



## City of North Port

### RESOLUTION NO. 2022-R-09

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA, VACATING A PORTION OF THE REAR MAINTENANCE EASEMENT FOR LOT 27, BLOCK 1608, THIRTY-SECOND 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 Easement; and

**WHEREAS**, the Planning and Zoning Advisory Board considered the petition at a public hearing on January 6, 2021 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-21-307, as well as testimony and other evidence presented at the quasi-judicial hearing, the City Commission makes the following findings of fact:
  - (a) David and Chrissy Bucko own fee simple title to Lot 27, Block 1608, Thirty-Second Addition to Port Charlotte Subdivision;
  - (b) The plat of the Thirty-Second Addition to Port Charlotte Subdivision, as recorded in Plat Book 15, pages 16, 16-A through 16-L, of the official records of Sarasota County, Florida grants to the City of North Port, Florida 20 feet for the purpose of the maintenance easement at the rear of Lot 27, Block 1608, of the plat (“Easement”);
  - (c) The petition requests that the City vacate a portion of the platted twenty-foot (20’) maintenance easement;

- (d) The Easement is 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 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; 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-21-307 to the extent provided in this resolution.

2.02 The City Commission vacates a ±10.00 square foot portion of its existing platted twenty 20-foot-wide maintenance easement, as described below and depicted in the survey attached as Exhibit A:

“A portion of a 20’ Maintenance Easement over and across the rear of Lot 27, Block 1608, 32nd Addition to Port Charlotte Subdivision, according to the plat thereof, as recorded in Plat Book 15, Pages 16, 16-A through 16-L, of the Public Records of Sarasota County, Florida, and being more particularly described as follows:

Commence at the Northwest corner of said Lot 27; thence East. along the Northerly line of said Lot 27, a distance of 20.00’; thence South along the East line of said 20’ Maintenance Easement, a distance of 30.20’ to the Northerly edge of the existing pool deck and the Point of Beginning; thence, continue South along said East line of the 20’ Maintenance Easement, a distance of 16.03’ to the Westerly edge of said pool deck; thence, N.04 °27’20”W, along said Westerly edge of the pool deck, a distance of 15.99’; thence, N.85°32’40”E., along said Northerly edge of the pool deck, a distance of 1.25’ to the Point of Beginning, and containing 10.0 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 January 25, 2022.

CITY OF NORTH PORT, FLORIDA

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PETE EMRICH  
MAYOR

ATTEST

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HEATHER TAYLOR, MMC  
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

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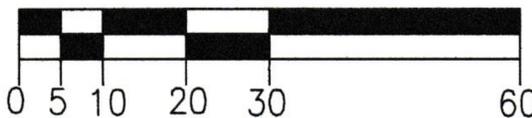
AMBER L. SLAYTON  
CITY ATTORNEY

