2</sup>
<b>Comcast/Truenet Communications</b>	Is granted
<b>Florida Power and Light (FP&amp;L)</b>	Is granted
<b>Frontier</b>	Is granted
<b>City of North Port Fire/Rescue</b>	Is granted
<b>City of North Port Public Works</b>	Is granted
<b>City of North Port Utilities</b>	Is granted

Based on the responses received, the request to vacate a portion of the rear 20-foot maintenance drainage easement meets the following:

1. It is a vacation of a public easement.
2. The easement is not needed to provide City service to any property.
3. No public utilities or City facilities are located or planned to be located in the area.
4. The easement is 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.

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<sup>1</sup> The recorded plat for the Forty-Fifth Addition to Port Charlotte Subdivision General Notes states, “\*A 20 foot strip along the lots lines abutting and adjacent to the waterways and drainage rights of way...”. “The easements hereinafter described are reserved to said Corporation, its successors or assigns, for the installation and maintenance of public utilities and drainage facilities.\*...” Since the easement language includes public utilities, all agencies were notified of the request to vacate.

<sup>2</sup> Amerigas was provided notification on December 8, 2022, with a deadline of December 18, 2022. A courtesy follow-up e-mail was sent on December 22, 2022, and December 28, 2022. As per policy, if after (10) days, a response is not received, it will be assumed there is no issue with the vacation of easement request.

## IV. LEGAL REVIEW

The accompanying Resolution No. 2023-R-08 has been reviewed and approved by the City Attorney as to form and correctness.

## V. DATA & ANALYSIS

### FLORIDA STATUTES CHAPTER 177

#### **FLORIDA STATUTES CHAPTER 177**

Chapter 177 of the Florida Statutes provides requirements that regulate and control the platting of lands. Furthermore, Chapter 177.101 of the Florida Statutes lists the actions needed in making an application for vacation of plats either in whole or in part. The individual requesting a vacation of plat must give notice of their intention to apply to the governing body to vacate the plat by publishing a legal notice in a newspaper of general circulation in the county in which the tract or parcel of land is located, in not less than two weekly issues of said paper and must attach to the petition for vacation the proof of said publication, together with proof that taxes have been paid.

Findings & Conclusion: The warranty deed provided to the City as a part of the application establishes that the applicant owns the fee simple title of the subject property. Based on staff review as well as due-diligence correspondence with utility agencies (detailed as a part of Section II and III of this document), it is also determined that the vacation of easements does not affect the ownership or right of convenient access of persons owning any other parts of the subdivision. The property owner filed a notice of intent to apply to the City of North Port to vacate the plat by publishing a legal notice in the North Port Sun newspaper for two weekly issues on October 22, 2022, and October 29, 2022, (**Exhibit D**) and in addition, provided to the City of North Port Planning & Zoning Division an application to request a vacation of platted easements, proof of said publication, together with proof that taxes have been paid (**Exhibit E**).

**Staff concludes that Petition VAC-22-193 is consistent with the Florida Statutes.**

**CHAPTER 53 ZONING REGULATIONS**

The Unified Land Development Code (ULDC) contains regulations that govern the development and use of land within the incorporated area of the City of North Port, Florida. Chapter 53 of the ULDC, Part 4. Administrative Provisions, Article XXIII. Administration and Enforcement, Sec. 53-267D. allows for a vacation of platted easements provided that platted easements shall be vacated in accordance with Florida Statutes Chapter 177.

Findings & Conclusion: Staff reviewed the Petition VAC-22-193 relative to ULDC Chapter 53 Zoning Regulations. Pursuant to the provisions in Florida Statutes Chapter 177.101, the property owners did file a notice of intent to apply to the City of North Port to vacate the plat by publishing a legal notice in the North Port Sun newspaper for two weekly issues on October 22, 2022, and October 29, 2022 and in addition provided to the City of North Port Planning & Zoning Division an application to request a vacation of platted easements, proof of said publication, together with proof that taxes have been paid.

**Staff concludes that the proposed Petition VAC-22-193 is consistent with Chapter 53 of the ULDC.**

**VI. PUBLIC HEARINGS**

<b>Planning &amp; Zoning Advisory Board Public Hearing</b>	<b>January 19, 2023 9:00 AM</b> or as soon thereafter
<b>City Commission Public Hearing</b>	<b>February 14, 2023 10:00 AM</b> or as soon thereafter

## VII. RECOMMENDED MOTIONS

The Planning & Zoning Division recommends that the Planning and Zoning Advisory approve Petition Number VAC-22-193 via Resolution No. 2023-R-08 and recommend motion as follows:

I move to recommend approval to the City Commission Petition Number VAC-22-193, Resolution No. 2023-R-08.

If the motion is to deny:

I move to recommend denial to the City Commission Petition Number VAC-22-193, Resolution No. 2023-R-08.

## VIII. ALTERNATIVE ACTIONS

City Commission may deny Petition VAC-22-193. New findings would need to be written to support that recommendation if that were the case. In addition, the property owners would be required to remove the pool deck and cage portion, so it no longer encroaches into the rear 20-foot easement.

