



City of North Port

RESOLUTION NO. 2025-R-13

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA, VACATING THE REAR UTILITY AND DRAINAGE EASEMENTS FOR LOTS 11, 12, 31 and 32 BLOCK 1438, 29TH 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 February 6, 2025, 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-24-174, as well as testimony and other evidence presented at the quasi-judicial hearing, the City Commission makes the following findings of fact:
 - (a) William Swartz and Jamie Swartz own fee simple title to Lots 11, 12, 31 and 32, Block 1438, Twenty-Ninth Addition to Port Charlotte Subdivision;
 - (b) The plat of the Twenty-Ninth Addition to Port Charlotte Subdivision as recorded in Plat Book 15, pages 13A through 13N, inclusive, of the official records of Sarasota County, Florida grants to the City of North Port, Florida, ten feet (10') for the purpose of utility and drainage easements at the rear of Lots 13, 12, 31 and 32, Block 1438 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 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-24-174 to the extent provided in this resolution.

2.02 The City Commission vacates a ±2,960.00 square foot portion of its existing platted ten-foot (10') wide utility and drainage easements, as described below and depicted in the survey attached as Exhibit A:

LEGAL DESCRIPTION: (PROPOSED RELEASE OF EASEMENT)

A portion of a 10-foot-wide Utility & Drainage Easement lying over and across the Northerly 10' of Lots 11 & 12, and the Southerly 10' of Lots, 31 & 32, of Block 1438, of the 29th ADDITION TO PORT CHARLOTTE SUBDIVISION, according to the plat thereof, recorded in Plat Book 15, Pages 13A through 13N, inclusive, of the Public Records of Sarasota County, Florida, and being more particularly described as follows:

Commencing at the Southwest corner of said Lot 32; thence S.89°23'00"E. along the Southerly line of said Lot 32 and the Northerly line of said Lot 11 a distance of 6.00' to the Point of Beginning; thence N.00°37'00"E., along a line lying 6.00' East of and parallel with the Westerly line of said Lot 32, a distance of 10.00'; thence S.89°23'100"E. along a line lying 10.00' North of and parallel with the Southerly line of said Lots 31 & 32, a distance of 148.00'; thence S.00°37'00"W., along a line lying 6.00' West of and parallel with the Easterly line of said Lots 12 & 31, a distance of 20.00'; thence, N.89°23'00"W. along a line being 10.00' South of and parallel with said Northerly line of Lots 11 & 12, a distance of 148.00'; thence, N.00°37'00"E, along a line lying 6.00' West of and parallel with the Westerly line of said Lot 11, a distance of 10.00' to the Point of Beginning, and containing 2,960 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 February 25, 2025.

CITY OF NORTH PORT, FLORIDA

PHIL STOKES
MAYOR

ATTEST

HEATHER FAUST, MMC
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

MICHAEL GOLEN, CPM
INTERIM CITY ATTORNEY

**EXHIBIT A TO RESOLUTION NO. 2025-R-13
 VACATING THE REAR UTILITY AND DRAINAGE EASEMENTS FOR LOTS 11, 12, 31 AND 32, BLOCK 1438,
 TWENTY NINTH ADDITION TO PORT CHARLOTTE SUBDIVISION**

PARCEL ID 0956143831