# Sketch & Description for Partial Release of Easement

This is Not a Boundary Survey

Parcel #1120-16-0827  
1461 Henning Street  
North Port, FL 34288

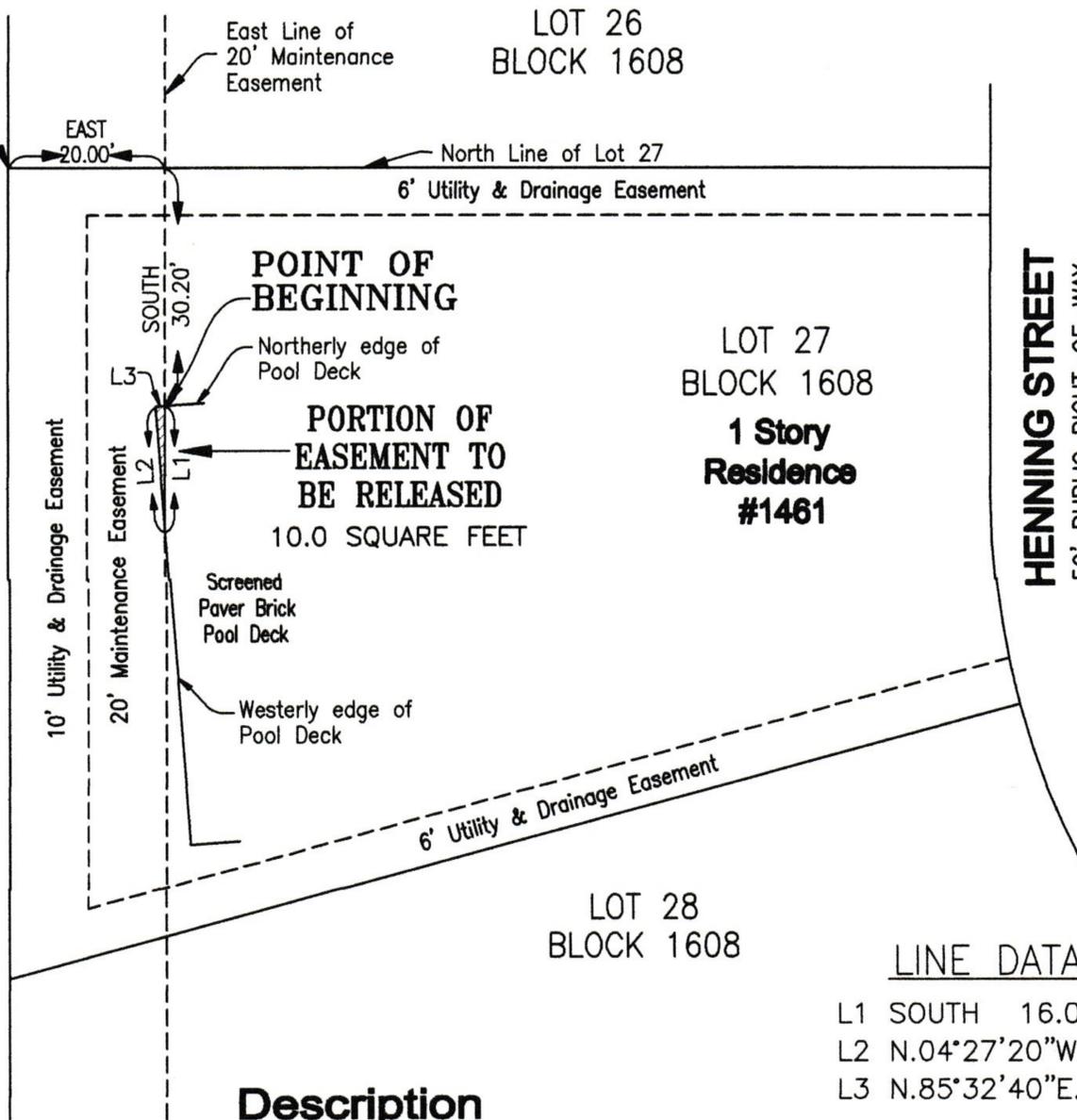
SCALE 1" = 30'



**POINT OF COMMENCEMENT**  
Northwest Corner of Lot 27



**BASS POINT WATERWAY**  
100' DRAINAGE RIGHT OF WAY



## Description

LINE DATA

|    |               |        |
|----|---------------|--------|
| L1 | SOUTH         | 16.03' |
| L2 | N.04°27'20"W. | 15.99' |
| L3 | N.85°32'40"E. | 1.25'  |

A portion of the 20' Maintenance Easement over and across the rear of Lot 27, Block 1608, 32nd Addition to Port Charlotte Subdivision, according to the plat thereof, as recorded in Plat Book 15, Pages 16, 16A through 16L, inclusive of the Public Records of Sarasota County, Florida, and being more particularly described as follows:

Commencing at the Northwest corner of said Lot 27; thence East. along the Northerly line of said Lot 27, a distance of 20.00'; thence South along the East line of said 20' Maintenance Easement, a distance of 30.20' to the Northerly edge of the existing pool deck and the Point of Beginning; thence, continue South along said East line of the 20' Maintenance Easement, a distance of 16.03' to the Westerly edge of said pool deck; thence, N.04°27'20"W, along said Westerly edge of the pool deck, a distance of 15.99'; thence, N.85°32'40"E., along said Northerly edge of the pool deck, a distance of 1.25' to the Point of Beginning, and containing 10.0 Square Feet, More or Less.

DATE: 11/16/21

DAVID B. SHREMSHOCK  
Registered Surveyor and Mapper  
#5637 State of Florida

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

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North Port, Florida 34288

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e-mail: shremshocksurveying@comcast.net

SHREMSHOCK SURVEYING, INC. LB #7747