## IX. EXHIBITS

Exhibits
A. Affidavit
B. Warranty Deed
C. Notification to Utility Agencies and Responses
D. Notice of Intent
E. Proof that All Applicable Taxes Have Been Paid

AFFIDAVIT

I (the undersigned), Richard Casa being first duly sworn, depose and say that I am the owner, attorney, attorney-in-fact, agent, lessee or representative of the owner of the property described and which is the subject matter of the proposed application; that all answers to the questions in this application, and all sketches, data and other supplementary matter attached to and made a part of the application are honest and accurate to the best of my knowledge and belief. I understand this application must be complete and accurate before the application can be processed or hearing can be advertised, and that I am authorized to sign the application by the owner or owners. I authorize City of North Port staff and agents to visit the site as necessary for proper review of this application. *If there are any special conditions such as locked gates, restricted hours, guard dogs, etc., please provide the name and telephone number of the individual who can allow access.*

Sworn and subscribed before me this 16 day of August, 2022

[Signature]

Richard Casa

Signature of Applicant or Authorized Agent

Print Name and Title

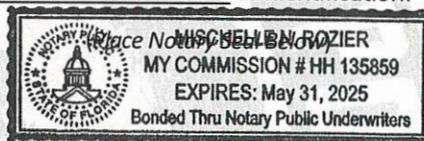
STATE OF Florida COUNTY OF Charlotte

The foregoing instrument was acknowledged by me this 31 day of August, 2022, by Rich Casa who is personally known to me or has produced

as identification.

[Signature]

Signature - Notary Public



AFFIDAVIT

AUTHORIZATION FOR AGENT/APPLICANT

I, Robert Broadway, property owner, hereby authorize Richard Casa to act as Agent on our behalf to apply for this application on the property described as (legal description) \_\_\_\_\_

[Signature]  
Owner

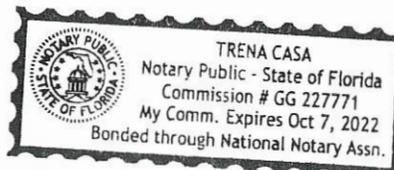
8-27-2022  
Date

STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged by me this 31 day of August, 2022, by Robert Broadway who is personally known to me or has produced \_\_\_\_\_ as identification.

[Signature] Trena Casa  
Signature - Notary Public

(Place Notary Seal Below)



\$ 18.50 Recording

\$ 37.80 Documentary Stamps

\$ — Intangible Tax

RECORDED IN OFFICIAL RECORDS  
INSTRUMENT # 2014088849 2 PG(S)  
July 28, 2014 02:44:23 PM  
KAREN E. RUSHING  
CLERK OF THE CIRCUIT COURT  
SARASOTA COUNTY, FL

Doc Stamp-Deed: \$37.80



Prepared by and return to:

Ariana R Fileman, Esq.

Fileman Law Firm, P.A.

110 Sullivan Street Suite 111

Punta Gorda, FL 33950-3660

941-833-5560

File Number: 2170-14-219

[Space Above This Line For Recording Data]

## Warranty Deed

**This Warranty Deed** made this **24th** day of **July, 2014** between **William T. Pompili and Marianne C. Pompili, husband and wife**, whose post office address is **11513 Shadestone Terrace, Austin, TX 78732**, grantor, and **Robert Earl Broadway** whose post office address is **1211 Cheshire St., Groveland, FL 34736**, grantee:

(Whenever 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, trusts and trustees)

**Witnesseth**, that said grantor, for and in consideration of the sum of **TEN AND NO/100 DOLLARS (\$10.00)** and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in **Sarasota County, Florida** to-wit:

**Lot 46, Block 2148, 45th Addition to Port Charlotte Subdivision, according to the map or plat thereof as recorded in Plat Book 19, Page 38, Public Records of Sarasota County, Florida.**

**Parcel Identification Number: 1149214846**

**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; that the grantor hereby fully 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, 2013**.

**In Witness Whereof**, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Tabitha R. Hubbard

1st Witness Signature

Printed Name: Tabitha R. Hubbard

William T. Pompili (Seal)  
William T. Pompili

Nicole B. Gerhardt

2nd Witness Signature

Printed Name: Nicole B. Gerhardt

Marianne C. Pompili (Seal)  
Marianne C. Pompili

State of Michigan  
County of Monroe

The foregoing instrument was acknowledged before me this 21st day of July, 2014 by William T. Pompili and Marianne C. Pompili, who  are personally known or  have produced Texas Driver License as identification.

[Notary Seal]

Tabitha R. Brennan Hubbard  
Notary Public

Printed Name: Tabitha R. Brennan Hubbard

My Commission Expires:

April 28, 2016

TABITHA R BRENNAN HUBBARD  
NOTARY PUBLIC - STATE OF MICHIGAN  
COUNTY OF WAYNE  
My Commission Expires: April 28, 2016  
Acting in the County of Monroe

## Exhibit C - Notification to Agencies

**From:** [Sherry Willette](#)  
**To:** [REVIEWERS ROE VAR VAC](#); [shudson@northportfl.gov](mailto:shudson@northportfl.gov); [dsmith@northportfl.gov](mailto:dsmith@northportfl.gov); [shydeason@northportfl.gov](mailto:shydeason@northportfl.gov); [pmarietti@northportfl.gov](mailto:pmarietti@northportfl.gov); [tpayne@northportfl.gov](mailto:tpayne@northportfl.gov); [stitus@northportfl.gov](mailto:stitus@northportfl.gov); [mwork@northportfl.gov](mailto:mwork@northportfl.gov); [SVC\\_AvePoint@cityofnorthport.com](mailto:SVC_AvePoint@cityofnorthport.com); [Peter Marietti III](#); [Tony Payne](#); [Scott Titus](#)  
**Subject:** Review of VAC-22-193 -Newman Drive  
**Date:** Thursday, December 8, 2022 2:56:00 PM  
**Attachments:** [Agency Review.pdf](#)  
**Importance:** High

---

Dear Reviewers,

Please review the attached request to vacate a portion of the rear 20-foot easement for the property located at 2761 Newman Drive (PID #1149-21-4846).

Displayed on the attached pdf named VOE is a sketch & description showing the easements petitioned to be vacated. Don't hesitate to reach out if you have questions. The request is so that a recently constructed portion of a swimming pool may remain.

Please complete the attached VAC Utility Review Form on whether the request is granted, not granted, or granted with conditions. Please reply with your completed document to me via email at [swillette@northportfl.gov](mailto:swillette@northportfl.gov) no later than December 18, 2022.

Thank you.

**Sherry A. Willette-Grondin**

Planner III  
Planning & Zoning Division  
4970 City Hall Boulevard  
North Port, FL 34286  
O 941.429.7229  
M 941.218.3563  
E-mail: [swillette@northportfl.gov](mailto:swillette@northportfl.gov)

E-mail messages sent or received by City of North Port officials and employees in connection with official City business are public records subject to disclosure under the Florida Public Records Act.

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**From:** [Sherry Willette](#)  
**To:** [Jeff Anthony](#); [Douglas Clark](#); [Joseph Skelton](#)  
**Subject:** FW: Review of VAC-22-193 -Newman Drive  
**Date:** Thursday, December 22, 2022 11:18:00 AM  
**Attachments:** [Agency Review.pdf](#)  
**Importance:** High

---

Good morning,

I have not received a response on the attached item on whether Amerigas had any issue concerning the partial vacation of the platted rear easement.

---

**From:** Sherry Willette  
**Sent:** Thursday, December 8, 2022 2:57 PM  
**To:** AvePoint Backup Service <[SVC\\_AvePoint@cityofnorthport.com](mailto:SVC_AvePoint@cityofnorthport.com)>; [brown\\_paul@comcast.com](mailto:brown_paul@comcast.com); [christian.padron@fpl.com](mailto:christian.padron@fpl.com); [cmarple@truenetcommunications.com](mailto:cmarple@truenetcommunications.com); Darrell Smith <[dsmith@northportfl.gov](mailto:dsmith@northportfl.gov)>; [douglas.clark@amerigas.com](mailto:douglas.clark@amerigas.com); [joseph.skelton@amerigas.com](mailto:joseph.skelton@amerigas.com); [joseph.vandermark@amerigas.com](mailto:joseph.vandermark@amerigas.com); [kyle\\_sullivan3@comcast.com](mailto:kyle_sullivan3@comcast.com); [lawrence.anthony@amerigas.com](mailto:lawrence.anthony@amerigas.com); [michael.e.little@ftr.com](mailto:michael.e.little@ftr.com); Mike Vork <[mvork@northportfl.gov](mailto:mvork@northportfl.gov)>; [mike\\_brand@comcast.com](mailto:mike_brand@comcast.com); Murphy, Kevin <[kevin\\_murphy4@comcast.com](mailto:kevin_murphy4@comcast.com)>; Peter Marietti III <[pmarietti@northportfl.gov](mailto:pmarietti@northportfl.gov)>; Sam Hudson <[shudson@northportfl.gov](mailto:shudson@northportfl.gov)>; Scott Titus <[stitus@northportfl.gov](mailto:stitus@northportfl.gov)>; Sherry Willette <[swillette@northportfl.gov](mailto:swillette@northportfl.gov)>; Stacia Hyde-Eason <[shydeeeason@northportfl.gov](mailto:shydeeeason@northportfl.gov)>; [stephen.waidley@ftr.com](mailto:stephen.waidley@ftr.com); Tony Payne <[tpayne@northportfl.gov](mailto:tpayne@northportfl.gov)>  
**Subject:** Review of VAC-22-193 -Newman Drive  
**Importance:** High

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Thank you.

**Sherry A. Willette-Grondin**  
Planner III  
Planning & Zoning Division

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4970 City Hall Boulevard  
North Port, FL 34286  
O 941.429.7229  
M 941.218.3563  
E-mail: [swillette@northportfl.gov](mailto:swillette@northportfl.gov)

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**From:** [Sherry Willette](#)  
**To:** [Jeff Anthony](#); [Douglas Clark](#); [Joseph Skelton](#)  
**Subject:** FW: Review of VAC-22-193 -Newman Drive  
**Date:** Wednesday, December 28, 2022 1:45:00 PM  
**Attachments:** [Agency Review.pdf](#)  
**Importance:** High

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Good afternoon,

This is the third request on the attached vacation of easement request. Since we have not received a response by the due date of December 18, 2022, per policy, we will note on the record there are no issues or concerns from Amerigas regarding the partial vacation of the rear platted easement for the property located at 2761 Newman Drive, North Port, FL (PID# 1149-21-4846).

Thank you, and Happy New Year.

Regards,

**Sherry A. Willette-Grondin**

Planner III  
Planning & Zoning Division  
4970 City Hall Boulevard  
North Port, FL 34286  
O 941.429.7229  
M 941.218.3563  
E-mail: [swillette@northportfl.gov](mailto:swillette@northportfl.gov)

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---

**From:** Sherry Willette  
**Sent:** Thursday, December 22, 2022 11:18 AM  
**To:** Jeff Anthony <[lawrence.anthony@amerigas.com](mailto:lawrence.anthony@amerigas.com)>; Douglas Clark <[douglas.clark@amerigas.com](mailto:douglas.clark@amerigas.com)>; Joseph Skelton <[joseph.skelton@amerigas.com](mailto:joseph.skelton@amerigas.com)>  
**Subject:** FW: Review of VAC-22-193 -Newman Drive  
**Importance:** High

Good morning,

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**Sent:** Thursday, December 8, 2022 2:57 PM

**To:** AvePoint Backup Service <[SVC\\_AvePoint@cityofnorthport.com](mailto:SVC_AvePoint@cityofnorthport.com)>; [brown\\_paul@comcast.com](mailto:brown_paul@comcast.com); [christian.padron@fpl.com](mailto:christian.padron@fpl.com); [cmarple@truenetcommunications.com](mailto:cmarple@truenetcommunications.com); Darrell Smith <[dsmith@northportfl.gov](mailto:dsmith@northportfl.gov)>; [douglas.clark@amerigas.com](mailto:douglas.clark@amerigas.com); [joseph.skelton@amerigas.com](mailto:joseph.skelton@amerigas.com); [joseph.vandermark@amerigas.com](mailto:joseph.vandermark@amerigas.com); [kyle\\_sullivan3@comcast.com](mailto:kyle_sullivan3@comcast.com); [lawrence.anthony@amerigas.com](mailto:lawrence.anthony@amerigas.com); [michael.e.little@ftr.com](mailto:michael.e.little@ftr.com); Mike Vork <[mvork@northportfl.gov](mailto:mvork@northportfl.gov)>; [mike\\_brand@comcast.com](mailto:mike_brand@comcast.com); Murphy, Kevin <[kevin\\_murphy4@comcast.com](mailto:kevin_murphy4@comcast.com)>; Peter Marietti III <[pmarietti@northportfl.gov](mailto:pmarietti@northportfl.gov)>; Sam Hudson <[shudson@northportfl.gov](mailto:shudson@northportfl.gov)>; Scott Titus <[stitus@northportfl.gov](mailto:stitus@northportfl.gov)>; Sherry Willette <[swillette@northportfl.gov](mailto:swillette@northportfl.gov)>; Stacia Hyde-Eason <[shydeeeason@northportfl.gov](mailto:shydeeeason@northportfl.gov)>; [stephen.waidley@ftr.com](mailto:stephen.waidley@ftr.com); Tony Payne <[tpayne@northportfl.gov](mailto:tpayne@northportfl.gov)>

**Subject:** Review of VAC-22-193 -Newman Drive

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Please complete the attached VAC Utility Review Form on whether the request is granted, not granted, or granted with conditions. Please reply with your completed document to me via email at [swillette@northportfl.gov](mailto:swillette@northportfl.gov) no later than December 18, 2022.

Thank you.

**Sherry A. Willette-Grondin**

Planner III

Planning & Zoning Division

4970 City Hall Boulevard

North Port, FL 34286

O 941.429.7229

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E-mail: [swillette@northportfl.gov](mailto:swillette@northportfl.gov)

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City of North Port
PLANNING DIVISION
Neighborhood Development Services
4970 City Hall Boulevard
North Port, FL 34286
Office: 941.429.7229
Fax: 941.429.7154



VACATION OF EASEMENT

DATE: PETITION NO:

TO:

- North Port Public Works
Amerigas
Florida Power and Light
Planning & Zoning
North Port Utilities
Comcast Cable/Truenet Communications Mike Little,
Frontier Communications
Fire/Rescue

Please see the attached information concerning the request for vacation of easement for the property described as:

Lots, Block, of the to the Port Charlotte Subdivision, according to Plat thereof recorded in Plat Book, Page, of the Public Records of Sarasota County, Florida, also known as street address:

The vacation of the easement (Please check the appropriate response)

- Is Granted
Is not Granted
Is Granted with Conditions

If vacation of easement is not granted or conditions apply, please state below:

Please respond by which is (10) ten days from receipt. If after (10) ten days a response is not received, it will be assumed there is no issue with the vacation of easement.

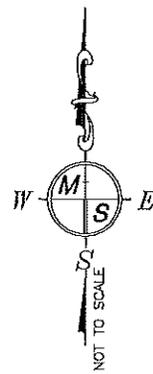
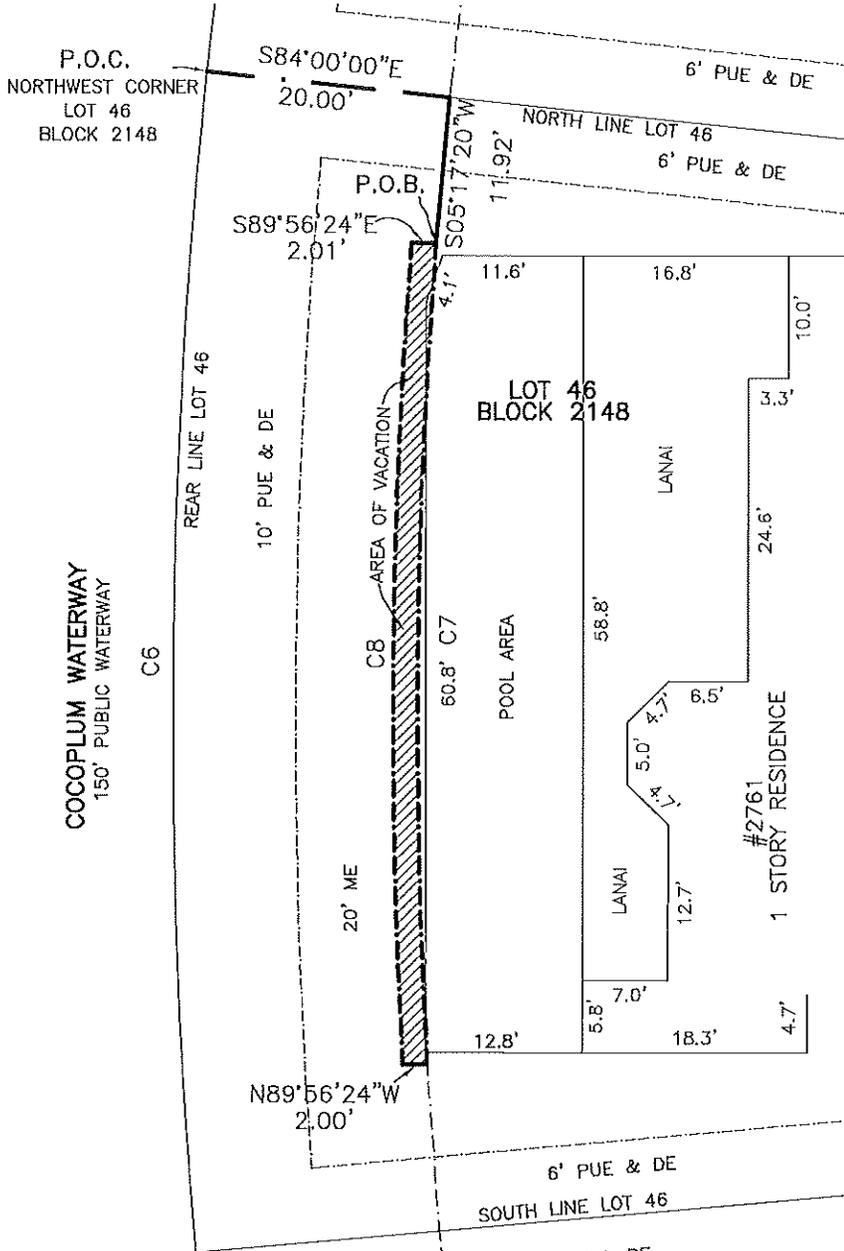
Signature Date
Phone No. Name of Utility

Please email responses to

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If you received this in error or do not receive all the pages, please contact the Planning Division at 941.429.7156

Exhibit C - Notification to Agencies



COPYRIGHT © 2022 MILLER SURVEYING INC.

DESCRIPTION:

VACATION OF A PART OF THE 20 FOOT MAINTENANCE EASEMENT TO BE OCCUPIED BY A POOL DECK AT THE REAR OF LOT 46, BLOCK 2148, IN THE 45TH ADDITION TO PORT CHARLOTTE SUBDIVISION, AS RECORDED IN PLAT BOOK 19, PAGE 38 AND PAGES 38A THROUGH 38GG OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCE AT THE NORTHWEST CORNER OF SAID LOT 46, BLOCK 2148, THENCE S84°00'00"E ALONG THE NORTH LINE OF SAID LOT 46, FOR 20.00 FEET; THENCE S05°17'20"W FOR 11.92 FEET TO A POINT ON A CURVE CONCAVE TO THE WEST AND THE POINT OF BEGINNING; THENCE SOUTH ALONG THE ARC OF THIS CURVE HAVING A RADIUS OF 480.00 FEET, CENTRAL ANGLE OF 7°57'52", FOR 66.72 FEET; THENCE N89°56'24"W FOR 2.00 FEET TO A POINT ON A CURVE CONCAVE TO THE WEST; THENCE NORTH ALONG THE ARC OF THIS CURVE HAVING A RADIUS OF 482.00 FEET, A CENTRAL ANGLE OF 7°55'53", FOR 66.67 FEET; THENCE S89°56'42"E FOR 2.00' TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 133.4 SQUARE FEET.

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C6	500.00	95.99	95.85	S00°29'55"W	11°00'00"
C7	480.00'	66.72'	66.67'	S00°35'43"W	7°57'52"
C8	482.00'	66.72'	66.67'	N00°35'35"E	7°55'53"

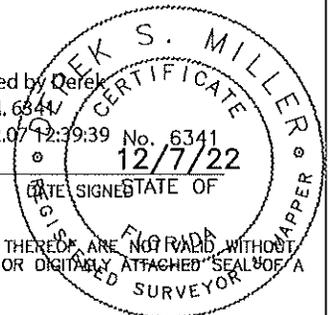
ABBREVIATIONS:

- P.O.C. = POINT OF COMMENCEMENT
- P.O.B. = POINT OF BEGINNING
- DE = DRAINAGE EASEMENT
- PUE = PUBLIC UTILITY EASEMENT
- ME = MAINTENANCE EASEMENT

Derek S. Miller  
P.S.M. 6341

Digitally signed by Derek S. Miller P.S.M. 6341  
Date: 2022.12.07 12:39:39 -05'00'

BY: DEREK S. MILLER  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA CERTIFICATE NO. 6341  
SURVEY MAP AND REPORT OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED OR DIGITALLY ATTACHED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.



**MILLER SURVEYING INC.**

21053 Peachland Blvd.  
Port Charlotte, Florida 33952  
OFFICE (941) 743-8423  
FAX (941) 743-8404  
E-Mail: millersurveying@comcast.net  
LICENSED BUSINESS NO. 7413

DATE: 12/6/22  
SCALE: NOT TO SCALE  
DRAWN BY: DSM  
CHECKED BY: DSM  
SEC: 35 TWP: 39S RGE: 22E

CLIENT: BROADWAY CUSTOM POOLS  
TITLE: VACATION OF EASEMENT SKETCH & DESCRIPTION  
PROJECT NUMBER: 190202  
SHEET NUMBER: 1 OF 1  
FILE NUMBER: 190202

Exhibit C - Notification to Agencies



City of North Port
PLANNING DIVISION
Neighborhood Development Services
4970 City Hall Boulevard
North Port, FL 34286
Office: 941.429.7229
Fax: 941.429.7154



VACATION OF EASEMENT

DATE: 12/8/2022

PETITION NO: VAC-22-193

TO:

North Port Public Works
Amerigas
Florida Power and Light
Planning & Zoning

North Port Utilities
Comcast Cable/Truenet Communications Mike Little,
Frontier Communications
Fire/Rescue

Please see the attached information concerning the request for vacation of easement for the property described as:

Lots 46, Block 2148, of the 45th Addition to the Port Charlotte Subdivision, according to Plat thereof recorded in Plat Book 19, Page 38, 38A-38GG, of the Public Records of Sarasota County, Florida, also known as street address: 2761 Newman Drive North Port, FL 34288 (PID#1149-21-4846)

The vacation of the easement (Please check the appropriate response)

[X] Is Granted [ ] Is not Granted [ ] Is Granted with Conditions

If vacation of easement is not granted or conditions apply, please state below:

[Empty line for conditions]

Please respond by December 18, 2022 which is (10) ten days from receipt. If after (10) ten days a response is not received, it will be assumed there is no issue with the vacation of easement.

Signature: [Handwritten Signature]
954-729-6173
Phone No.

Date: 12/12/22
Comcast
Name of Utility

Please email responses to swillette@northportfl.gov

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Exhibit C - Notification to Agencies



City of North Port
PLANNING DIVISION
Neighborhood Development Services
4970 City Hall Boulevard
North Port, FL 34286
Office: 941.429.7229
Fax: 941.429.7154



VACATION OF EASEMENT

DATE: 12/8/2022

PETITION NO: VAC-22-193

TO:

North Port Public Works
Amerigas
Florida Power and Light
Planning & Zoning

North Port Utilities
Comcast Cable/Truenet Communications Mike Little,
Frontier Communications
Fire/Rescue

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[checked] Is Granted [ ] Is not Granted [ ] Is Granted with Conditions

If vacation of easement is not granted or conditions apply, please state below:

Please respond by December 18, 2022 which is (10) ten days from receipt. If after (10) ten days a response is not received, it will be assumed there is no issue with the vacation of easement.

Signature
(941) 266-9218
Phone No.

12/12/2022
Date
Frontier Florida LLC
Name of Utility

Please email responses to swillette@northportfl.gov

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## Exhibit C - Notification to Agencies

**From:** [Robert W. Needy](#)  
**To:** [Sherry Willette](#); [Peter Marietti III](#); [Scott Titus](#); [James Cooke](#)  
**Subject:** RE: Review of VAC-22-193 -Newman Drive  
**Date:** Thursday, December 22, 2022 11:45:33 AM  
**Attachments:** [image001.png](#)

---

Good morning Sherry,

FIRE has no objection to this request.

Respectfully,

**Rob Needy – CFPS, CFPE**

Plans Examiner / Fire Inspector  
City of North Port, FL  
Fire Rescue District  
[rneedy@northportfl.gov](mailto:rneedy@northportfl.gov)  
c (941) 223-1164 o (941) 240-8180



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Genius!



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Everyone's  
Fight™

[www.usfa.fema.org](http://www.usfa.fema.org)



---

**From:** Sherry Willette <[swillette@northportfl.gov](mailto:swillette@northportfl.gov)>  
**Sent:** Thursday, December 22, 2022 11:32 AM  
**To:** Peter Marietti III <[pmarietti@northportfl.gov](mailto:pmarietti@northportfl.gov)>; Robert W. Needy <[rneedy@northportfl.gov](mailto:rneedy@northportfl.gov)>;  
Scott Titus <[stitus@northportfl.gov](mailto:stitus@northportfl.gov)>; James Cooke <[jcooke@northportfl.gov](mailto:jcooke@northportfl.gov)>  
**Subject:** FW: Review of VAC-22-193 -Newman Drive  
**Importance:** High

Good morning,

I looked in my e-mail responses and have not seen one from Fire/Rescue. Please review and sign off if there are no issues.

Thank you, and have Merry Christmas.

Sherry

---

**From:** Sherry Willette  
**Sent:** Thursday, December 8, 2022 2:57 PM  
**To:** AvePoint Backup Service <[SVC\\_AvePoint@cityofnorthport.com](mailto:SVC_AvePoint@cityofnorthport.com)>;  
[brown\\_paul@comcast.com](mailto:brown_paul@comcast.com); [christian.padron@fpl.com](mailto:christian.padron@fpl.com);  
[cmurple@truenetcommunications.com](mailto:cmurple@truenetcommunications.com); Darrell Smith <[dsmith@northportfl.gov](mailto:dsmith@northportfl.gov)>;  
[douglas.clark@amerigas.com](mailto:douglas.clark@amerigas.com); [joseph.skelton@amerigas.com](mailto:joseph.skelton@amerigas.com);

## Exhibit C - Notification to Agencies

[joseph.vandermark@amerigas.com](mailto:joseph.vandermark@amerigas.com); [kyle\\_sullivan3@comcast.com](mailto:kyle_sullivan3@comcast.com);  
[lawrence.anthony@amerigas.com](mailto:lawrence.anthony@amerigas.com); [michael.e.little@ftr.com](mailto:michael.e.little@ftr.com); Mike Vork  
<[mvork@northportfl.gov](mailto:mvork@northportfl.gov)>; [mike\\_brand@comcast.com](mailto:mike_brand@comcast.com); Murphy, Kevin  
<[kevin\\_murphy4@comcast.com](mailto:kevin_murphy4@comcast.com)>; Peter Marietti III <[pmarietti@northportfl.gov](mailto:pmarietti@northportfl.gov)>; Sam  
Hudson <[shudson@northportfl.gov](mailto:shudson@northportfl.gov)>; Scott Titus <[stitus@northportfl.gov](mailto:stitus@northportfl.gov)>; Sherry Willette  
<[swillette@northportfl.gov](mailto:swillette@northportfl.gov)>; Stacia Hyde-Eason <[shydeeeason@northportfl.gov](mailto:shydeeeason@northportfl.gov)>;  
[stephen.waidley@ftr.com](mailto:stephen.waidley@ftr.com); Tony Payne <[tpayne@northportfl.gov](mailto:tpayne@northportfl.gov)>

**Subject:** Review of VAC-22-193 -Newman Drive

**Importance:** High

Dear Reviewers,

Please review the attached request to vacate a portion of the rear 20-foot easement for the property located at 2761 Newman Drive (PID #1149-21-4846).

Displayed on the attached pdf named VOE is a sketch & description showing the easements petitioned to be vacated. Don't hesitate to reach out if you have questions. The request is so that a recently constructed portion of a swimming pool may remain.

Please complete the attached VAC Utility Review Form on whether the request is granted, not granted, or granted with conditions. Please reply with your completed document to me via email at [swillette@northportfl.gov](mailto:swillette@northportfl.gov) no later than December 18, 2022.

Thank you.

**Sherry A. Willette-Grondin**

Planner III

Planning & Zoning Division

4970 City Hall Boulevard

North Port, FL 34286

O 941.429.7229

M 941.218.3563

E-mail: [swillette@northportfl.gov](mailto:swillette@northportfl.gov)

E-mail messages sent or received by City of North Port officials and employees in connection with official City business are public records subject to disclosure under the Florida Public Records Act.

Exhibit C - Notification to Agencies



City of North Port
PLANNING DIVISION
Neighborhood Development Services
4970 City Hall Boulevard
North Port, FL 34286
Office: 941.429.7229
Fax: 941.429.7154



VACATION OF EASEMENT

DATE: 12/8/2022

PETITION NO: VAC-22-193

TO:

North Port Public Works
Amerigas
Florida Power and Light
Planning & Zoning

North Port Utilities
Comcast Cable/TruNet Communications Mike Little,
Frontier Communications
Fire/Rescue

Please see the attached information concerning the request for vacation of easement for the property described as:

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The vacation of the easement (Please check the appropriate response)

[X] Is Granted [ ] Is not Granted [ ] Is Granted with Conditions

If vacation of easement is not granted or conditions apply, please state below:

Please respond by December 18, 2022 which is (10) ten days from receipt. If after (10) ten days a response is not received, it will be assumed there is no issue with the vacation of easement.

Signature [Handwritten Signature]

Phone No. (941) 423-4888

Date 12/09/2022

Name of Utility FPL

Please email responses to swillette@northportfl.gov

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Exhibit C - Notification to Agencies



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4970 City Hall Boulevard
North Port, FL 34286
Office: 941.429.7229
Fax: 941.429.7154



VACATION OF EASEMENT

DATE: 12/8/2022

PETITION NO: VAC-22-193

TO:

North Port Public Works
Amerigas
Florida Power and Light
Planning & Zoning

North Port Utilities
Comcast Cable/Truenet Communications Mike Little,
Frontier Communications
Fire/Rescue

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The vacation of the easement (Please check the appropriate response)

[X] Is Granted [ ] Is not Granted [ ] Is Granted with Conditions

If vacation of easement is not granted or conditions apply, please state below:

Please respond by December 18, 2022 which is (10) ten days from receipt. If after (10) ten days a response is not received, it will be assumed there is no issue with the vacation of easement.

Tony Payne

Digitally signed by Tony Payne
DN: cn=Tony Payne, ou=City of North Port, ou=Planning Division, ou=City of North Port, ou=City of North Port

12/09/2022

Signature

Date

NPPW

Phone No.

Name of Utility

Please email responses to swillette@northportfl.gov

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Exhibit C - Notification to Agencies



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PLANNING DIVISION
Neighborhood Development Services
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VACATION OF EASEMENT

DATE: 12/8/2022

PETITION NO: VAC-22-193

TO:

North Port Public Works
Amerigas
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North Port Utilities
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Signature

[Handwritten Signature]

Phone No.

Date

12.09.22

Name of Utility

NP UTILITIES

Please email responses to swillette@northportfl.gov

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Exhibit D - Notice of Intent



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

Before the undersigned authority personally appeared Melinda Prescott, who on oath says that she is the Legal Advertising Representative of The Daily Sun, a newspaper published at Charlotte Harbor in Charlotte County, Florida; that the attached copy of advertisement, being a Legal Notice that was published in said newspaper in the issue(s)

10/22/22, 10/29/22

as well as being posted online at www.yoursun.com and www.floridapublicnotices.com.

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.

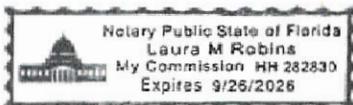
*Melinda Prescott*

(Signature of Affiant)

Sworn and subscribed before me this 31st day of October, 2022

*Laura M Robins*

(Signature of Notary Public)



Notice of Intent City of North Port, Sarasota County, Florida To Whom It May Concern:

Notice is hereby given pursuant to the provisions of Chapter 177, Florida Statutes, that Robert Broadway, the property owners, intends to petition the City of North Port to vacate a portion of the 20-foot platted rear drainage maintenance easement located on lot 46, Block 2148, 45th Addition to the Port Charlotte Subdivision, according to the plat thereof as recorded in Plat Book 19, Pages 38, 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: 10/22/22, 10/29/22 433927 3867334

Personally known   X   OR      Produced Identification

**Exhibit E - Proof That All Applicable Taxes Have Been Paid**

Last Update: 12/28/2022 1:55:56 PM EST

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.

<b>Account Number</b>	<b>Type Tax</b>	<b>Tax Year</b>			
1149214846	REAL ESTATE	2022			
<b>Mailing Address</b>		<b>Property Address</b>			
BROADWAY ROBERT EARL 2761 NEWMAN DR NORTH PORT FL 34288		2761 NEWMAN DR 005			
		<b>Old Account Number</b>			
		1149-21-4846			
<b>Base Exempt Amount</b>	<b>Taxable Value</b>				
see below	see below				
<b>Exemption Detail</b>	<b>Millage Code</b>	<b>Escrow Code</b>			
NO EXEMPTIONS	0500				
<b>Legal Description</b>					
2761 NEWMAN DR LOT 46 BLK 2148 45TH ADD TO PORT CHARLOTTE					
<b>Ad Valorem Taxes</b>					
<b>Taxing Authority</b>	<b>Rate</b>	<b>Assessed Value</b>	<b>Exemption Amount</b>	<b>Taxable Value</b>	<b>Taxes Levied</b>
Sarasota Co. General Revenue	3.2497	5,203	0	\$5,203	\$16.91
Mosquito Control	0.0500	5,203	0	\$5,203	\$0.26
Sarasota Co. Hospital Dist.	1.0420	5,203	0	\$5,203	\$5.42
West Coast Inland Navigation	0.0394	5,203	0	\$5,203	\$0.21
SW FL Water Management Dist.	0.2260	5,203	0	\$5,203	\$1.18
Bonds-Debt Service	0.0915	5,203	0	\$5,203	\$0.48
Sarasota Co. Legacy Trl	0.0551	5,203	0	\$5,203	\$0.29
Sarasota School Board					
School Board - State	3.0240	13,600	0	\$13,600	\$41.13
School Board - Local	3.2480	13,600	0	\$13,600	\$44.17
City of North Port	3.7667	5,203	0	\$5,203	\$19.60
<b>Total Millage</b>		14.7924	<b>Total Taxes</b>		\$129.65
<b>Non-Ad Valorem Assessments</b>					
<b>Code</b>	<b>Levying Authority</b>				<b>Amount</b>
F093	North Port Fire & Rescue				\$80.83
R097	North Port Road & Drainage				\$173.28
R197	North Port R&D Capital Improve				\$46.00
<b>Total Assessments</b>					\$300.11
Taxes & Assessments					\$429.76
<b>If Paid By</b>				<b>Amount Due</b>	
				<b>\$0.00</b>	
<b>Date Paid</b>	<b>Transaction</b>	<b>Receipt</b>	<b>Item</b>	<b>Amount Paid</b>	
11/30/2022	PAYMENT	64437.0001	2022	\$412.57	
<b>Prior Year Taxes Due</b>					
NO DELINQUENT TAXES					